

MEETING OF THE PARLIAMENT
COMMITTEE OF THE WHOLE PARLIAMENT
MEETING OF THE PARLIAMENT

Thursday 6 September 2001

Session 1

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Scottish Parliament

Thursday 6 September 2001

[THE PRESIDING OFFICER *opened the meeting at 9:30*]

Erskine Bridge Tolls Bill

The Presiding Officer (Sir David Steel): Good morning. Our first item of business this morning is a debate on motion S1M-2162, in the name of Sarah Boyack, on treating the Erskine Bridge Tolls Bill as an emergency bill. I invite all those who would like to take part in the debate to press their request-to-speak buttons now.

09:30

The Minister for Transport and Planning (Sarah Boyack): I will introduce legislation to restore tolls on the Erskine bridge. The need for such legislation comes about for one reason only—administrative error in promoting an order extending the toll. That order would have required approval by Parliament—a much less complex process than that which we face today.

I will set out why we must legislate quickly to rectify the error. We must clarify the currently uncertain legal position. We must leave motorists in no doubt about where they stand. Most important, we must ensure that the unforeseen gap in the public finances is filled. The cessation of tolling is costing the public purse about £100,000 a week. If tolling is not restored, the shortfall will have to be met by cutting expenditure on transport. Do critics of tolling really want £5 million pounds less to be spent on roads?

We must act quickly. That is why I ask Parliament for its approval to rectify the mistake by means of an emergency bill under rule 9.21 of the standing orders. I deeply regret that we have to take up parliamentary time to do this, but it is important that we put Executive action back on a sound statutory footing as soon as possible. The fast-track procedures available to us today are clearly the most appropriate way to do that.

The bill is very short; it raises no new issues and it will not delay other measures in our legislative programme. We will debate the detail of the bill later today, subject of course to Parliament's approval to do so, but I take the opportunity to comment on one feature of the bill. In drafting the bill, we have been guided by one aim—to establish a toll collection regime on exactly the same basis as that which was in place before 2 July 2001. We believe that the proposed Erskine Bridge Tolls Bill does that. The period of extension

remains five years, in line with the provisions of the Erskine Bridge Tolls Act 1968, and Parliament's right of scrutiny remains unchanged. The toll regime on the Erskine bridge therefore remains unchanged.

It is appropriate to examine the timetable of events that led to the failure to extend the tolling order from 2 July; it is important that I put that in front of the Parliament today. The Erskine Bridge Tolls Act 1968 set the initial tolling power of 20 years from July 1971. The Tory Government extended that for five years in 1991 and in 1996. In August 2000 I decided that the tolling period should be extended before the 1996 order lapsed on 1 July 2001. I instructed officials to act on that. It is unfortunate that that power to toll was not renewed earlier in the summer because of administrative error.

The error was first drawn to senior officials' attention on the morning of Monday 27 August. I was informed at the first opportunity on that day. Legal advice was sought on Tuesday 28 August and I alerted the Cabinet the same day. Consideration of the legal and practical arrangements continued through Wednesday and Thursday and I received definitive legal advice on Thursday evening, which made a clear case for the suspension of tolls.

Mr Murray Tosh (South of Scotland) (Con): Will the minister explain why something that was going through her department earlier this year did not come before senior civil servants in that department until 27 August? Is not there a failure in the internal tracking system for monitoring on-going work, given that it took so long for senior civil servants to be made aware of the potential difficulty? What will the minister do about that?

Sarah Boyack: I will come to the issue of how we ensure that mistakes such as this do not happen again. Murray Tosh is right. We must ensure that the procedures and the circumstances surrounding this case are properly investigated. I will deal with that matter shortly.

As soon as I received the definitive legal advice on Thursday evening that made the case for the suspension of tolls, I immediately ordered a temporary halt to tolling, effective from 20:50 on that day. Tolls have now not been levied on the Erskine bridge for six days, at a cost to the taxpayer of around £14,000 every day. Those costs will be met from end-year savings on the motorway and trunk roads programme. The Executive will continue to meet its contractual obligations to the toll-collection company, APCOA Parking (UK) Ltd. We currently pay APCOA a monthly management fee of just under £50,000 to collect the tolls on the Erskine bridge. I clarify to Parliament that I have not stopped payment to the company during the current cessation of tolling.

That monthly fee will enable the company to maintain staffing levels and ensure that people's jobs are not put at risk because of an Executive failure.

I now come to the substantive point raised by Murray Tosh. I have asked the head of my department to investigate the circumstances surrounding the error and to make recommendations designed to prevent such a situation from happening again. I have made it clear that I expect a full report in a matter of days. That report will likely consider the use of information technology systems for statutory instruments that require periodic renewal or amendment. The recommendations of that report will be made available in accordance with our policies and practices on freedom of information.

What matters to us all, I believe, is that in the long term we learn the lessons of this unfortunate error. We need to understand what went wrong. The personnel implications are clearly a matter for the head of department. However, I promise that any procedural improvements—

Mr Lloyd Quinan (West of Scotland) (SNP): Will the minister give way?

Sarah Boyack: I will take a brief intervention.

Mr Quinan: I find the minister's explanation of the circumstances interesting. However, I have in my hand a letter from Keith Main to West Dunbartonshire Council, sent on 25 June—one week prior to the required date for renewing the tolling system. The letter states directly that the minister suggested that Keith Main write to the council to inform it that tolling will be renewed. What happened in that week after the letter was sent—a week in which the civil servant suggested that the minister would do something?

Sarah Boyack: That matter must be taken up by my head of department, Nicola Munro, when she is looking at all the circumstances surrounding the error. It is important that all the issues are looked at properly. That is why I want the recommendations to be made public. I want members of Parliament to see what lessons we have learned from this experience. I promise that procedural improvements—

Fiona Hyslop (Lothians) (SNP): Will the minister give way?

Sarah Boyack: No. I have just dealt with one of the member's colleagues.

Any procedural improvements that are recommended will be introduced throughout the Executive. We will publish those recommendations, because we are determined to ensure that such an error does not happen again.

The Opposition has claimed that this episode

has wider ramifications and that the failure to renew the order is the latest example of financial and administrative mismanagement by the Executive. I fundamentally disagree with that. This is a deeply unfortunate error, but an error nonetheless. Last year, 453 statutory instruments were laid before the Parliament. Since the Parliament opened in July 1999, some 950 statutory instruments have been processed. To the best of my knowledge, this is the first statutory instrument to slip through the net and we must address why it did so. However, it is important that we get the matter in perspective. One out of 950 is one too many, but it is not symptomatic of a wider systems failure, nor is it evidence of the Executive failing to manage public funds properly. The real test of any system is its ability to respond to deficiencies and we are absolutely determined to ensure that the improvements that we put in place will prevent such an error from happening again.

This is a serious and a regrettable error. It is, moreover, an error that, if not put right, will cost millions. That is why, to put matters right, I ask Parliament to support the Executive's motion.

I move,

That the Parliament agrees that the Erskine Bridge Tolls Bill be treated as an Emergency Bill.

09:39

Mr Adam Ingram (South of Scotland) (SNP): The Scottish National Party will not support the motion. SNP members do not regard the legislation that will be introduced if the motion succeeds as necessary or desirable. In our view, the loss of toll revenue from the Erskine bridge for a few weeks cannot, in any way, shape or form, be described as a national emergency that requires all scheduled business for the Parliament to be cleared from today's agenda. The bridge will stand, traffic will flow and employees will be paid.

It is a concern that the Executive stands to lose £13,000 a day in tolls forgone, but hardly an overwhelming consideration. The accumulated surplus on the bridge's operation was more than £10 million at the last year-end for which figures have been published and could be set aside to deal with that.

The situation is not an emergency, but a huge political embarrassment which displays the Executive's incompetence. Today's arrangement is intended to obtain a quick political fix. The idea is, "Let's get this blunder behind us with the minimum of fuss and let normal service resume." Unfortunately, normal service from the Executive, the department and the ministers involved tends to be punctuated by such blunders. Trunk roads maintenance contracts come readily to mind.

I assume that Sarah Boyack will carry the can

for her department's failings and, at the very least, will report to Parliament the reasons for its shortcomings and the steps that she will take to rectify them. I am sure that she would give up a winning lottery ticket to make her department a blunder-free zone. Mind you, given her track record, she would be more likely to lose it than use it.

I want members who are present to facilitate this quick political fix to consider the principle that they are flouting—that public consultation and thorough parliamentary scrutiny must precede the making of legislation. With the best will in the world, which member could argue with conviction that a bill that was published just over 24 hours ago and scheduled for two and a half hours of debate today will receive adequate parliamentary scrutiny? No good reason exists for the bill not to be referred to the Transport and the Environment Committee. That much of my argument should be self-evident.

However, it may come as a surprise to members that the bill does not merely rectify the failure to renew the tolling order. It will also disallow the six-week statutory consultation period that such an order would have provided for. That removes the right of the public and local authorities to object to the making of the order. When local authorities object, a local inquiry is the result.

Sarah Boyack: I inform the member that his interpretation is incorrect. The Transport and the Environment Committee would have considered a statutory instrument, but no opportunity for an inquiry would have existed, because the statutory instrument would not have increased tolls at the bridge, but merely reinstated them, as will the bill. The member's point was inaccurate and I hope that he is grateful for that intervention.

Mr Ingram: I disagree fundamentally with the minister's analysis of the situation. I will explain why.

Given council policy, West Dunbartonshire Council would have called for such an inquiry, had it been given the opportunity by an Executive that was doing its job properly. The emergency bill procedure will remove an important safeguard for the public and their council representatives. West Dunbartonshire Council does not consider that failure to renew the tolling order timeously justifies the use of a procedure that severely curtails the right of the council and Parliament to consider fully all the arguments involved in renewal of the toll. If the Executive gets its way, basic democratic rights will be removed. My colleague Lloyd Quinan will develop further the view from West Dunbartonshire and I will return to the six-week consultation period.

I will explore the consequences of the Executive's blunder in failing to renew the tolling

order. The minister analyses that wrongly. The Executive admits that the immediate consequence was that motorists who used the bridge between 2 July and 30 August, when tolling was suspended, were charged tolls illegally. The law of the land—in section 37(4)(a) of the New Roads and Street Works Act 1991—highlights the seriousness of that situation by saying that anyone who demands a toll

“which he is not authorised to charge”

commits an offence that is punishable on conviction by a fine of up to £1,000.

The Deputy Minister for Transport and Planning (Lewis Macdonald): Will the member give way?

Mr Ingram: I am sorry; I want to finish my point.

I am not advocating that anyone so affected should take the Executive to court. Any reasonable person would accept that the toll charges during that period were levied in good faith and that the Executive acted absolutely correctly in suspending the charges when it realised its mistake. Retrospective legislation is justifiable.

However, the Executive should have been guided by the existing statutory framework on tolling when constructing legislation to repair the damage done. I mentioned the six-week statutory period for consultation and for lodging objections, as outlined in the Erskine Bridge Tolls Act 1968. The New Roads and Street Works Act 1991 also stipulates a six-week period to intimate the intention to make an entirely new toll order, publish a draft order and invite objections, during which time no tolls shall be charged.

Lewis Macdonald *rose—*

Mr Andy Kerr (East Kilbride) (Lab) *rose—*

The Presiding Officer: No interventions. The member is winding up.

Mr Ingram: The proposed emergency procedure and the bill take none of those considerations on board. They are driven by political expediency rather than legal and democratic principles.

We face a Government that has been caught out acting illegally and is rushing in legislation that retrospectively legitimises that illegality. That is neither responsible nor democratic and is a shocking precedent to set in any parliament.

I fervently hope that the Scottish Parliament will not countenance a rewriting of history. I urge the Executive to withdraw the motion and submit its proposals for consultation for a minimum period of six weeks. If the Executive does not do that, I urge the Parliament to vote down the motion.

09:47

Mr Murray Tosh (South of Scotland) (Con): The Conservatives will not support the disingenuous and opportunistic line that Mr Ingram advanced. The way in which he presented his case was an attempt to obtain a quick political fix for the SNP. I know that that would be entirely out of character, but there we go.

Mr John Swinney (North Tayside) (SNP): Budge along beside the ministers!

Mr Tosh: We rarely see Mr Swinney so excited these days. *[Laughter.]* It is nice to know that something can get SNP members going, even if it is only the Erskine bridge tolling regime.

The SNP has had ample opportunities over two years to review tolling and take the policy approach that its amendment for the stage 1 debate suggests. It has failed to take any of the many opportunities that have presented themselves. That is a sufficient tribute to the integrity, intelligence and consistency of the SNP.

The SNP made a disingenuous analysis of what constitutes a national emergency. Who said that the situation was a national emergency? What is a national emergency? Is it the foot-and-mouth epidemic or a hurricane hitting the United States? Does it involve state troopers and emergency powers? An emergency bill in the Parliament does not require that. An emergency bill must be put in place immediately because otherwise, unfortunate consequences would arise. The situation is no more significant or grand than that.

Mr Ingram *rose—*

Mr Tosh: I will be more generous to Mr Ingram than he was to the ministers, whom he sought to divide.

Mr Ingram: In truth, the situation is no emergency. We are dealing with an administrative cock-up by the Executive. I define an emergency as a situation that involves public safety or the public interest deeply. Does the member agree with that analysis?

Mr Tosh: That expression must have been taken from the Sam Galbraith book of parliamentary expressions.

Mr Ingram rightly says that there has been an administrative foul-up. The minister has set that out frankly and I will return to her response in a moment.

However, the SNP shows rampant opportunism in suggesting that we should simply stop collecting the tolls and carry out consultation that is associated with a piece of primary legislation. The SNP wants a ferocious political debate on the subject, yet the issue has not been a running sore. No petitions have been lodged; no questions have

been asked; and no parliamentary time has been used. The SNP has not known what to do with its parliamentary time—it has brought forward reserved matter after reserved matter.

Mr Quinan: *rose—*

Mr Tosh: Not once has it taken the opportunity to debate the Erskine bridge. Either the SNP is derelict in its duty or it is not communicating with its local activists, councillors, constituency associations and the public. Perhaps an administrative foul-up has taken place somewhere inside the SNP. *[Laughter.]*

Mr Quinan: Will the member give way?

The Presiding Officer: Mr Quinan, it does not look as if Mr Tosh is giving way.

Mr Tosh: There is a clear breakdown of communication. *[Interruption.]* I say to Mr Quinan that it is not appropriate to barrack members—he will get his opportunity later.

The Executive is not required to proceed as the SNP suggests. If the statutory instrument had been laid before the Parliament, it would already have been in place. The step that the Executive is taking is corrective, and it is timeous that it should be done immediately. It is not an emergency in the grand sense that Mr Ingram wants us to portray emergencies. God help us that we should tie ourselves to legislating only when we have a national, critical emergency.

Mr Ingram: Will the member give way?

The Presiding Officer: Mr Tosh is on his last minute.

Mr Tosh: It is an appropriate response to the situation that has arisen in the minister's department.

Will the minister confirm whether there is to be an independent element in the internal scrutiny of her department? There is a clear danger that people reviewing their own mistakes might be tempted to be not entirely forthcoming. I am not making a personal comment about anyone; I am simply asking what checks will be put in place. Given the minister's careful setting out of the timetable of events, she should reassure the chamber that at no stage in the process did she sign off the order for transmission to the Transport and the Environment Committee. That would let us be clear that the fault happened before the order reached her and not after that time.

Sarah Boyack: I confirm that I did not receive an order to sign. I also confirm that Nicola Munro, the new head of department, took over the department after 1 July.

The Presiding Officer: Mr Tosh must now wind up.

Mr Tosh: Indeed. I accept the minister's word on my second question. I also appreciate Ms Munro's position, but she was a member of the department before 1 July. The minister should reflect on the scope for external scrutiny in the review that she is to conduct. Any good departmental head will seek to look after the morale, efficiency and relationships within their department. Given the scale of the error and the size of the resources that have been lost, it is appropriate for the fullest public scrutiny to take place.

The Presiding Officer: Mr Tosh must now wind up.

Mr Tosh: I will do so.

Fiona Hyslop: Will the member give way?

The Presiding Officer: No, Mr Tosh is winding up.

Mr Tosh: I am aware of the time and I have been told that I must stop.

It is responsible for us to set in place the administrative procedures that are necessary for us to allow the operation to continue. There are proper channels for policy issues and general principles to be raised. That has not happened in our first two years, but doubtless there will be adequate opportunity for anyone in the chamber who is concerned about those issues to raise them in the next two years. That is the responsible, reasonable and sane way to proceed, and not by the amendment that the SNP will press today.

09:54

Donald Gorrie (Central Scotland) (LD): It must be encouraging for Murray Tosh to know that if the Tory party falls apart, he has an obvious opening as a coalition minister defending coalition policies.

Adam Ingram comes from the 1871 Paris commune school of politics, which conducted long and impassioned debates—possibly about tolls over the Seine bridges—while the French army advanced only two streets away.

The Parliament has to put the issue right quickly. The underlying issue of tolls excites members, including my esteemed colleague John Farquhar Munro, and there will be a right time for the Parliament to conduct a proper look at tolls. In the meantime, we must put the order right. It is not worth discussing seriously the question of whether we have an emergency—that is a point of semantics. A mistake was made and it must be put right.

It is important to hold a thorough inquiry, not one where a low-grade sacrificial lamb is blamed for the entire episode. If a structural or a leadership defect is found, that must be put right. The inquiry

will give an opportunity for the public mind to be clear as to what happened. The public muddles up the Scottish Parliament, Scottish Executive ministers and the Executive's civil servants. One lot has made a serious mistake and another lot—the ministers—is trying to put it right. That seems to be sensible, and I hope that that is what we will do.

09:55

Mr Lloyd Quinan (West of Scotland) (SNP): For Mr Tosh and other members' information, I will make it clear that West Dunbartonshire Council's policy, under its previous administration and its current coalition administration, is for the Erskine bridge tolls to be removed. That council believes that the tolls damage seriously the opportunities for work and economic development in the area.

The bill would remove the rights of the public and of local authorities who might have had objections to the renewal of the order. The local authorities could have called a local inquiry—I repeat that West Dunbartonshire Council's policy since its formation has been that it would have held such an inquiry. For the minister to make a case that the order must be renewed because of an Executive error takes away an important safeguard for the public and their council representatives.

The use of emergency procedures removes the opportunity for reasoned consideration of the facts and of the circumstances. I refer to the debate that was held on Wednesday 19 June 1996 in another house, in which certain members who are sitting in the chamber today took part. The minister at the time, Lord James Douglas-Hamilton, said that the limited objective of the tolling of the Erskine bridge was

“to try to recover a reasonable contribution to the costs of providing, operating and maintaining the bridge while having regard to the economy of the area.”—[*Official Report, House of Commons, Third Standing Committee on Delegated Legislation*, 19 June 1996; c 3.]

Mr Thomas Graham, the then member for Renfrew West and Inverclyde, challenged Lord James Douglas-Hamilton on that statement. He said:

“The argument advanced by the local and regional councils on behalf of the local community was that the extension should be stopped, the tolls abolished and the road opened up, because the existing situation was affecting the local economy.”—[*Official Report, House of Commons, Third Standing Committee on Delegated Legislation*, 19 June 1996; c 7.]

Johann Lamont (Glasgow Pollok) (Lab): Can Mr Quinan give an example of the SNP initiating debates—in the chamber or in committee—on the question of tolls, during which those issues could have been explored?

Mr Quinan: That point is entirely irrelevant to the debate.

Des McNulty (Clydebank and Milngavie) (Lab): Has Mr Quinan or any of the other SNP representatives of the west of Scotland at any time written to the minister raising the issue of tolls on the Erskine bridge, as have I and other Labour members? Why is he coming so late to the issue?

Mr Quinan: Mr McNulty knows well that the SNP's approach is that SNP MSPs leave it to SNP councillors to deal with local matters that relate directly to council responsibilities. I ask Mr McNulty why—if the success of his letters was so great—Labour is no longer in power in West Dunbartonshire Council?

It is clear that West Dunbartonshire Council believes that the toll regime has a considerable detrimental effect on the economic well-being of the area. As such, the tolls have a direct effect on the levels of business support, economic development, the rate of debt recovery and the financial support that is offered to businesses and individuals. West Dunbartonshire Council's view is that paragraph 17 of the financial memorandum to the bill is inaccurate. More important, West Dunbartonshire Council rejects entirely the spurious claims that are made in the alternative approaches section of the policy memorandum. It considers that the claims fail to recognise the ongoing debate about the Erskine bridge tolls that has been under way since the bridge was built.

The levying of tolls on the Erskine bridge damages the economy north and south of the river. There is no direct bus service from Dumbarton to south of the river—no bus company will take on the route because of the tolls. That directly affects people in Dunbartonshire and Argyll and Bute who must, because of a failed health policy, travel to Greenock and Paisley for their health care. Tolls penalise the people of West Dunbartonshire, to whom this situation is by no means an emergency. Not to allow a consultation period, simply to cover up the embarrassment of a ministerial failure—clearly outlined in the letter sent to West Dunbartonshire Council on 25 June—is a denial of democracy.

The Presiding Officer: No one else has asked to speak in the open debate, so we come to the summing-up. Do I take it, Mr Gorrie, that you are not particularly keen to address the matter again?

Donald Gorrie: I reluctantly waive my rights.

10:01

Miss Annabel Goldie (West of Scotland) (Con): I echo the sentiments of my colleague Murray Tosh—this has been a regrettable omission on the part of the Executive and it should

be addressed urgently. I say that with some personal angst, because I have paid so much in tolls since the Erskine bridge was constructed that I feel I now own a sizeable chunk of it. However, the urgency now is to rectify a very unfortunate situation.

I have two points to make in my summing-up. First, the matter is a demonstration of grave managerial omission in the administration of the department. I urge the minister to inquire whether some form of formal audit has been put in place to ascertain—particularly with the benefit that we have nowadays of information technology—that check dates have been entered in the diary to ensure that if any such recurring orders must be reinstated it is done so timeously.

Secondly, although I endorse the need to address this as emergency legislation, I have a vestigial and lingering shred of sympathy with Mr Quinan's presentation. I choose my words carefully. It has struck me for some time that, although I have no objection to paying the tolls on the Erskine bridge, there is an anomaly in that the Erskine bridge is the only one of the older toll bridges—including the Forth and Tay bridges—that is tolled in both directions. A return journey on the bridge is more expensive than a return journey on the Forth or Tay bridges. If I have a slight concern about the matter being dealt with as emergency legislation it is this: it seems to me to preclude the opportunity to address that issue, which is significant to the people of the west of Scotland who might justifiably inquire, "Why are we being subjected to a more oppressive toll regime than that prevailing in the east of Scotland?" I would be grateful if the minister were able to comment on that aspect.

10:03

Fiona Hyslop (Lothians) (SNP): Annabel Goldie's comments underline the reason that the SNP does not want the matter to be treated as an emergency motion. Instead, we suggest a period of six weeks to allow the council its statutory right to consult and to allow the Parliament further consideration via the Transport and the Environment Committee.

This is a blunder that has financial consequences. However, we argue that it also has democratic consequences. It denies the provisions under the New Roads and Street Works Act 1991 for local authority consultation, which is very serious. The minister said that the matter raises no new issues, but there is a new issue, which is that introducing the primary legislation here denies West Dunbartonshire Council the right to the provision of a six-week consultation. The council is on record as objecting to the denial of that right and that should be addressed.

The SNP raised the point yesterday that, under rule 9.21 on emergency bills, it is not quite clear—

Phil Gallie (South of Scotland) (Con): On a point of order, Presiding Officer. Is it in order or is it simply a matter of courtesy for the person who lodged the motion to be here for the summing up?

The Presiding Officer: I do not think that that is a point of order.

Fiona Hyslop: Members might have seen a published amendment from the SNP that has not been accepted. Our amendment argued initially that, under paragraph 5 of rule 9.21, the Parliament has the right to debate an emergency bill over a series of days, rather than on one day. If my recollection is correct, when we previously had an emergency motion—on the Ruddle issue—it was the Parliament's view that the matter should be dealt with over a series of sitting days. It is therefore the right of the Parliament to decide that it does not want to deal with the matter in one day but, rather, over a period.

The basic issue is that of democracy. The minister said that there are no new issues, but the matter uncovers existing concerns. In the explanatory notes that were published with the bill, part 5—on the background—states:

"Section 4(2) of the 1968 Act provides that tolls cannot be set at a level that would, in aggregate, exceed the amount needed to cover the relevant costs attributable to the Bridge set out in Schedule 2 to the 1968 Act."

Quite clearly, from the minister's comments, they do.

The minister said that if we do not pursue this emergency legislation and reinstate the tolls, there will be a loss to the transport budget. That is a far cry from what comes under this provision, which is costs for the bridge only. So the matter does bring in new issues and create other concerns and the Parliament deserves to consider those issues.

Iain Smith (North-East Fife) (LD): Where would the costs of maintaining the bridge come from if we did not have the tolls? Surely the minister's point was that they would have to come from the roads budget. How would the SNP plug that gap? What would it cut from the roads budget to plug the gap?

Fiona Hyslop: Far be it from me to question a former deputy minister, but the issue here is whether the matter should be considered as an emergency motion. The member raises valid points, but those points are for stage 1 and any further consideration of the matter. The point the member raises is whether this is a stealth tax. Is it a way in which the Government can plunder the people of West Dunbartonshire for the transport budget elsewhere? Consideration of the member's points will take longer than the hour that we will

have if the motion succeeds. He underlines the SNP's case, which is that the matter should not be treated as an emergency.

