

MEETING OF THE PARLIAMENT

Wednesday 25 April 2001
(*Afternoon*)

Session 1

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DEPUTY FIRST MINISTER—Rt hon Jim Wallace MSP

Justice

MINISTER FOR JUSTICE—Rt hon Jim Wallace MSP
DEPUTY MINISTER FOR JUSTICE—Iain Gray MSP

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DEPUTY MINISTER FOR EDUCATION, EUROPE AND EXTERNAL AFFAIRS—Nicol Stephen MSP

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DEPUTY MINISTER FOR ENTERPRISE AND LIFELONG LEARNING AND GAELIC—Mr Alasdair Morrison MSP

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MINISTER FOR ENVIRONMENT AND RURAL DEVELOPMENT—Ross Finnie MSP
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DEPUTY MINISTER FOR FINANCE AND LOCAL GOVERNMENT—Peter Peacock MSP

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DEPUTY MINISTER FOR HEALTH AND COMMUNITY CARE—Malcolm Chisholm MSP

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DEPUTY MINISTER FOR PARLIAMENT—Euan Robson MSP

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MINISTER FOR SOCIAL JUSTICE—Jackie Baillie MSP
DEPUTY MINISTER FOR SOCIAL JUSTICE—Ms Margaret Curran MSP

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DEPUTY MINISTER FOR SPORT, THE ARTS AND CULTURE—Allan Wilson MSP

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DEPUTY MINISTER FOR TRANSPORT AND PLANNING—Lewis Macdonald MSP

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PRESIDING OFFICER—Rt hon Sir David Steel MSP
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PARLIAMENTARY BUREAU

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MEMBERS—Patricia Ferguson MSP, Mr George Reid MSP, Lord James Douglas-Hamilton MSP, Mr Tom McCabe MSP, Tricia Marwick MSP, Euan Robson MSP

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Subordinate Legislation	Mr Kenny MacAskill	Ian Jenkins
Transport and the Environment	Mr Andy Kerr	John Farquhar Munro

25 April 2001

Scottish Parliament

Wednesday 25 April 2001

(Afternoon)

[THE PRESIDING OFFICER *opened the meeting at 14:30*]

Time for Reflection

The Presiding Officer (Sir David Steel): To lead our time for reflection, we welcome Mr Haq Ghani, president of the UK Islamic Mission in Scotland.

Mr Haq Ghani (President of the UK Islamic Mission, Scotland Zone): In the name of God, most kind, most merciful.

Ladies and gentlemen, I greet you with the traditional Islamic greeting, Assalamo alaikum. Literally translated, that means "Peace be upon you". I am sure that members will agree that that is a welcoming greeting.

I will tell the Parliament a simple story from the early history of the Muslim community. As we know, relations between the Christian empire and the fledgling Muslim community were never too good. They had what we would nowadays call conflicts of interest. There were many conflicts, and the fortunes of war swung one way, then the other.

As a result of one of those conflicts, Jerusalem fell to the Muslims. The patriarch of Jerusalem set a condition for the peaceful handing over of the keys of Jerusalem. He insisted that the leader of the Muslims, Umar ibn Al Khattab, would have to come to Jerusalem to receive the keys.

Umar was in Medina, which is now in Saudi Arabia, and was many miles from Jerusalem. He got his servant, and together they set off, with one donkey and some provisions to share. Umar rode the donkey for a time, with the servant leading the animal by the reins, then the servant rode the donkey, with Umar leading it by the reins. After many days of travelling, they arrived at the outskirts of Jerusalem. At that time—would you believe—Umar was leading the donkey by its harness and the servant was sitting on its back. Naturally, it took some time for the confusion to be resolved, but eventually, Umar was led into the patriarch's chambers.

After the formal handing over of the keys of Jerusalem, Umar requested permission to offer his regular midday prayer. As a gesture of hospitality, the patriarch of Jerusalem suggested that Umar could pray in the church. Umar then made a wise

decision. He gently refused the offer to pray in the church, explaining that his one prayer in that church might be taken by the Muslim community as a general permission to pray in it. He did not want to be responsible for creating such a damaging precedent.

I took the liberty of telling members that story to make a point about the behaviour and attitude of a wise and caring ruler towards his minority subjects. The ladies and gentlemen here are the rulers of a country in which there are many minorities. I recommend that members examine those minorities and find out their worries, sensitivities and problems. Check out the issues on which they have special needs and see whether they can be fulfilled. Check out the social problems that haunt them and see whether they can be alleviated.

I am sure that members are already working hard in many such areas, but it is easy to miss out concerns, especially if they relate only to one community. Our community is very religious and inward looking. As such, it has suffered from a lack of attention in the areas that I described. It is my hope that the distinguished gentle ladies and gentlemen of the Parliament will take another look at our community, even if it is just to find out what makes us tick.

I thank you again for the opportunity to share some thoughts with you.

Until we meet again.

Presiding Officer's Ruling

14:35

The Presiding Officer (Sir David Steel): Before we start our business, I want to say that I indicated to the chamber that I would make full inquiries about the disturbance that took place in the public gallery at our meeting on 5 April.

Over the Easter recess, I reviewed all relevant aspects of the Parliament's arrangements for security, ticketing and broadcasting. I also gave some thought to the conduct of members in the chamber. I am satisfied that the ticketing and security arrangements worked according to plan. I take this opportunity to thank our own security staff and the police who are in daily attendance on us. I am, however, considering some changes in ticketing arrangements that will assist security. The broadcasting was conducted in line with the rules agreed by the Scottish Parliamentary Corporate Body early in the life of the Parliament. I do not think that any change in those rules is justified, but the corporate body will keep them under review.

The Presiding Officers are concerned that the conduct of some members might have been interpreted as supportive of those who were intent on disrupting the proceedings of the Parliament. I have therefore written to the members concerned, reminding them of the requirement in the standing orders that members should conduct themselves in an orderly manner at all times and outlining the possible consequence of any repetition. In future, any member seen to be encouraging those involved in a disruption of our proceedings is liable to be excluded from the chamber under standing order rule 7.3.3. The Presiding Officer may also refer the matter to the Standards Committee. The conduct of those who were removed from the public gallery is now a matter for the procurator fiscal.

Parliamentary Bureau Motion

The Presiding Officer (Sir David Steel): We start today's business with Parliamentary Bureau motions. I ask Mr McCabe to move motion S1M-1864, on the designation of lead committees.

Motion moved,

That the Parliament agrees to the following designations of Lead Committee—

the Justice 2 Committee to be the lead committee in the consideration of the International Criminal Court (Scotland) Bill and the Bill also to be considered by the Justice 1 Committee; and

the Local Government Committee to be the lead committee in the consideration of the Scottish Local Authorities (Tendering) Bill; and

the Justice 1 Committee to consider the draft Part-Time Sheriffs (Removal Tribunal) Regulations 2001; and

the Justice 1 Committee to consider the draft Justices of the Peace (Tribunal) (Scotland) Regulations 2001; and

the Justice 2 Committee to consider Act of Sederunt (Fees of Shorthand Writers in the Sheriff Court) (Amendment) 2001, (SSI 2001/136).—[Mr Tom McCabe.]

Motion agreed to.

Business Motion

The Presiding Officer (Sir David Steel): I ask Mr McCabe to move motion S1M-1863, which sets out the business programme.

14:37

The Minister for Parliament (Mr Tom McCabe): The motion covers the business for this week and the ensuing two weeks. The main debates for this week remain essentially the same as previously agreed. However, there are two changes to this week's business: to begin today's business with a ministerial statement on Motorola and, at the conclusion of tomorrow morning's business, to have a further ministerial statement on the foot-and-mouth outbreak.

I move,

That the Parliament agrees the following programme of business—

(a) the following revisions to the Business Motion agreed on 5 April 2001

Wednesday 25 April 2001

after "Parliamentary Bureau Motions", insert

"followed by Ministerial Statement on Motorola"

Thursday 26 April 2001

after "Scottish National Party Debate on the Fuel Crisis", insert

"followed by Ministerial Statement on Update on Foot and Mouth Disease Outbreak"

(b) the following programme of business—

Wednesday 2 May 2001

2.30 pm Time for Reflection

followed by Executive Debate on Crime

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business - debate on the subject of S1M-1390 Mr Brian Monteith: Scotch Whisky Opt-out from EU Directive

Thursday 3 May 2001

9.30 am Procedures Committee Debate on Proposed Changes to Bill Procedure

followed by Transport and the Environment Committee Debate on its Report on Genetically Modified Organisms

followed by Rural Development Committee Debate on its Report on the Changing Employment Patterns in Rural Scotland

followed by Business Motion

2.30 pm Question Time

3.10 pm

First Minister's Question Time

3.30 pm

Executive Debate on Action on Child Health

followed by

Parliamentary Bureau Motions

5.00 pm

Decision Time

followed by

Members' Business - debate on the subject of S1M-1463 Mrs Margaret Ewing: McDermott UK Pension Plan - Former Ardersier Employees

Wednesday 9 May 2001

2.30 pm

Time for Reflection

followed by

Executive Business

followed by

Parliamentary Bureau Motions

5.00 pm

Decision Time

followed by

Members' Business

Thursday 10 May 2001

9.30 am

Scottish Conservative and Unionist Party Business

followed by

Business Motion

2.30 pm

Question Time

3.10 pm

First Minister's Question Time

3.30 pm

Executive Business

followed by

Parliamentary Bureau Motions

5.00 pm

Decision Time

followed by

Members' Business

and (c) that the Justice 2 Committee reports to the Justice 1 Committee by 7 May 2001 on the draft Part-Time Sheriffs (Removal Tribunal) Regulations 2001 and the draft Justices of the Peace (Tribunal) (Scotland) Regulations 2001; and that the Justice 1 Committee reports to the Justice 2 Committee by 11 May 2001 on the Act of Sederunt (Fees of Shorthand Writers in the Sheriff Court) (Amendment) 2001, (SSI 2001/136).

Motion agreed to.

Motorola

The Presiding Officer (Sir David Steel): The next item of business is a statement by Wendy Alexander on Motorola. The minister will take questions at the end of the statement, therefore there should be no interventions during it.

14:38

The Minister for Enterprise and Lifelong Learning (Ms Wendy Alexander): I am sure that everyone in every party was shocked and dismayed by Motorola's announcement yesterday that it proposes to close its plant at Easter Inch in Bathgate. The news was devastating to the work force and I am sure that everyone will agree that we now have to do everything possible to explore every avenue for a way forward.

Today I will give further details of how we intend to proceed with the clawback of the regional selective assistance payments that were made to the company. I also want to share with members the plan of action that has been put together, including how we proceed with Motorola as a company. I would also like to give some details on the task force that has been set up to deal with the situation and announce some additional funding to support the action that the task force will take.

As members will be aware from comments that were made yesterday, we have been in constant contact over the past few weeks with Motorola, here and in the United States of America. Many people have been involved in negotiating hard with the company, right up to the announcement yesterday, to try and reverse the decision. However, in the final analysis, Motorola decided that the financial benefits of keeping open its German plant outweighed the fact that the Bathgate plant is highly productive and profitable. That makes the decision all the more disappointing.

The decision was on a knife edge, but Motorola has chosen to propose shutting Bathgate. In doing so, it has gone against the very strong track record of the Bathgate operation in terms of the efficiency, profitability and quality of the Scottish work force. Contributory factors—which, as the company has made clear, are very complex—have undoubtedly been the down-turn in the United States, worldwide changes in the mobile phone market and financial issues surrounding Motorola's performance in different markets. However, all of that is cold comfort to the work force at Bathgate.

None of us will give up the fight to save jobs, but it is clear that Motorola's intention is to close Bathgate. We need to plan for that eventuality.

Obviously, this is an extremely difficult time for all those affected by the announcement. Our immediate priority must be to secure the best future opportunities for those affected.

I turn first to regional selective assistance. I have made it clear to Motorola that we will take steps to recover the £16.75 million in RSA that we have paid to the Bathgate plant over the past 6 years. That will be the largest ever single clawback of RSA in Scotland. Thereafter, our first priority is to pursue with Motorola future options at the Bathgate site. We need to explore every possible future use of the factory. The First Minister and I discussed that in more detail with trade union representatives this morning. I relayed to the chairman of Motorola in the UK, when we spoke on Monday evening, that that was something we wanted to pursue. My officials have been back in touch about the future of the plant. A meeting has been arranged for Monday between my officials and Motorola to discuss the options for the plant.

There are a variety of options that we want to explore with the company. Although the mobile phone market is difficult, there may be a company that is interested in the premises for the contract manufacture of mobile phones or another related product. Other alternatives include a new employer purchasing the site. We will want to ensure that the best option is secured for the future of the site.

Scottish Executive and Scottish Enterprise officials stand ready to facilitate those discussions on the use of the property and its marketing, and further support for retraining and employment at the site. I understand that there have already been expressions of interest. As the First Minister and I indicated to the unions, all options will be considered. As an aside, in response to those who say that Scottish Enterprise or Locate in Scotland are past their sell-by date, I want to record here that their expertise has been and will be absolutely critical in securing the best option for going forward.

That brings me to the second part of our response. How will we do it differently? The answer is that we are already doing it differently with respect to global companies and there are ways in which that holds out prospects for those affected at Bathgate. Throughout the negotiations, we have made the case to Motorola that, with the arrival of new high-tech facilities and more research-and-development intensive facilities on the horizon, it has opportunities in Scotland. Even with the closure of the Bathgate plant, those opportunities will still hold. What are the opportunities for the Bathgate workers in the other 20 or so Motorola facilities throughout the UK? What, in particular, are the opportunities for the Bathgate work force at the two planned new

research and development intensive projects in Scotland?

We will be looking for commitments that Bathgate workers will have access to opportunities at the planned software development centre in Livingston and the planned plant in Dunfermline, including the necessary retraining. Despite the decision towards the end of last year to reconsider the timing of the Dunfermline project, Motorola has emphasised to us its underlying commitment to that project as the cornerstone of its future investment and manufacturing strategy in the UK, based upon the next generation of high-tech semiconductor technology.

It will be high-value jobs that bring security for Scottish workers. Competing on commodity products will never make for job security for Scots. For that reason, Scottish Enterprise has for some time been working closely with Electronics Scotland to ensure that Scotland becomes a global centre for microelectronic design and an internationally recognised location for the production of high-value, leading-edge products.

We need to ensure that all the affected staff have one-to-one counselling support through a specially dedicated rapid reaction team set up under our partnership action for continuing employment initiative—PACE. The task force membership will include Scottish Enterprise Edinburgh and Lothian, the Employment Service, West Lothian Council, the careers service, the Benefits Agency, the Scottish Trades Union Congress and the Executive. The task force will oversee the action plan to meet specifically the needs of the Motorola workers. I want an on-site job shop. I also think that we should be looking for a financial contribution from Motorola towards the outplacement costs. I note in passing that Compaq, which I visited last week, has agreed to contribute to the outplacement costs for the workers that it is making redundant. Motorola should do the same. We are also exploring the opportunities for European moneys, and the task force has begun its work.

We in the Executive will also do our bit. We are setting aside up to £10 million to help fund the steps that I have outlined. The actual sum that remains to be spent needs to be agreed in respect of the package of measures that it is spent upon. I am keen to ensure that we spend what is needed in the best way. It is not yet clear what different elements will be required. Perhaps there will have to be property assistance to a new employer on the site, perhaps there will have to be counselling services, or perhaps contractors will be affected.

Yesterday's announcement was a body blow to the work force. We must all now do everything that we possibly can to assist those affected to find new employment. That is the action that we are

announcing today, and the first steps in that process have already begun.

The Presiding Officer: I shall call the constituency member first, followed by the party representatives. I call Mary Mulligan.

Mrs Mary Mulligan (Linlithgow) (Lab): I thank the minister for her statement, although I rather wish that it had not had to be made. I know that a lot of effort has gone into talks over the past few weeks, if not months, and I am grateful for that. However, my constituents and those from further afield are very concerned about what their future might be.

At a meeting yesterday evening, we spoke with a worker who is a member of the consultative forum that Motorola has set up. Members of that forum have very little support and backing for how to go about what has formally been announced as a consultation period but which we know is probably an operation in winding down Motorola. Can we offer support to the members of that forum to ensure that they are as involved as possible in the process and are able to give colleagues in the company as much support as possible throughout that process? Can we also ensure that the process involves the unions, which have so far been kept out of Motorola but which, at this stage, could offer a great deal of experience and valuable support to the work force?

Ms Alexander: I absolutely agree. Before I answer the specific points that she raises, I point out to members that Mary Mulligan has been in daily contact with the members of the Executive who have been involved in those very difficult discussions over recent weeks, and I record our gratitude to her for her work during that period.

To respond to the question, I have indicated that the experience of the trade union movement will be invited on to the task force under the PACE initiative. Slightly more unusually, we are also going to invite the consultative forum to participate in the task force, if it would like to do so. Although others may not have experience of such task forces, it is encouraging to note that a rapid reaction force was set up by the now First Minister when Continental Tyres closed in October 1999. Since that closure, of the more than 800 people who lost their jobs, only 31 are known to be still unemployed today.

There was a similar success rate at Mitsubishi in Haddington, where 280 jobs were lost. Of that number, only 15 remain unemployed today. That is the sort of expectation that we should have and that is the support and expertise that we will be bringing to the consultative forum in the period ahead.

Mr Kenny MacAskill (Lothians) (SNP): I put on record the SNP's dismay at the closure and the

damage done to a loyal and productive work force and to the communities.

The minister is correct to seek the return of £16.75 million of public money from Motorola, but why is a maximum of £10 million being put in to fund the proposals outlined by the minister today? Surely every penny of the £16.75 million should come back and all of it should be ring-fenced and used to assist the people and communities that have been afflicted and affected.

Ms Alexander: I am grateful for the support of the SNP, on both the clawback and the general need for Parliament as a whole to face this difficult issue together.