I referred to the rules under the standing orders. When is an emergency an emergency? Under our rules, it is an emergency when the Government says that it is. I think that we have the time to consider the matter, which has great implications, not the least of which is protection of the democratic right to a six-week consultation period. That would be the sensible and practical route to go down but, more important, it is the constitutional responsibility of the Parliament to ensure not only our rights, but the rights of councils and the public to have their say in issues such as this. That is why the SNP opposes the motion.

Mr Tosh: On a point of order, Presiding Officer. I was loth to interrupt Ms Hyslop with a second point of order, but will you give guidance to the Parliament on the procedures for the designation of a bill as an emergency bill? My understanding from the standing orders is that that is a decision for the Parliament, and that Parliament takes that decision in passing the resolution that is lodged by the Executive. It would be helpful if you would clarify that for us.

The Presiding Officer: That is correct. That is why we are debating this motion before we come to the substantive motion later on.

Fiona Hyslop: On a point of order, Presiding Officer. Further to that point of order, it is not clear whether, when Parliament has made the decision, the matter becomes an emergency. The decision as to whether it is an emergency—before the Parliament has voted—has been made by the Executive. The Parliament has not yet made that decision.

The Presiding Officer: We are about to make that decision. The point that I want to make before I call the minister to wind up is that the decision is likely to be made nearer to quarter-past 10 than to half-past 10—the party whips should be aware of that.

10:08

The Deputy Minister for Transport and Planning (Lewis Macdonald): As has been said, today's parliamentary business is about correcting an administrative error. It is not about rewriting history or about a Government seeking to act outwith the law and then covering its back. What the Executive is doing—and it makes no apology for this—is acting quickly and decisively to provide a secure legal basis for actions to be carried out in good faith, and to bring those matters to Parliament at the earliest opportunity to ensure transparency in what we do, and to recognise that

ultimate authority for the actions of ministers lies with the will of the chamber.

It is for Parliament to consider and debate the sequence of events, as we have already begun to do. It is Parliament that will expect to see the outcome of the inquiry into what went wrong—that will happen. It is also for Parliament to address the urgent issues arising from those events.

We believe that it is essential to act without delay. Every week during which tolls are not collected on the Erskine bridge costs the public purse about £100,000. We do not enjoy the luxury, as an Executive or as a Parliament, of writing off such sums as if they do not count. That is why we have introduced this emergency bill, under rule 9.21 of the standing orders. We do not lightly seek Parliament's approval for the procedure, but it is our firm view that it is the most appropriate course of action to take. As was said just before I rose to speak, it is for ministers to make the case that this is indeed emergency legislation, and it is for Parliament to decide whether it is.

It has been said that we are somehow rushing Parliament and reducing its legitimate right of scrutiny. In fact, if Parliament passes the emergency bill today, there will be more debating time in the chamber than would have been the case had an order been laid before the summer recess, as it ought to have been. Debate on the toll order would have been limited to perhaps an hour and a half in the Transport and the Environment Committee, and perhaps nine minutes' consideration of an affirmative resolution in the Parliament. Members should contrast that with the level of scrutiny that is on offer today.

Mr Ingram: Will the minister address the concern that we have expressed this morning, that the legislation will remove the democratic rights of the public and councils to object to a tolling order or to emergency legislation?

Lewis Macdonald: I am happy to address precisely those concerns. Mr Ingram said that the affirmative resolution procedure invokes a parliamentary inquiry, and one of his colleagues also made the same case. There has clearly been confusion in the SNP between section 2 of the Erskine Bridge Tolls Act 1968 and section 4 of that act. Section 4, which ought to have been invoked in May or June, allows the extension of the toll period. Section 2 allows an increase in tolls. It is in the event of an increase in tolls that the parliamentary rules and procedures may lead to an inquiry, but that will not happen in the event of an extension of the toll period.

Fiona Hyslop: Will the minister confirm that because, as of this moment, there are no tolls on the bridge, introducing the proposed legislation is, in effect, increasing the tolls?

Lewis Macdonald: That is a good try, but it is not a convincing argument. Frankly, if that is the best that Fiona Hyslop can do in understanding the bill that we are dealing with today, we may not have the most interesting of debates.

I tried a number of times during his speech to make a point to Mr Ingram about the New Roads and Street Works Act 1991. It is worth pointing out that that act applies to new roads and streets built after 1991, but not to the Erskine bridge. The case that Mr Ingram made is therefore entirely false. Perhaps that was another administrative error on the SNP's part in approaching the debate.

Mr Ingram: Will Mr Macdonald give way?

Lewis Macdonald: I would like to make progress with my speech.

The bill that we propose raises no new issues. It does not seek to increase the level of tolls, or to alter the length of toll period that would otherwise have applied, nor does it seek to alter the form of future consideration of tolls by Parliament. It simply puts collecting tolls on the Erskine bridge back on the same sound statutory footing that existed before 2 July this year. The details remain unchanged.

I hope that three facts stand out from this whole episode. First, there was a mistake in the failure to renew the toll order. It was a serious mistake, but a simple administrative mistake.

Secondly, ministers acted decisively once the facts became known and as soon as definitive legal advice was available. We suspended the tolls without delay, and we will restore the tolls on a sound legal basis as soon as possible.

Thirdly, we are determined to learn the lessons. The inquiry that Sarah Boyack has set in train will report in a matter of days. It will look at how the error occurred, what action should be taken and—reflecting Annabel Goldie's point—how the Executive can improve its systems, using IT and other methods to monitor the completion of scheduled work to ensure that such errors will in future be picked up in good time. The inquiry's conclusions and recommendations will be made public.

Murray Tosh asked about the conduct of the inquiry; that was a legitimate question. As Sarah Boyack mentioned, Nicola Munro was appointed as head of the development department only in the past few weeks, after the error that we are asking her to investigate took place. She came not from elsewhere in the department but from a different department. She will report her findings to the Scottish Executive board, which includes two external non-executive members, and to the permanent secretary of the overall Administration. The conclusions and recommendations of that

report will be made available to Parliament.

We shall honour our contractual obligations. Our toll collection company is continuing to receive its monthly management fee, even though it is not currently collecting tolls. Thanks to our speed in bringing the matter before Parliament—if Parliament approves our proposal—there will be no need for that company to consider laying off any of its staff.

Likewise, if we act as quickly as the Executive wishes Parliament to do, the shortfall from the loss of toll income will be limited enough to be met from in-year savings in the motorway and trunk roads budget, without the need for cuts to programmes. That would not be the case for long if Parliament did not choose to act promptly on the matter, nor would the job security of staff working on the bridge be as firmly secured as it will be through early action.

It has been claimed that the methods chosen to introduce the bill do not appear to be well considered, fully consulted upon or fit for purpose. We acknowledge that any emergency legislation cannot enjoy the same consultation as would usually be available for primary legislation. However, ministers are clear that the bill is a well-considered proposition. We did not choose to use this route lightly but, given the considerable and growing cost to the public purse, it was essential that we acted swiftly and decisively. We have done so on the basis of careful consideration of all the options that are available.

Today's proceedings will allow a degree of debate in Parliament that would not have happened with a straightforward toll order, as had originally been planned. We contend that the bill is indeed fit for purpose, and will restore the status quo that existed before 1 July 2001. Nothing will have changed apart from the loss of a few days' revenue, and some important lessons will have been learned.

On that basis, I urge Parliament to endorse our plans for swift and decisive action, to recognise that full consideration today will minimise the disruption to the business of Parliament, minimise the uncertainty for those who are employed at the Erskine bridge, and minimise the loss of public funds. I ask members to support the motion.

The Presiding Officer: The question is, that motion S1M-2162, in the name of Sarah Boyack, on treating the Erskine Bridge Tolls Bill as an emergency bill, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
Alexander, Ms Wendy (Paisley North) (Lab)

Baillie, Jackie (Dumbarton) (Lab)
Barrie, Scott (Dunfermline West) (Lab)
Boyack, Sarah (Edinburgh Central) (Lab)
Brankin, Rhona (Midlothian) (Lab)
Butler, Bill (Glasgow Anniesland) (Lab)
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Curran, Ms Margaret (Glasgow Baillieston) (Lab)
Davidson, Mr David (North-East Scotland) (Con)
Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
Douglas-Hamilton, Lord James (Lothians) (Con)
Fergusson, Alex (South of Scotland) (Con)
Finnie, Ross (West of Scotland) (LD)
Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
Fraser, Murdo (Mid Scotland and Fife) (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)
Henry, Hugh (Paisley South) (Lab)
Hughes, Janis (Glasgow Rutherglen) (Lab)
Jackson, Gordon (Glasgow Govan) (Lab)
Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
Johnstone, Alex (North-East Scotland) (Con)
Kerr, Mr Andy (East Kilbride) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Livingstone, Marilyn (Kirkcaldy) (Lab)
Lyon, George (Argyll and Bute) (LD)
Macdonald, Lewis (Aberdeen Central) (Lab)
Macintosh, Mr Kenneth (Eastwood) (Lab)
MacKay, Angus (Edinburgh South) (Lab)
MacLean, Kate (Dundee West) (Lab)
Macmillan, Maureen (Highlands and Islands) (Lab)
Martin, Paul (Glasgow Springburn) (Lab)
McAllion, Mr John (Dundee East) (Lab)
McAveety, Mr Frank (Glasgow Shettleston) (Lab)
McCabe, Mr Tom (Hamilton South) (Lab)
McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
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)
Muldoon, Bristow (Livingston) (Lab)
Mulligan, Mrs Mary (Linlithgow) (Lab)
Mundell, David (South of Scotland) (Con)
Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
Murray, Dr Elaine (Dumfries) (Lab)
Oldfather, Irene (Cunninghame South) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)
Peattie, Cathy (Falkirk East) (Lab)
Radcliffe, Nora (Gordon) (LD)
Robson, Euan (Roxburgh and Berwickshire) (LD)
Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
Scott, John (Ayr) (Con)
Scott, Tavish (Shetland) (LD)
Smith, Elaine (Coatbridge and Chryston) (Lab)
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)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 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)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

The Presiding Officer: The result of the division is: For 73, Against 25, Abstentions 0.

Motion agreed to.

That the Parliament agrees that the Erskine Bridge Tolls Bill be treated as an Emergency Bill.

Erskine Bridge Tolls Bill: Stage 1

The Presiding Officer (Sir David Steel): We are now treating the Erskine Bridge Tolls Bill as an emergency bill. I call Sarah Boyack to speak to and move motion S1M-2163, on the general principles of the bill.

10:18

The Minister for Transport and Planning (Sarah Boyack): The bill that I lay before Parliament today has one purpose and one purpose only: to establish a toll collection regime on the Erskine bridge on the same basis as the regime that was in place immediately before 2 July 2001.

Before turning to the detail of what is proposed, I will set the bill and the events that led to its introduction in a wider context. The Erskine bridge was built in response to local demand and the local authorities agreed that it should be tolled at the time. If tolls had not been charged then, it is unlikely that the bridge would have been built when it was. Thus tolls have been levied on the Erskine bridge since it was first opened to traffic on 2 July 1971. The power to levy tolls at the bridge was originally set out in the Erskine Bridge Tolls Act 1968, which set the initial tolling period of 20 years from July 1971. It also enabled the Secretary of State for Scotland—and now, under devolution, Scottish ministers—to extend by order the tolling period by five years. The original tolling period was extended for five years in 1991 and again in 1996 by the then Tory Government.

When the bridge was opened in 1971, the toll was 15p. If that had been uprated by inflation, drivers would now be paying £1.25, but they do not—they pay 60p because the tolls were increased to 60p in 1992. I stress that the bill does not change the cost of the tolls by a penny.

Miss Annabel Goldie (West of Scotland) (Con): The situation would be more fully explained if the minister indicated that the return journey on the Erskine bridge is £1.20—most people who cross the bridge come back. Many people in the west of Scotland are concerned that that is at variance with the prevailing toll structures on the Forth and Tay bridges.

Sarah Boyack: Annabel Goldie is correct. However, one thing that is different about the Erskine bridge is that road haulage industry vehicles pay the same as those cars that cross the bridge and are required to pay a toll. That gives the Erskine bridge a distinction in terms of the broader economic interests in the west of Scotland.

In August 2000, I decided that the tolling period should be extended before the 1996 order lapsed on 1 July 2001. I instructed officials to prepare the necessary statutory instrument. As members and everyone in the country know, there was an administrative error and that did not happen.

The principle of tolling at the Erskine bridge has been a policy of successive Administrations from both sides of the political spectrum. The Erskine bridge is not an isolated case. The practice of tolling major estuarial crossings is commonplace throughout Europe and further afield. France, Germany and Norway all levy tolls on such crossings. Closer to home, the Severn and Humber bridges are tolled—so too are three other bridges in Scotland. All the countries that I mentioned levy tolls because they believe that the users of major estuarial crossings, which are expensive to construct and maintain, should contribute to costs. They believe that the costs to the users are outweighed by the benefits that the users receive in quicker and more reliable journey times. The Executive believes that those arguments still hold good for the Erskine bridge. That is why I decided in August 2000 to extend tolling from July 2001 to July 2006.

Undoubtedly, members will say that there are different issues in relation to different bridges. Members of the Transport and the Environment Committee and others will remember our debate last year on the Forth and Tay road bridge provisions during the passage of the Transport (Scotland) Act 2001. There was an extensive debate about tolling on bridges. Other bridges were mentioned by Labour members of the committee, rather than by SNP members, as Des McNulty mentioned.

Fiona McLeod (West of Scotland) (SNP): On a point of information.

Sarah Boyack: I will not take the member's point.

I will bring forward an order shortly on the Forth road bridge so that the new Forth road bridge board can tackle congestion on the bridge. We discussed that issue extensively in respect of the Transport (Scotland) Act 2001.

The consequences of not tolling would be costly. Members know that tolls benefit the public purse to the tune of about £100,000 a week or £5 million a year. We should be clear about what the loss of such sums to the transport budget could mean.

Mr Adam Ingram (South of Scotland) (SNP): Will the minister give way?

Sarah Boyack: No, thank you. I will continue.

In the past two years, there has been substantial investment in the Erskine area. There have been major works around the M8 St James interchange,

carriage reconstruction in Milton village, strengthening and structural work to the bridge itself and works to the M8 and M898 junctions at Craigton. Those who oppose the bill must come clean. Where will the additional £5 million come from? If there is no additional money, which transport projects would they cut?

Mr Duncan McNeil (Greenock and Inverclyde) (Lab): Will the minister confirm that the error will not have wider implications? In particular, I refer to the West Station bridge in my constituency, for which there is planned investment. Will that go ahead? Will it be affected?

Sarah Boyack: Duncan McNeil is right to suggest that if we pass the bill today nothing in the roads programme will be put at risk. We intend to take action on the bridge to which he referred later this year. That is why we must act prudently.

To drop tolls on the Erskine bridge would be easy; it would be a quick, populist gesture. However, it would simply give rise to an increase in traffic with a knock-on effect on the quality of the local environment. Dropping tolls would also leave a long-term hole in the public finances. That would have serious consequences for the improvement of transport in Scotland. Government is about tough choices and this is one choice that we should not duck.

The Erskine Bridge Tolls Bill is short. It raises no new issues and has no read-across to any of the other toll bridges in Scotland, each of which has its own separate statutory authority. The primary purpose of the bill is simply to establish a toll collection regime on the same basis as the one that was in place immediately before 2 July 2001. In keeping with that desire simply to rectify the situation, the period of extension remains five years, in line with the provisions of the 1968 act. Similarly, Parliament's right of scrutiny remains unchanged. Any subsequent order to extend the tolling period by a further five years from 2 July 2006 would be subject to the affirmative procedure and would have to be passed by Parliament. The bill also leaves the toll level at 60p for cars and other vehicles and the category of exempt vehicles remains unchanged.

There have been calls to provide some form of payment holiday equal in length to the 60 days in which we unknowingly and unlawfully levied a toll at Erskine bridge. I considered that carefully but concluded that such a payment holiday is unjustified and would be unworkable.

Mr Lloyd Quinan (West of Scotland) (SNP): Will the minister give way?

Sarah Boyack: No. I want to clarify the point. We have simply no way of knowing who crossed the Erskine bridge between midnight on 2 July and 8.50 pm on 30 August 2001. To offer to make

payments on unsubstantiated claims would open the Executive to accusations of misuse of public funds. Moreover, it is unlikely that a payment holiday would compensate the same drivers who crossed during the 60 days in July and August. Some motorists would pass through for free and others with a legitimate claim would not. The payment holiday is a flawed idea. It is superficially attractive but in practice it would be little more than an expensive gesture.

The bill simply restores Scottish ministers' rights to collect tolls from July 2001. It is drafted to meet all the requirements of the European convention on human rights—the Executive's lawyers and the parliamentary authorities agree on that. Subject to parliamentary approval, the current toll-free period will end once the bill receives royal assent.

To drop tolls on the Erskine bridge would achieve nothing in respect of Scotland's long-term transport problems and our long-term ambitions. Every member knows that there are huge pressures in our roads network. The £660 million motorway and trunk road programme from 2001 to 2004 is fully committed. I see no logic in increasing the strain on that budget further. The letters that I have received from members and local lobbying to me on safety issues and urgent road improvements back up that argument.

We should not seek a quick, populist fix. We should focus our sights on the real transport issues that we all face. Nobody likes bridge tolls, but they are a necessary part of the transport finance regime in Scotland and in many other countries.

The episode has been a deeply unfortunate administrative error but we are determined to learn lessons. The investigation that I have ordered will put us on that path but we should move on to the task in hand. I hope that Parliament will endorse the bill.

I move,

That the Parliament agrees to the general principles of the Erskine Bridge Tolls Bill.

10:29

Mr Adam Ingram (South of Scotland) (SNP): I greatly regret having to move the amendment. If members of the Executive parties were motivated more by democratic principles than by political expediency, the amendment would not have been necessary.

I reiterate the SNP's firm opposition to the summary reintroduction of tolls on the Erskine bridge without public consultation and without referral to the Transport and the Environment Committee, which would have given detailed consideration of the bill's consequences. That

process would have exposed as palpable nonsense the Executive's justification in the policy memorandum to the bill for the renewal of tolls and particularly its assertion that not to renew tolls would have

"undesirable economic, environmental and social consequences through potentially increased traffic levels on a heavily used facility".

A basic understanding of elementary economics informs us that raising the price of or introducing a charge on a service will reduce the quantity demanded of that service. We agree that removal of tolls will increase bridge use. However, it is perverse to suggest that the enhanced movement of goods and people that will result will have anything other than a positive impact on economic activity in the areas that the bridge serves. The local councils welcome the removal of charges, as that provides a direct economic boost to the area.

The councils also anticipate a reduction in detrimental effects on the environment and in congestion, as alternative routes to the bridge are through highly urbanised areas. In that context, it is interesting to note that the Executive accepted the sense of that argument in 1999, when tolls were temporarily suspended to redirect traffic further up the river from the Kingston bridge when that bridge was closed for repair. It follows that the removal of tolls from the Erskine bridge could relieve the whole Glasgow conurbation of some of its congestion at existing pinch points, such as the Kingston bridge and the Clyde tunnel. Air pollution would also be reduced as traffic could move more freely and quickly throughout the area. In addition, at a time when we are trying to rebuild the tourist industry in Scotland, removing restrictions caused by tolls on the Erskine bridge would encourage wider access to Argyll and the west Highlands.

There are powerful arguments about the economic efficiency and environmental benefits to be gained by the removal of tolls. Those arguments must be balanced against the financial impact of the removal of tolls on the Executive's budget. It is clear that the Executive is operating a surplus of some £3.2 million on the bridge's operational account. Apparently, that surplus is to supplement the amount allocated to transport in the assigned budget. That is what is happening, but the question is, should it be happening? Is it fair that bridge users are not only paying for the maintenance and upkeep of the bridge, but making a further contribution to the transport system of Scotland, over and above that of other taxpayers? What we have is not a toll as defined in the original 1968 act, which was to be sufficient, but not more than sufficient,

"to defray the costs of the construction, maintenance and repair of the bridge and to make provision for the cost of its administration and continued operation."

Sarah Boyack: It is important to clarify that the construction costs were nearly £11 million. Major strengthening work was carried out in the late 1970s and major waterproofing and resurfacing work was carried out in 1994-95. Those works were carried out automatically. There was no question that they would not be carried out—they were not put in a queue with the other trunk road priorities at the time. The member must take account of the longer-term costs of the bridge. Although the latest accounts show a surplus of toll receipts over costs incurred, expenditure on the bridge in other years has exceeded receipts. We guarantee to drivers who cross the Erskine bridge that, because of the tolls that they pay, the required works on the bridge will always be carried out. As more drivers use the bridge, more works will be required in future. The toll that they pay ensures that the work will continue timeously.

Mr Ingram: The minister does not explain that the surplus gained by the tolls is above the amount that is required to maintain the bridge, although there might be capital projects involved along the line.

The Deputy Minister for Transport and Planning (Lewis Macdonald): Does the member accept that during 1994-95—to take another year at random as he has done—there was a deficit on bridge tolls and that the amount that was spent on maintenance was more than £1 million in excess of the amount raised from tolls?

Mr Ingram: Certainly, I accept that. However, if the minister refers to the Scottish Parliament information centre note on the matter, he will find that there has been something like a £37 million surplus over the past 20 years or so. We must put that in perspective.

Sarah Boyack: To clarify matters and to give some helpful information, let me add that the SPICe note does not take into account all the costs of maintenance and major bridge works. I am not saying that there have not been years when there has been a surplus, but the figure does not take into account the cost of the bridge or all the works that have been carried out on it. The toll regime was established by the 1968 act.

Mr Ingram: I will move on with my argument. What are we talking about and what do we mean by a toll? I accept some of the points that the minister made in her interventions, but the original construction debt for the bridge was paid off a long time ago, the maintenance costs are low and there is a substantial surplus. Therefore, motorists are paying a tax that is over and above the level of a fair toll as defined in the 1968 act. The minister admits that that tax provides an important source of money for the transport budget. That source is so important that emergency legislation has to be rushed through the Parliament without proper

scrutiny or a formal consultation process.

I cannot conceive of a better demonstration of the financial constraints that are imposed on the Parliament by the current devolution settlement than the extraordinary steps that the Executive is taking to secure the grand sum of around £3 million per annum, which is a mere 0.3 per cent of its transport budget. Is not it ludicrous that saving the Executive's transport budget is given a higher priority than economic efficiency, environmental benefit and equitable taxation? Is not it ironic that economic development that would yield increased revenue for the Chancellor of the Exchequer is being constrained to protect the Executive's budget? The case for independence and full financial powers for the Parliament grows stronger every day.

I move amendment S1M-2163.1, to leave out from "agrees" to end and insert:

"does not agree to the general principles of the Erskine Bridge Tolls Bill because it wishes first to examine the whole issue of bridge tolling and requests that the Transport and the Environment Committee stages an inquiry into the economic and legal impact of bridge tolls in Scotland and makes recommendations on what legislation, if any, is required."

The Deputy Presiding Officer (Patricia Ferguson): I call Murray Tosh.

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): Wake us up.

10:37

Mr Murray Tosh (South of Scotland) (Con): The Conservatives always seek to achieve the impossible.

Adam Ingram said something that is fairly valid, which came as a surprise to me. He put his finger on an issue that is effectively summed up in paragraph 9 of the policy memorandum to the bill, which states that

"in the absence of the provisions in the Bill it is likely that there would be a higher rate of increase in traffic levels on the bridge, leading to greater congestion".

I read that paragraph carefully because when I saw it I thought that it was nonsense. If tolling on the bridge is reducing traffic on the bridge, the extra traffic is almost certainly going to the Clyde tunnel. If the purpose of the tolls is to move traffic from the Erskine bridge, which is not congested, to the Clyde tunnel, which is congested, the paragraph is self-serving and self-evident nonsense.

I read the bill carefully after that and I decided that paragraph 9 of the policy memorandum is merely a rhetorical flourish with no substantive implications. Therefore, I decided that the Conservatives should support the bill.

In her speech, the minister was unfair to the SNP. She said that Labour members led the Transport and the Environment Committee's debates on tolling on the Forth road bridge and that the SNP members had not taken the opportunities that were available to them. That is not quite true. When the committee discussed the Transport (Scotland) Bill, there were extensive debates on tolls for the Forth bridge and possibly the Tay bridge—if things go that way. The committee, in agreeing to the bill, agreed to tolling. The SNP fully and explicitly accepted at that stage that there should be tolls to cover the continuing costs of maintaining and operating the regime.

Fiona McLeod: Does Mr Tosh accept that the SNP members voted in good faith? During the debate in the Transport and the Environment Committee, the minister said that the enabling powers—which is what Mr Tosh is talking about—would

“apply to both the Forth and Tay road bridge joint boards”.

She went on to say:

“We cannot identify any other significant crossing to which section 69 powers could apply”.—[*Official Report, Transport and the Environment Committee*, 22 November 2000; c 1271 and 1275.]

That is why the SNP members voted for the measure.

Mr Tosh: Yes, but Ms McLeod misunderstands my argument, which is that the SNP accepted the principle of tolling and at stage 3 lodged an amendment that would have explicitly allowed additional tolls to be levied on Forth bridge users so long as the projects being funded were incorporated within the transport strategies of the relevant local authorities. Let no one believe for a moment that the SNP is signed up to the principle of the free use of estuarial bridges. By their speeches, their actions and their votes shall ye know them. The SNP is fully locked into this process. All that is different today is that there is an opportunity for a few cheap headlines and a few cheap jibes at ministers. I am not averse to a few cheap jibes at ministers if the opportunity presents itself, but I much prefer having a go at the SNP. The blatant opportunism of what it is doing beggars belief, given the debates that we had with Bruce Crawford a couple of months ago.

Mr Ingram: It appears that Mr Tosh would not recognise a principle if it came up and slapped him in the face. The SNP has been careful this morning to articulate a principled case with regard to emergency legislation and what we describe as the summary reintroduction of the tolling regime on the Erskine bridge. What we are seeking is for the matter to be referred to the Transport and the Environment Committee. Does he disagree with our amendment?

Mr Tosh: Of the four minutes that I have theoretically had, I have spoken for only about one minute and 30 seconds.

I agree that the matter that Adam Ingram has raised is one that we might usefully discuss. Had the Transport and the Environment Committee heard at any of the meetings at which we discussed our forward programme a suggestion from SNP members that this would be a legitimate issue to debate, I would probably have agreed with it. I might even have been persuaded to consider seriously the implications of a motion that the SNP could have moved in its 60 hours of Opposition time. If a motion or petition had been lodged under any other heading, I might have seen the purpose of it, but the matter has arisen only in relation to the opportunity presented by this debate, which the SNP believes constitutes the political equivalent of an empty net into which, so far, Mr Ingram has been unable to trundle his ball.

Mr Stone: That is outrageous. Withdraw.

Mr Tosh: The member may come to realise in his political career that there are times when it is impossible to do so.

The profits of tolling are used annually to boost the trunk roads maintenance and construction programme. I have no difficulty with that. The underlying purpose, as explained by the minister and as operated by the previous Government, is that there is a notional sinking fund in relation to the Erskine bridge. It is impossible to conceive of life-cycle costs being met by annual equal tolling regimes. The expenditure does not arrive in neat dollops of £3 million and £4 million. Routine maintenance is relatively trivial for years and then suddenly, in the lifespan of a bridge that is expected to last for at least 120 years, one would expect to find that major capital is required.

The minister has given a commitment this morning that that capital will be found. That is what the notional sinking fund is for. If the SNP ever wishes to bring the matter up, I would be quite happy to debate the merits of a real sinking fund as opposed to a notional sinking fund. However, let us be serious about what the issues are in this case. The purpose of the tolls is not to accumulate profits but to pay for the long-term life-cycle costs of the bridge.

I am afraid that, in the two years of the Parliament's existence, we have seen no evidence that the SNP even begins to understand that procurement is not about building something and then walking away from it. Procurement is about building, maintaining and protecting the asset over its life cycle. That is what this toll is for. We have not had a glimmer of recognition of that from the SNP. The amendment is spurious and opportunistic. The bill in effect continues the policy

of the previous Government. It would be immensely hypocritical for Conservative members not to seek to continue with that policy. We understand what it is for and we understand the need for the money and the need for the bill, which we will support. We could have gone in for some cheap point scoring too, but frankly it is not worthy of this place.

The Deputy Presiding Officer: I call John Farquhar Munro. [*Interruption.*]

Mr Stone: He was asleep.

10:45

John Farquhar Munro (Ross, Skye and Inverness West) (LD): I was so taken with Murray Tosh's speech that I was carried away.

As we heard this morning, an error has been discovered in the documentation for the Erskine bridge. We saw a written statement from the minister saying that the error was unfortunate. I do not accept that it was an unfortunate error; it was an error that has given us an opportunity to consider the wider issues of tolls on other bridges.

It is commendable that the Executive has seen fit to address the situation. It has discovered an error in the documentation and has moved quickly to correct it. It has taken commendable and appropriate steps. In considering the Erskine bridge, members must accept that the charges applied on that crossing are a fraction of the tolls that are charged for the Skye bridge crossing, which do nothing for the fragile economy of that area—the tolls that are extracted on the Skye bridge crossing are quickly dispatched to the Bank of America. The minister argued this morning that the revenue extracted from the toll crossing at Erskine is a benefit to the budget of the roads and transport department in Scotland. That is appropriate and correct. It is a pity that the huge sums that are extracted from the travelling public on the Skye bridge are not retained locally. They do nothing for the roads infrastructure in the area and are a distinct financial impediment to what is a fragile economy. This is an opportunity for us to discuss the wider aspects of tolling.

Alex Neil (Central Scotland) (SNP): I agree with John Farquhar Munro's comments about the Skye bridge. The SNP's amendment would present us with an opportunity to review policy on the Skye bridge and all the other toll bridges in Scotland. Is not that a good reason for him to support the SNP this morning?

John Farquhar Munro: This is an opportunity to consider the wider issues. I am not inclined to support the SNP argument, because this morning we have the opportunity to consider the wider picture and to encourage the Executive to have a fresh think on the Skye bridge.

In view of our acceptance of the procedures adopted to address the error on the Erskine bridge, I suggest to the Executive that it investigate the toll order for the Skye bridge crossing. There is plenty of evidence to suggest that that order was never placed before the Parliament, remains unsigned and undated and is therefore of doubtful validity. I ask the minister to address that.

The Deputy Presiding Officer: We now move to the open part of the debate. If members stick to the allotted four minutes, I should be able to call all those who have indicated that they want to speak.

10:49

Des McNulty (Clydebank and Milngavie) (Lab): I will highlight the resentment that exists among those constituents of mine—and, I am sure, of other members whose constituencies are in the proximity of the bridge—who have been illegally charged. I recognise that the problem was caused by an administrative error, but I hope that the Executive will acknowledge that people should be given an apology.

The debate allows us to raise some points about tolling, which is an issue on which I have corresponded with the minister, and specifically in relation to the Erskine bridge. When the Erskine Bridge Tolls Act 1968 was passed more than 30 years ago, the initial intention was that the period for repayment of the bridge's capital costs would be 20 years. If we examine the process for collecting revenues and the use to which the money has been put, we find that the minister is absolutely correct to say that the £40 million for building and maintenance costs must be set against the £56 million in revenue that has been raised.

It is not credible to argue that we are still recovering building costs. I am concerned by the fact that, in the past three years, £1.1 million has been spent on maintenance and £13.65 million has been generated in revenue, which makes a surplus of about £12.5 million. In that context, I welcome the minister's undertaking that there will be no increase in tolls, because there is clearly no basis for such a measure.

That said, some of the issues raised by West Dunbartonshire Council—and which I raised in correspondence with the minister—must be addressed. In its letter to the minister, the council highlighted the issue of social inclusion in relation to jobseekers in Dunbartonshire, who were being prevented by the toll regime from accessing jobs on the other side of the Clyde. However, the toll regime is not the key issue in this respect; we should examine the lack of public transport that crosses the bridge, particularly at times of day when people travel to and from work. The area of

Clydebank and West Dunbartonshire in my constituency has one of the highest levels of unemployment in Scotland. We must find out how we can help people to access jobs that might be available outwith those areas. Given the surplus in revenue that the minister receives from the bridge, I urge her to consider a mechanism that supports jobseekers in accessing jobs.

I want to highlight points that were raised in the Transport and the Environment Committee's discussions during stage 2 of the Transport (Scotland) Bill on how revenue from bridges should be used. The committee felt that there was a need to link bridge revenues not just with maintenance costs but with the development of the area's transport infrastructure. After extensive discussions with colleagues in West Dunbartonshire about Clydebank's economic situation, we have discovered that connectivity is a particular problem. There has been little investment in trunk roads in Clydebank in the past 20 years and there is a problem with access to the bridge, even from the area in Clydebank that is adjacent to it. As a result, the Erskine bridge is underutilised. We must investigate how we can better connect up the A814 between Whiteinch and the bridge to improve the transport connectivity of the area in the bridge's immediate vicinity.

I urge the minister to consider the surplus, the bridge's utilisation and our transport needs, and perhaps to take some of my points on board.

10:54

Fiona McLeod (West of Scotland) (SNP): First, I should declare several interests. I have a receipt for the 60p toll that was taken from me at 5.30 pm on 30 August. When I submit the receipt to the Scottish Parliament, will the Scottish Parliament be able to reclaim that illegally collected 60p from the Scottish Executive? Furthermore, I point out that, contrary to comments that have been made, I was the author of at least six amendments on bridges and tolling that the SNP lodged to the Transport (Scotland) Bill. I am sorry that I do not remember the exact figure, but I am sure that there were at least six.

I am sure that the minister is well aware of the phrase "Act in haste, repent at leisure". She must ask herself whether she has got the bill and its procedure right. Although the bill seeks to reinstate section 1(1) of the Erskine Bridge Tolls Act 1968, the minister has made it clear that she wants to continue to make a profit from the collection of tolls. Section 4 and schedule 2 of the 1968 act say that the tolls

"may be sufficient to defray the costs of the construction, improvement, maintenance and repair of the bridge".

We have heard that in 1999-2000, there was a surplus of more than £3 million.

The Scottish Parliament information centre report on the Erskine Bridge Tolls Bill—which the minister has tried to counter—points out that a £30 million profit has been made over 30 years. The source of that information is the minister's own department in the Scottish Executive.

Lewis Macdonald: Will the member give way?

Fiona McLeod: No. The ministers have tried to counter the report, but its source is the Scottish Executive.

We must pause and consider the figures. My West of Scotland constituents have done so and are asking, "Is this highway robbery, or is it a stealth tax?" The SNP amendment gives us time to examine the legality and the principles of the bill in the correct forum, not backwards and forwards in the bluff and bluster of the chamber.

Interestingly, I follow two members of the Transport and the Environment Committee who have begun the extensive debate that must take place. I hope that they will support the amendment, so that we can conclude the debate. If we took the matter to the Transport and the Environment Committee, we could take evidence from West Dunbartonshire Council, whose letter of 9 May to the minister has already been quoted. That letter

"calls on the Scottish Executive ... to consider the option of making the Erskine bridge toll free. The Council believes this would be a major step forward in job opportunity as it would widen the travel to work horizon for jobseekers throughout West Dunbartonshire Council".

It is appropriate for the council to give evidence and explain that statement.

If the Transport and the Environment Committee were able to examine the issue, we would also be able to test the minister's assertion in the policy memorandum that maintaining low tolls would result in

"undesirable economic, environmental and social consequences through potentially increased traffic levels on a heavily used facility."

However, as the bill's explanatory notes point out, the current projection is that, with tolls, traffic levels will rise by 5 per cent a year.

We need to be able to have a debate about such matters. Members have already mentioned congestion; we must examine whether a toll-free Erskine bridge would help to relieve the congestion at the Kingston bridge and the Clyde tunnel. As someone who lives two miles from the entrance to the Clyde tunnel, I can tell the minister that the congestion can last for an hour and a half every morning.

We are not just losing parliamentary scrutiny. Contrary to the minister's point of information, sections 3(1)(a) and 3(1)(b) of the 1968 act ensure that any extension of the toll order must have a six-week publication date and that any objection will result in a local enquiry. I am beginning to wonder whether there has been a mistake or administrative error, or whether a deliberate act brought the bill to the chamber today and prevented the local authority from having a local inquiry.

10:59

Miss Annabel Goldie (West of Scotland) (Con): I am indebted to Fiona McLeod for one thing. When crossing the Erskine bridge, I have often wondered about the tiresome people who require little bits of paper, who hold up everyone else in the queue and stop people like me who just want to pay and get on with getting on with it. Of course, I should have expected no less from the SNP, because paying and getting on with it is certainly not germane to its political programme. The SNP's whole political ethos is formulated around paying nothing, expecting services to be maintained and then producing a huge and horrific tax bill to those who are unfortunate enough to be earning to cover everything else that has not been rationally charged for.

I have to say that Mr Adams—[*Interruption.*] I beg his pardon—Mr Ingram. I think he put me in mind of the Addams family. [*Laughter.*] Mr Ingram's amendment is the height of political hypocrisy. Quite simply, the Scottish National Party has seen in this unhappy and regrettable situation an opportunity for political point scoring—a fact that is obvious from the comments that have been made by SNP members in the debate.

However, far be it from me to waste time on the Scottish National Party. I want to focus on two important issues.

I said earlier that I remembered the days of the Erskine ferry. I also remember the vagaries of that transport system, which were perhaps on a par with the quaint vagaries of the administrative and legal advice that is available to the minister's department. Locally, there was nothing but universal pleasure when it was announced that the bridge would be constructed and there was certainly no general antipathy towards paying tolls. For those of us who had paid fares on the Erskine ferry or who were confronted with the prospect of the fuel charges of using the Clyde tunnel, tolls seemed a sensible and equitable way in which to fund improvements in transport facilities in that part of the Clyde estuary.

I return to the point I made about the obvious discrepancy in the basis for charging on what I

described as the three older toll bridges. As the minister and her colleague have failed to make it clear to the chamber that there is any justification for that discrepancy, I am left to conclude that she is not only unable to justify it, but that she may be planning to announce extremely bad news for the users of the Forth and Tay bridges. I ask the minister to clarify her position. Does she accept that there is a discrepancy that, for as long as it continues, makes the charging unfair? Does she intend to address the discrepancy by increasing the charges on the Forth and Tay bridges?

Sarah Boyack: We have no plans to introduce measures, through the Parliament, in respect of the Tay bridge. However, we plan to introduce the order that I recommended during the passage of the Transport (Scotland) Act 2001, to tackle congestion on the Forth road bridge and to enable investment to be made in transport methods around the bridge in the light of the local transport strategies produced by the new charging authority.

Annabel Goldie has highlighted the fact that there are different approaches to tolling on our bridges. The bill will not address those different approaches; it will merely put in place what should have been there had we presented an order to cover the extension from 2 July.

Miss Goldie: I am grateful to the minister, but I think that what she has proclaimed, in her usual coy manner, is bad news for the users of the Forth road bridge of an increased tolling regime in the near future.

The SPICe research note—a helpful backdrop to the debate—informs us that the lifespan of the Erskine bridge is 121 years. Although my general impression is that the local communities that the bridge serves are not antipathetic to the tolls—it is not a pleasure for them to pay them, but they accept that that is a better prospect than the alternatives—there is an obligation, for the benefit of those communities, to provide greater transparency about where the moneys are going.

I conclude by returning to Mr Tosh's comment about a notional sinking fund. There is a strong argument that there should now be an actual sinking fund. Given the lifespan of the bridge, the local people, who pay the bulk of the tolls and create the majority of the surpluses, are entitled to know what has been set aside to cover the projected costs of maintenance, depreciation and administration of the bridge. They should be told in clearer terms exactly what is happening to the money. The people in the local communities are owed no less than that.

11:04

Colin Campbell (West of Scotland) (SNP): Politics apart, all members would agree that

having toll-free roads throughout the country would be ideal for improving the flow of traffic and the economy. Those who have crossed the Kingston bridge at any hour of the early morning or at the end of the day will know that drivers can arrive at a choke point and sit there for up to half an hour with their engines running slowly and uneconomically—polluting the environment—and wishing to God that they had travelled by train. The same can happen at the Clyde tunnel.

Those two river crossings are free and become absolutely mobbed. We must ask ourselves how many motorists on the margins choose those routes to save a penny or two rather than cross the Erskine bridge. I am not talking about those of us who can recover our money through expenses or about businesspeople or those who are well off; I am talking about the people who struggle to get to a new job across the river, who do not have a lot of spare money and who run their cars at huge personal sacrifice. How many of those people divert? We do not know.

Murray Tosh was in disparaging teacher mode today—a condition which, I recognise, we all indulge in from time to time. During my time in politics in the west of Scotland, there has been no notion that either Dunbartonshire or Renfrewshire enthusiastically embrace the idea of tolls on the Erskine bridge. Tolling has been a burden that the people have had to endure.

Mr Tosh: Will Mr Campbell give way?

Colin Campbell: Yes, teacher.

Mr Tosh: Does Mr Campbell accept the realistic point that the existence of the bridge is of huge benefit to the area and the people who live there? Does he accept that almost nine million people crossed it last year and that a token payment of 60p per journey is well worth the asset that the bridge represents to those communities?

Colin Campbell: I agree with Annabel Goldie who, like me, remembers that the Erskine bridge is an improvement, no matter how it is funded.

All tolls slow down traffic, discourage movement and have a negative effect on the local economies. Let us consider the local economy of Port Glasgow and Clydebank south—two areas that one would not automatically link. I agree with what Des McNulty said about the lack of public transport across the Erskine bridge—someone complained to me about it at a recent surgery in Erskine. Port Glasgow and Clydebank south receive money from an URBAN II programme. Such programmes are designed to help areas in which there are major social, industrial and unemployment problems. As I said in a previous debate, the area was cobbled together, to meet the criteria of URBAN II, into something called the Clyde urban regeneration zone, which will be the

recipient of the money. The key link that joins Clydebank south and Port Glasgow is the Erskine bridge. It is interesting that, in the middle of an area that justifies help from Europe because it is so poor, there is something like the Erskine bridge, which adversely affects people who are on the margins of motoring.

The Executive may think that we are trying to exploit the present situation—which is something that the Executive would never do, of course—but our amendment simply asks that the Transport and the Environment Committee investigate the social, economic and environmental impacts of tolls. Whatever conclusion it reached would be something for us to fight about later.

11:08

Trish Godman (West Renfrewshire) (Lab): As the minister said, we are correcting a serious administrative error that—all members would agree—should not have been made. We all make mistakes and today we are trying to take appropriate steps to ensure that such errors are not made again.

The SNP believes that this is an opportunity to abolish tolls on the Erskine bridge, if not on every bridge. Although I have some sympathy with the suggestion that we should examine the principle of tolling, I do not believe that this is the time to do that. We should address tolling through a comprehensive transport review. Such a review was not undertaken last year, but if the Parliament wanted to undertake a review, it could be done. The review could centre on the question of motorists' paying tolls when they cross bridges.

Murray Tosh was right to ask SNP members why they have not used their parliamentary time to discuss the matter. That question was answered following interventions on Lloyd Quinan by Johann Lamont and Des McNulty. It seems that the SNP will discuss reserved powers, but not local issues that are relevant to Scotland. That is a bizarre way for a party of independence to proceed.

What would happen if we rescinded the tolls today? I cannot lose sight of the fact that some of my constituents would immediately lose their jobs: those who paint and maintain the bridge and those who collect the tolls. They are my constituents and the constituents of other members. That fact must be taken into account in the decision that we make today.

We cannot debate and make a decision on this important issue in half a day in Parliament. The matter is complicated. In an answer this morning, the minister stated that the regulations governing the toll bridges are different in each case, so the issue must be decided in a comprehensive manner.

Income from tolls on the Erskine bridge and others amounts to £20 million. The loss of that income would impinge on road programmes throughout Scotland, as ministers have pointed out two or three times today in response to interventions from members.

If we are to argue about the abolition of tolls, we should scrutinise thoroughly any proposed bill and allocate the appropriate amount of parliamentary time to it, recognising that, if we lose income, we will have to find alternative ways of raising the money. When Iain Smith asked the SNP what alternative ways it would suggest, it was unable to suggest any. That demonstrates that we cannot deal with the matter adequately in three hours.

Over the past three years, I have pursued the matter of the £4.5 million that is due from the owners of the oil rig that damaged the bridge and I will continue to do that in conjunction with the minister. I want that money to be used locally for transport improvements. Des McNulty is right to want to pursue the possibilities of economic development in West Dunbartonshire. Indeed, as Colin Campbell said, the URBAN II funding for economic development from Europe has been awarded to the constituencies that Des McNulty and I represent. That happened because local Labour parliamentarians, councillors and MEPs put forward the case for the funding.

Constituents have contacted me asking for the Erskine bridge tolls to be lifted. I have some sympathy with that plea, but now is not the time to abolish the tolls. Annabel Goldie has a fair point and I agree that the local council and the local people would be interested in having an account of exactly how the tolls are spent locally, but, again, that is not a matter for today. All we are doing today is rescinding an administrative error. We need more time to ensure that a wider discussion is more comprehensive.

The Deputy Presiding Officer: We now move to closing speeches.

11:12

John Farquhar Munro: The Executive has made a strong case for the rectifying of the toll structure situation on the Erskine bridge—which has been of concern of late—with the appropriate documentation. We have heard a number of powerful speeches this morning, not least from our Conservative friends. I am not surprised that they continue to show their enthusiasm for tolls. As I mentioned earlier, the problems that have arisen in relation to the Skye bridge are the result of legislation that was brought in by our Tory colleagues some years ago. That has nothing to do with the members of the Scottish Parliament, although some former Conservative ministers are

still with us. We forgive them, however.

I know where the SNP is coming from this morning. I have supported many of its policies and suggestions over the years, particularly since the establishment of the Scottish Parliament. However, I am reluctant to support its proposal today as I am anxious to establish a debate with the Executive on the principles, the documentation and the legality of the Skye bridge crossing charges.

Alex Neil: Does the member have a commitment, or even the hint of a commitment, from the Scottish Executive that, if he supports the motion today, it will review the Skye bridge policy soon?

John Farquhar Munro: At the present time, I do not have such a commitment. There is a continuing debate around the matter and I am sure that Mr Neil will agree that the Executive will eventually arrive at a fair and just conclusion.

I support the principle of the tolls on the Erskine bridge for one justifiable reason: I cannot see why other people in Scotland should not be subject to the same difficulties that we are subject to in Skye.

I ask members to ensure that, when the Scottish Parliament finally gets round to verifying and clarifying the documentation that allows the Skye bridge toll to be charged, we approach the matter with the same diligence and speed that has been demonstrated today.

It may surprise many members that, this morning, I will support the principle of there being tolls on the Erskine bridge.

11:15

Mr Tosh: Having taken the opportunity last week to travel across the Skye bridge, I feel that the toll was a worthwhile investment for the two days that I enjoyed escaping from politics in the mountains of the island.

John Farquhar Munro's point about the Skye bridge illustrates what other members have said this morning: that the issue of tolls and charges is complex. There are many anomalies between bridges under local authority control, those run by the Executive and private sector bridges. The anomalies that arise from free bridges have not been mentioned this morning but would have to be taken into account if we were to examine the whole picture.

A case has been made that we should look at the whole picture. Colin Campbell's point about the need to examine the local economic impact is perfectly valid. In an intervention, I pointed out that the economic impact of the bridge was substantial, but it is equally legitimate to ask about the impact

and the displacement effects, if any, of the charging mechanisms. That would be a constructive thing for the Parliament to do.

I have no quarrel with the many positive and sensible suggestions that members of all parties have made today; I find distasteful the case advanced by the SNP as a party, rather than the points that its members made. That case has been anecdotal, partisan and opportunistic. For example, Fiona McLeod did not call for a study or an investigation of the benefits or otherwise of the situation but for the outright abolition of the tolls. She said that the charges were highway robbery and a stealth tax. She even suggested that ministers had arranged the current situation for their own advantage, although I am not sure that the ministers have entirely enjoyed the publicity of the past few weeks—judgment, however, has never been one of the SNP's strongest points.

I have nothing more to say about the SNP except that I find it extraordinary that, only months after having accepted the principle of there being some kind of tolling mechanism on the Forth road bridge, the party suddenly feels that it is imperative that we abolish tolls on the Erskine bridge. That is neither a principled nor an intelligent position to adopt.

Today's bill has the impact of a statutory instrument. It ensures the continuance for a further five years of the regime that existed until a few days ago. The situation will be re-examined in five years. In those five years, the SNP and any other group or individual in the Scottish Parliament will have every opportunity to advance their cases. Let the local authorities put a case that the Parliament should consider. Let us spend time and intellectual capital on analysing the situation in an attempt to come up with more coherent strategies based on the sort of points that Trish Godman and Annabel Goldie made about how the situation might be better handled. However, let us not indulge in knee-jerk politics and react to a specific situation by changing policy in a significant direction without reference to comparable cases, without calculating the implications and the consequences and without thinking through the whole policy.

If we want to think through the whole matter, the only intelligent thing to do is to renew the Erskine bridge charges and examine the issue in a way that is removed from this present crisis. Let us approach this matter sensibly, maturely and over a reasonable period of time.

11:19

Alasdair Morgan (Galloway and Upper Nithsdale) (SNP): I appreciated John Farquhar Munro's opening speech a great deal. I recall that he spent his speech in a previous debate on the A75 in Dumfries and Galloway talking about roads

in Skye. It is therefore only appropriate that he should have taken the same approach in a debate on the Erskine bridge. Today, at least, he has the justification that the Erskine bridge more or less points towards Skye, which is more than can be said for the A75.

Unlike some of my colleagues, I want to be generous to the minister. Administrative mistakes happen. However, the fact is that there was a gap in the legal toll regime. The reality is that the bill does not continue a toll: it introduces a new toll or a new tax where none existed immediately before. Why not take the chance of having some proper consultation, as has been suggested, of examining the economics of tolling as opposed to reducing the tolling and considering the representations of some of the local councils?

Instead, we have an Alice-in-Wonderland bill. Let us examine some of the provisions in that bill. First, the tolls that were not legal from 2 July to 30 August become legal. Secondly, the tolls that were not charged from 31 August until today—and beyond—because they were illegal could have been charged because they will now become legal. In any event, we will suspend those tolls so that we do not charge them. Of course, we need the suspension section—section 1(4)—because, otherwise, people from whom we did not collect the tolls since 31 August might have committed a retrospective offence under section 1(2).

Thirdly, anyone who for some reason did not pay a toll during July and therefore did not commit an offence because there were no legal tolls becomes a criminal by virtue of section 1(2) because we have made illegal tolls legal. We need section 1(7) to let them off the offence that they did not really commit in the first place because we would otherwise be in awful trouble with those really nice people at the European Court of Human Rights.