I do not want the issue of the money to be a matter of controversy. As I indicated, our first priority is to find the right use for the site. The amount of, for example, regional selective assistance that might be made available to a contract manufacturer or a completely new employer is entirely dependent on the nature of the jobs that are coming and the cost per job that can be supported. European rules are now very strict. I have a marked familiarity with the minutiae of European rules on state aids as they have affected the matter over recent weeks. At this stage, it is impossible to predict what amount of money might be needed to facilitate a property deal or support for an individual employer.

We know that immediate moneys will be required to support the work of the action team. In that area—and I highlighted the example of Compaq—it is important that both the Employment Service and, more important, Motorola are held accountable for making a contribution. All that I am indicating at this stage is that the Executive is willing to act. The critical issue is to accept that we will only know the sums of money needed once we have started to put the solutions in place.

Miss Annabel Goldie (West of Scotland) (Con): I would like to place on record the profound concern of the Scottish Conservatives at the announcement by Motorola of the closure at Bathgate. We accept that it is grievous news for the local community.

If I may continue with the point raised by Mr MacAskill, can the minister clarify whether the regional selective assistance grant will be paid direct to the Exchequer in Westminster or to the Executive? I am not sure, from the minister's comments in response to Mr MacAskill's question, whether that money will be exclusively deployed to West Lothian. I would be grateful for clarification of that.

The minister, in her statement, mentioned one-to-one counselling and the possible role of the consultative forum. It is very important, if the work force at Motorola is to have a positive prospect of

re-employment, that clear guidance is given as to how reskilling and retraining is to be provided. Where is it going to be provided and on what time scale?

Ms Alexander: On the first point, I confirm that the RSA is paid to the Executive as a whole.

Members will know that money that comes back is not earmarked, per se. I have said that we do not know the sum of money that will be required, because we do not know to what future use the factory will be put and whether the factory alone will be sold to an employer or whether it will be sold on as a going concern. It is not possible to earmark a sum of money for a situation that is, as yet, unknown.

On Annabel Goldie's point about reskilling, I indicated that people would find new jobs through at least four avenues. One opportunity, as I have hinted, is if another manufacturer is attracted to the site to provide employment and it would be a matter of how many of those employed would come from the existing work force.

The second opportunity is at Motorola's other facilities, including the two that are planned for development. Workers may be retrained for those opportunities, within Motorola but at other locations.

The third opportunity, which I hinted at, is that Electronics Scotland and Scottish Enterprise have been working closely to produce an electronics skills plan. As I understand it, that is now with the executive of Electronics Scotland; we expect it to be signed off very speedily. It will lay out more extensive plans for upskilling within the electronics industry as a whole.

The final avenue, which will form the preoccupation of the rapid reaction force, focuses on opportunities outwith Motorola, the electronics sector and the factory site for those who seek employment elsewhere. There will be a variety of retraining options, depending on whether people want to stay in the company or in electronics, or want to go elsewhere.

George Lyon (Argyll and Bute) (LD): On behalf of the Scottish Liberal Democrats, I extend sympathy to the workers and their families who have been so deeply affected by this tragedy.

First, I return to the point that the previous two speakers raised. Although I understand the minister's point about not knowing whether £10 million or £16.75 million will be required to address the tragic situation in Bathgate, what we are looking for today is a commitment that she will not rule out using the whole £16.75 million to ensure that a company takes over the factory in the future and that jobs are found.

Secondly, the minister mentioned that there are

other interested parties. How many companies have expressed an interest in taking over the factory? Will she provide more information on whether anyone in the mobile phone manufacturing sector has expressed an interest?

Finally, Motorola has emphasised its underlying commitment to setting up the project in Dunfermline. However, has the company said when it will do so?

Ms Alexander: I am happy to make it absolutely clear that we do not rule out using further moneys. However, that is entirely dependent on the site solution, which will be a complete unknowable until we have discussions with the company. The other unknowable is how many of the work force will want to take redundancy. At the moment, there is no indication of the sort of package that will be offered and there is no age profile of the people who will accept that package. Furthermore, the rapid reaction team intends to consider not only the impact on Motorola but the impact on the contractors affected. As a result, we might have to do more with the Scottish enterprise network as a whole, because many of the people affected do not work at the plant but work with contract manufacturers elsewhere in Scotland.

As for other expressions of interest, such matters are inevitably commercially confidential. I will confirm that officials are meeting Motorola on Monday; it is important to get the options on the table relatively early so that people feel that progress is being made. On the specific point about the likely opportunity for contract manufacturing in mobile phones, members might know that Motorola has closed or withdrawn from four major mobile phone facilities around the world—two in the United States, one in Dublin and one in India. The Dublin facility was sold to Celestica, which was involved in the contract manufacture of mobile phones. However, it is fair to say that, in the face of the global down-turn in the mobile phone industry, that option is least likely. The anticipated market this year was 600 million units, but only 400 million units are likely to be sold and Motorola's market share has been halved over the past couple of years. As a result, although mobile phone manufacture is a technical option, the more likely options are contract manufacture of another product or a new employer who would buy the site to make a different product.

As for the status of Motorola's commitment to Dunfermline, we have stressed the importance of the Dunfermline facility throughout the project. It would be the cornerstone of a Scotland-based development and manufacturing capability for Motorola for the next generation of semiconductors. The company has indicated that, as soon as market conditions improve, it expects

to proceed with the project, which would create in excess of 1,000 jobs.

The Presiding Officer: Understandably, a large number of members want to ask questions. However, I should point out that this subject is also relevant to the next debate. If members who want to speak in that debate feel that they can withdraw their questions on the statement, more members will be able to participate now.

Bristow Muldoon (Livingston) (Lab): I express my sorrow at the devastating news of the proposed closure of the Motorola plant and the effect that it will have on communities and families not just in West Lothian, but right across central Scotland.

I recognise the considerable effort that has been made by ministers in the Scottish Executive and the UK Government, including the Minister for Enterprise and Lifelong Learning, the Prime Minister, the Chancellor of the Exchequer and the Secretary of State for Foreign and Commonwealth Affairs, among others. Many proposals and suggestions were put to Motorola in trying to persuade the company to remain on the site. I further welcome the fact that the minister intends to continue to explore all possible avenues to retain jobs at the Bathgate plant and the resources that will be given to the rapid reaction team.

Mary Mulligan raised the issue of the consultation process at Motorola, about which many concerns have been expressed—I know that the UK Government is consulting on that. Has the minister had any discussions with the UK Government about that consultation process and does she anticipate possible changes in legislation on consultation?

Ms Alexander: I record my gratitude to Bristow Muldoon, who, with Mary Mulligan, has been close to this issue at every stage and has, in the past 24 hours, worked with people on the ground to deal with the implications of the decision that has been taken. The Executive stands ready to help the consultative forum in any way that is requested if our support is invited.

The British Government and the Executive share concerns over the lack of consultation and the way in which employees find out about large-scale redundancies. That is why we have said that we need to reconsider the way in which the requirements for consultation are written into British law. Discussions have already begun with the TUC and the Confederation of British Industry, and we recognise the need for further legislative changes. Our reservation about the European Union directive is that, although it covers small companies that employ more than 50 people, progress must be made on the principle of information and consultation. I note that the

German Government shares the position of the British Government on that issue.

Fiona Hyslop (Lothians) (SNP): The redundancies will be a blow to West Lothian and Bathgate. We can bounce back, but we need the vision, the resources and the political will to do so. The plant was built with public money, with roads, power and utilities supplied by the public purse. Does the minister agree that, as the plant has had huge amounts of taxpayers' money poured into it over the years, the public and the local community should be secured something in return? Does she agree that the site is a valuable asset that should be made available to public agencies at no cost, to secure jobs for the future? What will she do to ensure that that happens?

The minister said that the public purse should finance a marketing plan to allow Motorola to profit from the sale of the plant. The workers have paid the price for their good productivity with the loss of their jobs and there must be a payback to the West Lothian economy to secure those workers' futures. What will the minister do about the plant?

Ms Alexander: That issue is at the heart of the matter. We have clawed back every ha'penny that the company was contractually due to pay back to us because it had not met its obligations, yet Fiona Hyslop is suggesting that we unilaterally appropriate an asset over which we have no contractual right. There are in excess of 3,000 other Motorola workers in Scotland. If I went to East Kilbride or South Queensferry and said, "Sorry, we have no rights over this plant but we insist on taking it back", that precedent would not help us to secure more than 1,000 jobs in Dunfermline.

Nevertheless, as Fiona Hyslop points out, the site is valuable, although in the current economic climate and due to the severe down-turn in the US economy it would probably sell for less than its true value. There is an opportunity for us to work closely with the company, as we have already done. We need to know the time scale for its departure from the plant. The other danger of our appropriating the site overnight is that we do not know what will happen to the workers who will be there for the rest of the year. What time scale does the company envisage? What is the specification of the site? Is the company prepared to make it available with the equipment still on site or does it intend to withdraw that? We will discuss all those issues with the company.

Our obligation as a Parliament is to do the best that we can for the Motorola workers. The expertise in Locate in Scotland, Scottish Enterprise and the Scottish Executive is likely to mean that we are more successful in locating the right buyer or contract manufacturer for the site than we would be if we said to the workers, "There

you are, guys—you get on with it."

Lord James Douglas-Hamilton (Lothians) (Con): With the experience of the Continental Tyres company in mind, will the minister assure us that she believes that Motorola should offer employees in Scotland terms no less favourable than those that are on offer to employees elsewhere? Can she explain why German ministers seem to have been more successful in saving Motorola jobs in Schleswig-Holstein than our ministers have been in saving jobs in Scotland?

Ms Alexander: I hope—more than that, I know—that it is important that we secure better redundancy terms for workers in Scotland than is the case elsewhere. Every worker in Britain has a statutory right to redundancy pay. In Germany, there is no statutory right to redundancy pay. Workers in Germany who face redundancy have to hope for a positive outcome to negotiations on a social plan. I am happy that, in contrast, British workers have a statutory framework that allows them to know what their rights are when they face an unfortunate situation such as this one.

Mr Andy Kerr (East Kilbride) (Lab): Clearly, our thoughts are with the local community and the Bathgate work force. However, other Motorola facilities were mentioned, particularly in East Kilbride, where Motorola is a major employer, although in a different product line—automotive specialisms. What views have been expressed on the future of other plants in Scotland, particularly the one in East Kilbride? We must continue to work with Motorola, which is a major employer in Scotland and the UK. It is important to get back the money to which we are entitled, but I look forward to telling the people of East Kilbride the SNP's strategy of occupying plants owned by companies.

Ms Alexander: Andy Kerr makes a serious and important point. Although, as part of the downsizing operation that Motorola found itself having to embark on, 5,000 jobs were lost in the semiconductor sector, only 100 of those jobs were lost in Scotland. That is testimony to the skill of the work force in South Queensferry and East Kilbride. It is tragic that operating losses elsewhere meant that Bathgate had the most skilled work force not triumphing.

Today, my officials have had discussions at the highest level of Motorola with those involved with the semiconductor side of production. The reassurances that Andy Kerr wants are there. We went into this situation with two objectives. The first was to secure the future of the Bathgate plant. It looks as if we have lost that. Our second objective was to anchor Motorola in Scotland, with Scotland being the strategic hub of Motorola's activities in Europe. Motorola will bring two further

high-technology research and development facilities to Scotland. That sends an important and useful signal to the workers in South Queensferry and East Kilbride. Those two facilities will anchor Motorola further in this country and could provide opportunities for workers from Bathgate who might be able to find work in them.

Donald Gorrie (Central Scotland) (LD): Will the minister include in her package a reasonable sum of money and some skilled people who will actively encourage employees of Motorola to set up small businesses of their own and who will provide active support and continuing advice? Over many years, we have failed to encourage small local activity that might grow and have instead concentrated too much on buying in large external activity.

Ms Alexander: Although in the past we might not have done all that we could have done for people who had been made redundant, if there is any silver lining to a horror story such as the one that we are discussing, it is the success of the wider Lothian area in dealing with major redundancies. I cited Mitsubishi, Continental Tyres and Levi Strauss. In all those cases, there has been a hugely successful effort to get people back to work. That is exactly the skilled expertise that will be brought to bear on this situation and the initiative will include opportunities for people to move into self-employment.

Ms Margo MacDonald (Lothians) (SNP): Can the minister tell us whether the skills of the people working in Motorola now can be directly transferred to the promised research and development facilities to which she referred? I remember that, when Continental Tyres closed its Newbridge plant, it was said that the people who were made redundant could not transfer. It would be good to hear what has made the difference between then and now as, if only 31 of the former Continental Tyres workers are currently unemployed, something must have gone right in that case.

Will the package that is to be delivered recognise the knock-on effect of the closure of the Motorola plant on small businesses and other services in the West Lothian area? Although the people who are working in Motorola come from a much wider area than just West Lothian, the people who will suffer most are those who run the other businesses and services there.

Ms Alexander: Let me start with Margo MacDonald's last point. The remit that we have prepared for the action is not simply to look at how the people who are working at the plant are affected, but to look at the wider impact on the whole community.

On the point about the extent to which the work

force's skills are transferable, the candid answer is that we do not yet know—that requires a profile of the skills of everyone at the plant.

In preparing to improve our ability for rapid response, I visited Compaq last week to discuss the 700 individuals there who are likely to face the same difficulties. We spoke in some depth to representatives of the company about how to match the profiles of individual workers to the job opportunities available in the area. That is the sort of exercise on which we anticipate embarking over the coming months.

Dennis Canavan (Falkirk West): I endorse what Mary Mulligan and Bristow Muldoon said about the important role of the trade union movement and the need for consultation with the work force. Why is it the case that a Scottish trade union official has to telephone his counterpart in Germany to find out the fate of his members at Motorola in Bathgate? Instead of just looking at the problem, as the minister put it, will she stand up for the rights of Scottish workers by calling on the British Government to sign up to the European Union directive on consultation with and protection of workers?

Ms Alexander: On the latter point, we think that there needs to be much improvement in the consultation and information framework for workers, which would operate through a workers council framework.

The hostility of Motorola to trade union organisation globally is well known and is a matter that I have raised with the company. Indeed, I have discussed the issue on many occasions. In our recent discussions with the trade union movement, representatives discussed the circumstances in which Motorola has worked with them on such issues as grievance procedure. However, we have made it clear that, in everything that the Executive does, we operate on the basis of social partnership. That is why the trade union movement is fully involved in such initiatives as the action team and the partnership action for continuous employment initiative.

Mr John McAllion (Dundee East) (Lab): I congratulate the minister and the local MSPs on their clear determination not to give up the fight to save jobs at Bathgate.

On the wider question of our national strategy towards inward investment, is there not an imbalance in a strategy that rewards incoming multinationals with millions of pounds of grants and often provides them with state-of-the-art factories, the best available sites and infrastructure improvements, but that is unable even to persuade those multinationals to recognise trade unions or to consult their workers properly when key decisions have to be made?

Is not the major lesson to be learned from this and other tragedies—including the one that recently affected Dundee, when more than 200 workers in my constituency were paid off by TDI Batteries (Europe)—that the concerns of workers and the legal rights to trade union representation and to proper consultation should be at the heart of our national strategy on inward investment, instead of on the periphery as they seem to be at the moment?

Ms Alexander: There need to be changes to the legislation on consultation; discussions are already going on with the trade union movement and the CBI on that. However, I remind members that the Government has already legislated for the important right to join a trade union.

On the wider point about our strategy on inward investment, I note that inward investment now accounts for less than 10 per cent of the total programme resources of Scottish Enterprise, totalling £1.3 billion. We no longer try to compete on the basis of low-value products, because we know that that does not bring security to workers.

We cannot shut ourselves off from the rest of the globe. I do not think that anyone suggests that we would not want major facilities that are research and development intensive and offer secure jobs. We want them to come. We no longer go out to attract—nor can we attract—low-value products. We are doing more and more to support the growth of high-tech indigenous companies that are likely to be headquartered in Scotland.

Alex Neil (Central Scotland) (SNP): I take on board what the minister said about EU consultation regulations and her view that the position will change. Does she recognise that, at EU level, much tighter rules governing the activities of multinational companies are needed so that those companies can no longer play one country off against another? Such rules are needed for current members of the EU and for potential members—recently, investments have moved from Scotland to Poland, the Czech Republic and elsewhere.

I welcome the fact that, if necessary, £17 million of public money will be earmarked to deal with the aftermath of the closure. Does the minister accept that moral pressure should be put on Motorola to match that funding? Motorola has a moral responsibility to the workers and to society more generally in West Lothian and the rest of the central belt.

Ms Alexander: I agree that there should be moral pressure in relation to outplacement and helping people to find jobs and to enhancement of the statutory redundancy pay for which workers may be eligible. I also agree that there are products whose manufacture we will increasingly

lose to cheap labour locations, but Germany is anything but a cheap labour location.

We have touched on the issue of information and consultation. That was not the issue in this case. It will cost more to get rid of 3,000 workers in Bathgate than it would to get rid of 2,000 workers in Germany. This situation is not about the costs of getting out. The company is saying that it does not think that it can make mobile phones any more and that it will concentrate on its smallest site and try to trade out of losses into profit. The situation has nothing to do with the productivity of the workers. The company is saying, "We have lost half our market share to Nokia and the bottom has fallen out of the market. We will concentrate on one small plant. Okay, it will cost us more to close the Bathgate plant because there are 3,000 workers there, but we are not making it in this market."

We have fought every inch of the way to say that that is a short-term consideration superseding the long-term strategic interests of Motorola. We wanted Motorola to concentrate its European production activities here. The issue of consultation, on which we need movement, has not been the determining factor in this decision.

The Presiding Officer: I apologise to those members whom I have not called, but they are on my list to speak in the debate to which we now turn.

Scotland's Skills for Tomorrow

The Presiding Officer (Sir David Steel): The debate is on motion S1M-1857, in the name of Wendy Alexander, on Scotland's skills for tomorrow, and on two amendments to that motion.

15:18

The Minister for Enterprise and Lifelong Learning (Ms Wendy Alexander): I am pleased to open this debate on Scotland's skills for tomorrow. The statement that I have just made brings us back to the skills issue. When we planned the debate, we had no idea of the sad news that we would now be contemplating, but there is something appropriate about the timing. As we tried to make the case for Scotland in recent weeks, it became more and more apparent that skills are at the heart of economic development and Scotland's competitiveness in the future. All businesses are now part of the knowledge economy. Employers must invest strongly in learning and skills if Scotland's work force is to be able to respond effectively to current and future business needs in Scotland.

Employment in Scotland is at its highest-ever recorded level. That is likely to change in the next few months as a result of the US down-turn and the difficulties that are faced in some sectors that are very important to the Scottish economy. However, we go into those difficulties from a strong base as 100,000 jobs have been created in Scotland since the UK Government came to power. Scotland has experienced a greater fall in unemployment compared with the whole of the United Kingdom, both in the past quarter and in the past year.

Nevertheless, who could be complacent on a day like today? Global factors still put us into situations involving companies such as Compaq and Motorola where jobs are lost in Scotland. There are difficulties in recruitment and retention even in a major industry such as offshore oil and gas. Those difficulties arise from an aging work force and the problems of attracting skilled young technicians. The need for relevant, high-class skills in every sphere of the working environment is at the heart of our competitive challenge. We acknowledge that there have been difficulties, but we have acted. Let me tell the chamber what we are doing to improve skills.

We are unlocking the enterprise network's learning and skills budget, directing it away from the volume training programmes of the past and towards customised, in-work packages. We are setting up a future skills unit to deal with the blind date between employees who are looking for work

and employers who are looking for workers. We are going to be the first part of Britain to set up an all-age careers guidance service. That service will be aligned with the enterprise network and, in the case of large-scale redundancies such as those at Motorola, it will be linked to the rapid reaction teams.

We introduced the modern apprenticeship scheme, which has a target of 20,000 modern apprenticeships. Already, 17,000 modern apprenticeships have been created and we have achieved more than 5,000 engineering modern apprenticeships. We created the Scottish university for industry—*learn direct* Scotland—which will offer training anytime, anywhere to employees and employers alike. Discounts of 80 per cent will be available for selected courses in information technology. We are tackling the basic literacy and numeracy deficiencies, strengthening the IT component of our training packages and investing in the skills of the future.

When it comes to further and higher education, we are ensuring that one in two Scottish school leavers goes on to higher education and that every student, whether they are studying Roman history or advance particle physics, leaves IT-literate and has the opportunity to take up courses in entrepreneurship. We have removed the disincentives to learn by abolishing fees and reintroducing grants. This autumn, we are providing £1,000 more in real terms for the poorest students to live on than was available 20 years ago. We are creating 40,000 additional places in the further education sector, which has been seen too often as the poor relation, and are providing the best financial settlement for more than two decades.

We are also putting skills at the heart of economic development. As colleagues know, the new strategy for enterprise centred on learning and skills, global connectedness and growing businesses, which is linked directly to learning and skills. If we get learning and skills right and if we get the global connections right, the growth in businesses will follow.

That means that a culture of learning and skills must be our top priority. Most people aspire to learn to the highest level of their ability, but we must recognise that there must be jobs available to everyone. Careers Scotland is at the heart of that approach and will provide a one-stop shop for everyone. We have reduced 80 organisations to fewer than 20 and introduced a new structure that will work alongside the local enterprise companies. Careers Scotland will be much closer than ever before to the realities of the labour market and, through that route, Scots will get the best jobs, those that are most relevant to their skills.

Once people discover what skills they think they

should have to make themselves secure in the job market, learndirect Scotland will provide them with anytime, anywhere learning. Already, 73,000 individuals in Scotland have opened individual learning accounts. We should think about that suppressed demand for learning, which was released in just one year. There is also the new deal programme, which is being extended. We have had great successes in the under-25 group, but we must do more to reach the over-25 group. That is now being done—we are allowing the new deal programme to start earlier in people's careers and putting a strong focus on preparing them for employment.

I want to make a point that is pertinent to today's debate: the trade union movement has a fundamental role to play in the learning and skills agenda. People trust their trade unions. For many workers, trade unions are organisations of trust. When workers get concerned about where they will find the skills of tomorrow, their trade unions or trade union learning representatives are very often their first point of contact.

Tommy Sheridan (Glasgow) (SSP): Given the minister's comments—and those of John McAllion in the previous debate—will she elaborate on how she intends to make the trade union movement central to the building and reskilling of the Scottish work force? There is disappointment in the trade union movement at large that employers such as Motorola and other inward investors are able to refuse to recognise the trade union movement and that no action is taken by the Scottish Executive. Will the Executive take action to promote trade unionism?

Ms Alexander: Yes. We have established the Scottish union learning fund, which supports workplace learning projects. My colleague Henry McLeish launched the fund last year. We have put extra money into it that will take it through this Parliament's lifetime. We have received strong support from the Scottish Trades Union Congress and the unions in selecting projects that should be supported. Much has already been done and more can be done in the future.

In fairness, the Opposition amendments touch upon probably the most fundamental and central challenge. We need a better understanding of what is going on in the labour market. It would be wrong for any member to say that we can second-guess the forces of globalisation. However, we can have better mechanisms for understanding what jobs are available here and now and where we believe those jobs will be in the future. Currently, information tends to be dated when it enters the system and major decisions are made on too limited information. We need a clearer understanding of the roles of key players.

Recently, the Braehead development arrived in

my constituency. I was told that 17 organisations that offered to help the organisation to put people into employment had been through its door. That is why we said we want a new approach. We have charged Scottish Enterprise with the leadership of that. We are creating future skills Scotland, which will probably be a more ambitious attempt at labour market planning than has been tried for a long period. It will be a first for Scotland. There will be a future skills unit, which will operate on an all-Scotland basis and will understand the nature and needs of tomorrow's labour market. We want a co-ordinated and joined-up approach. That means that we need to get better at understanding the needs of employers and matching employees to those needs.

We are beginning to build the strongest links between learning and skills and Scotland's future business success. We are placing learning at the heart of Scotland's future economic agenda. We have to do more, but we have made a start on modern apprenticeships, on the new deal, on access to higher education, on the future skills unit, on the Scottish university for industry—all of which were unanticipated only four short years ago. Much has been done; much is still to do.

I move,

That the Parliament endorses the Scottish Executive's commitment to investment in skills as the key to Scotland's business success.

15:28

Mr Kenny MacAskill (Lothians) (SNP): The motion is inadequate for two reasons. First, it is simply self-congratulatory, when there is no reason to be so. Secondly, the motion is entirely lacking in specification and detail.

I seek not to detract from the concept that skills are essential to Scotland's economic progress. Indeed, the minister's phrase about a blind date is quite appropriate, although quaint. However, what is needed is not a mantra chant but a coherent strategy.

It is ironic that this debate follows the statement on Motorola. The closure of the Motorola factory is a tragedy for individuals, for a community and for the whole country. Although there is a global problem in that sector, other nations and companies are weathering the storm better than Scotland and Motorola. In particular, I refer to Finland and Nokia. While Bathgate mourns, Tampere thrives, because Finland recognised its position, analysed its strengths and weaknesses and invested in infrastructure and education.

We will debate infrastructure on another day, but today's debate encompasses education. In Finland, education is not simply about schools; it is lifelong. Education is not simply about skills, but

about research and development. Finland has weathered the storm because it remained ahead of the game. In previous debates, the SNP has held up Finland as an example to follow, but we have met scepticism, if not open derision—though not on a par with the minister's comments on Ireland.

Such an attitude is insular and ignorant. Only a generation ago, Finlandisation was a derogatory term that was bandied about by the Henry Kissingers of this world, but not now. How times have changed. Finnish lessons must be learned in Scotland—and I do not mean linguistically, but strategically. Finland has learned that, when a country is geographically peripheral, investment in skills is essential. I quote from the Finnish minister for education:

"The national strategy chosen by Finland is to develop our country as a knowledge intensive society, in which a highly trained population and heavy investment in research create conditions for production based on knowledge and know-how.

Education and training cannot only be seen as a force reacting to change in society and working life, but as a force influencing and moulding them."

Finland has learned and so gained. The tragedy in Scotland is that, while we have significant skills shortages, we have far too many hands willing and wanting to work but lying idle. Numerous industries in Scotland either have a skills shortage or an impending shortage. Those industries are neither peripheral nor expendable: they are key and core sectors of the Scottish economy. They include the oil and gas industry, the electronics industry and the financial services sector. Even road haulage is now facing a shortage and an aging work force.

In a global economy, what encourages growth, both indigenous and extraneous, is education with a skilled work force and adequate infrastructure. Education, as I said, is not simply a mantra chant but a prerequisite in a knowledge economy. For too long, Scotland has competed in an economic league for assembly line jobs that are subject to undercutting from competitors, be they from eastern Europe or the southern hemisphere. To compete in the premier league for the high-value jobs, and to keep ahead of technological changes, requires investment in skills. A precursor to that must be that the available work force leaves school not just literate and numerate, but educated for learning. In a knowledge age, the pace of history is accelerating, and learning is most certainly a lifelong concept.

The tragedy in Scotland is that, while we have skills shortages in so many sectors, we have so many hands lying idle. Much of the difficulty relates to a failure of Governments—current and past—to invest adequately in education. The basis

of a skilled work force is built upon a sound and solid education.

Some of my colleagues will comment in greater detail, but let me say that it is not the responsibility of an employer to train an employee in literacy or numeracy. That is the responsibility of Government. The employer fine-tunes the individual for the skill or task, but he or she can do so only if the individual is job-ready. Within schools, we have fewer youngsters undertaking and obtaining qualifications in technology. That is matched by a reduction in the number of places at university for teachers of that subject and, indeed, by the absence of rooms to teach it in some private finance initiative schools.

What, though, about current Government schemes to upskill Scotland? Perhaps the first problem for any employer or individual is this: just who is in charge? Who is responsible? Is it the Executive, or is it the Department for Education and Employment south of the border? Why is it that the minister can make a statement on Motorola, but cannot organise a jobs fair outwith the country? What is the divide of responsibility between Edinburgh and Sheffield? That needs to be clarified. Moreover, why should there be a divide at all? If the Finns can do it, why cannot the Scots?

What about current schemes? Leaving aside the difficulty caused by a multiplicity of forms and bureaucracy, are we making best use of limited resources? Let us consider, for example, skillseekers training allowances. Why are there no foundation modern apprenticeships north of the border? It has been pointed out to me that foundation modern apprenticeships, aimed at level II qualifications, are of benefit to employers and would-be employees south of the border. Surely a similar concept should be available here.

What about the use of limited resources? The skilling up of Scotland is not to be restricted to one area only. However, with finite resources, some focusing is surely essential. Is not the future of our country in science and technology? Is that not where it is at in the 21st century?

Why then has this Executive so neglected such an important subject? Why is it that, when we consider Highlands and Islands Enterprise or Scottish Enterprise's skillseekers expenditure, hairdressers and beauticians are invested in to a greater extent than those in science and technology? Is it not absurd that we spend almost £11 million training hairdressers and beauticians, in comparison with only £3 million for scientists and engineers?

Finally, skills must be demand-led, not supply-driven. We are not living under a latter-day soviet where quotas of relevant trades were produced to

order. It did not work in the 20th century and it certainly will not work in the 21st. The best producers of skilled workers will be the industries themselves. They, after all, know what it is that they are looking to achieve through training.

As an aside, would it not be better to encourage employers by offering tax breaks on expenditure on training, rather than by apparently trying to encourage by a modest grant and a maze of application forms? Moreover, it is quite clear in skills training, as in higher education, that certain sectors are far more cost-intensive than others. One grant does not fit or cover all. A flat rate does not differentiate between the hairdresser and the engineer.

In summary, the Executive's commitment to improving skills in Scotland is welcome. However, if that phrase is not to be vacuous and void, the skeletal statement must be fleshed out. There must be recognition that a basic all-round education is a prerequisite, that employers are best suited to carry out and supervise training and that, whilst all areas of skills are welcomed, as a nation we must focus and specialise. In the knowledge age and in a global economy, the underfunding of science and technology must be rolled back.

If we do that, I have no doubt that, in years to come, others will seek to learn from us in Scotland. Finland is to be credited for achieving so much with so little. The tragedy in Scotland is that with so much we have achieved so little. It does not need to be this way. Work is undone, crying out for hands to complete it. As a Parliament, we must ensure that we add value to labour in the 21st century. Initiative, not simply endeavour, ideas, not simply actions, and skills, not simply sweat, are now not only necessary, but a prerequisite.

As a nation that produced not simply engineers and craftsmen by the thousands, but more Nobel prize winners per capita than any other nation on earth, surely it must be within our wit and competence to allow the skills and talents that exist in our people to flourish. They are entitled to no less; we must do far more.

I move amendment S1M-1857.1, to leave out from "endorses" to end and insert:

"notes that, under changing global economic circumstances, a sustainable future for Scotland is dependent on a high skills, high value knowledge economy; recognises that significant skills shortages have been allowed to develop in key sectors in the Scottish economy; regrets that, to date, government has neither quantified nor predicted these shortages, far less been able to take action to fill the skills shortfall, and therefore calls upon the Executive to take immediate action to identify and quantify Scotland's current skills shortages and likely future shortages, tailor investment in skills to meet current and future demands and shortfalls and work closely with industry to assure a demand-led integrated approach to

training, further and higher education."

15:36

Miss Annabel Goldie (West of Scotland) (Con): For a debate on a subject as serious as skills, the Scottish Executive's motion is disquietingly bland and complacent. As is so often the case with the Scottish Executive, the words of its self-indulgent, self-congratulatory motion are a world away from what is happening in the business community in Scotland. Indeed, if one considers the text of the motion, it is about as exciting as inquiring whether someone takes milk and sugar in their tea. The Minister for Enterprise and Lifelong Learning's speech sought to liven up the motion a little, but in a sense the content disclosed the underlying problem. If I counted correctly, nine particular initiatives and entities were mentioned, all of which seek to address the problem of skills.

Out in the business community, influential members of that community are expressing real concerns about the fact that there is a skills shortage. That skills shortage is not currently being addressed. There is a concern that the skills that are being provided are not relevant to the needs of the business community and that, as Mr MacAskill indicated, the delivery of skills provision is variable throughout Scotland. Indeed, in some places, such provision operates on an apparently haphazard basis, with no audit of the final outcome to ascertain how many individuals have demonstrably benefited from the attempts to provide them with and improve their skills. That skills gap is threatening the future of Scottish business. Unless those deficiencies are addressed urgently, the Scottish Executive might as well ask Scottish business to run a car on a tank full of water.

What are the facts? Let me quote directly from business, from a meeting with Electronics Scotland, which I attended yesterday with some of my colleagues from the Enterprise and Lifelong Learning Committee. The meeting was held at the Sun Microsystems plant in Linlithgow. We were given a clear and direct message. The three big issues confronting the electronics industry and presenting challenges over the next decade are skills, business climate and e-commerce. I will comment on the latter two issues briefly before turning to skills.

Business climate was mentioned in the context of representing the realities of taxation and regulation. Those are not imaginary political myths, used by nefarious politicians to cause embarrassment to opponents, but the oppressive and repressive stifling realities for many businesses in Scotland today. The comment on e-commerce was equally disconcerting. Although we

may pride ourselves on being ahead of the game in Scotland and congratulate ourselves on having done a great deal to advance the awareness and implementation of e-commerce, the reality is that many of our international competitors are far more proactive in the use of e-commerce. They regard it quite simply as a tool of business, just as our predecessors regarded the broker market and the trading centre. For our international competitors, e-commerce is a means to go out and negotiate, carry out options, seek business and offer deals. In Scotland, we seem to be far less active in that respect.

Let me turn to skills, in particular to the views that were relayed by the influential group of people with whom we met yesterday. The message is stark: Scotland is not producing people with the right skills for the electronics industry. It is anticipated that over the next five years, that industry will need 5,000 engineers per annum. The current university output is somewhere between 2,000 and 4,000. It is clear that not enough youngsters of school age are being made aware of electronics technology when at school, partially because it comes under the general heading of engineering, which still has a spanners-and-oily-cloth image, and partially because of a bias on the part of parents in relation to engineering.

It seems clear that if we are to make sensible progress towards increasing the provision of youngsters with the necessary technical skills to enter industry, particularly the electronics industry, there has to be a change of attitude at primary and secondary school level. It would make a lot of sense if technology, and not computing—the two should not be confused—became part of the core curriculum as early as secondary 1 and secondary 2, because it is clear that if we plant the appropriate seeds we will get the right crop, and if we do not, we will not.

The reason for my amendment is not merely to address the blandness and nakedness of the motion, it is to point out where another area of deficiency is to be found. Not only is there a need to address the gaping void in the current provision of skills for business, but a hard look has to be taken at what currently masquerades under the banner of the provision of skills, be that by way of new deal, skillseekers, apprenticeships or whatever. Indeed, whatever spin the Executive may care to put on new deal in Scotland, the facts are unimpressive.

The Employment Service research report ESR33, published in December 1999, found that in the first year of new deal for young people, approximately 50 per cent of individuals leaving unemployment via new deal would have left unemployment anyway. Also of concern, as the report pointed out, is that of the people who left

new deal for young people, a proportion rejoined the claimant count, so the current estimate is that as few as 40 per cent of youngsters may have been helped. That finding may be coupled with the April NDYP figures, which show that 27 per cent of jobs gained by new deal leavers do not last longer than 13 weeks. It is estimated that new deal for 18 to 24-year-olds has cost around £20,000 per job.

In any debate about skills, perhaps the most depressing feature is that only 10 per cent of new deal participants complete their training courses and leave with a qualification. To suggest that new deal is an effective skills provider is frankly nonsense. If the response is that it is not meant to be a skills provider, the question has to be asked, what does it exist for, and is it a justifiable use of such extensive sums of public money?