Let us get to the substantive issue, particularly the economic aspects of tolling. The policy memorandum refers to those as if there might be negative economic impact as a result of doing away with the tolls. That is a fairly interesting proposition. Does the minister think that increased traffic on the bridge would bring about positive or negative economic effects? Does she not think that the local councils, which think that to reduce tolls would stimulate economic development on both sides of the Clyde, have a point? Is it not the case that the increased tax revenue generated by economic activity would more than offset the lost revenue from tolls? I am talking about real taxes, not stealth taxes. The only virtue of calling the toll a toll as opposed to a tax is that a toll becomes the property of the Scottish Executive whereas a tax becomes the property of the Westminster Government.

Is there not at least an arguable case that the increased tax revenue would offset the lost toll revenue? Is it not worth asking the Transport and the Environment Committee to examine that possibility, just in case the minister is wrong? Sometimes, ministers and Administrations get things wrong, which is why we are debating the bill.

Iain Smith (North-East Fife) (LD) rose—

Alasdair Morgan: I am almost into my last minute, so I will not take Mr Smith's intervention this time.

Is it not the case that, despite all that the First Minister said yesterday about partnership with Westminster, the problem is that we do not have a holistic approach in Scotland towards taxation? The fact is that any economic and tax benefit that would come from reducing or abolishing tolls on the Erskine bridge would not show in the Executive's books. All that the Executive's books would show would be the loss of the tolls. Is that not the real problem?

Apart from the fact that the situation is a mess, the bill clearly illustrates the need for the Parliament to control all of Scotland's revenues so that we can consider the total equation when we make important decisions, such as the one we are making today, that are vital for the economic future of some of our most deprived communities.

11:23

The Deputy Minister for Transport and Planning (Lewis Macdonald): Our discussion this morning has ranged across the Erskine bridge, general tolling issues and further afield. In the context, that is not a surprise.

As the policy memorandum makes clear, and as Sarah Boyack said at the beginning of the stage 1 debate, the objective of the bill is straightforward, simply

"to restore tolling on the Erskine Bridge".

Tolls have been levied on the bridge ever since it opened 30 years ago. They have been levied under the Executive and through previous Labour and Conservative Administrations. They were levied, it must be said, in agreement with the local authorities at the time. They were levied on the clear understanding that such major estuarial crossings offer substantial benefits to users, in terms of reduced journey times and easier access—the Erskine ferry was mentioned in the debate. It is right and proper that those who benefit from the bridge should contribute directly to the cost of building, maintaining and operating it.

Revenues from the bridge raise, as has been said, £100,000 a week or £5 million a year. That is

sufficient to cover the current costs and more than sufficient in the last financial year, but to look at any one year in isolation would be misleading. It is important that we consider the whole-life costs of the bridge, including the major costs of renewal and upgrading over time. That is clearly what the architects of the 1968 act had in mind.

Iain Smith: I can understand why the Conservatives are obsessed with a sinking fund. Does the minister agree that it is rather desperate that the Scottish National Party has not once answered the simple question of where it would cut the roads budget to fund its proposal?

Lewis Macdonald: That is a solid point. I mentioned the £5 million that is raised by tolls on the Erskine bridge. The total amount raised by tolls on bridges in Scotland is over £20 million. Perhaps the SNP needs to answer even bigger questions in the future.

The amendment, which has been lodged by the SNP, seeks to prevent the restoration of tolling on the bridge until there has been a committee inquiry into bridge tolling and the way in which the £20 million that I mentioned is raised. As a number of members of the Transport and the Environment Committee have said, the SNP could have proposed that during passage of the Transport (Scotland) Act 2001 last year. They chose not to do so. They choose now to propose it in the most opportunist way. They cannot bear to let the bandwagon roll by unboarded.

We do not think that the error that has been made on the toll order for the Erskine bridge is the basis for an inquiry into tolls everywhere. Such an inquiry would find what we already know: that the pattern of bridge tolls across Scotland is inconsistent, and that what is true of one major estuary is not always true of another. That fact is not confined to Scotland: it is true in the rest of Britain and in the rest of Europe.

If the SNP has now decided that it is against bridge tolls everywhere—as one or two of its members seem to be saying—that will be a notable U-turn. This time last year, it was not against bridge tolls. This time last week, it was not against bridge tolls. Suddenly it has discovered that there may be an easy gesture to be made that had escaped its attention.

Mr Ingram claimed—and Mr Morgan made the same claim—that the Erskine bridge toll amounted to a tax. He talked about the annual surpluses from the Erskine bridge tolls. As with the New Roads and Street Works Act 1991, to which Mr Ingram referred earlier, he has failed to understand the nature of the Erskine Bridge Tolls Act 1968.

It was explained by another member that the level of tolls could not simply be varied to reflect

the annual maintenance costs of the Erskine bridge. The bridge is built to last 120 years. The tolls must cover not only maintenance but capital costs, not only the 30 years of its life so far, but also the 90 years of its future. We can anticipate far greater capital costs in future than those of the last 30 years.

Alasdair Morgan: If the minister wishes to save up the surplus from the tolls to pay for future replacement, why do we not set up a genuine sinking fund? At present, the surplus simply goes into Government revenues for the current year.

Lewis Macdonald: In years in which there is a surplus from the tolls, it indeed goes into the general transport budget. It is equally true that in years in which there is a deficit, that deficit is met from the general transport budget.

What sets the Erskine bridge apart—and the reason that we believe that the present system will work—is that the fact that the tolling regime is in place provides users of the bridge with a guarantee for the capital and revenue requirements of the bridge over the next 90 years. That is not true in every case.

Miss Goldie: Although I accept what the minister says about the security of maintenance that users of the bridge enjoy, does the minister accept that, on examination of the figures, it is impossible to anticipate a time when operating revenues will not be generously in excess of running liabilities?

Lewis Macdonald: On the contrary. I will clarify again a point that has clearly been misunderstood. The figures that SPICe produced on revenue expenditure show £19 million. Nobody challenges the accuracy of those figures. A further £21 million or so has been spent on the capital budget for the Erskine bridge. The gap is a good deal narrower than it looks at first sight. We anticipate that, over the 120-year life of the bridge, that gap may narrow and disappear.

The main point is that the bill that we have introduced today allows Parliament to revisit the tolls in five years' time and will continue to allow that. We are therefore making a decision for now and for the next five years. We are not removing Parliament's scrutiny of future plans for the bridge.

We have, of course, considered carefully the arguments against tolls on Erskine bridge. Those arguments have been put by Des McNulty, Hugh Henry and Trish Godman as local MSPs. West Dunbartonshire Council and Renfrewshire Council also held those views. The Executive acknowledges the force of those arguments but, as the minister responsible, Sarah Boyack made a judgment in August last year to continue the tolls for the next five years. We believe that it is right to do so.

We acknowledge the force of the arguments around the transport infrastructure and public transport provision around and across the Erskine bridge. We encourage the local authorities in the area to make bids to the public transport fund in order to improve the provision of public transport. We do not accept the view that the level of congestion does not impact on economic development. Many members know that congestion can be a bind on economic development. The increase in traffic on Erskine bridge over the past five years shows that the growth of public transport provision in that area would be of great assistance. I hope that the local authorities in the area will consider that.

Fiona Hyslop (Lothians) (SNP): Lewis Macdonald made a point about economic advantages. Surely the economic situation would be improved if taxes were increased and revenue sent to the Exchequer rather than having back-door stealth taxation by bridge tolling. That issue has to be examined and the SNP motion would allow the committee to examine it.

Lewis Macdonald: It is not a choice between tolling the Erskine bridge and promoting economic development. The purpose of Executive policy in such areas is to generate income in both directions. The Erskine bridge tolls are there for the reasons that have already been described. The development of the local economy is a matter that the Executive will continue to consider in other unrelated ways.

Finally, the point about whether the legislation should be retrospective has already been raised in the debate. The Executive has always been clear that tolls should continue to be paid. That decision was taken in principle last summer. Motorists and others would not have had any reasonable expectation that tolls would end. Until last Thursday evening, we had not done anything, intentionally or unintentionally, to raise such expectation. If we failed to make the legislation retrospective, we would open the Executive to claims for repayment of tolls—not least from Fiona McLeod. Those claims could not be justified by the claimants, nor could they be checked adequately by the Executive. That would compound the confusion and we would end up by imposing greater burdens on the public purse. We have therefore acted quickly and decisively to plug the gap retrospectively.

The Executive has taken sensible action to recover from an unfortunate administrative mistake that we regret. Our action also avoids legal and administrative uncertainty. The Executive's policy is straightforward, as are the general principles of the bill. I commend the motion to the chamber.

The Deputy Presiding Officer: The question is, that amendment S1M-2163.1, in the name of Adam Ingram, which seeks to amend motion S1M-2163, in the name of Sarah Boyack, on the general principles of the Erskine Bridge Tolls Bill, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 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)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (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)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)

Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeish, Henry (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)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 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)

The Deputy Presiding Officer: The result of the division is: For 25, Against 78, Abstentions 0.

Amendment disagreed to.

The Deputy Presiding Officer: The next question is, that motion S1M-2163, in the name of Sarah Boyack, on the general principles of the Erskine Bridge Tolls Bill, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)

Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (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)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeish, Henry (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)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 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)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 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)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 79, Against 25, Abstentions 0.

Motion agreed to.

That the Parliament agrees to the general principles of the Erskine Bridge Tolls Bill.

The Deputy Presiding Officer: Now that Parliament has agreed to the general principles at stage 1, it is possible for members formally to lodge amendments for the stage 2 proceedings that take place this afternoon. If any member wishes to lodge an amendment, I urge them to do so as quickly as possible, to give the clerks time to check admissibility and to arrange for admissible amendments to be put into print for the benefit of members. Amendments should be lodged with the clerks and the legislation team in room 3.5 in the committee chambers.

New Economy

The Deputy Presiding Officer (Patricia Ferguson): The next item is a debate on motion S1M-2133, in the name of Alex Neil, on behalf of the Enterprise and Lifelong Learning Committee, on the report on the inquiry into the impact of the new economy. I ask members who are leaving the chamber to do so quickly and quietly.

11:37

Alex Neil (Central Scotland) (SNP): From the small number of people leaving the chamber, I can tell that the debate will stimulate a lot of interest.

On behalf of the Enterprise and Lifelong Learning Committee, I ask the Parliament to take note of our sixth report in 2001, which is on the new economy. There is a high degree of consensus on a number of new economy issues. There is probably most consensus on the critical importance of the new economy and broadband in particular to the future of the Scottish economy and to Scottish society.

Many people have rightly compared the importance of broadband in the 21st century to the importance of the railways in the 19th century and the road network in the 20th century. In many respects, broadband acts as a railway, a road, a mail service and a canal all rolled into one.

Rather than concentrate on the report, which has been in the public domain for over two months, I will comment on the Executive's response to the report and bring to the Parliament the feedback from the new economy seminar that was sponsored by the committee and Scottish Financial Enterprise in the Dome in Edinburgh two days ago.

One of the key elements of the committee's work is to ensure that we listen to the views of the business community and of the wider community. The seminar on the report, the Executive's response and its broadband strategy was well attended. The response from the business community is simple and can be paraphrased as "broadband, broadband, broadband; now, now, now". Above everything else, broadband was the key issue that people raised on Tuesday—many said that it is more important than many road links in Scotland. The front page of *business a.m.* fairly summed up the main comments that were made: if we do not implement a substantial, dynamic broadband strategy, Scotland will be in danger of becoming a third-world economy. We all agree on that.

Nick Kuenssberg, the new chairman of ScotlandIS, which is the main industry body

driving the business community on the issue, said:

"Broadband is more important than the M8 and the M74. We are told the M8 and the M74 will be joined in 2009. If we have to wait that long for broadband, Scotland genuinely will be a third-world economy."

The committee and, I hope, the Parliament are agreed that we will not need to wait until 2009 before broadband is available.

Particularly given the fact that Annabel Goldie, the deputy convener of the committee, and I have been criticised in *The Sunday Times* for not taking into account some of the dissenting voices from the business community, we should listen to such people as Bill Allan, the chief executive of Thus, who do not necessarily agree with the consensus position. Such people are experienced in the industry and their voices, along with everyone else's, should be heard. We should all take heed of Bill Allan's point about monopolies. He also made a point about the T Soja & Associates report, which was commissioned by Scottish Enterprise. He highlighted the need to ensure that indigenous companies in Scotland—as either investors or consumers, or, in some cases, as both—get the benefit of the technology. That is a perfectly reasonable point.

I will now turn to the Executive's response to the committee. One of the committee's key recommendations was that the Executive should appoint an e-envoy. We avoided the word "tsar" in case it had connotations that would perhaps not be entirely acceptable in the wider community. The Minister for Enterprise and Lifelong Learning tells me that she has not just one e-envoy, but five. I am sure that the minister will tell us what each of those five e-envoys does. Perhaps there is a case for one of them being the super e-envoy, so that we have a driver or champion, as we do at UK level. It should be someone who knows the business inside out. Although we respect the contribution to the development of the strategy that has to be made by officials in the enterprise and lifelong learning department and by Scottish Enterprise and Highlands and Islands Enterprise, there is a general, cross-party feeling that there should be someone in day-to-day charge, driving the strategy through, as ministers may be too busy to concentrate entirely on its implementation. That is what lay behind that recommendation, and I hope that the minister will clarify the position on it.

We made some recommendations about ministerial responsibility, which generated a heated response from the Minister for Finance and Local Government. The committee will not get too involved in deciding which minister is responsible for what; our substantive point was that we want to ensure that attention at ministerial level is paid to all aspects of the new economy and the broadband strategy, and in particular to the need

for an e-strategy.

The one point on which the Executive did not agree with the committee was our recommendation for an overall e-strategy. I take the point that there are many strands to this policy area and it is clear from the Executive's statement that all those strands will have their own strategies, which will be published by the end of this calendar year. However, it is still very much the view of the committee that we should ensure joined-up government. To use the in phrase of the day, there needs to be an overarching strategy, bringing all the strands together. Despite what the Executive said in its document, I am still of the view that the committee was right to make that recommendation.

The other key issue is timing. One of the most interesting facts to come out of the seminar, where it was emphasised heavily, was that, given the growth in the use of e-technology, a year in effect equals 28 days. In other words, the growth in e-technology is exponential. If we do not get ahead of the game, the game will leave us behind. If we consider our situation among our international competitors, it is generally agreed that we are middle ranking in our capacity and competitiveness. However, it will not be enough to be middle ranking; we have to ensure that we get into the premier division. Our recommendations and, I am sure, the Executive's responses, are all designed to ensure that we do.

I particularly welcome the Executive's commitment to rural areas, specifically to the two pilot areas in the Highlands and Islands and the south of Scotland. Although access to broadband is generally available in the strap from Glasgow and Edinburgh up to Aberdeen, it is in the more outlying areas where it will prove most difficult to ensure that the investment takes place. I hear of many examples of rural businesses that will be dependent on access to broadband and I am sure that many members will emphasise the point that access to broadband will be a vital element in regenerating the rural community.

That raises the question whether funding should come from the private or public sector. The Executive agreed with the committee that the power of procurement in the public sector could be used to generate and attract investment in the infrastructure from the private sector. Since the committee's report was published, the financial condition of many telecom companies has deteriorated significantly. It may be that a greater level of public investment will be required to pump-prime the investment than we may have envisaged, even at the end of June, because of the global developments in the sector. The Parliament should be prepared to face the challenge that is presented. Of course, the size of

the public purse is limited, and the investment must be made where it will be most effective. We cannot write a blank cheque to be drawn from the public purse, but it may be essential to increase the level of public involvement.

There are a few other points, which my colleagues will no doubt raise; my final one is that time is of the essence. If we do not act now, the world will pass us by. As an economy, we are on the periphery of Europe and many of our own peripheral areas will depend on e-technology. The message from the Executive, the committee and the whole Parliament must be that we need action today. I hope that that will be the message that we send not just to the business community but to schools and hospitals and to the broad spectrum of society that will rely on this technology.

I move,

That the Parliament notes the 6th Report, 2001 of the Enterprise and Lifelong Learning Committee, *Inquiry into the Impact of the New Economy* (SP Paper 355).

11:48

Mr Duncan Hamilton (Highlands and Islands) (SNP): I align the Scottish National Party behind the Enterprise and Lifelong Learning Committee's general recommendations. The committee's report is already a victim of its own success, to the extent that the business community and the Executive have now responded with the actions that they propose and support.

It is valuable first to go over some of the work undertaken by the committee, as it gathered some valuable evidence. As members know, the SNP was unable to sign up to the committee's final conclusions. I want to explain clearly why that was. It was not a churlish attempt to undermine the committee's work; rather it was an attempt to take the logical conclusions of the committee on to a new phase. We generally welcomed the report's broad conclusions and we do so again today.

We felt that there was a failure in the final report to put in place enough momentum and enough of the specific targets that we sought, which included a target as aspirational as having 90 per cent of homes and businesses connected at 8Mbps by 2005 and the idea of establishing a strategic interconnector from Scotland into the global network. Those are examples of things that could have been included in the report, but were not.

The response from business has meant that it is unnecessary to go back over the divisions that existed on the committee. This week, the business community told us that the report was fine as far as it went, but that immediate action was needed. It said that it was essential for the Parliament to unite behind an attempt to get action from the Executive. I am happy to sign up to that today.

The business community's desire for impetus is shared by the Scottish National Party.

The committee's report makes Scotland's position very clear. Our international standing is not good enough. The Irish Government has underwritten its interconnector to the United States. The Swedish Government is committed to having every office and home connected to broadband. We should also examine what some of the states of the United States are doing. Those are shining examples of what this country could achieve if the Government and the Executive met the challenge of the new economy. There is no question but that Scotland currently lags behind in this area and that we need to get ourselves into gear.

I support what Alex Neil said about the appointment of an e-envoy. The committee recommended the appointment of an e-envoy for the specific reason that it is unacceptable for there to be any confusion about who is responsible for driving through these reforms, which should be a top priority for the enterprise and lifelong learning department. Lord Macdonald was much praised for the efforts that he made at UK level to push through the agenda for e-government, e-commerce and related issues because he was single minded, focused and committed to making things happen. The Scottish Parliament and the Scottish Executive cannot afford to have many ministers responsible for the new economy, simply because it is a cross-cutting issue, or for it to be passed on to civil servants or people without ministerial responsibility. If this issue is to be taken seriously, it must be given priority. There must be a dedicated e-envoy and a minister answerable to the Parliament for progress or for the lack of progress.

The Executive must address the issues that were highlighted in the business seminar and in the committee's deliberations. What happens when the market fails to provide broadband services to the consumer? To anyone who gives the matter half a second's thought, it is obvious that it will be impossible to generate enough demand in the Highlands and Islands to convince a private company to take on the risk of providing services to the area, particularly given the global downturn. Business recognises that there is a role for the public sector. Unfortunately, so far the Executive has not addressed those issues.

I want briefly to consider the Executive's strategy. *[Interruption.]* Euan Robson may huff and puff all he likes, but the facts are in the strategy that the Executive published. My first point relates to the Executive's general approach. I would not have thought that alienating the industry was the best way of proceeding. It has not been helpful to see Scottish Executive ministers or civil servants

briefing against private companies, or the spat that had to be resolved with the involvement of Cable & Wireless. If the Executive wants to involve companies in its strategy, taking an antagonistic approach is not the best way.

Tavish Scott (Shetland) (LD): Will the member give way?

Mr Hamilton: I would be delighted to

The Deputy Presiding Officer: No, Mr Hamilton is coming to the end of his speech—I hope.

Mr Hamilton: I beg Tavish Scott's pardon. I would have been delighted to give way to him. Perhaps I can do so later.

Secondly, the Executive's commitment to aggregate demand is fine, but it raises a range of questions about the Executive's ability to quantify that demand. If we intend simply to ask business to take yet another risk, without knowing what demand exists, I am not sure that business will be willing to do that. What happens to the contracts that are already in place? If there is an overlap with those contracts, that may delay the provision of service to the very areas that we need to help.

The Scottish Executive should give a further commitment to provide public sector investment—or at least to underwrite many projects. If they are left entirely to the private sector, I fear that—rightly—it will weigh up the risk and say that it is not worth taking. It is up to the Executive to meet the challenges that the committee has put before it.

11:54

David Mundell (South of Scotland) (Con): Sometimes events make one doubt one's own thoughts. As a great advocate of an e-Parliament, I would this morning probably have had an e-MacAskill beamed to us from the Grand-Place, Brussels, with his contribution to this debate. Alas, that is not to be.

Unfortunately, the circumstances in which this debate is taking place are all too familiar. We have a graveyard slot, a poorly attended chamber, poorly attended galleries and far too little time to debate this subject—a subject to which much lip service is given regarding its importance to Scotland's future, but on which words are never matched by reality. Nothing justifies curtailing and marginalising a debate on the excellent report by the Enterprise and Lifelong Learning Committee, which contributes significantly to discussion of an issue that should be of the highest political importance in Scotland. That issue is not yet at the top of the Scottish political agenda. If it were, the Executive's response to the report might have been different or the so-called Opposition might have made a more constructive contribution to the

debate in the committee, instead of picking up its ball and taking it away at the end.

Mr Hamilton: Will the member give way?

David Mundell: I will come back to Duncan Hamilton in a moment.

In discussions on this subject and in the press, we have heard myriad statistics and jargon. Nobody denies that one of the most important things we need to do is interpret what that means, but I am convinced that by far the most important factor in creating a digital Scotland is a passion to succeed. That is not easy to measure, but putting a finger in the air in Scotland indicates that that passion is not there.

I used to taunt the former Deputy Minister for Enterprise and Lifelong Learning, Mr Nicol Stephen, for his apparent lack of energy in pursuing this subject. Nobody can doubt Ms Alexander's commitment. However, from the outside hers appears to be a lone voice in the wilderness. Behind her in the Executive there is no real commitment to delivering a digital Scotland. In the corridors of power in Scotland one does not meet people who enthuse about it or set out how it will happen—people who want it to happen and believe that Scotland can be at the cutting edge of a global revolution. Until there is commitment from the highest level—from the First Minister down to the most junior civil servant—we should not kid ourselves that we can put Scotland at the top of any division, let alone the premier league.

The Conservatives broadly welcome the Executive's broadband strategy, because it is clear that the model of demand creation has worked successfully elsewhere, particularly in disadvantaged and rural communities. However, in my view it is too slow and too bureaucratic. There are serious issues to do with the current lack of inclusion of further and higher education institutions in the plan, as they are key players across Scotland and key proprietors of network capacity that is not currently being used to Scotland's advantage.

As Duncan Hamilton indicated, there is also a serious concern about the Scottish Executive's ability to engage with the business community. A dialogue with the telecommunications industry does not involve saying to people, "I am going to have a press briefing and I want you to say something positive about my strategy." There needs to be two-way communication. That involves listening and sharing genuinely in a full, frank exchange of ideas, so that everyone can be got on side.

Business, too, has a role to play. Elsewhere, business has driven forward an e-agenda in government. It has constantly knocked on the Government's door, saying, "What are you doing

about this issue?" It is time that that happened in Scotland. In its report, the committee makes a clear reference to the need for a dialogue with the Office of Telecommunications, which is soon to become part of the office of communications. The importance of that dialogue cannot be understated. For too long, OFTEL has worried about individual issues, instead of taking a strategic approach to the development of information and communications technology in the United Kingdom. If it does not adopt such an approach, it will be an inhibitor rather than a facilitator of our development.

What should the Executive do? It has in its power the ability to deliver e-government. There are no excuses for failing in that enterprise. Government is all pervasive in Scotland—far too pervasive for the liking of some of us. It is present in every community—in local government, the health service, water authorities and the police force. The list goes on and on.

Government is the largest single employer in most communities outside the central belt and it is the biggest single economic actor, yet the Government has failed to deliver e-government. That is a fundamental flaw of the approach to date and it is an inexcusable arrogance in the Executive's response to the report for it to say that it will not put together a seamless strategy that would incorporate all elements of a digital Scotland. Anyone who visits a successful new economy will not find separate boxes for inclusion, for e-commerce or for government—such economies all have a seamless strategy. That is what Scotland needs if we are to develop the new economy to which we aspire.

At this week's seminar, someone told us that 28 days equates to an e-year. On that basis, the Scottish Executive has had 30 years so far to deliver a digital Scotland. It has not managed to do so, but it has 18 years left. Those years should not be wasted.

12:01

Tavish Scott (Shetland) (LD): I begin by pointing out to David Mundell that Nicol Stephen is here in his present capacity.

David Mundell said that Wendy Alexander was the siren voice in the wilderness. I am sure that we are about to hear the siren voice in the heart of a Government that is acting on these issues. My only other comment on David Mundell's speech is that I am sure that we could hear Kenny MacAskill from the Grand-Place without the need for additional technology. However, that is an unfair comment, as Kenny MacAskill is not here.

I agree with the point that was made by Duncan Hamilton and Alex Neil in their introductory

comments: the committee's report was timely two months ago. They were both right to say that issues in the sector move forward at such a pace that it is hardly surprising that much has changed in the 28-day e-years to which David Mundell alluded at the end of his speech and which we were told about at the seminar on Tuesday. The rate of change is swift. As John Ward, the chairman of Consignia, said at our seminar, e-commerce in the world doubles every 100 days. That puts matters into context.

Given that scale of change, if Scotland is to be part of the process it must be able to compete by having the infrastructure in place. Alex Neil was right to say in conclusion that our main finding—both in our report and from what we heard from business earlier this week—was that we need that investment in infrastructure as quickly as possible.