On the matter of apprenticeships in general, not just modern apprenticeships, to return to the meeting with Electronics Scotland, I must ask the minister why one of the businessmen who was present at that meeting should express total scepticism about the effectiveness of the apprenticeship system? Analysis shows that only 50 per cent of apprentices actually pass. That is on the back of variable provision throughout Scotland as to the available funding for people who are seeking apprenticeships.

Clearly, that is a totally haphazard and random way to approach the provision of skills, and is an area that I suggest the Scottish Executive, in conjunction with the enterprise network, should urgently investigate. Indeed, if one examines the projected increase in the provision of apprenticeships in terms of the enterprise and lifelong learning budget, as recently disclosed, the demand becomes ever more clamant. The amendment in my name is an attempt to address the manifest deficiencies of the motion as it is currently framed.

I move amendment S1M-1857.2, to leave out from “endorses” to end and insert:

“recognises that investment in skills is the key to Scotland’s future business success and calls upon the Scottish Executive to ensure that the skills being provided are relevant to the needs of Scottish business and that the delivery of skills provision is monitored to ensure maximum effectiveness in skills enhancement.”

15:43

George Lyon (Argyll and Bute) (LD): I begin by expressing the support of the Scottish Liberal Democrats for the Executive’s commitment to improving Scotland’s skills base. The policy is fundamental to Scotland’s future prosperity. Indeed, this debate is very relevant, coming as it does on the back of the tragic announcement of the closure of the Motorola factory at Bathgate, with the loss of 3,100 jobs. One of the key lessons

that Scotland must take on board from this tragedy is the need to move Scottish manufacturing up the value chain and away from basic commodity business.

At the commodity end of the marketplace, Scottish manufacturing is wide open to economic down-turns in the global economy, which results in low-value production either being slashed here in Scotland or relocated to low-cost competitor countries in the far east. The closure also highlights Scotland's over-reliance on the electrical engineering sector, with this one sector accounting for more than 50 per cent of Scotland's overseas manufacturing exports.

That is an extremely vulnerable position for any country. Any down-turn in the electronics sector is likely to have a disproportionate effect on Scotland's economy. That position must change. The Scottish economy must widen its economic base, diversify and, above all, move up the value chain, away from commodity production. The Executive's commitment to upskilling our work force and to education is important to that. As the motion says, that is the key to ensuring Scotland's future business success.

If Scotland is to attract inward investors that are willing to establish high-value and high-tech manufacturing businesses and is to develop, grow and expand indigenous high-tech industries, we will need a highly trained, highly skilled and well-educated work force. That must lie at the heart of our economic policy. I welcome the Scottish Executive's commitment to ensuring that that is created. That is a fundamental requirement of any modern, developed economy.

Kenny MacAskill said that Scotland should emulate Finland. There is a tremendous success story in Finland. However, in considering its economy's success and Nokia's position in that economy, we must note that Nokia accounts for 28 per cent of Finnish gross domestic product. That is an extremely vulnerable position for any country, and it compares poorly with that of Scotland. We rely heavily on narrow sectors for our production base and our exports, but we are not as vulnerable as I suggest that Finland is.

The Scottish Liberal Democrats support the Scottish Government's continued commitment to education and to putting upskilling at the heart of our key economic policy. If the policy is to succeed, we must hope that we minimise Scotland's future exposure to another announcement such as that in Bathgate yesterday. I pledge the Scottish Liberal Democrats' support for the motion.

15:47

Trish Godman (West Renfrewshire) (Lab): I

support much of what has been said about the need to create a highly skilled and well-paid Scottish work force. Scotland should not be considered as a national assembly line, where little or no research and development takes place and where skills of a high order are of no account.

In addition to creating a highly skilled Scottish labour force that can compete successfully in an international or global labour marketplace, we must do all that we can to retain and enhance the skilled jobs that put Scotland in the premier labour league. I am thinking of our superb shipbuilding skills, to which I will return in a moment.

Motorola's recent decision to make thousands redundant and Compaq's decision to make 700 employees redundant in my constituency emphasise the need to ensure that our constituents are given the means to acquire the high levels of skills that will enable them to find jobs that have good terms and conditions of employment. Like the Minister for Enterprise and Lifelong Learning, I met senior management at Compaq about the redundancies there and I intend to meet the workers forum later next week. I told the management that everything must be done to ensure that those who must leave the company are given every opportunity to find jobs elsewhere—I hope that those jobs are nearby. I also said that those who are made redundant should be given a decent settlement.

We must do all that we can to allow people to become highly skilled. Given that cheap labour can be hired elsewhere, that is right and necessary. We need a highly skilled work force sooner, rather than later. Such a skills base must be strengthened by a powerful and thriving research and development culture. Our motto should be, "We are not an assembly line."

I will say a little about the retention and expansion of the superb skills in our traditional industries, particularly shipbuilding. In the debate, it is important that we do not lose sight of the traditional industries. Many members recently signed my motion to praise Fergusons of Port Glasgow for winning a substantial contract to build a fisheries research vessel. I know that that vessel will be built to the highest standards and delivered on time.

A number of my constituents are employed in the Scotstoun and Govan shipyards—both of which are first-class yards. There appears to be dithering in Westminster over the building of the Ministry of Defence vessels that would keep those yards alive. The contracts are signed and the cutting of the first steel should have begun by now. The skilled workers in those yards, and others who could be employed, deserve to have their future secured now. I have been in correspondence with the minister and know that she has begun to make

representations to her colleagues in Westminster to stop the dithering and let the vessels be built. I ask her to continue to make those representations.

By all means, let us assist with the creation of skills that our country and constituents need. Let us ensure that we educate everybody appropriately, no matter what their age is. We should be encouraging apprenticeships in the traditional industries, a good example of which is the apprenticeship programme that is offered by Glasgow City Council's direct labour organisation.

Let us ensure that our remaining industries are recognised and that needless bureaucracy and red tape do not bedevil them.

15:51

Irene McGugan (North-East Scotland) (SNP):

No one will deny that there is a general skills shortage throughout the country. That is confirmed by our recruitment of nurses from overseas. If anybody has tried recently to get the services of a plumber, a joiner or an electrician, they will know that a major skills and manpower gap also exists in those areas.

As Kenny MacAskill and Annabel Goldie indicated, to focus the debate we must go back to basics. It is not possible for employers or training agencies to reskill or upskill people successfully if those people have not had an education that enables them to respond effectively to that kind of challenge. A good starting point would be to give serious consideration to the question, "What is education for and what skills do children most need for the future?" That is a big question, but it is probably the most important question that faces us when we look at education and skills. Every aspect of the curriculum should reflect knowledge and understanding, learning skills and personal and social development. Education should be about enriching experience and imparting new skills. Education is not just about jumping through examination hoops or narrow learning for monotonous jobs. Education is not only a utilitarian means to produce workers for our society. Education as a mere adjunct of economics has proved to be a policy prescription that devalues and straitjackets education to no good purpose. Education should be about drawing out thinking skills, and about encouraging pupils to think critically and creatively at school and, later, in the workplace.

On a day when the Motorola situation focuses our minds on the issue, we should remember that there is continuing concern about the reduction in the availability of technological studies in Scotland's schools. Technological studies covers electronics, structures, pneumatics, robotics, computer control, problem solving and creativity—

all those are included in the subject. The recent Government publication "Created in Scotland—The Way Forward for Scottish Manufacturing in the 21st Century" effectively makes a case for a technology curriculum, especially for technological studies. A case could equally be made for science, engineering and modern languages, all of which would better enable Scotland's work force and industries to compete in, and adapt to, national and international markets.

That all starts at school, but it is good to see the development of closer links between schools and businesses. Such links need to be further encouraged. Companies now require, if they are to be successful, to be much more sensitive to the wider impacts of their activities and to support much more proactively the communities in which they work. The benefits to young people are enormous. Pupils are helped to realise the correlation between what they are learning at school and the development of their careers.

Not many people would disagree that education is about passing on knowledge. It is about developing each person's talents and about the teaching of skills that will lead to a full and satisfying life at work and leisure. If our country is to play its full part in the world, it must have a skilled and well-educated population that is adaptable and capable of leading the way in research and innovation. Education reaches beyond the experience of schools, but schools must provide the basic knowledge, skills, values and attitudes that are necessary in Scottish society and in the world.

15:55

Mr Duncan McNeil (Greenock and Inverclyde) (Lab):

Much has been said today about the changes in the Scottish economy—changes that are self-evident. In my constituency, I am confronted daily by the reality of that change. The so-called smokestack industries have been replaced by the sunrise industries. We used to work on the banks of the Clyde; now we work in online banks. Seventy per cent of our manufacturing jobs are in electronics. We have shifted our dependence from shipbuilding to the electronic sector.

However, the situation is more complex than a simple replacement of traditional employers with new, high-tech industries. They are dynamic industries, which continually change—faster than we can imagine. If that change is to be an opportunity rather than a threat, we need a highly skilled work force that has the ability to adapt quickly to change. If we refuse to learn from the past and do not bring about a revolution in lifelong learning, Scotland's high-tech industries will end up in a museum, next to shipyards, coal mines

and steel works.

Much has been said today, from some strange quarters, about workers' rights. From the commitment of the early pioneers of the Labour movement to the important right of workers to free access to training, education and personal development, to the Executive's commitment to a revolution in lifelong learning, we have given Scottish workers the skills that can pay the bills.

Mr Brian Monteith (Mid Scotland and Fife) (Con): Does the member recognise that much of the legislation that gave workers rights—not only in the 20th century, but in the 19th century—was passed by Conservatives, from Disraeli onwards?

Mr McNeil: I know—from listening to Mr Monteith's contribution to other debates—that although there is continual nit-picking about apprenticeship schemes, their cost, their failure rate and their success rate, we can have hour upon hour of debate about money for higher education, without any of that nit-picking criticism. I will judge the member on his performance now, not on the past.

The benefit of education and training is not only to workers. It creates more job security, and in return for treating workers as an asset rather than an expense, management is rewarded with a confident, flexible, highly skilled and highly paid work force, which can give its company the edge in the global market place. However, if we consider the problem solely in terms of the work force, we will be guilty of an over-simplistic approach. We must also ask questions of the management. Is it up to the job?

In a previous life as a trade union official, I equated weak, inefficient management with job losses, redundancies, low pay and no training for workers. Upskilling does not happen under management that has a blinkered, sweat-shop mentality. It happens only in partnership with ambitious, progressive, far-sighted companies. The benefits on both sides are clear, but the challenge is to convince employers and employees of those benefits and of the need to invest and participate in education and training.

Today's motion, the trade union fund, individual learning accounts, learndirect Scotland, more money to help vulnerable young people move from school into work, an extra £9 million to develop an all-age career service and £22 million to implement the recommendations of the Beattie report are all more than welcome.

Yesterday's announcement about Bathgate hangs heavy in the air. It is at a difficult time such as this that we need to search for the positives. Some of us on the Labour benches remember the last time around at Bathgate, 20 years ago, when we campaigned with Jim Swan and others.

Unemployment was used as an economic tool against people in this country, with the side benefit of doing in the trade unions while they were at it.

Ms Alexander: I am sure that Duncan McNeil does not need to be reminded that, at that time, the unemployment rate in West Lothian was in excess of 17 per cent. It is now down to less than 4 per cent as a result of the efforts of the Government.

Mr McNeil: The minister might also wish to note that in Greenock and Inverclyde the unemployment rate was 22 per cent in the mid-1980s under the Tories.

Miss Goldie: Will Mr McNeil give way?

Mr McNeil: I am afraid that I must wind up.

If the terrible event in Bathgate can have any positive effect, if it can become a driver for change in the attitudes towards workers' education, if it can teach us once and for all the value of education and training and if we can learn to learn, then all is not lost.

16:00

Mr Brian Monteith (Mid Scotland and Fife) (Con): Wendy Alexander talked about removing disincentives. Let me start by reminding members that the disincentives to higher education were introduced by Labour. To remove those disincentives is merely to recognise that they were disincentives. That is something that the Labour party refused to recognise initially. It is recognised that the graduate endowment that has been introduced is also a disincentive. Why else would 50 per cent of students who might otherwise qualify to pay that tuition tax be given a waiver?

I recognise and welcome the Executive's commitment, as expressed in the motion. However, although we can acknowledge the commitment of the minister and the Executive, there is also much that we can do to question whether that commitment will bring coherent policies. I argue that the Executive's policies are not coherent and that they will not deliver the goals that they seek to achieve.

There are skills shortages—it is clear from the material that is available, for example, that chefs are difficult to come by in tourism. That is something that I experience now and again in Edinburgh. In financial services, firms in Glasgow and Edinburgh have difficulty in attracting senior fund managers. Representatives of such firms have expressed their horror at the possibility of higher taxes in Scotland, which would exacerbate that difficulty. That is a point that Mr McAskill might want to bear in mind with regard to his party's policies.

A recent survey found that 78 per cent of companies in the call centre sector have experienced skills shortages. Politicians who deride working in call centres should be aware that they are building up a perception that makes it difficult to attract people into jobs in that sector. We have heard much about the electronics sector today, and for good reason. It is clear that software engineers, test engineers and managers who have international experience and skills are in short supply.

I would particularly like to mention education itself. The number of maths graduates who come into teaching has halved in the past four years. Not only do we have skills shortages, but we have shortages in teaching the skills that are so important to our children, who then go on to college and university.

I acknowledge the efforts that have been made by the Executive and I welcome the increase in funding for higher education. However, increasing the funding is not the attractive solution that it first appears, because the proposals for funding that have been circulated by the Scottish Higher Education Funding Council will lead to cuts in many of our higher education institutions. Let me give two examples. If the funding proposals were accepted, Napier University would see its funding cut by £1 million. The Robert Gordon University, which is known to many and has a great reputation in the fields that we think are especially important today—

Helen Eadie (Dunfermline East) (Lab): Will Mr Monteith give way?

Mr Monteith: Certainly.

Helen Eadie: Does Brian Monteith accept that the Government has injected £672 million, through SHEFC, into funding for universities? Does not he accept that the image that he portrays presents the Government as having made cutbacks, when in fact extra funding is going in? Does he acknowledge that a love of mine is the whole disability arena, and that the massive injection that has been put in by the Government, at Westminster and Scottish levels, has made quite a formidable difference to people who have disabilities and who are in universities?

Mr Monteith: I thank Helen Eadie for that rather extended intervention. If she had listened to the previous part of my speech, she would have heard that I acknowledged and welcomed the increase in funding. I make the point that a number of institutions will still suffer, despite that increase in funding. Helen Eadie would do well to consider such institutions in Fife.

We should consider not only the institutions, but the sectors. We have heard much today about the important sectors in education. Let us consider the

proposals again. Funding will drop by £3.1 million in engineering and technology, and by £1.2 million in education. The McCrone committee produced proposals—which have been accepted—that we must have more teachers. At the same time, SHEFC is suggesting that funding of teaching courses should be cut. That is what is not coherent about Government policy and I suggest that that needs to be changed. SHEFC's recommendations have not yet been accepted and there is an opportunity to change them. I am sure that many members of whatever party would join me in saying that the recommendations must be considered again.

In putting together a programme of policies that can achieve the required skills, it is important that the Government adopts—dare I say it—an holistic approach, which would ensure that the policies that are produced by one department would match the policies of another. Only if that is achieved will pupils and graduates in future have the opportunity to find the jobs that are waiting for them.

16:06

Tommy Sheridan (Glasgow) (SSP): I find it impossible to support the Scottish Executive's commitment on reskilling Scotland, because it is a very narrow, free-market orientated commitment, which lacks any vision of an industrial strategy that involves public ownership.

I will make some comments about that in a moment. First, I must say that the minister was being slightly disingenuous in her earlier comments when she referred to Germany's opposition to the European directive on consultation and information. I am sure that she is aware that Germany now supports that directive. Germany opposed the directive until a couple of months ago because it felt that the directive diluted protection for employees. Similarly, Denmark felt that the directive would dilute its employment protection.

Ms Alexander: Would it be diluting our rights if we were to move away from a statutory right to redundancy pay, which exists in this country, but which does not exist in Germany?

Tommy Sheridan: The minister is deliberately trying to mystify us. The adoption of the directive would in no way, shape or form affect the statutory right to redundancy pay. The minister knows that. It would have guaranteed that the workers at Bathgate did not hear about the loss of their jobs on the radio. They would have been consulted and they would have had statutory negotiating rights. They would have been able to ensure that they could see Motorola's books and to discuss why Nokia, which has produced such a large increase

in its market share, is able to outdo Motorola—the second largest mobile phone company in the world—and whether that was to do with product design and other matters.

The point is that workers in this country are easier to sack than are workers in any other country in Europe. That is why the Government must stand condemned—as the unions have condemned it. Since 1997, new Labour has refused to sign up to the European directive on consultation and information and it should be condemned for that. I hope that the minister will be prepared to do that.

It is a pity that in the course of her remarks the minister mocked, as did some other Labour members, the idea of occupation of Bathgate as an option for workers who are defending their jobs. It is worth bearing in mind that in 1971, some 30 years ago—

Ms Alexander rose—

Tommy Sheridan: I will finish this point, then I will let the minister in.

In 1971, a group of workers occupied their factory—that is why we still have shipbuilding on the Clyde, even although it has been undermined. Only four years ago, workers in Glacier Metals occupied their factory and that is why they still have a factory. If the workers at Bathgate determined that they wanted to occupy their factory to save their jobs, we should give them support, not ridicule.

Ms Alexander: Will Tommy Sheridan comment on whether the SNP's plan to take back the asset—or to occupy the factory—would have any adverse impact on Motorola's operations in East Kilbride, South Queensferry, its planned facility at Livingston, or the prospect of more than 1,000 jobs in Dunfermline? Would such a plan make a difference?

Tommy Sheridan: That answer goes to the root of what new Labour is all about. New Labour has a begging-bowl mentality that says, "Let's not do anything that might frighten away this employer".

Ms Alexander: Will the member take an intervention?

Tommy Sheridan: I will try to answer the minister's first intervention, if she does not mind.