Connectivity—a ghastly word for the English language—was the key issue for the committee and I believe that the committee addressed it, albeit that matters have moved on. Scotland does not have comparable connectivity to that of our competitor nations. Someone said at the seminar on Tuesday that our competition is not with the USA and that we do not want to be as good as the USA—we want to be as good as some of the Scandinavian countries. That illustrates how much we have to do and how much we look to the Executive to drive forward the agenda.

The committee made an important finding, in the sphere of entrepreneurship and education, about the importance of primary and secondary school education and of further and higher education. I recall the ScotlandIS seminar that took place before the summer recess, at which the number of science and technology graduates that Scotland is short of was demonstrated to us—we need those graduates to fulfil the requirements of the companies that operate in this area. That is an important point for the wider education sector to develop.

Another striking concept that was explained to the committee earlier this week was that of the virtual office, involving a one-stop service provider, not only for all the services that come through a personal computer but for multimedia, voice recognition and a range of other services. Those services would all come from a single provider rather than from a range of providers. If I recall correctly, the view of Tim Summers of Motorola was that such provision would be a huge step forward for the concept of the virtual office. It would be available throughout Scotland—not just in Edinburgh but in the Highlands and Islands or in the Borders, as Duncan Hamilton suggested. We should pay attention to that vision.

David Mundell mentioned e-government. The e-enabling drive is advanced in the Scottish

Executive paper, "Connecting Scotland: our broadband future", which Wendy Alexander released earlier this week. The principle of the pathfinder approach must be right for the Highlands and Islands and for the Borders and the south of Scotland, simply because those areas are unlikely to see the level of private sector investment that is required. I am pleased that the minister has responded to initiatives in the northern isles, where the public sector and others are considering the possibilities of a fibre optic link between Scotland and the northern isles. That would give businesses in my constituency a huge advantage. For example, a television documentary producer, Ted Harrison, now runs an animation business in Unst, in the very north of Shetland. His business would take a huge step forward if it could access that technology. That example serves as an illustration that taking that step—that big jump—forward will make a huge difference, no matter where one is in Scotland.

I welcome the report in this morning's *business a.m.*, about which I am sure the minister will say more, that she has appointed a broadband tsar who will develop this area further. Alex Neil said that we have five e-envoys, but if we were to have five tsars, I presume that the leading tsar could not be called the A-tsar but would be called the Caesar. Sorry—I could not resist that.

Another point that was raised at our seminar on Tuesday was that we must have a debate on how to develop the broadband strategy. I guess that it is part of Opposition politics for David Mundell and others to have a crack at the minister about that. However, I also noticed in this morning's *business a.m.* that Bill Allan, to whom the convener of the Enterprise and Lifelong Learning Committee referred, said:

"Having talked to the minister, we share common ground in the core of the strategy. We wish to work with the executive to make broadband provision a commercially viable proposition."

Allied to that and to the initiatives that the Executive is developing on the pathfinder areas in the Highlands and Islands and in the Borders, which are important steps forward, the committee is to be congratulated on making progress in this area.

12:07

Elaine Thomson (Aberdeen North) (Lab):

Many people talk about the new economy, but there is no clear definition of what the new economy is. For some people, it means dotcoms and for others it means technology-based companies. The Enterprise and Lifelong Learning Committee's report says that a clear revolutionary change in the economy is being driven by the new technologies. That change will affect all

companies in Scotland, whether they belong to the new economy—as some would describe it—or are simply new companies. It will affect traditional companies in all areas and impact on how we provide public services. It will also impact on individuals.

We must recognise the opportunities that are offered by the new economy and exploit them to Scotland's advantage. The possibilities of, and rewards from, effective use of the new technologies, the new ways of working and the cultural changes that they will allow are immense. To a large extent, they could wipe out some of the disadvantages that Scotland faces because it is located on Europe's north-western periphery. For example, they would allow Scotland to trade more effectively in the global market than has ever been possible.

Some earlier speakers said that Scotland is middle ranking, as far as existing broadband infrastructure is concerned. However, we are in the middle rank of the G7 countries plus Sweden and I suggest that our telecommunication infrastructure is already pretty far ahead. Over the past 12 months, companies in Scotland have been moving rapidly to take up the opportunities that are offered by new technologies and to get themselves connected up.

SNP members say that they place a great deal of importance on the new economy—to the extent that Kenny MacAskill published a minority report on the subject. I am surprised, therefore, that he is not here this morning, but it is obvious that he is elsewhere.

As various speakers have mentioned, we presented the committee's conclusions to Scotland's business community at a seminar earlier this week, at which we received some clear messages concerning the need to ensure that Scotland has the necessary telecoms infrastructure. Having the right kind of electronic backbone is as important for Scotland as having the right kind of physical transport links.

The clearest message that came across to me from that afternoon was the requirement for speed and action. Action must be taken quickly. As has been said, the pace of change that is being driven by the new technologies is absolutely tremendous. Increasingly, many companies are working, in effect, on a global basis. They need to work for 24 hours a day, seven days a week. That demands whole new ways of working, which are facilitated by the new technologies, such as virtual offices, teleworking and the development of virtual teams—team members can be based across the globe by using all sorts of things to let them work together. We need to act quickly to take advantage of that.

The committee's report suggested the appointment of an e-envoy. However, it was interesting that at Tuesday's seminar the chair of ScotlandIS was fairly relaxed about whether we had an e-envoy. He was more interested in ensuring that Wendy Alexander would remain in her current post. It was clear that he had great confidence in her dynamism and ambition to drive forward the agenda.

David Mundell: Pause for thought?

Elaine Thomson: Yes. I was pausing for thought.

The Deputy Presiding Officer: Please wind up.

Elaine Thomson: The broadband strategy, which is simply the latest of many positive policies, was announced this week. I have no doubt that as we work through those policies, they will position Scotland where we want it to be in the global context.

The Deputy Presiding Officer: I welcome Murdo Fraser to the chamber for his first speech.

12:12

Murdo Fraser (Mid Scotland and Fife) (Con):

Thank you for calling me to make my maiden speech in today's important debate on the new economy. I shall make reference to that topic in a moment, but if members will permit, I will digress briefly.

It would be appropriate for me to start by paying tribute to my predecessor list MSP for Mid Scotland and Fife, Nick Johnston, who served for a while on the Enterprise and Lifelong Learning Committee. I am sure that his valuable contributions to the political debate will be sadly missed by all members. It must be a matter of regret that ill health prevented Nick Johnston from completing a full term in the Parliament and I am sure that members will join me in wishing him a full recovery and a speedy return to his business career. It is important that the Parliament has proper concern for our nation's pensioners.

My journey to the Parliament has been a rather long one. I contested the elections in 1999 for the constituency of North Tayside, where I was pipped at the post by John Swinney. Thereafter, I set my sights elsewhere and contested the same constituency for the Westminster elections. Despite achieving a swing from the SNP to my party, I was not able to emulate the success of my party colleague, Peter Duncan, in Galloway and Upper Nithsdale.

I had rather resigned myself to a career in the legal profession when the news of my unexpected elevation to the Parliament came through. Members who take the Ken Clarke approach to

legislation—and have therefore not read the Scotland Act 1998—may have been surprised to learn that one can become a member of the Parliament in mid term without contesting a by-election. I can assure members that any surprise that they may have felt was nothing compared to my surprise when I was telephoned on a Thursday afternoon to say that I was about to become a member of the Parliament. It says a lot about politics today that that call came not from the office of the Presiding Officer or from a party colleague but from a member of the press.

I am pleased to take my seat in the Parliament and can comfort myself that I have, in a small way, made history by becoming the first ever replacement list MSP. If anyone still plays Trivial Pursuit, that may be a question in years to come.

I now represent the region of Mid Scotland and Fife, with which I have an existing connection. As members may know, there is a great deal of concern throughout Perthshire and Angus about hospital services at Perth royal infirmary and Stracathro hospital. That issue is of particular interest to me.

As a Highlander, I also take a particular interest in the future of the rural economy, which has suffered so much in recent years. The new economy offers opportunities to those who live in rural areas, in Mid Scotland and Fife and throughout Scotland. I therefore welcome the opportunity to contribute to today's debate. A priority for the Executive must be to encourage the development of the infrastructure to permit access to the new economy from all areas of Scotland.

Some months ago, I had the pleasure of visiting an internet business called Cali Net, which is based in Kinloch Rannoch and provides website design for the hotel industry. The location offers low overheads and an enviable lifestyle for the workers. The business provides employment for graduates in an area in which many other jobs are low paid and seasonal. Cali Net has been set up by bright young entrepreneurs and represents exactly the sort of enterprise that we should encourage.

Cali Net's problem is that it is constantly battling against a poor standard of infrastructure. Because it is based in Perthshire, it is at a competitive disadvantage compared to similar enterprises in the Highlands and Islands, where there has been much greater investment. If businesses such as Cali Net are to succeed—and we certainly need them in Scotland—the Executive must be committed to improving the communication network.

I welcome the committee's report and I trust that the Executive will take action.

12:17

Stewart Stevenson (Banff and Buchan) (SNP): I do not know whether it is a coincidence that the Presiding Officer has given me the privilege of speaking immediately after Murdo Fraser, thus enabling me to congratulate him on an excellent maiden speech. I welcome his presence in the chamber for two reasons in particular: with his elevation, I cease to be the most junior member of the Parliament; and, unlike myself, who raised the average age of the SNP group by three months, he has achieved the impossible by reducing the average age of the Tory activists in the Parliament by an amount so large that I can barely compute it. I am sure that the Tories welcome that.

I saw my first computer in 1969, which was the year that I started programming computers. In 1975, two friends and I built the first home computer in Scotland. By coincidence, that is the same year as Tim Berners-Lee—the English founder of the worldwide web—developed and built his first home computer. In 1979, I gave a keynote speech at the Microsystems conference on the then emerging technology of microcomputers. Let me tell the minister that I got some things wrong, from which we can draw parallels. I suggested at that time that people would shortly need 64 kilobytes of memory in their computers and that, within the next five years, most people would need a hard disk. Time telescoped rapidly. In a few months, my predictions were overtaken by events. In 1980, I started to use e-mail and, in 1995, I created my first website.

Despite all that background, I nonetheless say that there is no such thing as e-business. There is only business. Business needs to use the e-world to reach and offer services to customers by internet, by mobile phones, by interactive television and by other means that are yet to emerge.

Tavish Scott mentioned Caesar. It is interesting that the Romans succeeded where the Greeks had failed precisely because the Romans had a superior communications network. They could send a message by hilltop signalling from Londinium to Roma in six hours. The Greeks had to send ships, so they lost out.

In the modern world, it is no good having clusters that live on e-development. Bangalore in southern India has a modern infrastructure that supports, with hundreds of technicians, at least half a dozen companies here in Edinburgh. However, one has to walk for only 10 minutes down the road from Bangalore to return to the third world where people queue to use the community telephone.

Women have played an important part in the development of modern technology. Ada Lovelace was Charles Babbage's programmer—the first programmer—in the 19th century, and rear admiral Grace Hopper invented COBOL when she was in the United States navy. Indeed, Grace Hopper was still in harness as a consultant with a technology company when she died in her eighties. If the Minister for Enterprise and Lifelong Learning wants to go down in the history of technology and its exploitation, she will have to work a great deal harder. She sets no targets for supporting business, seeking thereby to avoid having her future failure measured. She avoids underwriting private sector provision of the infrastructures that we need. In the past few days, she offends the very private partners on whom she will depend to make a start in public provision. Aggregation of demand is her panacea. However, what our businesses really need is access to markets now. For that, they will need broadband communications. In my short period as a member of this Parliament, I have already had three separate people at my surgeries in Banff and Buchan to ask about that subject. We are not in the Highlands and Islands or the Borders.

Let us suggest an immediate audit of the existing infrastructure. Even BT Scotland cannot tell us how many telephone exchanges there are in Scotland. Until we have done such an audit, we will not be able to do anything about costing what we will need. However, we can cost a failure to respond to the new world—we will pay a very heavy price. Try something new, minister. Listen to the experts, some of whom I can see in the gallery. Otherwise we will fall behind.

The Deputy Presiding Officer: We are rapidly running out of time and a number of speakers still wish to be called. I therefore ask those whom I am about to call to keep their speeches as brief as possible.

12:22

Marilyn Livingstone (Kirkcaldy) (Lab): I thank all those who were involved in compiling the Enterprise and Lifelong Learning Committee's report, which was a lot of hard work. Many people were involved and I thank them on behalf of the committee.

The publication of the report could not have come at a more apt time—not only for the development of our new economy but for the modernisation of our old economy. We have heard about the speed of change and about the way in which things have moved quickly since the report was published. However, I still feel that the report contains valuable policy solutions.

We heard a clear message from business at the

seminar that has been referred to. Those with expertise said that the time for talking was over. The message to the Enterprise and Lifelong Learning Committee, the Executive and the Parliament is that we must progress with a cohesive and ambitious strategy that will ensure that Scotland has first-class connections to global communications to ensure our future prosperity. No one can doubt the role of the new economy in the future development of the Scottish economy.

The rate of technological change is breathtaking. It took 35 years from the invention of radio for it to reach 50 million users in America; it has taken the internet less than five years. At the beginning of text messaging, 20 million messages were sent in one month worldwide; the figure is now 3.5 billion. The rate of change is phenomenal.

The Enterprise and Lifelong Learning Committee's report provides an analysis of the issues that we face and offers policy solutions. The committee feels that what we want for Scotland is an enterprising and compassionate economy and society that has no digital divide. Broadband telecommunications infrastructure across Scotland is essential to ensure our competitiveness—everybody has said that. However, I will focus on the issue of having a skilled work force. Such a work force will continue to be a major factor in helping to develop the new economy. We can put in as much broadband technology as we like, but if we do not have a skilled work force to help us to make progress, we will not be able to compete at the level that we would wish to.

The creation of a universally IT-literate population should be one of the principal aims of any strategy. I welcome the work that has already been undertaken by the knowledge economy task force and the digital task force. The Enterprise and Lifelong Learning Committee is, however, concerned at the potential shortfall of suitably qualified new graduates and technicians to fuel the development of the new economy in the near future. We suggest that we could learn some lessons from competitor countries, especially those countries that can attract a much higher proportion of women into science and technology than we are able to do. Some of the current programmes—such as the girls get set programme and the women into science, engineering and technology programme—are welcome. Also welcome is the 80 per cent discount on individual learning accounts for those who want to study technology subjects.

Some of the evidence that the committee has taken during its inquiry into lifelong learning has been staggering. We are being told that we must start working with eight to 12-year-olds—so we are talking about primary and secondary education—

to encourage an interest in technology subjects that will lead to a subsequent take-up of those subjects in tertiary education.

We have heard this morning about the importance of broadband and connectivity and I would never underestimate those. However, if we are to compete in the premier league, we must ensure that we have a skilled work force who are willing, who want to take the technology forward, and who want to take us on the journey of the new economy.

The Deputy Presiding Officer: I would be grateful if the next two speakers could keep under four minutes.

12:26

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I shall try to be as brief as possible. I would like to congratulate Mr Murdo Fraser on his maiden speech—a speech, I would suggest, that may have caused more of a stir on his party's benches than on the other benches. I would also like to congratulate Mr Stewart Stevenson on his speech. It was an interesting ramble or stroll, which might have been titled "Anoraks I have worn".

I agree with the comment that has been made by others: it is a pity that we have not given a little more time to this important topic. I thank Wendy Alexander for, in particular, the announcement about the pathfinder area for the Highlands and Islands. That is very good news for my part of the world. We said, as a partnership in Government, that we would ensure that the Highlands and Islands featured; we have delivered. When members also consider the University of the Highlands and Islands project, and all the work that Highlands and Islands Enterprise has done in the past, is doing, and will do in future, they will see that this partnership takes the Highlands and Islands very seriously indeed.

There was a wail from Duncan Hamilton. If one sits on a half-inflated set of bagpipes—and I have done so—one hears a sort of low moaning noise. Perhaps an apt description of the Scottish National Party is chanters and drones. The accusation was made that the Executive has not delivered; as Henry Ford said, that is "bunk". The Executive has delivered. The doing away with of tuition fees demonstrates that; and let me give members a few statistics. There are 2,800 additional places in higher education institutions and there is committed funding for 40,000 additional places in further education colleges. The list goes on. Members can see that, in supporting what we seek to do on the e-front, the Executive is putting the bricks and blocks in place.

I would like to major on one subject and one

subject only—training. We can see what the Executive has delivered in our schools—ranks and rows of new computers. However, a problem arises—despite the best efforts of all the agencies involved—in delivering for the slightly older generations. Much is being done in higher education, but we have an unused resource because our schools shut down at 10 to 4 or 4 o'clock. As a result, the equipment and the teaching staff who could train people are not used as thoroughly as they could be. I know that Jack McConnell's door and Nicol Stephen's door will be open to her, but I suggest to Wendy Alexander that we should co-ordinate our use of our existing resources a little better.

A survey from some years ago found that the word highland is synonymous with quality and a pure, unspoilt environment. If we can back up the reputation of highland products—I will not mention any dairy products, which will come as a mercy to many members—with being at the sharp end of e-commerce, we really will be able to do something for the Highlands and Islands. It is important to remember that. The product is there, the image is there, and we can do something.

It has been pointed out that if we miss this train we will be in trouble. That is so true. The Enterprise and Lifelong Learning Committee has pointed out that what we do over the next few years will be defining. If we get it right, we will get it right big time; if we do not, and if we slacken off a wee bit, we will miss the train. However, Wendy Alexander is nothing if not active and I have no doubt that she will deliver. It is up to us to get behind what she is doing, to support it and to do anything positive that we can. We must not sell short, Mr Hamilton.

12:29

Mr Kenneth Macintosh (Eastwood) (Lab): I echo Marilyn Livingstone's remarks and thank the members of the Enterprise and Lifelong Learning Committee and the clerks. I also thank our special adviser, Ian Ritchie, who is in the gallery, for his hard work.

Although the new economy is not the most politically contentious subject, it is important that we in Parliament, and the wider public, discuss it, because it is vital to Scotland's economic prosperity. Our future lies in developing a high-skills, knowledge-based economy, not just in using the new technology to speed up the way we do business. We must strike out in new directions, enable creativity to flourish and establish new industries in new markets. We have some way to go.

As part of another inquiry that is being conducted by the Enterprise and Lifelong Learning

Committee, some of my colleagues and I visited John Wheatley College in Easterhouse last week. In passing, a member of staff mentioned a survey of young unemployed men in the area, which asked what sort of jobs they wanted. The answers were all along the lines of steelworker, riveter and welder—jobs that we all know are in short supply these days. A great deal of work has to be done in our schools and colleges before our aspirations as a society match our capacity to deliver in this economy.

Marilyn Livingstone mentioned the significance of the skills gap. Alex Neil, the convener of the Enterprise and Lifelong Learning Committee, mentioned the meeting that we held earlier this week with representatives of the financial sector and others. Several interesting points were made, but I wish to emphasise the importance of connectivity, which Tavish Scott mentioned. It is a clumsy expression but an important subject. Scotland is not a mass market. If we want to attract companies and keep them here, we have to ensure that they are not disadvantaged.

Mike Hambly of Digital Animations described his operation not as a Scottish digital company but as a digital company that happens to be based in Scotland. If we want to keep companies such as his here, we must ensure that they can access world markets. We need always-on access from the office or the home, with the ability to download huge amounts of information quickly.

I am pleased that the Government is aggregating public spending on information and communications technology to maximise the effect of that spending. The cumulative impact of Government ICT developments in the health service, in schools and through the national grid for learning, in local government, in the enterprise companies and in our libraries will help to stimulate demand and speed up the supply and delivery of services.

I will end on a note of caution. I hope that we are all aware of the danger of creating a digital divide, which is already a problem not just for our geographically isolated communities—which the Government's broadband strategy identifies and tackles—but for deprived communities. I am pleased that the Government is supporting measures to broaden access to tackle the digital divide. I am especially pleased that Allan Wilson is to launch the new people's network in my constituency tomorrow. That project will make computer technology available to all through our network of public libraries, which will give access to information and learning opportunities. I look forward to welcoming the Deputy Minister for Sport, the Arts and Culture. I hope that the chamber and the Executive will welcome our committee's report.

The Presiding Officer (Sir David Steel): We are a little over time, so if the winder-uppers can be brief I will be grateful.

12:33

George Lyon (Argyll and Bute) (LD): I welcome the Enterprise and Lifelong Learning Committee's report. I was involved in half of the discussions in the committee, before I moved on. The committee has produced a report that highlights some of the key issues that face Scotland if, as Alex Neil says, we want to catch up and reach the premier league.

I will deal with two issues: infrastructure, which concerns the rural/urban digital divide as highlighted in the committee's report, and skills, which are important if Scotland is to benefit from and take advantage of the opportunities that e-commerce will provide.

The big challenge is how to put in place an infrastructure that will allow rural Scotland to take up the challenge of and exploit the opportunities that are afforded by the e-commerce revolution. As Murdo Fraser rightly highlighted in his excellent maiden speech, the Highlands and Islands are further ahead than the rest of Scotland, due to an initiative of the old Highlands and Islands Development Board—now Highlands and Islands Enterprise—which invested in an ISDN network throughout most of the Highlands and Islands. It is important for Murdo Fraser to remember that that was a public-sector initiative that has paid off. Indeed, the Highlands and Islands have gained huge benefits because of that initiative. It is predicted that 5,000 jobs will be created on the back of that infrastructure investment, which shows that where the market fails, the public sector can get involved and invest in the kind of infrastructure that will provide jobs in the future.

The fundamental question for rural Scotland is: what technology should we invest in to ensure that we keep up and build on the successes of the ISDN network? I will provide an example of the challenges that face us. Last Friday night, my colleague Alan Reid and I had a meeting with Jura community council in Mr Archie Fletcher's house in Ardlussa. Archie stays 20 miles from the local village, Craigend. Once we managed to move the conversation away from the Jura ferry and its constant failures, Archie said to me, "When on earth can I expect to be able to access the internet from Ardlussa?" I said, "What do you mean access it? Can't you do it down the telephone line?" He said he cannot, because it is so slow. He has to drive 20 miles to the local village and use the community computer to access the internet.

What technology will deliver for Archie Fletcher, who lives in a remote rural community? A number

of his neighbours are trying to start businesses based on working from home, but the key point is that they cannot do it. We must determine which technology will deliver for people such as Archie Fletcher. I would like the Minister for Enterprise and Lifelong Learning to describe the initiatives that HIE is undertaking to answer that question. I am aware that initiatives are in place to establish which is the right technology to invest in.

I am conscious of time, so the last issue that I will highlight is skills, which Jamie Stone also mentioned. We hear a great deal about what we have to do in our primary and secondary schools and in further and higher education—but there is a gap, which is mentioned in the report. The fundamental question is: what will we do to reskill the generation that is currently in work? If we expect all businesses to take up the challenge of using e-commerce, we have to equip the older generation with some of the basic skills.

I will provide an example from my constituency—

The Presiding Officer: It must be a brief one.

George Lyon: The company in my constituency that the Enterprise and Lifelong Learning Committee highlighted is one of the fastest growing companies in the call centre business. The problem that it comes up against in employing labour is that nobody over the age of 26 who did not take a secretarial course at school has basic typing skills, so the company will not entertain employing and training them. I hope that the Minister for Enterprise and Lifelong Learning will say how we will address that issue. We want to include everyone in the new economy and the older generation is a huge resource.

To wind up—

The Presiding Officer: You are a minute over. I am sorry, but we are tight for time.

12:38

Mr David Davidson (North-East Scotland) (Con): We have had a good-humoured debate, but serious messages have been passed on—however frivolous one or two speeches have been. Due to the fiasco of the Erskine bridge, we have not had enough time to debate the report. The subject of the new economy demands a revisit. David Mundell and I are taking part in our third debate together on this topic. It has been the same story every time: not enough focus, not enough time and the Government has made the same promises.

There are three or four serious issues. The culture is not right and it must be led. Many people have said that the drive to use the technology has not been correct, but academia has successfully

been involved in the e-transmission of ideas and information worldwide for years. Business does the same, but infrastructure is required. That is a major issue. Murdo Fraser and others mentioned access to modern IT. The issue is not just access; the cost of access is important, as it can prohibit development, especially in the small and medium enterprise sector.

The infrastructure is too expensive for the public purse to take on—it is high risk. Perhaps Duncan Hamilton, who will close for the SNP, will tell us how much importance the SNP attaches to the infrastructure, what it will spend on it and what it will put behind it. That would help to move the debate on.

The infrastructure is too big a risk for one deliverer to take on; we have to get together a consortium of private businesses that are prepared to invest and share the cost. The Government should be part of that process, not by investing in that way, but by bringing to the table the possible work load that could result from our getting genuinely into e-business within e-government, education, health and police.

If Government departments and public bodies got together properly, the Executive could offer a basis for business, which would give business the confidence to get involved. We do not have enough of that. We get a lot of lip service, which I am sure is genuine—and I am sure that Wendy Alexander has a lot of ambition—but we are not seeing an awful lot of leadership. Initiative is not necessarily leadership. Several members have made comments about taking the PR approach instead of getting round the table with some of the people who are involved.

Several members talked about the erratic rollout. I am aware of Mr Stevenson's contribution and I wonder whether, given his inventive past, he will be the new Al Gore of the Scottish Parliament. We have to examine the infrastructure and what attracts businesses here to spend money. We have to develop IT businesses such as the one Murdo Fraser mentioned and those on the north coast and in the Western Isles, which other members mentioned.

The introduction of heavier taxation, such as the tartan tax, will not help such businesses. That tax, like business rates, is a disincentive. Some members might think that that is separate from the debate, but it is not. It is a disincentive to industry and to investment.

I noticed that some members mentioned satellite and interactive television technology. We have to consider that.

The Conservatives support the report, but we are concerned about the speed of the Government's involvement in the debate. We have

to encourage early on, and more productively, the private sector's investment and involvement in the design of what we do. Training and access will trickle down from that and the digital divide will be reduced, because the infrastructure will become cost-effective.

12:42

Mr Hamilton: This has been a relatively interesting debate, with varied contributions. Jamie Stone's was slightly bizarre. He might want to discuss with his therapist why he would be sitting on half-deflated bagpipes. I welcome Murdo Fraser's first speech to the chamber, but we will have to watch his terminology closely. Apparently, he was "pipped" by John Swinney. I suppose that under that level of analysis, he is marginally to the right in the Conservative party.

David Mundell made serious and constructive points on e-government, in which he and I share an interest. The Government can stimulate the process towards e-government, not just by procurement of services, but by getting most public services online to an extent that has not happened thus far, and developing their capacity beyond the information level to the interaction level, which is the next phase in e-government. Furthermore, as parliamentarians, we must constantly consider ways of reconnecting with the people who put us in Parliament. Broadband—and, indeed, the consumer side of e-government—has the capacity, through the processes of involvement, consultation and interaction, to reconnect people with their Government. That is probably worth putting on record.

Tavish Scott made a good point about connectivity, as did Kenneth Macintosh. I ask the Executive to reflect on the connectivity figures that were announced by the European Commission and publicised over the summer. Those figures measured access to the internet from home within the US, the European Community, the United Kingdom and Scotland. The figure for the US was 54 per cent, the EU average was 30 per cent, the UK figure was 25 per cent, and the figure for Scotland was 19 per cent. The figure for the Highlands and Islands—a region that we all agree has the most to gain from connectivity—was a miserly 15 per cent. I know that we say that efforts are being made to improve that figure, but it represents a disgraceful set of circumstances that we must tackle. I acknowledge Murdo Fraser's point that many Highlands and Islands issues also affect areas outside the Highlands and Islands, and I recognise the highland Perthshire problem.

If we are being asked to trust the Executive because it has produced the goods so far, I ask members to reflect on the fact that the committee's

report is crystal clear about the present position, the reason for it and the inertia that has brought us there. It is a bit rich to ask us to trust the same people who put us in that predicament and who struggle to provide even Channel 5 or radio services to major parts of the Highlands and Islands. Are we to believe that broadband is to be a priority?

We need to hear a great deal more from the Executive about what will happen, because the relevant document that it published was vague. We all agree that bringing together public procurement points can be an advantage and that aggregating demand is a way forward. The committee says so in its report. However, the industry has responded by raising serious questions that have still not been answered. I ask the minister to say something about how she can quantify the risk to the private sector. Does she recognise that, in other countries, when that risk is deemed too great, the Government can help positively by underwriting the cost or providing more public investment? The Executive will have to face up to that.

Stewart Stevenson put his finger on an important point about removing the artificial divide between e-business and business. That is right and touches on David Davidson's argument about the cultural shift that is needed. Often, the problem concerns not only infrastructure capacity but convincing people that their businesses can grow and that their communities can be viable in the way discussed.

We return to a basic question about broadband: is it happening? The report says that it is not. Are the plans that are in place adequate? Will they change the situation? The report and industry say that they are not and will not. Will the market alone provide for areas such as the Highlands and Islands and those that are sparsely populated? No. We do not condemn private industry for refusing to take on a risk that the Government will not take on, but if we believe in that partnership working, we must find a way of reducing the risk to the private sector through a greater role for the Government.

One of the people at the committee's awayday—the interface between business and the committee—said that, too often, the issues are discussed and we suffer from what he called "analysis paralysis". That is correct. Although we may disagree about the pace of change and what the Executive has done, we should agree that not pushing forward with broadband is unacceptable. If the debate is to achieve one thing, it should be our agreement on that. We should stop talking about broadband and get on and do it.

12:48

The Minister for Enterprise and Lifelong Learning (Ms Wendy Alexander): It is hard to have a siren voice in the chamber today. I welcome Murdo Fraser and warn him that the chamber is not always as warm and cuddly as it has been today. I was delighted to discover that Stewart Stevenson has expertise to bring to the debate. Another anorak is always welcome.

I feel duty bound to say that Mr Mundell and I had a private tête-à-tête last night. Mr Mundell said to me that the dominating issue of party-political conflict in the forthcoming Australian general election—in fairness, that would be before the asylum seekers issue was discovered—would be how to get broadband to the outback.

I am convinced that consensus rather than conflict is how to bring broadband capability to Scotland. I suggest to the Enterprise and Lifelong Learning Committee that it might submit directly to Mr Angus MacKay that despite all the sorts of infrastructure on which we are divided—water, power, road and rail—we can all agree on broadband, so he could look on that favourably in his next round of financial choices.

More substantively, Scotland's position could be seriously disadvantaged by our geography, our beautiful countryside and the sparsity of our population. Because of that, we knew that we had to do something different, and that is what we are doing. Scotland is moving to aggregate demand ahead of any other part of the United Kingdom.

As Roman metaphors are in vogue today, let me say that, attractive as it is to see oneself as a latter-day Boadicea, the analogy is not particularly useful when trying to transform the whole of government—to build broad-based ministerial commitment to broadband. In particular, I welcome the commitment of Jack McConnell and Susan Deacon and their willingness to sign up their departments to turning their procurement processes upside down.

Those ministers know, as do members in the chamber, that if it is left exclusively to the market, Montrose and Moray will not see broadband in their schools on the same timetable as will Manchester. We have to do things differently in Scotland, and I commend those ministers for their support in making the aggregated demand strategy work.

I welcome the support of the chamber; that is key to driving up demand and private usage of the internet. I also welcome the suggestion of the Enterprise and Lifelong Learning Committee for every social inclusion partnership area to have a digital champion, as they can pull together. I welcome the creation of 300 new e-learning centres; the 80 per cent discount for those wanting

to take courses that are aimed at getting people online; and the enterprise network's target for 1,000 additional businesses to be put online. Those are all-important parts of the strategy.

With some trepidation, I will try to clear up the confusion over e-envoys, e-tsars, e-ministers et al. In passing, I have to say that Gus Macdonald was never an e-envoy; the e-envoy is Andrew Pinder. Gus Macdonald's equivalent in driving forward e-government is Mr Peter Peacock. In so far as there is a parallel for me at Westminster, in the past it was Patricia Hewitt, and I will not dwell on the name of the current incumbent.

The challenge is to build commitment across the civil service. John Elvidge, the senior member of the senior management group, is the Executive's e-champion. Indeed, we have brought on board not one outside expert, but five: Mr Jim Norton, our roving e-ambassador on the e-agenda; David Sibbald who—as members may have read today—is helping us on the broadband strategy; Jo Armstrong, who has been working with us on finance; Robert Craig, who has brought us his expertise in local government and libraries; and Bill Harvey, who has recently returned to the Scottish Higher Education Funding Council, following a part-time secondment to advise us on further and higher education—the area that has most successfully pioneered broadband in Scotland. I record my gratitude to them all. The strategy that we have before us today would not have been possible without their commitment.

Mr Hamilton: We welcome having those people on board, but to which minister are they responsible? Is that minister responsible for driving the agenda across all the departments of the Scottish Executive? Which minister is responsible to the Scottish Parliament for the success or failure of the strategy?

Ms Alexander: The strategy is the responsibility of the Cabinet. The rest of the UK is behind Scotland in aggregating broadband—a situation that is not possible without the commitment of all Cabinet members. In Scotland, that has been forthcoming, and it is being driven through the ministerial committee on digital Scotland, which I chair in my capacity as Minister for Enterprise and Lifelong Learning.

I suspect that Scotland will be interested to hear that we have given a commitment that every school should have access to the rich, online world. We also want all parts of the health service, including general practitioner surgeries, to be able to send and receive information and to use telemedicine. That is not speculation, as all those public sector bodies represent reliable future revenue streams, and it is on that basis that the telcos can plan.

I am proud of the fact that, in Scotland, we have started where the problem is likely to be worst—in the Highlands and Islands and the south of Scotland. That was mentioned by some of our coalition partners. In those two zones, for most telecommunications customers—as has been pointed out—there is simply no practical competition at the moment. The Executive proposals represent a real opportunity to bring genuine competition that is likely to be the way to drive both more widespread capability and lower prices.

On the point that was raised about the technology, we are very clear that we will not dictate what the technology should be. We cannot allow ADSL to become a proxy for broadband connectivity. In Scotland, we will need to use cable, wireless, satellite and fixed radio access. Those are choices for the market. With regard to Argyll, I particularly welcome BT's plans to trial satellite ADSL in Scotland over the coming winter.

To pick up on what Mr Mundell said, we need to talk to the telcos. We are doing so daily. Let us have the space for that dialogue without turning it into a political football. I notice that Cable and Wireless says that it welcomes the proposals as a step forward, and BT says that it is supportive of the plans. Energis's voice has not been heard. Its viewpoint on this is that we have a bold vision and that we want to pioneer bulk purchasing of telecoms. For any public body to turn buying practices upside down and drive forward a joined-up purchasing strategy to give certainty of demand to telcos is something that should be welcomed as good business practice.

It may be that Duncan Hamilton knows about other people; if so, perhaps he will elucidate for us. However, one person who has been directly mentioned in the press is Mr Bill Allan of Thus, who has said that he supports

"the Executive's aspirations with regard to broadband connectivity ... having talked to the Minister I believe we share common ground in the core of the strategy which will enable us to resolve our differences."

I know of no negative comment of any kind. It would be a great shame if the Parliament were to talk down what we are trying to achieve or just how critically important that dialogue—which I, along with everyone else, welcome—is.

There is no magic solution internationally. I am surprised that Kenny MacAskill is not here to ask why we are not "doing an Ireland". With respect to international connectivity, the system in Ireland today means that 1 per cent of Irish households are able to access ADSL, compared with 38 per cent of households in Scotland. We heard about "doing a Sweden". I make it clear that in Sweden, the system involves municipal ownership of all the infrastructure. As far as I know, no one is talking

about renationalising BT. We will learn from abroad, but the serious players know that this is about doing what is right for Scotland—that is what we are committed to doing.

Mr Mundell and Mr Scott said that we have to put our own house in order. I assure members that the latest returns indicate that 60 per cent of the services provided by the Executive, all its agencies and its non-departmental public bodies are online. Most of them are online for information purposes rather than transaction purposes, but the fact that we have met the target of 60 per cent four years in advance of the 2005 deadline shows that there is determination to move forward.

I very much welcome the support from the chamber today. This is a process whereby we can build consensus not only throughout the Parliament but throughout Scotland. We are in a position to lead in Europe. There are examples of other strategies, but other strategies face difficulties. There has been widespread support for what we are doing. I welcome the committee's report and its recommendations and ask it to keep in touch, in the constructive way that it has done so far, as we pursue this agenda over the months and years ahead.

12:59

Miss Annabel Goldie (West of Scotland) (Con): I am sorry, Presiding Officer—the siren voice had lulled me into torpor.

It is my pleasure to wind up on behalf of the committee. Alex Neil, who took over as convener in the course of the inquiry, has asked that I extend thanks to all committee members and to the clerking staff for some very impressive and diligent work. In particular, I thank Ian Ritchie, who is with us this morning and who was invaluable as an adviser to the committee.

Yesterday, I was perhaps somewhat strident and grudging in my comments on the legislative programme. Today, however, I have pleasure in saying that I think that the Enterprise and Lifelong Learning Committee's report is an exemplar of what devolution can do. It represents a good piece of work by members from all political parties, who have been looking at issues and focusing on a topic of vital significance to Scotland, and who have come up with a very constructive report.

The report is evidence-based, and I do not think that the significance of that should be overlooked. It was interesting to note that, when we summarised our recommendations, various issues fell out of the report. They included strategy, broadband, the digital divide, competitiveness with regard to an interconnector, skills issues, business support, culture and e-government. None of those things is in any way unimportant.

The real touchstone of what we were doing was ignited when we decided to have an interface with the business community. As Alex Neil said, that was achieved last week. Facts are chieftains that win a thing and the business community was very quick to tell us that. Alex Neil was absolutely right, because the only thing arising from the report that the business community wanted to speak to us about, direct our attention towards, and emphasise to us the need for action upon was broadband, broadband and broadband.

I would like to indicate briefly how that message was delivered by giving quotations from the business persons present. One said, "The new economy is more than making an old economy go faster. It is about the dynamics of skill that put us at the centre of the world." Others said, "Connectivity is the key to the future," and, "There is a danger of analysis paralysis—let us execute on priorities." Nick Kuenssberg said, "Broadband is like a new transport and communications infrastructure. It means pace. Pace is vital. We are talking about a 28-day year."

Those quotations put into context exactly what the nub of the report is about and exactly what the business community's message is. If we are to make meaningful progress, rather than just sitting back and talking about it and creating more words, we must come up with something, in conjunction with the Executive, that is workable, manageable and swiftly provided and which can take us on our next quantum leap forward.

The message of my winding-up speech is very simple. The primary, principal focus of everything that the report has produced is the provision of broadband. If I may say so, the Executive strategy's reference to speed, pace and the need for swift progress, which is being articulated by the business community, makes that strategy seem worthy. In many respects, it is worthy, and it is detailed. However, the business community would argue that it is plodding.

I return to what members of the business community had to say. I crave your indulgence for the use of language, Presiding Officer, but I am going to give you a quotation. The best conclusion that I can give is a quotation from Mike Hambly, who said, "There is a precedent in Scotland for delivery of essential innovative facilities to all. Let's bloody do it."

Protection from Abuse (Scotland) Bill: Financial Resolution

Motion moved,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Protection from Abuse (Scotland) Bill, agrees to any increase in expenditure payable out of the Scottish Consolidated Fund in consequence of the Act.—[*Peter Peacock.*]

13:04

Meeting suspended until 14:30.

14:30

On resuming—

Question Time

SCOTTISH EXECUTIVE

Less Favoured Areas

1. Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): To ask the Scottish Executive what progress it is making in analysing the success of the less favoured areas support scheme in directing financial support to the least favoured areas. (S1O-3719)

The Minister for Environment and Rural Development (Ross Finnie): The analysis of the 2001 scheme is complete and the details will be published next week. I also intend to publish next week proposals for refinements to the scheme in 2002-03.

Mr Stone: I thank the minister for his answer. He will be aware that there are winners and losers under the scheme. I am concerned about the plight of the losers in my area in the north of Scotland and in other constituencies, such as those of John Farquhar Munro and Ian Jenkins. Will the minister give an undertaking that he and his civil servants will look closely at the problem with a view to helping out?

Ross Finnie: Jamie Stone will be aware that it is impossible to eliminate winners and losers from such a scheme. The measures that I hope to propose next week aim particularly to mitigate the effects on the losers and to restrict substantial winners. I hope that the measures will be interim and will take us to the mid-term review in which we might be able to consider more substantial amendments to the scheme.

Rhoda Grant (Highlands and Islands) (Lab): Will the minister consider extending the 90 per cent safety net for another year? That would allow a more considered response to the review of the scheme to ensure that it is workable.

Ross Finnie: I am grateful for that question. I am on the public record as saying that I will discuss the extension of the 90 per cent safety net with the European Commission. Those discussions will form part of the proposals that I will publish next week.

Sectarianism (Football)

2. Donald Gorrie (Central Scotland) (LD): To ask the Scottish Executive what plans it has to support the measures being taken by Glasgow

City Council and Rangers and Celtic football clubs to combat sectarianism. (S1O-3694)

The Deputy Minister for Sport, the Arts and Culture (Allan Wilson): If it can, the Scottish Executive will encourage and assist measures that are likely to make an effective contribution to combating sectarianism.

Donald Gorrie: I hope that Parliament will pursue the combating of sectarianism through a bill that is in its early stages. The Executive could also help in two ways in particular. First, there is a lack of good statistics, so the police could be asked to record whether they think an offence has a sectarian element. We would then know about offences by volume. Secondly, the right atmosphere and ethos should be created in society. Education is very helpful in that respect. Organisations are trying to combat sectarianism in schools through many schemes—such as Nil by Mouth. Perhaps the Executive could do something to help combat sectarianism in schools through such schemes.

Allan Wilson: We have issued guidance so that any evidence of religious motivation for hostility should be brought to the attention of the procurator fiscal and the courts. In sentencing, the courts can take such evidence as an aggravating factor.

I agree that attitudes and behaviour in Scottish society have changed enormously and that they have changed for the better over the past 30 years. In part, that is a consequence of educational initiatives. My colleague, Jack McConnell, hopes to meet Nil by Mouth representatives. I understand that that organisation has proposals for the Executive about involving the curriculum in teaching kids about the evils of sectarianism, bigotry and prejudice. Jack McConnell is anxious to take that agenda forward.

Johann Lamont (Glasgow Pollok) (Lab): Will the minister join me in congratulating Glasgow City Council, Nil by Mouth, the churches and Celtic and Rangers football clubs on securing millennium funding for a project working with young people? Can the minister make a commitment to liaise on that important project and to discover whether there are lessons to be learned about what we can do? Will he also consider how the project can be developed elsewhere in the country?

Allan Wilson: Glasgow City Council and the Old Firm clubs have not made any direct approach to the Scottish Executive, but we are happy to discuss with them the measures that they are taking. I commend the work of the cross-party sports group, which has sent us the Old Firm's proposals, to which my officials are currently collating a response.

Dennis Canavan (Falkirk West): Is the minister

aware that representatives of Rangers and Celtic football clubs attended a meeting of the Parliament's cross-party sports group to discuss how to combat sectarianism? Subsequently, some constructive suggestions were forwarded to the First Minister for his consideration.

Will the minister comment on the suggestion that if so-called football supporters who appear in court and who are found guilty of criminal sectarian behaviour—at or arising from a football match—the court authorities should report details of the conviction automatically to the relevant football club so that disciplinary action can be taken by the club, such as withdrawing season tickets and banning the culprits from attending future matches?

Allan Wilson: I favour such a move. As I said, I commend the work of the cross-party sports group for taking the initiative and organising that meeting in June. We are considering the proposals from the Old Firm clubs.

Grampian University Hospitals NHS Trust

3. Brian Adam (North-East Scotland) (SNP): To ask the Scottish Executive what action is proposed to address the financial deficit at Grampian University Hospitals NHS Trust. (S10-3687)

The Minister for Health and Community Care (Susan Deacon): The national health service in Grampian is responsible for ensuring that health services in the area are managed effectively and are sustainable financially. The health department is working closely with the NHS in Grampian to ensure that the acute trust meets its targets under the action plan it has agreed with Grampian Health Board and Grampian Primary Care NHS Trust.

Brian Adam: Since that agreement, a further £2 million deficit has been identified. That crisis has already meant that the equipment budget has been cut, resulting in a direct effect on patient services and some laboratory specimens being held over by a day.

Does the minister agree with me—and with the laboratory bosses at the Grampian University Hospitals NHS Trust—that the cancellation of the laboratory equipment order has led to substantial diminution of the quality of the service? What action does the minister propose to take?

Susan Deacon: Once again, it is important that we put the debate in context. Let us remember that the figure of £6 million or £8 million to which Brian Adam referred is in the context of a budget of about £406 million for the NHS in Grampian. It is the responsibility of local management to ensure that those resources are managed effectively and in the best interests of patient care, and that messages that are sent out to staff about the

management of that budget are measured and balanced. Staff should have an opportunity to influence the decisions. Based on the assurances that have been given by local management in Grampian to the NHS chief executive in recent weeks, I hope that that will be achieved.

The over-use of words such as deficit and crisis does nothing to help the NHS in Grampian to manage the situation effectively. Equally, those words do nothing to ensure that public confidence and staff morale are maintained.

Elaine Thomson (Aberdeen North) (Lab): Does the minister agree that staff morale and patient confidence have been damaged by recent announcements and that it is vital that they are restored? Does she agree that the best way of restoring confidence is through open and constructive dialogue and through all parts of the NHS working together—not through scaremongering?

Susan Deacon: I strongly agree with Elaine Thomson. The way in which the financial issues that are being addressed in Grampian have been conveyed to the public and staff during recent weeks is disappointing. It has not been done in a way that ensures an open and measured discussion. I hope that that will change in the weeks and months to come. There are pressures to be addressed in the NHS in Grampian, as in many other parts of the health service. However, the NHS in Grampian is addressing those pressures in the context of record increases in investment. A measured and balanced discussion about how the pressures can be addressed is in everyone's best interests.

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Does the minister know that Grampian Health Board covers 10 per cent of the Scottish population and has 10 per cent of NHS activity, but receives only 9 per cent of the funding? Is the minister aware that that amounts to a shortfall every year from the Arbutnott formula of more than £40 million on the Scottish average?

Susan Deacon: The fact is that the NHS in Grampian is receiving a 5.5 per cent—some £21 million—increase in its funding this year. It will receive a 6.5 per cent—some £26 million—increase next year and a 7.4 per cent—some £32 million—increase the year after that. That is a substantial increase in budget by any measure. We have introduced new and radical ways of allocating NHS resources throughout Scotland. The Arbutnott review was the product of two years of discussion and debate. The formula is now being taken forward on the basis of that comprehensive piece of work. As we have always said, we will monitor carefully how that rolls out throughout Scotland; there is a mechanism in place to do that. I hope that there can be

constructive discussion around the issues that have been raised.

Mr David Davidson (North-East Scotland) (Con): I am afraid that people who work in the health service and those who receive the service in Grampian will not be terribly amused by the minister's dismissive approach. Why is a review not taking place into the effect of the Arbutnott formula on the Grampian Health Board area? In no way does the increase in funding—I agree that there is an increase—match the even greater increase in demand on the service and pressure on those working within the service.

Susan Deacon: I have adopted anything but a dismissive approach. I have endeavoured to answer questions with facts and measured comments, which we all have a responsibility to do. David Davidson asks about a review of the Arbutnott formula. As I said, a mechanism is in place to monitor the impact of the changes in allocation arrangements throughout Scotland. A standing committee has been established. That was discussed fully with the Health and Community Care Committee in the Parliament as we proceeded with that piece of work. A mechanism is in place to discuss those matters sensibly. I say again that it is important that we do that in an informed and considered way and—as David Davidson acknowledges—that we recognise that it is within the context of increasing investment within the NHS.

Fishing (Cod Quota)

4. Mr Jamie McGrigor (Highlands and Islands) (Con): To ask the Scottish Executive what contingency plans it has made for the fishing industry in the event of the cod quota being taken up before the end of 2001. (S1O-3688)

The Deputy Minister for Environment and Rural Development (Rhona Brankin): Monthly catch limits have been set that are based on the amount of cod quota that is left. We have also managed to secure additional cod quota through international swaps. If the monthly limits are adhered to, the cod quota will not be taken up until the end of the year.

Mr McGrigor: It is estimated that because of the low quota, between 60 per cent and 70 per cent of the quota has already been taken up, and we are approaching a busy catching season. The North sea is a mixed fishery, so the European Commission could insist on a complete closure on fishing for haddock and whiting. Will the minister plan ahead for such a scenario—which would be devastating to Scottish fishing communities—rather than react to events after they have happened? Will she tell the Parliament when, according to her scientific advice, we can expect to see the benefits of the cod recovery plan?

Rhona Brankin: We have already done international swaps in recent weeks. We have secured an extra 740 tonnes of quota. Further international swaps that are under consideration might secure about 650 tonnes of extra cod in the near future. In the coming weeks a domestic reallocation of cod quota involving the groups that are unlikely to take their full allocation this year will also be considered.

As Jamie McGrigor knows, we recently announced the opening of a decommissioning scheme for the white fish sector, which represents the biggest ever single investment in the Scottish fishing industry. I hope that many cod fishermen will be able to take advantage of the opportunities that are afforded them by the scheme.

Robin Harper (Lothians) (Green): Has any concern been expressed to the minister about the level of fishing effort that was exerted in the cod boxes immediately after their reopening earlier this year?

Rhona Brankin: We monitor closely what is happening in the cod boxes. There was a considerable amount of effort in those boxes following their reopening. I can also share with members the fact that because there are severe cuts in quotas this year—which we are trying to alleviate with swaps—there has been a rather sad increase in the amount of black fish that have been landed. We are taking that very seriously.

The Presiding Officer (Sir David Steel): Question 5 has been withdrawn.

Core Path Network

6. Lord James Douglas-Hamilton (Lothians) (Con): I draw attention to my entry in the register of interests.

To ask the Scottish Executive how much Scottish Natural Heritage estimates the establishment of a core path network will cost in each of the next 10 years. R (S1O-3689)

The Deputy First Minister and Minister for Justice (Mr Jim Wallace): We have acknowledged that there will be costs associated with implementation of the access legislation. Indeed, we have already made provision for an additional £34.7 million spend on access by local authorities and Scottish Natural Heritage over the next three years. SNH's current best estimate of the likely costs of establishing core paths once the legislation is in place is about £10 million in each of the first 10 years.

Lord James Douglas-Hamilton: Is the Deputy First Minister aware that a core path network—as agreed by the access forum and now proposed by the National Farmers Union—would provide beneficial and responsible access at relatively little

cost in a safe and managed way? That would benefit farmers, land managers and the public alike.

Mr Wallace: I am happy to acknowledge the fact that good path provision is important, not only for provision of greater opportunities for access but—as Lord James indicates—in the management of access, particularly over enclosed agricultural land.

Linda Fabiani (Central Scotland) (SNP): Is the minister aware that SNH is already distributing leaflets on the basis of the access provisions in the stage 1 draft land reform bill, citing principles of the access concordat? Has the Scottish Executive approved that measure? If not, what action will the minister now take?