As this employer refuses to recognise trade union membership, the Executive should be condemning rather than congratulating it. If the employer were to withdraw—on the basis of blackmail—from East Kilbride or anywhere else because of a threat to appropriate what is deservedly ours as it was paid for by taxpayers' money, we would simply have to consider appropriating the facilities in East Kilbride and

elsewhere. It is simply unacceptable that we should be blackmailed by this employer. In days gone by, new Labour—in its old guise as old Labour—would not have been blackmailed either.

Ms Alexander: Is it the practice of old Labour, of new Labour or of neither to enforce on the company the largest-ever clawback of RSA because of that company's failure to meet its obligations?

Tommy Sheridan: It is neither old nor new Labour practice; it is simply overdue. It was the very least that the Executive could have done. It is incredible that Motorola has been lauded as an example for many years, even although for 10 years and despite the efforts of the trade union movement, it has refused to recognise trade unions. That deserves condemnation, not congratulation.

Presiding Officer, I hope that you will acknowledge the fact that I have taken four interventions.

The Deputy Presiding Officer (Patricia Ferguson): I already have, Mr Sheridan. Could you please come to a conclusion?

Tommy Sheridan: I want to return to the lack of a public strategy. I attended a meeting of the Cuba solidarity campaign recently, and I was impressed to hear a Cuban minister explain how, in the teeth of obstacles such as an illegal 41-year blockade by America—which, unfortunately, this country continues to support—Cuba has been able to develop an indigenous pharmaceutical industry to the extent that it now exports vaccines worldwide and is regarded as a world leader, particularly in vaccines for meningitis. However, there is nothing in the strategy for Scotland about developing a publicly owned Scottish pharmaceutical industry that would be able to serve our national health service, rather than the NHS being continually ripped off by the multinational pharmaceutical companies that overprice their products. The strategy says nothing about a publicly owned one-power-generation industry to match the targets of a country such as Denmark, which is now able to employ 15,000 workers in such industry and 40 per cent of whose power will be generated by wind power within the next 30 years. The strategy shows a lack of public vision.

16:13

Cathy Peattie (Falkirk East) (Lab): First, I declare an interest in Falkirk Women's Technology Centre and the Linked Work & Training Trust (Central).

I welcome the minister's statement. Throughout my working life, I have taken a keen interest in training and education, particularly in encouraging

to return to education those who have left school early. Never has that message been any stronger than today.

In my constituency of Falkirk East, people in the petrochemical cluster have told me that they are having real problems in recruiting staff. The situation is the same for the offshore oil and gas industry. One major employer told me that if they could not find the necessary staff and skills in my area within the next 10 years, the company would have to consider moving overseas. That obviously has implications for the economy. Contractors in the petrochemical industry also face the problem that most of the staff they are able to recruit are over 50—it is difficult to find younger people.

As we have heard, we must examine what is happening in schools. Young people in schools are not considering the option of a career in industry, nor have they been encouraged to look at the technical aspects of work. Kids who go to university, and those who could be fitters, techies, electricians and so on, should be encouraged to consider a career in industry. We are not taking only about graduates; the folk who use the tools and wear the overalls in industry are equally important. The number of pupils who take standard grades in technical studies has dropped steadily over the past five years, which has obvious implications for higher in the subject.

So, where do we go from here? We must encourage improved links between industry and schools in order to create a better understanding of modern industry. We must consider what education is being provided in our technical studies units. There is also a need to develop training partnerships such as the one that exists in my constituency, between British Petroleum at Grangemouth, the local enterprise company, Falkirk college and the technical training centre. We must develop such partnerships to deliver well-organised, accredited training to young people—and to not-so-young people who have been encouraged back into training—and to extend the good modern apprenticeship system that exists in the Grangemouth area.

We should also consider projects and pilot schemes such as those in Leeds and in other parts of Europe, which are called second-chance schools. They bring young people who have left school early, or who have been excluded from education, back into school to help them to develop their skills with a view to employment in industry. That is done in partnership with education departments and industry, and the outcome is positive, with more than 90 per cent of the young people finding jobs.

We also need to establish partnerships with the voluntary sector to provide initiatives such as women's technology centres like the one that

exists in my constituency. We must work with voluntary organisations, local authorities, the colleges and enterprise companies to provide women-friendly training to get women back into the workplace. In many cases, the women have never been in the workplace; they have left school early and had their children, and the option of their returning to work generally means low-paid part-time jobs. Women who take part in the initiatives go into full-time jobs that have real training and qualifications, which are important.

There is also the Linked Work & Training Trust in the central region, where the approach has been to work with community activists in partnership with Glasgow University, the voluntary sector and the local authorities. People work—in a paid job—towards a degree in community education or community development. We should lift people's aspirations. Working people have the right to be able to hold a qualification and employment is important if we are to get people out of poverty. People need a decent wage and they have the right to expect that. They need the tools and the passports to a real job and sustainable employment.

16:17

Richard Lochhead (North-East Scotland) (SNP): I hope that the minister, who is having a conversation with a colleague, will listen to what the Opposition parties have to say in this debate on a very important subject.

The challenge that faces the Parliament is to develop our economy and work force to equip Scotland for the new century and to provide long-term, secure employment. Judging from the terrible events of this week, it is clear that we have a long way to go.

We are now in what many people term a post-industrial, knowledge economy and the business community is crying out for the skills to survive in that economy. I read a report by Alan Wilson, the chief executive of the Scottish Council for Development and Industry, which referred to the survey that it conducted recently of companies in Scotland. The results showed that the

“top priority by far was skills development, addressing such areas as skills shortages, life-long learning and issues around the knowledge economy.”

The SCDI then published a report called “Skills Shortages in Manufacturing”, which addressed issues such as

“the widening deficit between technical subjects taught in education and the needs of industry and commerce.”

It is clear that we must concentrate on skilling Scotland for the 21st century, to ensure that we do not find our economy at the mercy of overseas-based companies that will leave Scotland at the

drop of a hat when a better offer is made—perhaps by the Governments of the Indian subcontinent or Asia. We must concentrate on attracting companies to Scotland because this is where they want to be and because there is nowhere else for them to go if they want the best work force. We must create a skills base that is so valuable that, when inward investors have to cut costs or restructure, Scotland is the place that they can least afford to leave because they will not be able to find a work force of equivalent quality elsewhere in the world. At the moment, there is a danger that companies are happy to leave, as it makes no difference where they are based as long as they can keep their wage bills down. In the eyes of too many countries, Scotland is just another location that can be sacrificed in the interests of cost cutting.

We must aim for better quality jobs, for instance in companies that are interested in pursuing research and development, as we are unable to compete in the international market for low-skilled jobs. We should give support to companies to invest in research and development, so that they have a stake in the country and are less likely to leave. We must also support research in our higher education sector. Two years ago, I was stunned to learn that Robert Gordon University got less Government research money than did the philosophy department at the University of Edinburgh. That situation must change and is doing so, slowly.

Elaine Thomson (Aberdeen North) (Lab): On the subject of supporting research and development, does Richard Lochhead recognise that the proof-of-concept fund was recently doubled? That fund provides considerable support to all sorts of companies across Scotland.

Richard Lochhead: The recent investment of Government research money is simply making up for the deficit from past years. The new Scottish universities that were referred to by Brian Monteith have had a huge gap in Government research funding in relation to the preparation of graduates for industry. We must address that essential issue.

Companies have to tell Government the skills that they need and many, particularly in the oil and gas industry through its training organisation, are doing that. There is a massive skills shortage in the north-east of Scotland and the minister must do more to address that. The average age of engineers in the North sea oil industry is 50 and a huge number of vacancies has to be filled.

I have only a couple of minutes left—

The Deputy Presiding Officer (Mr George Reid): You have 30 seconds.

Richard Lochhead: We are talking not only about high-technology skills, but about skills

across all industries, including those in rural Scotland. Today, we are concentrating on high-technology skills, but we should develop skills that will ensure that Scotland can be best at what it does best, including the production of meat products and fish products and other areas of the rural economy. Those areas benefit the whole economy.

We must also consider the training budgets. Millions of pounds go into those black holes, yet no one is examining how successful the budgets are and whether they are delivering the appropriate skill developments.

Westminster rule in Scotland, particularly during Thatcher's years, has been associated with massive redundancies as a result of short-term policies and a lack of vision. The sad reality is that as long as Scotland is locked into a Westminster mentality, that situation is likely to continue. The Scottish Parliament has a duty to learn from past mistakes and I urge Parliament to support the SNP's amendment today to allow us to get on the right track.

16:22

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): I agreed with the tone of Irene McGugan's remarks. Education is about more than training and passing examinations and we must remember that. When I started teaching, there was an old-fashioned phrase, "transfer training", which, I assume, meant that if someone's mind was trained as well as their hands, their skills could be transferred much more easily. We must get the basis right before we go on to the higher levels and talk about training for individual jobs.

I welcome the creation of the careers Scotland model and the clarification and focusing of the process of matching skills to needs. I welcome the fact that people are recognising the synergies that exist between education, enterprise, lifelong learning, schools, businesses, colleges and other training agencies.

In relation to the minister's statement, I should support the minister by saying that, even on a small scale, the concept of the redundancy support team works well. Members of the work force who were made redundant after the closure of Murray Allan of Innerleithen responded well. They were not trained in high-scale skills, but were given small-scale direction with a wee bit of training here and there. That has put people into jobs by giving them opportunities that were not there before.

Other things that the minister would approve of are being done in the Borders. The economic forum is working. The council, the enterprise

company, the area tourist board and such bodies are working together and may start to involve the careers service more as well. The Borders economic forum is starting to perform labour-market surveys that will allow us to direct the training to provide the skills that are needed by business. We need to find out what is needed and work out how we can fit the training to that.

There is a desperate need in the Borders for new opportunities and for diversification. However, there are also opportunities in existing industries. The textile industry, even though it is being redrawn, needs highly skilled people. Tourism will not recover unless we have people with high-quality skills. Brian Monteith talked about the requirement for chefs. Other skills are needed to run proper tourism businesses and those skills can be acquired—information technology is relevant to the whole of our economy.

There is real evidence that the Executive's programmes are beginning to work in the Borders. A high proportion of school leavers go on to tertiary education; the proportion of those who are going to further education establishments is also high. There is evidence that people from other sources—including disabled people and people with learning difficulties, and from among the unemployed—all have more opportunities now, under the schemes that are in place. Scottish Enterprise Borders plans to have 315 young people starting skillseekers programmes this year. There are people doing Scottish vocational qualifications and modern apprenticeships. Targets that have been set in that regard have already been exceeded and the targets for the coming year are ambitious. Three hundred and seventy-five adults have started training under the training-for-work programme, which we must bring to fruition.

The situation of further education colleges in rural areas must be considered carefully, so that they can provide the relevant courses. The colleges must take on students in order to gain funds, yet fewer students are available to them than in other areas.

Will the minister please re-examine those apprenticeship schemes under which small businesses—small building firms, for example—have to send people away for the six-week units that are involved, but cannot afford to? There must be a more flexible structure for apprenticeships. If we can do the training properly, we add value to the lives of individuals, to the economy and to our communities.

16:27

Fiona Hyslop (Lothians) (SNP): This debate comes hard on the heels of the statement on

Motorola and I wish to refer to that in my speech. It is striking that 5,500, mostly manufacturing, jobs have been lost in the Lothians in the past two years. We have become very good at reactive skills and retraining—the minister made a point on that in her statement, in relation to Continental Tyres—but we are not very good at being proactive about skills and retraining. That is the balance that the debate should focus on.

I want to discuss education as a form of infrastructure for government and give some examples, but first I will tackle some of the points that the minister made. She was being deliberately disingenuous when she talked about the SNP's legitimate and serious calls for pressure to be put on Motorola to offer—at no cost—its plant to public agencies in order to secure work for the future. Why is it okay for £17 million to be clawed back in payback for public investment from regional selective assistance, but not okay also to claw back the plant, which has benefited from that public investment? Is it because the first is contractual, while the second is moral? If the first is contractual, it would have happened anyway, as the Motorola officials said last night.

Ms Alexander: Do I take it from that that Fiona Hyslop and the SNP have ruled out the possibility that Motorola might continue to use the plant for contract manufacturing? Secondly, when does Fiona Hyslop want the plant to be handed over: now, when workers are still working, or in a year's time?

Fiona Hyslop: The minister must take into account the fact that, as she herself said, the public agencies—Scottish Enterprise and Locate in Scotland—should be part and parcel of marketing the plant. However, the benefits from that should not be in the form of profits to Motorola, but should go to the community of West Lothian.

When I visited Motorola in the summer, I was told an interesting story about its modern apprenticeship or skillseekers programme—I am not sure which. Under the programme, four young people came to Motorola from Lanarkshire. Only one of them failed the programme, but all four had to give up the opportunity of jobs. Why? Not because they—including the three who succeeded—were no good, but because they could not get to the factory because of transport problems across West Lothian. It is not just a matter of education, but one of transport—of infrastructure.

Let us take the example of Continental Tyres and the retraining of its former employees, which has been referred to today. Why was it so important that the Parliament took action to secure a better redundancy package for the Continental workers? Because that bought more time for the

workers to get better training and skills, in order to get a better job.

Let us take the other example in West Lothian: Project Alba, which has to scour the world for graduates because it cannot secure the number of graduates that it needs.

Let us consider other areas, such as construction, as this is not just about high-tech skills. We need to rebuild Scotland, but there is a dearth of the skills that we need in construction.

I will reflect on the valuable speeches of Irene McGugan and Duncan McNeil, who said that we have to learn to learn. When I worked in business and was recruiting, we wanted flexible minds—the ability to learn—but we also wanted people who had social skills. If profit will come from ideas in future, people must be able to communicate their ideas. Part of the problem that business faces relates to personal development, and addressing that must be part and parcel of what we do.

I am concerned that the minister over-invests the new deal with the idea that it provides retraining and skills for the future. It is about job readiness—nothing more and nothing less—and it is wrong to suggest anything else.

On universities, anyone watching the Scottish Parliament debating the subject of skills for the future would ask what skills those are, but I am not sure that they would know that from the Government speech. We need to decide what we want to specialise in—biotechnology, electronics, or finance—and, as has been said, focus on that.

We need to invest in our intelligence capital and reach a critical mass so that we regain our reputation as one of the highest-skilled peoples in the world.

16:31

Elaine Thomson (Aberdeen North) (Lab): I think we agree that skills development is essential to ensure that Scotland can compete and succeed in the developing global knowledge economy and that we can meet the twin challenges of ending unemployment and resolving the skills shortages that are clearly appearing all over the economy.

Many sectors have been mentioned, such as fish and other food-processing industries in the north-east, IT and electronics, engineering and oil and gas, about which I am very concerned.

I have been struck by the problems in technology and engineering. We need to excite people about careers in technology and engineering. When members of the Enterprise and Lifelong Learning Committee were in Aberdeen last summer, we were told about research that showed that young people as young as eight are

being turned off technology. We need to address that issue.

As has been said, the oil and gas industry has some severe skill shortages and will face difficulties in finding enough people. I was pleased to hear the minister and Cathy Peattie refer to that.

Yesterday, at a meeting with Electronics Scotland, it struck me that the difficulties facing oil and gas are similar to those facing the electronics industry. The issue is the need to attract more people into technology-based careers. As has been said, we are not producing enough engineering graduates—design engineers, software design engineers and the like.

However, the recent moves by the Scottish Executive are putting in place the cornerstones that we require to address skill shortages. There is learndirect Scotland—the Scottish university for industry—which is providing all sorts of training to all sorts of people and is backed up by the individual learning accounts. I was pleased that the individual learning accounts were piloted in Aberdeen. They play a part in encouraging people in sectors that are less traditionally involved in learning, such as fish processing, to participate in learning. It is clear that a lot of work is needed to encourage such people to get involved.

The learning houses in Aberdeen are another way of engaging socially deprived communities in learning and ensuring that they develop the skills that they need.

Careers Scotland is another of the cornerstones of a coherent strategy for Scotland to tackle the skills shortage. Another part of that strategy is the future skills unit, which will identify skills shortages and will give us much improved labour market information.

Those three approaches form the three angles of a triangle and underpin Labour's commitment to ensuring that Scotland has the support and infrastructure that it requires to get everyone into work and to meet the challenges of skill shortages.

I suggest that the SNP's amendment is fantasy—it totally fails to recognise the work that is being done, both by the Scottish Executive and by the enterprise agencies. The way forward for Scotland is clear, whether we are talking about oil and gas, food processing, information technology or electronics: we cannot compete by continuing to mass produce low-level, low-value products. Yesterday at Sun Microsystems UK, Hugh Aitken, the chair of Electronics Scotland, made it clear that Scotland's future in electronics lies in producing the high-value, high-skill solutions and products.

Given the current difficulties in the electronics industry, I must mention some of the parallels

between that industry and the position that the oil and gas industry was in a number of years ago, as well as highlighting the effective role that was played by PILOT in resolving some of those issues.

I see the Presiding Officer is asking me to wind up, so I will close there.

The Deputy Presiding Officer: We now come to winding-up speeches and I ask members to stick fairly rigidly to time. I call Robert Brown to speak on behalf of the Liberal Democrats. Mr Brown, you have four minutes.

16:36

Robert Brown (Glasgow) (LD): This is an important debate, but the party political posturing sometimes obscures the level of agreement that exists across the chamber about some of the priorities in the area of skills.

Liberal Democrats have been pressing the themes of the debate for a long time. There is an underlying theme: business success creates the conditions for people to earn a reasonable living and funds the public services that sustain our quality of life. Another theme is that of a sustainable economy with a robust, long-term future, and the centrality of developing high-level, adaptable and targeted skills of the kind that the marketplace needs. A further theme is that of the limits on the powers of Government, whose proper place is to provide the infrastructure, training, education and support that is required.