Mr Wallace: I have not seen, nor am I aware of, the content of the leaflets that the member mentions. As the First Minister and I indicated yesterday, although the draft land reform bill's general principles have been established, we have received 3,588 responses to the draft bill. Eighty-five per cent of those responses relate to access provisions. I can assure Linda Fabiani and all other members that we will make changes to the bill, because it has been informed by and has benefited from the responses that we have received.

Nora Radcliffe (Gordon) (LD): Lord James's question was similar to the question, "How long is a piece of string?" On the issue of a core path network, will the minister elaborate on the fact that paths can be provided by many and various bodies which can draw funding from many and various sources? Perhaps he would also like to enumerate some of the ways in which core path networks can be provided.

Mr Wallace: I am happy to confirm Nora Radcliffe's point. Funding can be made available in different ways and from different sources of revenue. It is important to put on record the fact that in a good number of estates—some of which I have visited—the landowners and land managers have already provided some very good path networks. Experience has shown that such provisions have opened up access to the land and have been much appreciated by those who have used them.

Digital Inclusion

7. Pauline McNeill (Glasgow Kelvin) (Lab): To ask the Scottish Executive what measures it is taking to develop digital inclusion among older people. (S10-3724)

The Minister for Enterprise and Lifelong Learning (Ms Wendy Alexander): As the Scottish Executive is particularly keen to encourage silver surfers, it has created a network

of digital champions. We are funding two cybercafes in Pauline McNeill's home city and opening 300 learning centres throughout Scotland. Furthermore, we are providing 80 per cent discounts towards the cost of basic courses in getting online, which I hope silver surfers will take up.

Pauline McNeill: I declare an interest in the matter, as my father is a silver surfer and has championed the internet at the age of 70.

Does the minister welcome initiatives such as One Foot in the Web? Furthermore, will she consider issues such as how better to promote the use of the internet as a way of improving—through online shopping and so on—the lives of older people, and how better to promote where they can make use of such facilities to ensure that they feel part of the digital inclusion strategy?

Ms Alexander: We are keen to promote the internet to everyone from cybertots to silver surfers. As a result, the most important step that we can take next is to publish an online digest of all the public places in Scotland where anybody—whatever their age or expertise—can access the web. We expect to publish that digest towards the end of this month.

Ms Margo MacDonald (Lothians) (SNP): This golden oldie is finding it hard to keep up. [*Laughter.*]

I apologise for missing the minister's opening remarks. However, in an answer to me dated 25 July, she said that the Executive will launch a digital inclusion strategy. I followed that up with a request that the position of disabled people—housebound women in particular—should be examined. Disabled people and housebound women were not mentioned among the groups to which Pauline McNeill's question referred. However, the electronic magazine *Aurora*, which is run by disabled women, could serve as a prototype resource for those groups and should be included in the digital strategy.

Ms Alexander: We should not discriminate against blonde bombshells when it comes to the web.

The member makes an important point about the disabled. We plan to publish the digital inclusion strategy at the end of the month, of which provision for disabled groups will be an integral part.

Maureen Macmillan (Highlands and Islands) (Lab): As a somewhat older person who feels that she is at least partially digitally included—if that is the correct expression—I invite the minister to join me in commending the work of the Lochaber Communications Network, which provides facilities in small communities in the west Highlands for

people of all ages to be supported in learning to use information technology and the internet for shopping and so on, and in learning to create their own websites. When the minister next visits Lochaber, will she visit one of the community information technology centres there?

Ms Alexander: I am aware of the work of the Lochaber centre and hope to visit it. In Strathpeffer last week, I was struck by the keenness of people in rural communities to take advantage of the web after having had to deal with the difficulties of peripherality in the past. That is why the Highlands and Islands is the first pathfinder area for the Executive's new broadband strategy.

New Housing Partnership (Fife)

8. Mr Keith Harding (Mid Scotland and Fife) (Con): To ask the Scottish Executive what progress is being made on a new housing partnership strategy in Fife. (S1O-3725)

The Minister for Social Justice (Jackie Baillie): Six million pounds of new housing partnership funding has been earmarked for Fife Council for regeneration and development projects. Resources were also made available for the council to undertake feasibility work on the future of its housing stock.

Mr Harding: I thank the minister for her response. Can she assure us that the £6 million that has been allocated will be utilised fully by the deadline of 31 March 2002? If it will not, will the council be able to carry forward any underspend?

Jackie Baillie: The council has made progress recently and has identified partners to work with towards regeneration and development in the four areas concerned. Subject to satisfactory progress being made on those projects, we will re-profile the community ownership budget line to ensure that they are covered. Fife Council has led me to understand that the reason for the delay is that we want to engage the community in the process. That involvement is critical to the achievement of our wider aims of community ownership.

Fishing (Nephrops Quota)

9. Iain Smith (North-East Fife) (LD): To ask the Scottish Executive, further to the answer to question S1O-3606 by Ross Finnie on 21 June 2001, when data were submitted to the European Commission in relation to the restoration of the 10 per cent cut in the nephrops quota and what response has been received. (S1O-3729)

The Deputy Minister for Environment and Rural Development (Rhona Brankin): The data that were requested by the Commission were submitted on 20 July and the Commission's response was received last week. It has requested further data that we are collating and will submit

over the coming days.

Iain Smith: Does the minister accept the fact that scientific evidence shows that the prawn fishery off the east neuk of Fife is sustainable and has no impact on other fish stocks? Also, will she consider what further measures could be taken to help east neuk fishermen to make a reasonable living, such as reopening the traditional sprat fishery in the Firth of Forth?

Rhona Brankin: The most recent scientific advice suggests that the nephrops stock in the Firth of Forth is being fished at a sustainable rate. However, almost all fisheries catch non-targeted species, and it is important to determine what impact nephrops fishing has on other stocks. Our advice is that the impact of the nephrops fisheries in the North sea is only small.

The closure of the sprat fishery to which the member referred was designed to protect juvenile herring, and our scientific advice is that there is still concern about the number of juvenile herring in that area. That is why that fishery remains closed.

Rural Primary Schools (Aberdeenshire)

10. Ben Wallace (North-East Scotland) (Con): To ask the Scottish Executive what plans it has to assist Aberdeenshire Council in supporting rural single-teacher primary schools. (S1O-3704)

The Minister for Education, Europe and External Affairs (Mr Jack McConnell): All our policies for schools are directed towards ensuring that all children benefit from school provision of the highest quality. It is, however, for Aberdeenshire Council to consider what specific measures may be needed to support single-teacher primary schools in its area.

Ben Wallace: Will the minister join his ministerial colleagues in England in issuing guidelines to local authorities to make it clear that they should work on the presumption that the Executive will not approve the closure of a rural school unless there are exceptional circumstances? Will he also consider following the example of what has happened down south by setting up a small-school fund to protect single-teacher schools such as Kildrummie in Aberdeenshire?

Mr McConnell: As I hope the member is aware, the Convention of Scottish Local Authorities is currently conducting a consultation on the subject of a code for school closures. It would be right and proper for us to await the outcome of that consultation before making any decisions on what ministers or the Parliament might do.

ScotRail (Meetings)

11. Alex Johnstone (North-East Scotland) (Con): To ask the Scottish Executive whether it has any plans to meet representatives of ScotRail to discuss the quality of service provided on the Edinburgh to Aberdeen route. (S10-3699)

The Minister for Transport and Planning (Sarah Boyack): The Scottish Executive is in regular contact with ScotRail and the Strategic Rail Authority on a wide range of issues, including levels and standards of service.

Alex Johnstone: Will the minister take the next opportunity to highlight to ScotRail the apparent deterioration in the standard of service on the east coast route to Aberdeen, which is highlighted by my bitter personal experience and that of my family, my staff, members of the SNP—and, in a recent case, the political editor of the most prominent Scottish tabloid newspaper, who believes that he is held hostage by ScotRail for four hours a day?

Sarah Boyack: Many of us in this chamber have had the experience that the member outlines. We will ensure that the issues are passed through the appropriate channels. For the benefit of all members, I highlight the fact that the Rail Passengers Committee for Scotland is the port of call for passenger complaints. It has a statutory role in discussions with the Strategic Rail Authority. Overcrowding, customer services and the quality of services delivered will be key issues when we deal with the renewal of the ScotRail franchise, which runs out in 2004.

The matters that Mr Johnstone raises are regularly brought to my attention and we make sure that they are also brought to the attention of the Strategic Rail Authority and ScotRail. The matter is not only an issue for the train operating company but an issue in terms of the fulfilment of the franchise commitments.

Mr John McAllion (Dundee East) (Lab): Could the minister explain why it was considered to be a national priority to electrify the east coast main line from London to Edinburgh but not from Edinburgh to Dundee and Aberdeen? Could the answer possibly be that the people who run our privatised railway for profit are more interested in making a profit than in making the necessary investment to give the same kind of service to the north-east of Scotland that the rest of the United Kingdom gets?

Sarah Boyack: I am sure that the member will be aware that the campaign to electrify the remainder of the east coast main line has now moved on to consider a series of initiatives aimed at speeding up the line between Edinburgh and Aberdeen. Connecting Aberdeen with Edinburgh is vital and we must ensure that the train can compete with the private car—at present, the

speed with which the train travels from Edinburgh to Dundee and Aberdeen is matched by the private car. That issue is part of the long-term development of the east coast main line.

Electrification is not the only issue that we must consider. For example, the new gas-powered turbine trains could deliver our aims efficiently. I agree with the member's desire to improve speeds on that line and I stress that that desire is shared by the Executive.

Tricia Marwick (Mid Scotland and Fife) (SNP): As one who is frequently held hostage on that service, I have listened with interest to the minister's response.

Will the minister explain briefly to members such as John McAllion and me why, if electrification is a priority for the line from London to Edinburgh, it is not a priority for the line from Edinburgh to Aberdeen? No one is considering having alternative forms of transport instead of electrifying the line from London to Edinburgh, so why is the option of merely having a new generation of trains from Edinburgh to Aberdeen being considered?

Sarah Boyack: The member misunderstands the point. The new generation of trains will operate not only on the line from London to Edinburgh but onwards to Aberdeen and Inverness. The critical issue is journey times. That has to be addressed when the east coast main line is fully renewed, which we expect to happen.

Biosecurity

12. Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): To ask the Scottish Executive, in the light of the recent imposition of new form D notices on farms in the Scottish Borders, what biosecurity measures are in place to help to open the way for a resumption of exports from Scotland. (S10-3726)

The Minister for Environment and Rural Development (Ross Finnie): All livestock farmers in Scotland have been sent a video and an explanatory leaflet outlining the importance of biosecurity and the steps that they must take to safeguard their farms and stock from disease.

The form D restrictions were placed on nine farms in the Borders that were visited by a farmer from Northumberland who has been linked to the recent foot-and-mouth disease cases near Hexham. Three of those restrictions have now been lifted. Other restrictions have been placed on two Renfrewshire farms and one farm in Melrose as a result of links with a feed lorry and a livestock lorry. Those restrictions place the farms under strict biosecurity conditions, which include a ban on movement of animals and animal products and a requirement for the farmers to erect warning notices and to provide disinfectant footbaths. All

people leaving the farms are required to cleanse and disinfect themselves thoroughly and change their clothing. All vehicles or machinery that leave the farms must also be disinfected and cleansed.

Ian Jenkins: Let us hope that the restrictions are successful and that the disease does not develop.

Looking further forward, will the minister outline his thinking on cross-border transportation and trading within the UK and the biosecurity issues that must be addressed to allow the movement of livestock from Scotland—if we remain clear of the disease—to buyers in the south? Is he considering the establishment of a secure corridor, for example, that would allow such movement while ensuring protection from the spread of the virus from England back into Scotland?

Ross Finnie: The answer to the latter part of that question is that a secure corridor is one of the options that we are considering. Ian Jenkins will be aware that the National Farmers Union of Scotland has also published a consultation document that is concerned with the issue of the large number of roads that cross the England-Scotland border.

My department is considering biosecurity between England and Scotland as a matter of urgency. At present, we have in place movement restrictions and licensing arrangements that give us a fair degree of control. However, looking forward to the prospect that Scotland might use its disease-free status to obtain a lift in the export ban, cross-border security is an important issue, which, as I have said, we are considering.

Alex Fergusson (South of Scotland) (Con): That answer may satisfy Ian Jenkins, but how can the minister reassure the rest of the people of Scotland, never mind his colleagues in Westminster and—perhaps more important—in Europe, on biosecurity measures when the Executive appears to condone the movement of veterinarily unexpected casualty carcasses from Cumbria into the south of Scotland for incineration and when the police routinely inspect multiple numbers of loaded livestock transports in the same lay-bys at the same time with no biosecurity measures at all?

Ross Finnie: I would be interested if Mr Fergusson could supply me with details of any breaches in the licensing agreements. The Scottish Executive authorises such movements only under strict licence conditions. If Mr Fergusson alleges breaches of those licence conditions, I would be pleased to hear the details from him.

Dr Elaine Murray (Dumfries) (Lab): Mr Jenkins's original question referred to resuming exports from Scotland. In view of Commissioner

Byrne's comments yesterday, will the minister inform Parliament of the status of negotiations with the European Union on the resumption of exports and confirm whether he is continuing to push for the resumption of exports from Scotland as a whole?

Ross Finnie: I confirm that I am pressing that case. I also confirm that I put that case to Commissioner Byrne in my latest conversation with him, which took place on Monday. My position is that, given that Scotland has achieved disease-free status, my starting point in any negotiation will be to press the Scottish case. It seems to me that it would be anomalous for me to press the case for a part of Scotland when the whole of Scotland is disease-free. As such negotiations proceed, we will have to be flexible and pragmatic on conditions that the European Commission might seek to put on the lifting of the ban. I am not stepping back from pressing the case.

The next issue for Scotland will be the presentation to the Standing Veterinary Committee on 11 and 12 September. That case will be led by Leslie Gardner, who is Scotland's chief veterinary officer. We will also have the support of Mr Jim Scudamore, who is the chief veterinary officer of the state veterinary service for the UK. That will be a detailed examination. My discussions with Commissioner Byrne left me in no doubt that it will not be an easy exercise. There will be a number of hurdles to overcome in order to satisfy the European Commission and the Standing Veterinary Committee of the validity of our case for having the export ban lifted.

Christine Grahame (South of Scotland) (SNP): On the matter of cross-border biosecurity, is the minister aware that, in England, no paperwork is required to show that animals being transported for slaughter are disease-free? Last week, that was dramatically illustrated when a cattle lorry broke down and caught fire at Carter Bar. The driver had no paperwork and no owner's documentation.

Given that Scottish owners are required to have paperwork that shows that their animals are disease-free, will the minister take the first step to intervene and stop the movement of livestock from Northumberland into Scotland for slaughter? A failure to do that would prevent Scotland being granted disease-free status.

Ross Finnie: I would be interested to know whether Christine Grahame can tell me without any doubt that that is what happened. She must know more than me or anyone else in the Commission.

My answer must be the same as my answer to Alex Fergusson. If Christine Grahame is aware of any information that would lead us to believe that

movement licensing regulations are being breached, I will take up the matter urgently. If those regulations are being breached, we need to know about it.

Christine Grahame is looking at me as if to say, "You do not know that." We have asked about the security and disease-free nature of animals that are being moved. We have given undertakings in terms of the over-30-months scheme. If diseased animals are being moved in vehicles that are not sealed and are therefore breaching the conditions of the licensing regulations in every way, we are not aware of it. I will take up the matter urgently.

Planning

13. Bruce Crawford (Mid Scotland and Fife) (SNP): To ask the Scottish Executive whether it intends to undertake a review of its planning policies. (S1O-3718)

The Deputy Minister for Transport and Planning (Lewis Macdonald): The Executive conducts a continuing review of planning policies. The specific issues currently under consideration include a review of the arrangements for strategic planning in Scotland, on which I published a consultation paper on 15 June.

Bruce Crawford: I am glad that there is a continuing process. As part of that process and as part of the Executive's consideration of the water environment bill, will the minister recommend to the Minister for Environment and Rural Development that planning control over inshore waters be transferred from the Crown Estate to local authorities? Does the minister agree that such a move would gain wide support because it would allow a much more strategic perspective on environmental matters in those inshore waters?

Lewis Macdonald: Like us, our colleagues responsible for the environment are aware of the issues around planning controls in inshore waters. We are actively discussing those with ministerial colleagues and will come to conclusions on that before the bill goes forward.

Karen Gillon (Clydesdale) (Lab): In the review of planning issues, will the minister continue to consider the role of public transport in major planning applications, particularly those involving the public sector? My constituents are affected by poor public transport to new hospitals in Wishaw and Hairmyres. The fact that adequate public transport was not built into those planning applications is definitely having an adverse effect. We need to examine that for the future.

Lewis Macdonald: I recognise that point. Our recently updated planning policy guideline on transport and planning takes that on board. Part of the purpose of our combined brief of transport and planning is precisely to recognise the need for

transport considerations to be built into development planning at every stage.

Teachers (Computer Costs)

14. Colin Campbell (West of Scotland) (SNP): To ask the Scottish Executive what plans it has to increase the £200 assistance available to teachers to purchase a computer to £500. (S1O-3708)

The Deputy Minister for Education, Europe and External Affairs (Nicol Stephen): Ten thousand Scottish teachers have already taken advantage of the £200 support available under the first two phases of the computers for teachers scheme. That represents around one in five of all eligible Scottish teachers.

We will announce our plans for the third phase of the scheme in the near future. Any changes to the current arrangements will be made known at that time.

Colin Campbell: Will the minister confirm that at the moment that means that a Scottish maths teacher, for example, still has to find £300 more of his or her money for a subsidised computer than a teacher of maths in England?

Nicol Stephen: In England, the scheme involving £500 support is now available only for maths teachers. We have what is, in my view, a significant Scottish success, which I had hoped the SNP might support rather than criticise.

I will explain further. In the first phase of the Scottish scheme, in 1999, our budget was half a million pounds to support 1,500 teachers. In the end, we spent £1.13 million to support the more than 4,000 teachers who applied. In the second phase, last year, the budget was £1 million to support 3,500 teachers. The final spend was £1.7 million, because more than 6,000 teachers applied. It is because of that success that our intention is once again to allocate a significantly increased budget for the proposal this year.

First Minister's Question Time

SCOTTISH EXECUTIVE

Prime Minister (Meetings)

1. Mr John Swinney (North Tayside) (SNP): To ask the First Minister when he next plans to meet the Prime Minister and what issues he intends to discuss. (S1F-1206)

The First Minister (Henry McLeish): I met the Prime Minister on 1 September. I have no immediate plans to meet him again.

Mr Swinney: This week, the attempt to construct new nuclear power stations gathered pace. There is talk that conclusions may be reached within the next month or so.

The First Minister wrote to me on 23 August, saying that

"any application for a new power station in Scotland, whether nuclear or not, must be made to Scottish Ministers; they have the power to grant consent or otherwise."

We now know that the First Minister has the power to grant consent to construct more nuclear power stations in Scotland. Will he tell the Parliament today whether, in principle, he will use his powers to block any expansion of nuclear energy in Scotland?

The First Minister: It has not been a long, hot summer and the questions have not changed over that period. I remind John Swinney of the answer that I gave when the matter was raised previously. We take the issue of energy seriously, as should every member of the Parliament. The Westminster Government is conducting a review, which will examine every aspect of energy and the environment, and we are looking towards a time scale of the next 50 years. Would it not be correct for us to listen and to make submissions with the interests of Scotland at heart, whether they be the environment or the economy? It is simply not acceptable for a party such as the SNP to knee-jerk its way to a serious issue by constantly ruling out serious debate on serious issues and instead looking as usual to score a cheap political point.

Mr Swinney: The questions do not change because the answers never come from the First Minister's side of the chamber.

The First Minister might want to wait to express his opinions, but that has not stopped a number of his colleagues. George Foulkes has told us that we have to consider nuclear energy "as a realistic option". Brian Wilson has said:

"I'm personally in favour of a Hunterston C".

The SNP is vehemently opposed to nuclear

power station development and the Liberal Democrats fought the general election on exactly the same policy principle. Will the First Minister, at the second time of asking, tell us that he will use his powers to block the building of any new nuclear power stations in Scotland?

The First Minister: John Swinney simply does not listen. The point is that we have not made specific comments about any form of energy—the power stations in question could be coal, renewables, oil, gas or nuclear ones. My concerns and interests go much wider than the partisan interests that are being paraded today by John Swinney. Let us make it clear: we have the planning powers and various environmental controls to be deeply involved if we reach a point at which such an application is forthcoming. When we consider the serious environmental issues affecting the planet and the need for a sensible energy policy in the years ahead, it makes absolute sense for us to contribute to the current review, to consult in Scotland and then to come up with a policy—not to satisfy any individual political party, but to satisfy the environmental and economic needs of our country.

Mr Swinney: I am pleased that the First Minister has mentioned environmental considerations, because the Scottish Environment Protection Agency—a statutory organisation commissioned by this Parliament—has told us that until the issue of the disposal of spent nuclear fuel

"is resolved, it would be imprudent to encourage the further development of new nuclear generation facilities".

If that is the environmental advice, why does not the First Minister adopt a position of principle in which he speaks for Scotland and for the majority of members of this Parliament, and rule out the development of any nuclear power stations in Scotland? His refusal to do that today and to set out the Scottish Executive's position can only be interpreted as opening the door to more nuclear power in Scotland.

The First Minister: Nothing could be further from the truth. A review has been established—[*Laughter.*] The fact that SNP members can laugh about such a serious energy issue underlines the fact that the SNP has come knee-jerking back into the Parliament after being out of action for two months.

Very soon we will publish an issues paper. The issue of radioactive waste has been raised. John Swinney will find that that technical issue relating to the generation of nuclear power is dealt with very effectively in our report, which will be available in a few days' time in the Scottish Parliament information centre. We are taking seriously the practical point that has been made today. Before this debate goes much further, we

should have regard to the consultation that is taking place on radioactive waste, because the two matters are closely linked—both relate to the environment. If the SNP has views on nuclear power, we can discuss them in this Parliament. However, it should also submit them to the advisory group and to the review that is taking place. That is important for Scotland. We will not move from our position until we have taken part in the review. We can then see how the situation develops.

Cabinet (Meetings)

2. David McLetchie (Lothians) (Con): To ask the First Minister when the Scottish Executive's Cabinet will next meet and what issues will be discussed. (S1F-1205)

The First Minister (Henry McLeish): The Cabinet will next meet on 11 September, when it will discuss issues of importance to the people of Scotland.

David McLetchie: I hope that at the next meeting of the Cabinet the First Minister will ask the Minister for Health and Community Care, Susan Deacon, to explain why our local hospital services are under threat, why our general practitioners are in revolt, why 83,487 patients are waiting for treatment in Scotland and why, instead of accepting her responsibility for that situation, she has the effrontery to accuse national health service staff of making demoralising and dangerous claims about the state of the health service. Who does the First Minister think the people of Scotland trust and believe about the state of the NHS—the dedicated staff who work in it or Susan Deacon, probably the worst health minister we have ever had?

The First Minister: We can bandy around the idea of trust about the state of the NHS, but there is one place where no trust will be invested—the Conservative party. Forgive me if I do not miss the opportunity to say that. People do not need a long memory to recall 19 agonising years during which the NHS was caught between low investment and privatisation. We will not take lectures from David McLetchie on the future of the health service. Currently we are involved in the biggest building programme that the NHS has ever seen.

Phil Gallie (South of Scotland) (Con): You inherited it.

The First Minister: The Conservatives want to claim some credit for the NHS building programme. Why did they not commit themselves to building when they were in power and deliver on that?

The health service is about new environments, but it is also about staff. We have repeatedly said in this chamber that the quality of the health

service depends on the commitment, enthusiasm and skills of the NHS's total work force. I could not make that clearer. There are success stories in the NHS. It is important for the morale and future of the service that occasionally we talk those up. There are challenges and every day the Executive is investing resources, time and attention to ensure that the Scottish people receive the quality of health service that they want. We have made a substantial start and we will continue to move forward.

David McLetchie: The First Minister talks of success stories and, yes, there are a few, such as all the new hospitals that were planned by Michael Forsyth and Ian Lang. He now runs around Scotland opening those hospitals and trying to steal the credit for them.

The truth of the matter is that the NHS in Scotland has been reduced to such a state that patients may be forced to go abroad to get the treatment that they need within a reasonable time. Why does not the First Minister practise what he preaches? Where is his famous progressive pragmatism? Why does not he put pragmatism before ideology? As a first step towards trying to improve standards of care in Scotland and to bring them up to the best European levels, why will he and his Administration not sign an agreement with the independent sector in Scotland to give NHS patients who are ill in Scotland the treatment that they need in Scotland? He knows perfectly well that Mr Blair and Mr Milburn have already signed such an agreement down south. If such an agreement is good enough for patients in England, why cannot we have it for patients in Scotland?

The First Minister: As usual, the question starts off talking pragmatism and ends up talking ideology. It seems to me that David McLetchie is downplaying and talking down significant achievements in our national health service.

I have said on every platform that there are formidable challenges, such as investment and attracting new employees to the NHS, but a start has been made. I find it contemptible that a party that presided over the rundown of the NHS should sit in any Parliament lecturing us on how things should be done.

I repeat: we are investing heavily in the NHS, with £1.8 billion extra over three years; we are recruiting more manpower into the service; and we are building quality environments for the staff to work in. Since its inception in 1948, the NHS has been close to our hearts. Today's contribution suggests that it is not yet close to the hearts of members of the Conservative party.