I welcome the streamlining of the careers service. I am no expert in that area, but I get the impression that the streamlining must be followed by a cranking-up of the cutting edge of the service. I am struck by how things come round full circle. The original labour exchanges were introduced by the Liberal Government of 1906 to match employers and potential employees. However, job centres now often lose out to employment agencies. The "Yellow Pages" for Glasgow has several pages of those agencies, because, I presume, both employers and employees find their services more relevant than those that are offered by the public sector.

Careers Scotland—a better name than visitScotland, which operates in a different sphere—must be characterised by meeting customer demand and an appetite for success. I believe that the Scottish Government is setting in place a robust structure for careers Scotland's work, as the minister outlined when she opened the debate.

While export markets have a growing presence—the importance of that area is vital—business must be based on a sound home market.

I will illustrate that comment by giving the example of A G Barr. Scotland is the only country in the world where soft drink sales are not dominated by Coca-Cola, because we have Irn-Bru. The company has been able to chip away at export markets on the basis of its sound home market.

The same is true in the building trade. I have dwelt before in the chamber on the growing opportunities in Glasgow, among other places, for the building trade, with the acute hospitals review, the schools programme and the stock transfer. However, I am not entirely convinced that we have been able to take advantage of those possibilities to train enough tradespeople to meet the requirements of the building industry, partly because of the industry's image problem and the lack of people who are interested in entering it. The issue is one of demand, but no supply.

Someone—I think that it was Brian Monteith—touched on nursing and the professions that are allied to medicine. There is significant risk that the funding mechanisms for universities and colleges, which are being examined, will be altered and that that will damage the growing potential of some departments, particularly in the newer universities, such as Glasgow Caledonian University or Paisley University. The risk is that, by prioritising courses of international excellence, we might penalise courses of national excellence, which are the seed germs of the future.

The engine house of the Scottish economy is, and will be, our universities and colleges. It is crucial that we get that element of the system right. Above all, Scotland is an intelligence community—that is potentially our big nugget of success. In that context, I was surprised to hear Tommy Sheridan going on about the need to build a public sector pharmaceutical industry. If there is one sector in which Scotland has been successful, it is the pharmaceutical industry, based on the intelligence community.

In conclusion, I come back to the party positions. The SNP would make our economy dependent on the price of a barrel of oil and the Tories have a commitment to swingeing cuts and a record of poor investment—poorer investment than in any other country in the European Union. Neither party has much to offer in support of business. The motion concentrates on skills. Those are crucial and I support the motion.

16:40

Mr David Davidson (North-East Scotland) (Con): I do not think, minister, that the chambers of commerce, the Confederation of British Industry, the Scottish Council for Development and Industry, industry groups and research and development organisations in Scotland will be very

impressed with the selfish tone of the Executive's motion. The area is of critical strategic importance to the Scottish economy.

We live in a global economy. There has been evidence of that in the debate and, sadly, in the announced job losses in Bathgate and elsewhere before those. The country needs to have relevant skills. That was not detailed at all in the minister's speech. There has been comment on the future skills unit, but that unit does not exist yet—although the Executive has been around for a couple of years and the Labour Government has been around for two years more.

There is no real audit of outcomes in skills provision. There is a limited budget and it is vital that we know what is coming out at the other end. The skills that young people, retrained people and graduates attain should be measured.

The skills mismatch in the economy has to be addressed. I recommend that the minister approach some of the universities to run some research on that matter. The minister would find that very enlightening.

We have moved away from the screwdriver or assembly economy into a high-technology, high-value economy. Obviously, that economy will also support less skilled jobs and we have to be aware—as others have said—that skills are needed at all levels in society.

The parlous state of funding for further education, and especially higher education, has been mentioned. It is a serious problem. I hope that the minister understands that many of Scotland's universities are sliding into deficit. It costs money for universities to conduct research. We have to be more creative to ensure that universities are able to conduct that research, perhaps through connections with private business. Much research is going abroad. That is not good for our long-term economy.

Members have talked about schoolchildren's perception of technology and engineering and the difficulties that they have with those subjects. We must get across the point that engineering and the new technologies are not sunset industries; they are sunrise industries. As others have mentioned, we need to create a new perception in schools—and in teacher training colleges, in postgraduate certificate in education courses and right down into the primary schools—that getting one's hands dirty and being involved with engineering technology is not a bad thing. It is not slave labour; it is high-skill labour that has jobs for an awful lot of people. We must create the right environment in which we can do that. My colleague, Brian Monteith, talked about that at length and Irene McGugan made a good speech about the importance of getting the right culture into schools.

I will pass over the new deal because everybody has had a go at it already and it is not an answer to very much at all.

Mr MacAskill talked about the global economy and quoted Finland as an example. There is more to life than that. He highlighted one important thing: one cannot spend more money on hairdressers and on the service industries unless investment has already been made in the high-skill areas that will attract further investment.

I was surprised at George Lyon's speech, which gave nothing but supplicant support for the Executive.

I am sorry to see that Duncan McNeil is not in the chamber, because he was right when he said that change must be speedy. We must also grasp the fact that change allows opportunity. Yes, he had a little bash at the Conservatives, but he forgets that I have often talked at length in this chamber about the right of access to education or training that is appropriate to the need of the individual. We cannot dumb down; we have to fit people to their particular area.

Brian Monteith talked about policies not being coherent. In view of what has been going on in the economy in the past few days, that is fairly obvious. He also talked about the high tax disincentive.

Tommy Sheridan was consistent, as usual, on public ownership—but he seems to think that employers will just arrive and invest. They need a background to come into and they want encouragement. I hope that Mr Sheridan realises that a reduction in unnecessary bureaucracy and in some taxes would encourage outside investment to come in to provide the resources that we need.

Cathy Peattie talked about skills at all levels. She was right to do so because that is the essence of Scottish education. It is traditional: we have always tried to educate our people. We must not move away from that philosophy.

Richard Lochhead mentioned the opportunities for training in the rural economy. We have to consider some of the primary industries and the need to have good training schemes for them—especially in fishing, fish processing and agriculture—when there is huge economic pressure on them.

The Conservative amendment is focused and constructive. We kept it brief to point out to the minister the opportunities for action by the Executive. I hope that she will listen to all the comments that have been made in the debate from different parts of the chamber and that she will come back to us in the near future with some real plans as to how she will cope.

The Deputy Presiding Officer: For the Scottish National Party, I call Duncan Hamilton. You have up to seven minutes, though six would be helpful.

16:46

Mr Duncan Hamilton (Highlands and Islands) (SNP): I am not sure to whom it would be helpful, but I acknowledge your request.

Before I deal with the substance of today's debate on skills and, in particular, the skills match, I will make one or two comments on the debate surrounding Motorola—especially the attempts of the Minister for Enterprise and Lifelong Learning to misrepresent the position of the Scottish National Party. Let me put the record absolutely straight. Of course we welcome the £17 million repayment that the minister referred to, but just as the minister trumpets that repayment, will she concede that it was, in fact, a contractual repayment that the company has said it would have made anyway? Will she accept that the role of the Government now is to move on to the next step?

It would be an act of good faith on the part of Motorola to make the asset of the site available. That is not to truncate any of the other efforts that are being made, it is not to undermine those efforts and it is certainly not to rule out any of the other options that the minister is considering, but would it not be appropriate for the Government to suggest, as a next step, that Motorola making the site available is a moral imperative?

Tommy Sheridan mentioned consultation. Today, Ms Alexander gave a nod and a wink in the direction of progress, saying that it is vital that the work force is consulted. I suggest that she really has to talk to her colleagues. I quote from *The Herald* from this morning:

"The EU confirmed to The Herald that its consultation and protection of workers directive is being resisted by Britain, Ireland and Denmark."

It is the UK Government that is resisting implementation of the directive. I would be interested to hear from the minister whether the position of the Scottish Executive is to support the UK Government's opposition. If she is going to support the UK Government's opposition, she cannot, in the same debate, stand up and say that she supports the rights of workers and the right to consultation.

Motorola gives us another example that links nicely into this debate. Skills are important, but there is much more to it than that. Motorola has a highly productive and a highly skilled work force, but that was not enough to deal with the vagaries of the global economy. That should focus our efforts on the need for urgent action to ensure that the skill base that we have and the skill match that we try to achieve is effective. That is especially

important in light of the news from some commentators this morning that we may be heading for some form of recession.

Various commentators in *business a.m.* said this morning that 4,000 jobs have been lost in the past three weeks, which account for 10 per cent of the total electronic sector payroll. That suggests that a lot more is to come. In the next 18 months, some analysts say, that job loss of 4,000 may rise to 8,000. That is a matter of profound regret. It tells us clearly that we have no fat and that we have no margin for error.

If ever there was a time to ensure that the skills match was in place, it is now. We do not have any other option. That is why there has been general agreement in the chamber today that more information and effort to try to match those skills is important. The motion is not particularly contentious—indeed it is only one sentence.

To match the skills, the skills must exist. Many members have made the point that there is a skills shortage. Kenny MacAskill made that point in relation to the financial and electronics sectors—and was supported by Annabel Goldie. In the electronics sector and the oil and gas industry—which are of crucial importance to our economy, as some Liberal Democrats noted—there is a real skills shortage. If there is to be real partnership between education services and industry, we must revisit our position.

Much has been made of Irene McGugan's speech, which summed up the spirit of the debate—it was constructive, although certainly not complacent. The role of schools is vital. Let us leave aside the issue of tuition fees—we could go on all day about whether that is an incentive or a disincentive—and go back a stage to the position in schools.

Irene McGugan mentioned languages. Let us remember that it was not so long ago that we were comparing and contrasting the position of Scottish students in Scottish schools and their ability to learn modern languages with those of their international counterparts. The 1999 figures—the most recent that we have—show that 45 per cent of the 1976 total are sitting a language higher. In a global economy and an increasingly European market, is that really sufficient?

What are we going to do about the other side of the coin in schools—the 7.5 per cent decline in the number of modern languages teachers? That suggests that we are going in the wrong direction. If we are going to target modern languages—as we should and as every member will agree is a constructive way forward—let us not forget that the school is the starting point. The same point is true in respect of maths, as was outlined by Mr Monteith, and technical studies, which was

commented on by Cathy Peattie. Industry is willing and able to pick up the challenge of being the other partner in the process, but let us at least give industry a chance.

To match the skills to the jobs, the jobs must exist. We heard only brief mention of rural Scotland. I suggest that we should remember the importance of jobs in all of Scotland. Richard Lochhead made the point that in rural communities there must be jobs not only in the primary and ancillary industries, but in other areas for those who are currently employed in primary industries and want to move out of them. What has been the assessment of their skills? At every surgery I hold in the Highlands and Islands, I see someone who wants to get out of one of the primary industries or a young person who wants an alternative to following in the family footsteps. What options are we offering the young people in rural Scotland? What kind of skill match is there in rural Scotland? I suggest that it is not very high.

If we think forward to job creation, we can see that it does not have to be that way. We have talked before about the contrast between Scotland and the Republic of Ireland. We have talked about the west coast of Ireland, which is just as remote as rural Scotland and has many if not more infrastructure problems, yet it is looking ahead in a creative and dynamic fashion by investing in things such as broadband provision, with 11 pilot projects. Rural Scotland can be connected; the skill match is just as important, if not more so, in rural Scotland as elsewhere.

We know that this is about matching skills, but let us not be complacent. Let us identify the shortage, admit the problem, teach the skills and try to secure the high value employment that could insulate us against the vagaries of a global economy, the worst excesses of which we have seen this week.

16:54

Ms Alexander: We have had a very useful debate that has given an insight into the complexity of some of the areas. As was reflected in many speeches, it has become clear that many of the challenges in this area are perhaps not those of policy, but of operation—simply doing it better. However, some policy issues were raised and I will deal with them now.

Kenny MacAskill began by talking about Finland and Ireland. The issue was whether we get it right because we are small or because of our constitutional status per se. That is a very simplistic view of the world. We get it right because policy makers make the right decisions—whether 10 years ago, 50 years ago or today.

I come to another substantial matter, to which

Duncan Hamilton referred. Can it be confirmed for the record that the SNP is asking the Scottish Executive to demand an asset back before we get to the negotiating table and, most important, before we discover whether Motorola is prepared to continue production of a different product on that site or to use that site for a contract manufacturer from a different site? That is an ill-judged position.

Mr MacAskill: Of course we are not suggesting that if Motorola wishes to retain operations at Bathgate we should take that away from it. We are saying that if Motorola is withdrawing lock, stock and barrel, it is entitled to take the fixtures and fittings, but given what was put in by local and national public money, there is a moral obligation on Motorola to allow the premises to remain and be used by others.

Ms Alexander: Making demands before even discovering whether production will continue at the site is a case of selling the jerseys.

Kenny MacAskill raised the delicate issue of hairdressing in Glasgow. It has come up in the Parliament before. As I am regularly told to get a haircut in Glasgow, I can tell the Parliament that Glasgow takes less than 1 per cent of the expenditure on hairdressing—data that were given to Mr MacAskill. More important, in Forth Valley, for example, expenditure on science and engineering-associated professions has risen by 130 per cent over the past four years. That is significant expenditure on science and engineering professions.

That takes me to the important point that Annabel Goldie raised, which is that one of our difficulties is that not enough students want to go into science and engineering. Too often, engineering has a poor career image. People think that it is about boiler suits and screwdrivers. For that reason, we are piloting the manufacturing image initiative, which will lead to initiatives in every school in Scotland next year and give people an insight into the reality of modern engineering. That is one of the ways in which we can tackle the problem of people not wishing to embark on an engineering career, perhaps through a misapprehension as to what it might involve.

I will address a couple of operational issues that were raised. Annabel Goldie touched on a couple, one of which was modern apprenticeships. I reassure her that in the period since this Government came to power, the completion rate for modern apprenticeships has gone up from around 50 per cent towards 75 per cent, so progress is being made.

Similarly, on the effectiveness of the new deal, the independent economic evaluation by the

National Institute of Economic and Social Research has shown that the new deal has been a very important contributor to the national economy and has improved the unemployment trade-off by increasing effective labour supply. It has been a key contributory factor in the reduction of youth unemployment by three quarters.

I note in passing, because Fiona Hyslop also criticised the new deal, that neither of the principal Opposition parties is in favour of using the windfall profits of the privatised utilities to fund an initiative to put people back to work, which has made a major contribution to the creation of 100,000 additional jobs in Scotland over the past four years.

Mr Davidson: If we are talking about initiatives and putting money in, has the minister considered the plea from many people who supply engineering apprenticeships in their factories—with modern equipment that costs money—who want funding to follow the apprentice as funding follows the academic student?

Ms Alexander: We have made a number of improvements to the modern apprenticeship scheme. There were 27 engineering graduates from the modern apprenticeship scheme in the year we came to power. Today, there are in excess of 5,000 modern apprenticeships in engineering in Scotland, which is a record of which we are incredibly proud.

Looking to the future, Robert Brown made the point that we need to improve the service that the careers service in Scotland provides. We hope that careers Scotland will do that. Fiona Hyslop asked the reasonable question, in which skills areas—such as biotechnology and finance—do we wish to see specific skills plans in future? That is an important question that the future skills unit is examining. Elaine Thomson highlighted the importance of initiatives to help people from non-traditional backgrounds into information technology and the importance of learning houses in doing that.

Trish Godman talked about the importance of working closely with management and the consultative forum at Compaq. We are glad that she is doing so and she has the Scottish Executive's support.

I will deal with what our debate on skills means in the context of Motorola, which we started this afternoon's meeting by discussing. The skills service that the Parliament should offer people includes job fairs for everyone and customised training for an individual who has identified a job but needs new skills and training—whether through the university for industry or other routes.

Tommy Sheridan: I thought that the minister would start to address consultation—it almost left

her lips. When she gets round to that issue, will she confirm that the Tory Government refused to adopt the European directive on consultation and information and that, since 1997, her Government has also refused to adopt the directive, which would have given the workers at Bathgate more protection?

Ms Alexander: I have acknowledged that the situation is unsatisfactory. We have embarked on considering new UK legislation. We are consulting trade unions and the Confederation of British Industry about that. We want change. The one anxiety has been about how change would impact on very small companies. However, the need for new legislation exists. I return to the point that we must ensure that we preserve statutory redundancy rights so that workers know how much pay they will get. Workers in other countries do not have that information.

I will conclude with what we must do for the affected workers at Motorola. Customised training, particularly in information technology, support on interview techniques, full jobcentre services, marketing to local employers and advice on self-employment and business start-ups are all under way.

I am confident that we can succeed, as we have in the past. In the 1980s, Bathgate suffered an unemployment rate of 17 per cent. People know the stories of British Leyland, Polkemmet and Plessey. Through hard work, commitment and many of the initiatives that we talked about, such as the new deal, the unemployment rate in West Lothian has fallen to 3.8 per cent. In the past five years, 7,000 jobs have been created in that community. Such a challenge lies ahead of us. In the next few months, the situation will be difficult, but we have had success and we are committed to having success in the difficult circumstances that are ahead.

Decision Time

17:03

The Presiding Officer (Sir David Steel): We come now to decision time. I ask all members to check that the light in front of their card has gone out. I do not say that idly; I had trouble this afternoon. The cards were not used during the Easter recess and may be slightly dirty.

There are three questions to put as a result of today's business. The first question is, that amendment S1M-1857.1, in the name of Kenny MacAskill, which seeks to amend motion S1M-1857, in the name of Wendy Alexander, on Scotland's skills for tomorrow, 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)
Cunningham, Roseanna (Perth) (SNP)
Ewing, Dr Winnie (Highlands and Islands) (SNP)
Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
Ewing, Mrs Margaret (Moray) (SNP)
Fabiani, Linda (Central Scotland) (SNP)
Gibson, Mr Kenneth (Glasgow) (SNP)
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)
Sturgeon, Nicola (Glasgow) (SNP)
Swinney, Mr John (North Tayside) (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)
Brown, Robert (Glasgow) (LD)
Butler, Mr 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)
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)
McGrigor, 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, Mr 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)
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)

ABSTENTIONS

Harper, Robin (Lothians) (Green)
 Sheridan, Tommy (Glasgow) (SSP)

The Presiding Officer: The result of the division is: For 31, Against 83, Abstentions 2.

Amendment disagreed to.

The Presiding Officer: The second question is, that amendment S1M-1857.2, in the name of Annabel Goldie, which seeks to amend motion S1M-1857, in the name of Wendy Alexander, on Scotland's skills for tomorrow, 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)
 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)
 Brown, Robert (Glasgow) (LD)
 Butler, Mr 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)
 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)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)

Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 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, Mr 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)
 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)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 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)

Sheridan, Tommy (Glasgow) (SSP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (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 19, Against 65, Abstentions 32.

Amendment disagreed to.

The Presiding Officer: The third question is, that motion S1M-1857, in the name of Wendy Alexander, on Scotland's skills for tomorrow 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)
 Brown, Robert (Glasgow) (LD)
 Butler, Mr 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)
 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)
 Harper, Robin (Lothians) (Green)
 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)
 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)
 McLeish, Henry (Central Fife) (Lab)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, Mr 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)
 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

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)
 Johnstone, Alex (North-East Scotland) (Con)
 McGregor, 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)

ABSTENTIONS

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 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)
 Sheridan, Tommy (Glasgow) (SSP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (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 66, Against 18, Abstentions 32.

Motion agreed to.

That the Parliament endorses the Scottish Executive's commitment to investment in skills as the key to Scotland's business success.

Rape (Lord Abernethy Ruling)

The Presiding Officer (Sir David Steel): The final item of business today is the members' business debate on motion S1M-1789, in the name of Johann Lamont, on the Lord Abernethy ruling on rape. I ask members who are not staying to leave us quietly.

Motion debated,

That the Parliament notes with grave concern the recent ruling by Lord Abernethy that sex without a woman's consent is not rape unless the attacker uses force or the threat of force; believes that women have the right to be protected in law from those who seek to have sex with them without their consent; believes there are serious ramifications in such a ruling for the willingness of rape victims to report the crime and on the attitudes of men who abuse or seek to abuse women; considers that this ruling raises significant issues about the current training for judges dealing with such cases, and given the Scottish Executive's commitment to the zero tolerance of violence to women and its commitment to the support of the victims of crime, urges the Minister for Justice and the Minister for Social Justice, in conjunction with the Executive's equality units, the appropriate committees of the Parliament and in consultation in particular with women's organisations and victim support groups, to review the legislation on sexual assault and rape, to ensure that the law offers real protection and support to anyone who suffers sexual assault or rape.

17:08

Johann Lamont (Glasgow Pollok) (Lab): I thank you, Presiding Officer, for the opportunity that this members' business debate provides to highlight the grave concern that is felt by many about Lord Abernethy's ruling in a recent rape case in Aberdeen. I place on record my thanks to all the members who signed the motion and to all the individuals and groups who contacted me to highlight their demand for action. I also commend the press and media for in general raising the issues as they have been highlighted to them.

The Lord Abernethy ruling is of immense seriousness. I still remember all too clearly the shock and disbelief that I felt when I first heard in a telephone call from a journalist that a judge in a Scottish court had ruled that sex without a woman's consent is not rape unless the attacker uses force or the threat of force. I still cannot comprehend that we have in place a law that offers so little protection to women. It is evident from the reaction throughout Scotland that the ruling flies in the face of what might be called a commonsense view of what is fair and just.

We know from debates in the Scottish Parliament and elsewhere that there is a great deal of concern, particularly among women's organisations such as the Scottish Rape Crisis Network, about the lack of protection that is

offered to women against male violence. There is concern about the under-reporting of rape, the low conviction rate in rape cases and how women are treated in the legal process. There is also concern about women's experiences of being in court where, although they are the victims of crime, they are often subjected to hostile treatment and feel that they have no one to speak up for their interests. We also know of the research that has revealed worrying attitudes among young people about the acceptability of violence against women.

The consequence of Lord Abernethy's ruling must be addressed in that context. What message does the ruling give to women about the point of reporting the crime of rape and what does it do to their confidence in the system? The message given by the ruling to men who abuse or may abuse women is deeply troubling and frightening to contemplate. It is unacceptable that our legal system, rather than protecting women, may put them at greater risk. The ruling appears to collude with the view that women are not to be believed or trusted and that when they say no they really mean yes. The Executive has a crucial responsibility to respond to the gravity of the issue. I welcome the fact that the Crown Office has considered the ruling.

There are two options. It may be that Lord Abernethy's ruling was wrong. In that case, it is essential that hard questions are asked about the training of judges, their accountability and the consequences to judges when they get rulings wrong. Equally, it may be that the judge's ruling was correct. In that case—if the judge reflected the law—the law must change. A review of the legislation, such as the one that is being conducted down south, may be the appropriate way forward. If so, I urge the Executive to ensure that those women's organisations that work with the survivors of rape have a central role.

The debate should not just be an opportunity for us to feel sorry for women who are victims of crime; it should be an opportunity to ask hard questions about the nature of rape. It is crucial that the debate is brought out into the open and that the hostility that is too often expressed by those in the legal profession to change in this field is challenged.

The issue of the anonymity of the accused is often highlighted. Any discussion on the anonymity of accused persons should be conducted in the context of the rights of the accused generally. If one group of accused people—those accused of rape—is singled out, the implication is that women are more likely to make malicious or false accusations and that women who report the crime are more likely to be lying than those who report other crimes. Singling out rape in that way is an extension of the attitude that I have highlighted,

which seeks to blame women for their situation and maintains that women who report rape should be heard with, at best, scepticism, if not disbelief.

We know that the debate on rape and attitudes on violence against women have moved on, with encouraging advances, especially, for example, in the police. However, the debate has been driven by the strength of women who have survived rape—women who have striven to ensure that society confronts the horror of that crime and the attitude to women that underpins it, and women who have demanded that our legal system changes to prevent other women from having to suffer in the same way. We should salute the courage of those women. I urge the minister and the Executive to pay testimony to that courage by acting swiftly to clarify the current law and to ensure that women are protected, not abandoned, by the legal system.

17:13

Mr Gil Paterson (Central Scotland) (SNP): I congratulate Johann Lamont on securing this debate although, like everyone else, I find it rather disturbing that we are having to debate the issue in the first place. I thank the members of the cross-party group on men's violence against women and children who have taken the time to attend tonight's debate and support Johann and her motion.

Rape is an horrendous crime. It is the crime most feared by young women in Scotland today. The statistics about the number of rapes that are reported and the conviction rate are almost beyond belief. In Glasgow, the incidence of rape has risen by 10 per cent over the past two years, but only 2 per cent of rapes that are reported to the police result in the conviction of the attacker. In the UK as a whole, the number of rapes trebled between 1985 and 1999, but the number of men convicted stayed much the same. The figures are shocking enough but, given that 94 per cent of rapes go unreported, the situation is much worse.

It is well documented that, during an attack, a victim's survival instinct takes over. Women may freeze, not resist or even comply with their attacker's wishes in order to prevent beating or even murder.

Lord Abernethy's judgment has ignored those facts. What has happened goes against legal precedent and puts back light years the work carried out by many organisations in this field. Lord Abernethy took the traditional line on Scots law, which is also expressed by many institutional writers. However, in a case heard by Lord Cockburn more than 150 years ago, it was stated that the essence of rape was sexual intercourse obtained without the woman's consent. In a later

case, Lord Ardmillan also stated that any method of overpowering the woman's will, even without actual violence, is a use of force in the eyes of the law. Therefore, although there is some confusion surrounding the legal definition of rape, precedent has been set to define force in terms of any method used to obtain sexual intercourse without a woman's consent. The reaction from the legal profession has been similar to the public's disbelief. Professor Black stated that, although what Lord Abernethy said seemed to be perfectly standard and accepted Scots law, whether that ought to be the case was a different matter.

The verdict gives out the wrong message to women and men, suggesting that rape is okay in certain circumstances. It has removed the responsibility from the attacker and shifted it on to the victim. Women already go through intense feelings of self-blame, going over and over the events and wondering whether there was anything that could or should have been done to prevent the attack or lessen its effects. The results are there for us all to see. Rape victims are three times more likely than non-victims to have major depression, four times more likely to contemplate suicide and 13 times more likely to have two or more major alcohol-related problems. In fact, 13 per cent of all victims attempt suicide.

The Abernethy verdict says to women that, if they do not struggle and get physically hurt, they have not been raped. Scottish Women's Aid has stated that it is about time that society gave men the message that, if a woman says no, she means no. An article in *The Guardian* pointed out that, if a woman physically resists and is severely hurt, she is told that she should have acted more passively, but that, if she does not resist, she is seen as accepting violence. It is a no-win situation. The case in Aberdeen had a high profile, attracting massive and uniform disbelief. The law needs to be clearly defined, to send out a strong message that rape is wholly unacceptable in every circumstance.

On 29 March, Henry McLeish stated that the Executive would

"keep the law under review and make other changes where necessary."—[*Official Report*, 29 March 2001; Vol 11, c 1120.]

I appreciate that the Scottish Executive will await the publication of the Crown Office report on the matter and I believe that the case has been referred to the appeal court this afternoon, which is a positive move. However, regardless of the result of that appeal, I implore the Executive to take early action so that what happened in Aberdeen never happens to anyone again.

17:18

Phil Gallie (South of Scotland) (Con): I begin by congratulating Johann Lamont on lodging her motion and on the way in which she has presented the issues.

I recognise the strong feelings that exist across the country on this matter. The ruling has brought a benefit to me in that it has made me look at the rape law as it appears to be at present. Although Lord Abernethy will no doubt come in for a considerable amount of criticism during the debate, perhaps we should all appreciate the fact that, despite the horrendous implications of his ruling, he has done us a service by highlighting the law in the circumstances of that case.

As Gil Paterson said, Professor Black has underlined the fact that he does not necessarily believe that Lord Abernethy was wrong. Quite honestly, what that means is that it is not Lord Abernethy who is at fault, but we, the politicians. This is not a case of reviewing the law; it has to be a case of changing the law. That is fundamental, given the information that lies before us. It cannot be acceptable that someone who does not want to have intercourse is considered not to be a victim of rape. That is not a circumstance that we, as politicians, can allow.

Johann Lamont said that rape is singled out. My understanding is that one voice against another is not sufficient to bring about a conviction in any area of criminal or civil law; some form of evidence is also needed. We have to appreciate that that must always be the case. One person's voice cannot outweigh another's, although there might seem to be strong reason if it does not have the benefit of proof behind it.

The law on this matter in England seems to me to be better than the law in Scotland. I ask the ministers whether, in considering urgent change, they will think about adopting English measures at a fairly early date. Perhaps ministers could suss out some of the facts about rape charges in England to determine whether victims in the courts in England have greater success. If that is the case, it suggests another advantage of changing the law accordingly.

What I have found in examining the current rape law in Scotland, and the interpretation that many people have put on it, shocks me, as I think it shocks every member in the chamber. We should look for change, not just review.

17:21

Nora Radcliffe (Gordon) (LD): I commend Johann Lamont on bringing this matter to the chamber. Lord Abernethy's judgment has caused concern throughout Scotland, so it is right and proper that the issue should be aired in Scotland's

Parliament.

It was not insignificant that the Lord Advocate called for a report on the case immediately; that indicated the seriousness of the implications of how this point of law has been interpreted. I was heartened that the Lord Advocate moved as quickly as he did.

The element of the judgment that has come under the spotlight is whether rape is only rape when violence or threat of violence can be demonstrated. A lay person would expect that, when a man forced himself on a woman, rape had occurred. The very language reinforces that expectation—there is no requirement for cracked ribs, black eyes or a knife held to the throat. Would not it be reasonable for a woman to fear that violence might be offered, even if there was no overtly violent action? In any interpretation of a course of events, there should be some understanding that one human response to terror is to freeze.

I found the view disturbing that violence or the threat of violence has to be demonstrated before it can be said that the crime of rape has been committed, but the Scottish Parliament information centre research note on the legal definition of rape has raised further concerns about how refusal of consent is defined. The law does not start from the assumption that a woman has not consented to intercourse unless she does so explicitly. As currently interpreted, the law in Scotland seems to require that a woman must have made plain her refusal of consent. The note states that

"the requirement that the intercourse should have been against the victim's will limits the ambit of consent to the express or implied refusal of it by the female."

The balance there lies in entirely the wrong direction. Both that point of law and the point about violence need urgent redefinition and clarification if the law is to protect women adequately against a serious, reprehensible and indefensible crime.

Women need to have confidence that the law, which should protect them, is effective. Otherwise, serious crimes will go unreported and the perpetrators will not only not be brought to justice, but be free to prey on further victims.

This debate and the pressure of public opinion are helping to ensure that this serious cause for concern is dealt with—and the sooner, the better.

17:24

Pauline McNeill (Glasgow Kelvin) (Lab): Johann Lamont has, as ever, brought to the chamber a live and important issue, on which the Parliament can usefully work.

Rape is one of the four most serious crimes in

Scots law, indictable only in the High Court. Historically, it has been controversial; over the centuries, there have been many debates and disputes about its definition in Scots law. In the 19th century, courts were more concerned about the risk of impregnation and the resulting taint on the husband's reputation than with the female victim. Even in the 20th century, it was not possible to convict a man of rape if he forced sexual intercourse on a woman against her will until, not so long ago, judges began to change their minds and to rule that rape is rape both inside and outside marriage.

We must question whether our common-law system, which we value, has kept pace with social progress or human rights. Perhaps as legislators we must consider whether it is more important to set the law straight than simply to uphold the system.

As Phil Gallie suggested, the nature of the crime is difficult because it is seldom witnessed—although sometimes it is—and a court has to judge the mental attitude of the accused and the victims. However, as other cases have shown, what matters in rape is that the woman remains unwilling throughout—that should form the basis of any definition of the crime.

Rape is the only crime in Scots law where the accused can claim that he honestly felt that he had consent, even though he did not. In all other crimes, the test of reasonableness has to be applied. My concern is that it does not have to be applied to the crime of rape.

Of course, every case turns on its own merits and we must consider the variety of horrific circumstances that rape victims have had to endure. Indeed, one of the horrifying aspects of studying rape is the horror of the details in many cases. How does the law help a woman who is so frightened by her attacker that she submits to protect her life? We must examine the law to ensure that justice is served to all women in all circumstances.

I realise that we do not have a transcript of the Abernethy case, but what I do not understand about the verdict is that there have been cases—such as the Barbour case—in which judges have stated that what matters is that in her mind the woman remained unwilling throughout. The law is not at all clear and I do not understand why there was no reference to that case.

Scots law must be examined against the English legal position. In Scots law, we must establish that the act was committed against the woman's will, whereas in England consent must be established. It is worth considering that point because, as other members have pointed out, it is much easier to establish whether consent was given than it is to

meet the current requirements of Scots law.

In summary, the law must be clarified. We might need to be brave enough to change the law, even though that might be against the advice of the legal establishment.

The Deputy Presiding Officer (Mr George Reid): As this is an important issue and more members have asked to speak than can be fitted into the available time, I am minded to accept a motion without notice to extend the debate to 6 pm.

Motion moved,

That the debate be extended to 6 pm.—[*Johann Lamont.*]

Motion agreed to.

17:28

Dr Winnie Ewing (Highlands and Islands) (SNP): In my previous life as a court lawyer in the criminal sector in Glasgow, I have acted for many rape victims and I must say that very few of the people who came to me were prepared to go into court. Indeed, almost all cases do not go near a court. Gil Paterson's statistic that 2 per cent of reported rape cases result in successful convictions speaks for itself. How many women will face up to such a likely lack of success in court when it is coupled with the enormous humiliation of the rather special one-to-one criminal procedure that is involved in rape cases?

As members have pointed out, recent cases in English law have made it clear that it is not necessary to prove that force was used. I have always enjoyed the odd chance to murmur a Scottish judge—which is an offence in itself; however, I am happy to murmur Lord Abernethy in this particular matter. On the evidence of many cases, the balance of the law was against him, so he must have had an off-day or a strange day when he came out with this judgment. Apart from the judgment, there was a factor in that case that we must remember was significant in itself: the door was locked. Mind you, it should not have mattered whether the door was locked. Other factors, regarding consent, are more important. There is no doubt that Lord Abernethy has made a fool of himself.

We must review the current definition of rape. This is a good time to do so, as we are reconsidering many aspects of the law in the light of the European convention on human rights. It is wonderful that the Parliament at last has the chance to review Scots law. I was at the House of Commons for eight years, and there was never time to get Scots law on the agenda. Consequently, it fell out of date in many ways. The Scottish Parliament has no excuse. We can bring our law up to date, and I hope that we will do so.

A man might rape a woman who did not speak the same language or who never uttered a sound. Clearly, therefore, a conversation about force or whether the woman consented is not essential. When we redefine the definition of rape, we must also consider the strange position of those who are insensible. According to the SPICe note, the law currently states

"that a female, who had not made plain her refusal of consent to intercourse with the accused prior to becoming insensible, cannot be raped by him if he later takes sexual advantage of her whilst she is insensible".

Such absurdities must be eradicated.

If we review the definition of rape, as we must, should we not also review the nature of the criminal procedure? We are considering the issue of cross-examination, but we should also depart from the normal procedure regarding the revelation of previous convictions in rape cases. Justice must be seen to be done, and previous convictions are usually ruled out; however, rape cases should qualify as exceptions and any previous convictions against the accused should be made known.

The Deputy Presiding Officer: I inform Dr Ewing that the offence of murmuring a judge, as laid down in the Judges Act of 1540, was repealed in 1973. The offence of scandalising the judiciary remains; however, there have been no prosecutions since 1931.

17:32

Elaine Thomson (Aberdeen North) (Lab): I thank Johann Lamont for securing this debate. The women in Aberdeen, as throughout Scotland, are outraged by Lord Abernethy's ruling. Aberdeen University Students Association has condemned the ruling and is requesting a change in the law. The students think, as many of us do, that sex without consent constitutes rape. This recent ruling has stood that notion on its head and has suggested that, unless someone can display suitable evidence of physical violence, that is not the case. That sets back the whole agenda on rape and sexual assault.

The areas of rape and sexual assault are already bedevilled by many myths and stereotypes, such as the suggestions that no does not really mean no and that rape is largely about wild-eyed strangers leaping on innocent women. The reality is that most women are raped by a man whom they know. It cannot be said clearly enough that rape is about power, control and violence; however, it seems that some of our judiciary still do not understand that. Johann Lamont's motion rightly calls for better training and information for judges, and I support that. It would also help if there were more women among the

judiciary.

We await the decision of the Lord Advocate, as to whether he will call for further investigation of the matter. I hope that he will do so, as legislative change is very much required. Certainly, if the definition of rape is not clear in Scots law, it must be reviewed. I support Johann Lamont's call for consultation of women's groups as a vital part of any review of the law. In the near future, I shall meet women's groups in Aberdeen, including representatives of the Aberdeen rape crisis centre who have been supporting the young woman who is involved.

However, I draw the minister's attention to the limited nature of the services that organisations such as the Aberdeen rape crisis centre can offer. It is currently surviving on donations and a tiny grant from Aberdeen City Council. While there has been welcome extra money for the support of Women's Aid organisations, I suggest that the rape crisis centres also need support.

Rape and sexual assault must be clearly defined under the law so that women have confidence in Scottish justice and are encouraged to report the crimes. However, it is not enough simply to encourage women to come forward. The conviction rate in rape cases is low and is getting lower. I suggest that that fact needs to be part of any review.

17:35

Tommy Sheridan (Glasgow) (SSP): Following on from that last point and bearing in mind what Winnie Ewing said, I point out that it is clear that a major worry is that the willingness of women in Scotland to come forward and report the crime of rape has been undermined even more than it already was. I applaud Johann Lamont for securing this debate. I suggest that if we do not get movement as quickly as we would like, she should consider introducing a member's bill to secure the necessary legislative change.

On Friday evening, I had the pleasure of being involved in a play that was written by Frances Corr, a female playwright. The play was called "Glasgow's Fallen Women" and tried to depict the hidden history of women's struggle throughout Scotland and particularly in Glasgow. In the course of the play, it became clear to those who attended or participated that popular history tells us little of the way in which violence has been used against women through the ages, mainly because men made the laws. In the course of the discussion that took place after the performance—one takes place after each performance—a member of the audience referred to the use during the course of the play of the term "the rule of thumb". It was explained that the term was

developed in Scotland on the basis of the legal right for a man to beat his wife as long as the stick was not thicker than the breadth of his thumb.

We have been landed with a legal system and a set of laws whose initial construction was sexist and anti-women. We need to have a complete overhaul of the legal system if it is to be brought into the reality of the 21st century. We have to consider carefully what the ruling of Lord Abernethy does.

In the course of the discussion on Friday evening, I learned the shocking result of the most recent survey of the Zero Tolerance Trust's "Respect" campaign, which aims to examine young people's attitudes. The survey found that one in two boys and, even worse, one in three young women believe that it is all right to hit a woman in certain circumstances. Given that that is the attitude that already exists, the ruling of Lord Abernethy sends out a deplorable message. We have to send a message that rape is violence in and of itself.

We have to examine the implications of the idea that there has to be force or the threat of force in order for the act to be considered to be rape. If a man threatens to harm the child of a woman rather than the woman, should that not be perceived to be rape? If a man uses a highly toxic drug and the woman is not threatened with violence, as in date-rape cases, should that not be perceived to be rape? Sexual intercourse with a non-consenting woman must be seen to be an abuse of power and an act of violence in and of itself. I hope that the Executive will take swift action to right this wrong.

17:39

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): At one level, I have been surprised by the controversy surrounding Lord Abernethy's judgment of 22 March that, for a charge of rape to be proved, there has to be evidence of force or the threat of force being used. That has long been the law in Scotland and I understand that, in the case in question, there never was a dispute about the question of force or the threat of force being used. The situation was that it was one person's word against another's. In law, it seems that Lord Abernethy was quite correct in dismissing the case.

My criticism is not of Lord Abernethy but of the law as it stands. The question before us is clear: should the law of Scotland be changed to make it clear that no means no, as is the case south of the border? I believe that that should be the case. However, the crime of rape has, in Scots law, always been associated with violence. I believe that, after murder, the crime of rape is one of the most evil, vicious and, above all, most violent

crimes that can be perpetrated.

I have practical concerns about the whole issue of rape. Although I believe that we should remove the requirement for proof of violence or of the threat of violence, and that no should mean no, I am worried that rape may in the future no longer be considered to be the violent crime that it is. Will the crime end up being downgraded in the eyes of the victim, and will there be less severe sentences for those criminals who are convicted of rape? I hope not.

I also have concerns about the related issue of the confidentiality of the accuser and the accused. I fully support the situation under which the accuser has complete confidentiality. That helps individuals to come forward. However, I have been concerned about the balance of the rights of the accuser and the accused for some time, and I was not happy to hear what Winnie Ewing suggested earlier. In case after case, publicity surrounding accusations of this heinous crime has focused on the innocent accused—not forgetting that a person is innocent until proven guilty—and has continued after the verdict.

Mr Paterson: Will Mr Rumbles take an intervention?

Mr Rumbles: No, I will not. No one could doubt that publicity should be given to those who are convicted of this awful crime, but it is wrong that an innocent person's life can be ruined through such publicity. If we are to change the law surrounding rape, and I hope that we are, we should act to ensure that no means exactly what it says—no—and we should also consider giving anonymity to both the accuser and the accused in cases of rape. If the accused is found guilty, anonymity should of course be removed, but I believe that, as far as anonymity is concerned, we should be even-handed at the pre-verdict stage.

The Deputy Presiding Officer: I call Trish Godman, to be followed by Roseanna Cunningham. I ask members to restrict their speeches to under three minutes from now on, so that everybody can contribute.

17:42

Trish Godman (West Renfrewshire) (Lab): As others have done, I start by offering my thanks to Johann Lamont for her motion and for her excellent speech. If there are legal difficulties surrounding the definition of rape, then let us do something about it. That is why we are here. As Tommy Sheridan has said, if the matter can be dealt with through a member's bill, I call on the Executive to ensure that that bill is given an unhindered passage through the Parliament.

On the issue of rape and other forms of sexual

assault, victims should have confidence in the medical profession, in the police force and in the legal profession to know that their legitimate complaints will be treated as the very serious matters that they are.

Will the minister confirm that, in a case in which there is a woman complainer who suffers from learning difficulties, she is protected by being defined as a vulnerable witness and, as such, can avoid the humiliation of being cross-examined in an open court? Can that instead be done by means of taping or closed-circuit television?

I would like the definition of vulnerable witnesses to be extended to victims—or to complainers, if we must use that Scots legal term—in all rape cases. The matter was raised some time ago at Westminster. However, the predominantly male and Conservative—and conservative, with a small c—MPs, and, I have to say, members of every political colour, did not think that such an extension of definition was the way forward. We have the power to change that, and I believe that, at the very least, we should consider it.

No judge, lawyer or whoever should be able to cast doubt on a complaint of sexual violence because of the absence of physical violence. A few years ago, a young English girl was raped and murdered in the presence of her friends, who slept through the whole sexual assault and murder. Was her invader guilty only of murder because she did not make a sound through that horrific assault? I think not. The perpetrator was and is guilty of both rape and murder. One wonders what Lord Abernethy would say if he were to try a similar case.

17:44

Roseanna Cunningham (Perth) (SNP): First, I apologise to you, Presiding Officer, and to members, for my mobile phone going off in the chamber earlier.

As has been discussed, rape is a crime at common law. That means that, over the years, its definition changes through court decisions and judicial interpretation. I am not sure that Mike Rumbles is quite right in his assertions about an accepted, agreed definition. Even in common law, no matter how old the crime is, things change.

The question that is raised by Lord Abernethy's astonishing judgment is what sex without the consent of the woman becomes. That is probably what has astonished most people and most, if not all, women would like the question to be answered. If it is not rape, what is it? It is a big question, which needs to be addressed.

There is another crime in Scots law that deals with some of the points that members raised:

clandestine injury, which is sex that is perpetrated on a woman when she is asleep, unconscious or in some way incapable of giving consent. That is a common law crime, for which there have been prosecutions. The problem is that it does not cover the situation that we are talking about, in which no force was used, but no consent was given and the woman was not asleep. I think that most women will have assumed that no consent means no, and that men should not proceed with what they are trying to do. That is the aspect of the matter that astonished everybody. If Lord Abernethy is right, lack of consent is neither here nor there, and legislation might be necessary. It might be that lack of consent without force means indecent assault—we do not know.

We need to accept that moving rape out of the common law and into statute brings its own difficulties of definition and interpretation. Proof will still be an issue and there is the question of how one shows a lack of consent—always the problem with rape. Let us hope that we will all be happy with the ruling of the High Court judges, whenever that is made, and that it will give us a definition of rape that fits our more modern interpretation.

17:47

Lewis Macdonald (Aberdeen Central) (Lab): I am grateful for the opportunity to take part in this debate from the back benches. I do so simply to represent the views of the victim in the case. I thank Johann Lamont for an early opportunity to put those views across.

The young woman in question is a student in my constituency. She came to see me to tell me what she felt about Lord Abernethy's judgment and the circumstances of the case. Understandably, she did not dwell on the trauma of the event itself, but instead talked about the impact on her life: the 18 months waiting for the case to go to trial; the ordeal of the court case; and the bitter twist of the charge of rape being dropped, apparently only because she had borne her terror in silence. She is a mature and compassionate woman, who did not seek out her MSP to rail against the injustice to herself, no matter how she may have felt. Instead, she wanted to know what could be done to ensure that the same situation does not arise again. She wanted to address whether there is a gap in the law and, if there is no gap and the judgment was a misinterpretation, to ensure that it does not worsen the already low conviction rate for rape.

My constituent highlighted two matters. She could not understand how the act of which she was a victim could be considered anything other than a rape, an offence and a crime. Further, because the act was considered to be none of those things, she faced the anomaly of being

unable to respond to the debate that arose from the case without losing the anonymity that she rightly wanted to protect and maintain.

I have written to ministerial colleagues on both those matters on my constituent's behalf, and I look forward to their replies. I know that she will look beyond her own experience and agree with all the members who have said that what is important is the wider implications of the case. I speak for her directly in saying that if there is a gap in the law, it must be closed without delay.

17:49

Donald Gorrie (Central Scotland) (LD): I encourage Johann Lamont to push for a private member's bill on the issue. Many rapes are committed by violent and brutal men and the issue is clear cut—force is used, which is totally unacceptable.

Many rapes arise from self-delusion on the part of the male, who thinks that he is receiving some sort of consent. The woman might agree to come home for a drink after a night out, or to a cuddle on the sofa or whatever—there is a range of possibilities. We are dealing with a delicate human issue in which it is important to have clarity, and doubt is the main problem for many people. Any proposed bill must specify either that the woman must say yes, or it is not on or, it must at the very least specify that, if she says no, then it is not on. We cannot have any more of reading things into body language, because we can all deceive ourselves. When a man's blood is up, his judgment goes out of the window. We must have absolute clarity in the law—that is the most important goal for us to achieve.

We should send out a message, particularly to the young people who were mentioned by various members and who were involved in surveys and seem to accept that violence is okay. That view is not acceptable at all. My message is this: let us get rid of the uncertainty.

People of my age used to enjoy two entertainers called Flanders and Swann, who wrote a song about a young lady in the south seas. The punch line of that song was that, unfortunately, the word for no in her language was so long that by the time she had said it, the worst had happened. We are not like that. We have nice, simple words: yes and no. We should draft a bill in simple terms in order to make real improvements.

17:51

Elaine Smith (Coatbridge and Chryston) (Lab): I also congratulate Johann Lamont on securing the debate. Having listened to some of the speeches, I must make it clear at the beginning of my speech that rape is not about

sex—it is an act of violence.

As other members said, the decision that was taken by Lord Abernethy could have serious repercussions for many women in Scotland. As Elaine Thomson suggested, their willingness to participate in the legal system could be further undermined if women know that the outcome could be prejudiced by the perverse conclusions of a male-oriented justice system.

We know that the number of rapes that are reported is only the tip of the iceberg and that, of those that are reported, only 16 per cent get to court and 9 per cent result in a conviction. From those figures, we must conclude that Scotland's legal system is failing to protect women and that it is failing to deliver justice.

Having gone through the trauma not only of rape, but of being examined medically and being questioned by the police, a woman whose case eventually goes to court expects justice. Instead, she might find that she, not the rapist, seems to be the person who is on trial—it is no wonder that so few rapes are reported.

If a rape case goes to court, the woman is the main witness for the prosecution and, as a witness, she has no right to legal representation or information about the case, and she has no control over the proceedings. She will have to describe her experience in detail, face to face with the accused and in a public and intimidating environment. She may also be subjected to aggressive and degrading questioning.

We know that lawyers and judges must operate within the broad framework of the law, but an informed and sensitive interpretation is essential. The experience of women who give evidence in rape trials shows that such an approach is the exception rather than the rule, which raises issues about training, accountability and representation for members of the legal profession, including judges, as Johann Lamont mentioned.

The figures on women's representation in the legal profession make disturbing reading. There are 27 male and two female permanent judges, seven male, but no female, temporary judges, 103 male and 17 female full-time sheriffs, 316 male and 81 female advocates and 80 male and 6 female Queen's counsels. The Scottish Executive's justice department must take a more proactive approach in order to tackle the problem of under-representation of women at all levels of the legal profession. The current situation is nothing less than absolutely scandalous.

Training for criminal justice agencies is promised in the Scottish Executive's strategy for victims. I support the necessity of training for all criminal justice agencies, including judges. Perhaps when the minister sums up the debate, he will let

members know whether that training scheme has started and, if not, when it will start.

Responsibility for ensuring that rape is recognised as a totally unacceptable crime is located at every level of society. However, we must remember that the specific responsibility for recognising and dealing with the crime of rape rests with those who are responsible for, and who can influence, the personnel, the processes, the procedures and the framework of the criminal justice system—politicians.

Male violence against women is unacceptable—saying "No" always means no. Our legal system must recognise that simple fact, or injustice will continue to prevail.

17:54

The Deputy Minister for Justice (Iain Gray):

The debate has highlighted well the varied and often sensitive issues that are associated with sexual crimes, and rape in particular. The standard of the debate shows once again Parliament's commitment to tackling those issues.

I want to make the Executive's commitment clear. We unequivocally condemn all types of sexual assault and violence against women. We are committed to tackling those crimes and to supporting victims of rape and sexual assault through every stage of the criminal justice process, and beyond.

The motion was prompted by the outcome of a recent rape trial. Today, Parliament's concerns about the implications of the judge's ruling in that case have been eloquently expressed. Although it has been said before, I must stress that it is not for the Executive to comment on individual court cases. Judicial independence is the cornerstone of the Scottish legal system and Parliament would not want it any other way. However, we are not blind to, nor are we ignoring, the current concerns about the treatment of rape in law.

I agree that victims of rape and sexual assault need to be properly protected by the law and that all women must have confidence that they will be protected. A change in the law on rape might seem to be an attractive option. However, Johann Lamont was correct when she said that we simply do not know whether the law needs to be changed. First, we need to clarify how the law stands at present. Roseanna Cunningham was right to explain that to act before we are clear about the present position of the law would be to risk making mistakes that cannot easily be rectified later. Indeed the approach in England, to which Mr Gallie and others referred, is itself under review because it is not without problems. I will return to that.

However, that is not to say that we can do nothing in the meantime. The victims of the crime must be protected. That is why we will bring forward a bill that will contain proposals to change aspects of the law of evidence for rape and other sexual offences so that the complainer will be further protected. We are considering how to improve the protection from sexual abuse of people who are made vulnerable by mental disorder. We are looking at new arrangements for the sentencing and management of serious violent and sexual offenders.

Violence against women in any context cannot be tolerated. The national strategy to address domestic abuse in Scotland, which was launched last November, recognises that domestic abuse is linked to other forms of male violence, such as rape and sexual abuse. That work will be taken forward by a working group on protection issues, which will be established by the national group to address domestic abuse.

Mention was made in the debate of the Scottish strategy for victims, which was launched in January 2001. The strategy is designed to ensure that when people are unfortunate enough to become victims of crime, they have a central place in the criminal justice system. It is a clear indication that we are committed to ensuring that victims get proper treatment, particularly where the victim has suffered a sexual assault.

Johann Lamont was right to mention the role of the police. The police are usually the first point of contact in the criminal justice system for victims of rape and sexual assault. The police must treat victims properly from that earliest encounter. The importance of tact and sensitivity in handling all victims of sex offences is now recognised by the police and is covered by extensive guidance. All probationers are given training in dealing with victims of sex offence cases, which is followed up by in-depth training at all levels.

I want to return to what has been identified as the key question of whether the law on rape needs to be changed. When Gil Paterson met Jim Wallace yesterday, Gil Paterson urged us not to lose sight of that matter and Johann Lamont's motion also makes it clear that we must move decisively. I am therefore pleased to be able to tell the Parliament that this afternoon I spoke with the Lord Advocate, who said that he had concluded his consideration of the transcript of the trial and of the trial advocate depute's report. The Lord Advocate told me that he intends to make a reference to the High Court to seek clarification of the law on rape.

At this juncture, the Lord Advocate is unable to provide details on the full terms of the reference. He has instructed that that reference should now be drafted. Some further work will be done on the

precise form of the questions for the determination of the court. I should make it plain that there is no time limit on making a reference of this kind, but the Lord Advocate has instructed that it be lodged with the court next month. We cannot say how long the court will take to reach an opinion; it will properly take the time that is required for serious consideration.

This evening, we are signalling clearly the urgency with which the Executive views the matter. This is the first necessary step in addressing the issue that was raised by Lord Abernethy's ruling. It might not be the last necessary step, but it has been taken.

Meeting closed at 18:01.

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