Hugh Henry (Paisley South) (Lab): Will the First Minister join me in congratulating the *Paisley Daily Express* on its role in exposing the scandal

of a patient who had to wait 89 weeks for treatment? Will he assure me that the Scottish Executive will make it clear to local health agencies that action will be taken if they fail to deliver improvements, given the record investment that is being made in the health service?

The First Minister: I am pleased to align myself with Hugh Henry's comments. Today, Argyll and Clyde Acute Hospitals NHS Trust, which will be the subject of a fairly major review, has issued waiting list guidelines.

Let me be tough: Hugh Henry is absolutely right to say that it is totally unacceptable for any person in any part of Scotland to wait 89 weeks for a barium meal. I say that without qualification because, at the end of the day, I expect a significant return on the £1.8 billion investment for the patients who are being served. I agree with him that that means that some trusts, boards, managers and members must recognise today's message that the sort of situation that emerged in Paisley will no longer be acceptable. I hope that they are listening, because we mean business as far as such unacceptable situations are concerned.

Cities Review

3. Johann Lamont (Glasgow Pollok) (Lab): To ask the First Minister how the Scottish Executive intends to ensure that its review of cities will be open to all interested individuals, groups and organisations within local communities. (S1F-1200)

The First Minister (Henry McLeish): Central to the review will be an open dialogue with each of the cities. The review team is in the process of visiting the five cities and those visits will be followed late this year by two ministerial visits, which will involve a wide range of local interests. A sounding board and an academic panel have been established to advise the work of the review. The review team is also meeting relevant national organisations.

Johann Lamont: I thank the First Minister for that response. Is he aware of the strength of feeling among many of my constituents in Glasgow Pollok about the disproportionate burden placed on them in delivering economic, social, leisure and cultural opportunities not just to Glasgow but to the west of Scotland and to Scotland as a whole? Is he further aware that many individuals consider moving across the city boundary simply on the basis of a financial calculation? Those decisions could have immense consequences for the sustainability of Glasgow, as Glasgow City Council has highlighted.

Will the First Minister ensure that the cities review will have at its heart not only an academic

overview of patterns, processes and population movements but the direct experience of individual Glaswegians who want a fair deal for themselves, for their families and for Glasgow?

The First Minister: I am pleased to respond positively to that request. People are at the heart of the success or failure of any great city. It is right that the cities review should have an academic input, but organisations and individuals should also be part of it. The review should reach out not only to those parts of the city that are always involved in consultation but to parts of the city that sometimes feel that their voice is not heard.

Boundaries and the tax base of our cities will also be part of the review. I have given an assurance to our civic leaders that the review will not simply be one that is developed in Edinburgh for the consumption of MSPs; it must work and be relevant. As a consequence, all the great issues that affect our cities will be included.

Ms Sandra White (Glasgow) (SNP): I note that the First Minister has said that the review will cover boundaries and tax bases and that the report will be ready in early 2002. Will he ensure that any recommendations that the review makes will be backed up by the necessary investment? Will he give a guarantee to the Parliament and to the people of the cities on which the review will concentrate that resources will be made available to implement any solutions that are identified?

The First Minister: Let me make it clear that our cities play a major part in the economic, social and political life of our country. That is why we decided that a review should look at current policies to consider what further benefits and action we could be involved in. It is important that the review takes place. We will then assess and acknowledge what resources might be required in addition to what we are doing. It is also useful to say that significant resources are going into all our cities from every department that is represented on the front bench. That will continue. Our cities are vibrant and there is a lot happening. Of course, some of our cities have additional problems that we need to tackle. Those problems will be very much at the forefront of the agenda.

Asylum Seekers

4. Alex Neil (Central Scotland) (SNP): To ask the First Minister what the timetable is for the completion of the Scottish Executive's review of devolved services for asylum seekers. (S1F-1198)

The First Minister (Henry McLeish): We have said for some time that, some 18 months after its implementation in April 2000, we would review the operation of the Immigration and Asylum Act 1999 in Scotland, particularly in relation to devolved matters such as health, education, housing and

the police. The overall aim is to assess the effect of the implementation of the act on asylum seekers and devolved services in Scotland. The work has been put out to tender and we hope to let a contract shortly. The review will be thorough and we expect it to be complete in the spring.

Alex Neil: First, as part of the review, will the First Minister visit areas such as Sighthill to see at first hand what the problems are and what needs to be done? Secondly, the First Minister indicated in the chamber yesterday that he is making representations to Westminster on the voucher scheme. Will he give us details on those representations? Finally, will the resource at Dungavel be part of the review? Will the Scottish Executive ensure that the provisions of the European convention on human rights are fully adhered to in all that is going on at Dungavel?

The First Minister: I anticipate and know full well that all the proper procedures, including the protection of human rights, will be adhered to at Dungavel. Although it is on what was formerly a Scottish Office location, the Dungavel detention centre is a reserved matter and I suspect that it will be part of the on-going reviews at Westminster.

It is important to reflect calmly on what has happened in Sighthill. Everyone in the chamber would share the view that we want normality to be returned. We want asylum seekers and the local community to work together so that we can see real progress.

In addition to the review of the Immigration and Asylum Act 1999, which will take place 18 months after its implementation, I hope that a report will go to Cabinet next week considering some of the devolved responsibilities. The report will look at what more we can do at the present time to ease some of the burdens on the resident community and on the asylum seekers. Two reviews are also under way at Westminster. One is considering dispersal—clearly, we have a voice on that—and the other is reviewing the voucher system. Those four areas are vital for Scotland and for Sighthill. I appeal for a degree of consensus and unanimity so that we can go forward together constructively. I hope to visit Sighthill soon to see at first hand what has happened and—equally important—what will happen in the future.

Paul Martin (Glasgow Springburn) (Lab): When the First Minister visits Sighthill, will he meet the groups that have been supporting asylum seekers for some time? Those groups have not received the positive media attention that they deserve. Media attention has touched on the negative aspects of the minority in Sighthill. The majority in Sighthill are good people, many of whom have lived there for 30 years—people such as my grandmother, who was one of the first

tenants of Sighthill and who was a tenant until she died. Those are good people who support asylum seekers and have supported overseas students, who have been living in Sighthill for more than 15 years. When the First Minister visits, will he ensure that he seeks the views of the local organisations such as St Rollox church, Sighthill out-of-school care and Fountainwell tenants association?

The First Minister: I start my answer by congratulating Paul Martin, the MSP for the area, on the work that he has done with his illustrious father, who is the Westminster MP for the area. A lot of hard work has been done, for which the Executive and, I hope, the Parliament are grateful.

In any modern democracy or society, there is always a temptation when such issues emerge for them to be developed in the media. To be fair to the media, this is a big issue. In Sighthill, the asylum seekers and the local community want to find a way forward. Scotland is a welcoming nation. We have an internationalist reputation and we want to provide the best for those who come to our shores. This is an issue for Scotland and, as we have seen recently, it is a global issue. I say this to the Parliament today: let us all work together to make the aspirations and ambitions that Paul Martin has for his area a reality.

I have discussed a visit to Sighthill with Paul Martin. That visit will happen very soon. I hope to accompany the local MSP to ensure that we talk to ordinary people—asylum seekers and the local community—to find a way forward.

In conclusion, I thank the police for their assistance during a very difficult time. We have seen a team approach emerging in Sighthill, involving Glasgow City Council and the Executive. I also applaud the other political parties: this has not been, as it could have been, turned into a more politically sensitive issue.

Point of Order

15:32

Iain Smith (North-East Fife) (LD): On a point of order, Sir David. Moving chairs has not been without its problems. My console did not seem to recognise my presence this morning and did not record my vote for motion S1M-2162 and my vote against amendment S1M-2163.1.

The Presiding Officer (Sir David Steel): There is such a thing as human error rather than console error. The consoles were checked and were all found to be working. There was a similar example yesterday, when a member's card was not properly inserted. Your card is not inserted and your presence is not registered unless the console light in front of the card goes out. As we are at the beginning of a new term, it is as well to remind members of that. However, in making your point of order, Mr Smith, you have recorded your votes.

In a moment, I shall close this meeting of Parliament. We shall then form a Committee of the Whole Parliament to consider stage 2 of the Erskine Bridge Tolls Bill. The occupant of the chair will be addressed as the convener of that committee.

Meeting closed at 15:33.

Committee of the Whole Parliament

[THE CONVENER *opened the meeting at 15:56*]

Erskine Bridge Tolls Bill: Stage 2

The Convener (Patricia Ferguson): We now move to stage 2 of the Erskine Bridge Tolls Bill. I ask members who are leaving the chamber to do so quickly and quietly. I invite members who have any questions on procedure to raise them now as points of order before we begin. I also invite members who wish to speak on either section of the bill to press their request-to-speak button when we move to the relevant section.

Since the stage 1 debate this morning, two admissible amendments for stage 2 have been lodged. They have been printed on the marshalled list, copies of which I hope have been made available. I have decided that the two amendments should be debated separately, rather than grouped. Because they are the only two amendments, a printed groupings list has not been prepared.

After section 1

The Convener: Amendment 1 is in a group of its own.

Mr Adam Ingram (South of Scotland) (SNP): Amendment 1 deals with the democratic deficit that is consequent on rushing through this emergency legislation. The SNP's argument this morning was that the nature of the emergency legislation precluded proper public consultation and a proper parliamentary scrutiny process preceding the enactment of primary legislation.

In other words, it was not good enough to revive a tolling extension order as if nothing untoward had happened. Fresh legislation was required that fitted in with the existing statutory framework; not just the Erskine Bridge Tolls Act 1968, but the New Roads and Street Works Act 1991, which stipulates a six-week statutory period to make an entirely new toll order. We also want the six-week statutory period to apply to toll extension orders. That is what amendment 1 would achieve. Thus, those who wished to object to toll extension orders could do so and local inquiries could be held by local councils, which of course would inform parliamentary debate.

I move amendment 1.

Mr Lloyd Quinan (West of Scotland) (SNP): In support of amendment 1, I say that the introduction of a consultation period would go a

long way to calming the fears of local councils. Members may not be aware that this morning, Renfrewshire Council passed an emergency motion calling on the Executive to restore the consultation period and condemning it for progressing with the restoration of tolls. That council's motion, together with the similar motion that was passed by West Dunbartonshire Council—those are the two primary authorities in the area of the Erskine bridge—calls into question the failure of the consultation period and the failure of the Government to acknowledge that there is a desire on the part of the elected representatives and the people of the area to be consulted fully on further tolling on the Erskine bridge.

Amendment 1 would enable that consultation to take place. I ask members to support the amendment and to support the democratically elected members of Renfrewshire Council and West Dunbartonshire Council who, at the express wishes of their constituents, passed motions last night and today condemning the actions of the Executive.

The Minister for Transport and Planning (Sarah Boyack): Amendment 1 demonstrates starkly that the SNP's arguments in the debate this morning were based on a misreading of the Erskine Bridge Tolls Act 1968. We were told that the Erskine Bridge Tolls Bill would take away a basic democratic right, that we are riding roughshod over local opinion by introducing a new toll order without a local inquiry and that section 3 of the Erskine Bridge Tolls Act 1968 requires that an order to extend the tolling period is subject to local consultation. Amendment 1 shows that we were right when we pointed out that the SNP's interpretation was wrong.

Mr Ingram: Will the minister give way?

Sarah Boyack: No, thank you.

Amendment 1 seeks to amend section 3 of the Erskine Bridge Tolls Act 1968 so that an order seeking to extend the tolling period would have the same degree of consultation as one that sought to change the toll level. I am surprised that the SNP has not sought to make the amendment retrospective, so as to validate what SNP members said before lunch. For a party that talks about rewriting history, that is a bit rich. As we pointed out this morning, the New Roads and Street Works Act 1991 is not relevant, because the bridge was built under the Erskine Bridge Tolls Act 1968.

Mr Quinan: Will the minister give way?

Sarah Boyack: No, thank you.

The New Roads and Street Works Act 1991 relates to roads constructed after 1991.

The real issue, which was raised by Lloyd

Quinan and other members this morning, is that consultation is important. The virtue of the Erskine Bridge Tolls Act 1968 is that it recognises that the level of scrutiny provided under section 3 is appropriate to a change in the toll regime. It is only right and proper that a change in the level of the tolls should involve a wider debate than a simple toll extension.

Amendment 1 is a sledgehammer to crack a nut. It is all too typical of some of the comments that we heard this morning and the disproportionate approach that the SNP has taken to today's proceedings. I ask the chamber to resist amendment 1.

Mr Ingram: The minister is labouring under a misconception of what I said this morning. I will repeat what I said in moving amendment 1. Instead of trying to revive a dead toll extension order, we need to introduce entirely fresh primary legislation and in doing so reflect the existing statutory framework, which includes the New Roads and Street Works Act 1991. I am afraid that the minister has once again misunderstood the nature of amendment 1.

The Convener: The question is, that amendment 1 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
Campbell, Colin (West of Scotland) (SNP)
Canavan, Dennis (Falkirk West)
Crawford, Bruce (Mid Scotland and Fife) (SNP)
Cunningham, Roseanna (Perth) (SNP)
Elder, Dorothy-Grace (Glasgow) (SNP)
Fabiani, Linda (Central Scotland) (SNP)
Grahame, Christine (South of Scotland) (SNP)
Hyslop, Fiona (Lothians) (SNP)
Ingram, Mr Adam (South of Scotland) (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)
Robison, Shona (North-East Scotland) (SNP)
Sturgeon, Nicola (Glasgow) (SNP)
Welsh, Mr Andrew (Angus) (SNP)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
Alexander, Ms Wendy (Paisley North) (Lab)
Baillie, Jackie (Dumbarton) (Lab)
Barrie, Scott (Dunfermline West) (Lab)
Boyack, Sarah (Edinburgh Central) (Lab)
Brankin, Rhona (Midlothian) (Lab)
Brown, Robert (Glasgow) (LD)
Butler, Bill (Glasgow Anniesland) (Lab)
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)

Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 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)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McIntosh, Mrs Lyndsay (Central Scotland) (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)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Young, John (West of Scotland) (Con)

The Convener: The result of the division is: For 23, Against 71, Abstentions 0.

Amendment 1 disagreed to.

The Convener: I asked members to vote on

amendment 1 before agreeing to section 1, which is the wrong procedure. I must now ask members to correct that by agreeing to the section. The question is, that section 1 be agreed to. Are we all agreed?

Members: No.

The Convener: We cannot have a division on a section at this stage in the debate, because we are meeting as a committee of the whole Parliament at stage 2. The only appropriate way to oppose a provision in the bill is to move an amendment to leave out that section of the bill. Such an amendment would be subject to the normal rule on admissibility that states that an amendment is not admissible if

"it is inconsistent with the general principles of the Bill as agreed by the Parliament."

The effect of that rule in relation to this bill is that an amendment to leave out section 1 is inadmissible. Members who want to oppose section 1 of the bill should vote against the whole bill at stage 3. I am sorry if that is confusing for members. I can quite understand why.

Section 1 agreed to.

Section 2—Short title

15:45

The Convener: Amendment 2 is in a group on its own.

Mr Ingram: Amendment 2 would insert a sunset provision to make the toll extension order that the bill encapsulates run out not five years but one year hence. As the Executive admits in the policy memorandum to the bill, if not in the chamber:

"Because of the need for immediate legislation, no formal consultations have taken place on the Bill."

Inserting the proposed subsections would mean that people did not have to wait five years to exercise the consultation rights that were denied them this year.

I move amendment 2.

Mr Quinan: I support the amendment on the same principle as I supported amendment 1. Amendment 2 would at least provide for proper consultation in one year's time. That would make proper allowance for a democratic decision to be taken in consultation with local authorities and other interested groups. The amendment would provide a compromise that might just allow the Executive to get through today with some dignity. I urge members to support amendment 2.

Mr Murray Tosh (South of Scotland) (Con): Amendment 2 is a nice try. In principle, it is correct to argue that consultation is a proper basis on

which to proceed. However, the amendment would dictate the work programme of the Executive, the Parliament and in particular the Transport and the Environment Committee, which must deal with two major bills in the coming year and has a considerable continuing programme of work, including monitoring—if possible—the contracting out of roads maintenance.

Requiring us to reconsider the matter in a year's time is oppressive. Given the other work priorities that exist, the time scale is unreasonable. The alternative is to consider the issues in the round over five years. That is a sensible approach. Wider issues than simply those of the Erskine bridge are involved, including those of all the other estuary bridges, the local authority-operated bridges and the private sector bridges.

In this morning's debate, a measure of agreement was obtained among the parties that bigger issues are involved and that anomalies exist. They arise largely from the historical pattern of bridge building and maintenance that has evolved over decades under different Governments for different purposes. Those matters are worth considering. Writing into the bill the requirement to do that in a year's time is unreasonable. I oppose amendment 2.

Sarah Boyack: The Executive believes that amendment 2 is another attempt by the SNP to be clever. It is an attempt—I do not say that it is successful. The intention is to give pause for further consideration of the issue, but the amendment does not achieve that. The amendment would run the risk of bringing the bill and the Erskine Bridge Tolls Act 1968 to an end after a single year. The work load issues that Murray Tosh so ably mentioned are also involved.

If the Parliament agreed to the amendment, it would go back on its acceptance of the general principles of the bill. The bill resuscitates the 1968 act. If the bill came to an end after a year, so would the 1968 act, including the bill's retrospective provision to correct the error that was made. Chaos would result. If the 1968 act came to an end, so would tolling on the Erskine bridge.

Accusations of stealth taxation were made this morning. Amendment 2 is a stealth amendment. It is dressed up to make it look as though the SNP is interested in consultation. As Des McNulty said this morning, its interest in consultation on the issue is recent.

The amendment would knock holes in the transport programme without saying how the gaps would be plugged. Even if we accept that the amendment would simply extend the operation of tolls by a year so that further consideration could be given to the general principles, we reject the

amendment. As the chamber implicitly accepted, five years is a sensible time frame in which to consider the issues. An annual extension would not provide a stable or sustainable approach to planning the maintenance or operation of a major piece of infrastructure with a lifetime of 120 years. Five years offers more balance between democratic accountability and good management of a national asset. The bridge accounts are laid before the Parliament every year. Members will continue to be able to challenge the Executive.

Fiona Hyslop (Lothians) (SNP): Will the member give way?

Sarah Boyack: No.

Amendment 2 is another example of the opportunism that the SNP demonstrated this morning.

Mr Quinan: Will the member give way?

Sarah Boyack: No.

It would be simply ridiculous to include a provision that would bring the bill to an end a year from now. The SNP should come clean and say that it wants to stop tolling altogether.

I ask the chamber to resist amendment 2—it is inept and could lead to chaos.

Alasdair Morgan (Galloway and Upper Nithsdale) (SNP): On a point of order, convener. The minister implied that amendment 2 is against the general principles of the bill. Am I correct in saying that the Presiding Officers would not have accepted the amendment if it had been against the general principles of the bill?

The Convener: That is correct.

Mr Quinan: In that case, will the minister withdraw the remark?

The Convener: Mr Ingram has an opportunity to respond.

Mr Ingram: It is a bit rich of the minister to accuse the SNP of attempting to create chaos, when she has already done that herself.

I thank the convener for her response to Mr Morgan's question. It is clear that amendment 2 is competent. The amendment was lodged because there was no consultation process this year, nor was any consultation undertaken in the past five years. That means that the minister will give people no input over a 10-year period. Amendment 2 allows people to make an input over the next year. By her department's failure, the minister has disallowed the consultation exercise this year, and the amendment seeks to rectify that situation.

The Deputy Minister for Transport and Planning (Lewis Macdonald): *rose*—

Mr Ingram: I have finished my speech.

The Convener: The question is, that amendment 2 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
Campbell, Colin (West of Scotland) (SNP)
Canavan, Dennis (Falkirk West)
Crawford, Bruce (Mid Scotland and Fife) (SNP)
Cunningham, Roseanna (Perth) (SNP)
Elder, Dorothy-Grace (Glasgow) (SNP)
Fabiani, Linda (Central Scotland) (SNP)
Grahame, Christine (South of Scotland) (SNP)
Hamilton, Mr Duncan (Highlands and Islands) (SNP)
Hyslop, Fiona (Lothians) (SNP)
Ingram, Mr Adam (South of Scotland) (SNP)
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)
Robison, Shona (North-East Scotland) (SNP)
Russell, Michael (South of Scotland) (SNP)
Sturgeon, Nicola (Glasgow) (SNP)
Ullrich, Kay (West of Scotland) (SNP)
Welsh, Mr Andrew (Angus) (SNP)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
Alexander, Ms Wendy (Paisley North) (Lab)
Baillie, Jackie (Dumbarton) (Lab)
Barrie, Scott (Dunfermline West) (Lab)
Boyack, Sarah (Edinburgh Central) (Lab)
Brankin, Rhona (Midlothian) (Lab)
Brown, Robert (Glasgow) (LD)
Butler, Bill (Glasgow Anniesland) (Lab)
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Curran, Ms Margaret (Glasgow Baillieston) (Lab)
Douglas-Hamilton, Lord James (Lothians) (Con)
Eadie, Helen (Dunfermline East) (Lab)
Finnie, Ross (West of Scotland) (LD)
Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
Fraser, Murdo (Mid Scotland and Fife) (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)
Hughes, Janis (Glasgow Rutherglen) (Lab)
Jackson, Gordon (Glasgow Govan) (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)
McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
McGrigor, Mr Jamie (Highlands and Islands) (Con)
McIntosh, Mrs Lyndsay (Central Scotland) (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)
Muldoon, Bristow (Livingston) (Lab)
Mulligan, Mrs Mary (Linlithgow) (Lab)
Mundell, David (South of Scotland) (Con)
Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
Murray, Dr Elaine (Dumfries) (Lab)
Oldfather, Irene (Cunninghame South) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)
Peattie, Cathy (Falkirk East) (Lab)
Robson, Euan (Roxburgh and Berwickshire) (LD)
Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
Scott, Tavish (Shetland) (LD)
Simpson, Dr Richard (Ochil) (Lab)
Smith, Elaine (Coatbridge and Chryston) (Lab)
Smith, Iain (North-East Fife) (LD)
Smith, Mrs Margaret (Edinburgh West) (LD)
Stephen, Nicol (Aberdeen South) (LD)
Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
Thomson, Elaine (Aberdeen North) (Lab)
Tosh, Mr Murray (South of Scotland) (Con)
Wallace, Ben (North-East Scotland) (Con)
Wallace, Mr Jim (Orkney) (LD)
Watson, Mike (Glasgow Cathcart) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)
Wilson, Allan (Cunninghame North) (Lab)
Young, John (West of Scotland) (Con)

The Convener: The result of the division is: For 26, Against 74, Abstentions 0.

Amendment 2 disagreed to.

The Convener: The next question is, that section 2 be agreed to. Are we all agreed?

Members: No.

The Convener: I think I heard some noes there. As I tried to explain earlier, it is not possible to divide on the question on a section. However, an amendment to leave out section 2 would be admissible. Does any member wish to lodge such an amendment? If they do, we will have to adjourn.

No such amendment is forthcoming.

Section 2 agreed to.

Long title agreed to.

Meeting closed at 15:56.

Scottish Parliament

[THE DEPUTY PRESIDING OFFICER *opened the meeting at 15:56*]

Erskine Bridge Tolls Bill: Stage 3

The Deputy Presiding Officer (Patricia Ferguson): The next item of business is a debate on motion S1M-2164, in the name of Sarah Boyack, which seeks agreement that the Erskine Bridge Tolls Bill be passed.

15:56

The Deputy Minister for Transport and Planning (Lewis Macdonald): We have spent some time today discussing one specific transport issue and the consequences of one specific error. It is important at this stage in the bill's proceedings to step back and consider how those issues fit into the wider picture.

First, of course, we all regret that we have had to introduce this legislation. The mistake that led to it was serious, costly and unnecessary. However, it was just a mistake. Fiona McLeod gave new meaning to the concept of conspiracy theory this morning when she suggested that the failure to lay an order in time was in some way a cunning ministerial plot. I am not clear what she imagined we stood to gain from that—perhaps she will shed some light on that during the debate.

Let me assure Fiona McLeod and the rest of the chamber that it was indeed a mistake. Clearly, we need to learn lessons from it and to disseminate those lessons as widely as possible throughout the Executive. I hope that, in many respects, we can draw a line under the issue for the moment and for the next five years by passing the bill and restoring the tolling powers that were in place before the end of June.

Secondly, I record my thanks to the parliamentary officials and the Presiding Officers, who have worked very hard to make today work procedurally. An invocation of rule 9.21 is not something to be done lightly—we did not do it lightly—and we appreciate the efforts that the staff of the Parliament have made both in preparing for today and in their work on the day itself.

We have had some useful debates, both about the narrow but important issue of tolls on the Erskine bridge and more generally about issues—to which I suspect members will return—to do with tolling and charging. I doubt whether today will be the last time that we debate those issues.

Mr Lloyd Quinan (West of Scotland) (SNP): Will the minister outline to members exactly when

he intends to present the bill for royal assent and when that will allow the Executive to re-toll?

Lewis Macdonald: We will move the bill forward as fast as we can in terms of the remaining stages before it can be enacted. That includes the granting of royal assent, which we will seek as early as possible. However, that is a matter for the Presiding Officer. In response to the point that I assume Lloyd Quinan has in mind, the bill makes it clear that, on receipt of royal assent, the tolls will come back into force. Our intention is that that should be at the earliest practicable time.

We retain a clear view that the use of tolling on major estuaries is justifiable. It is entirely reasonable that those who gain from the benefits of such crossings should contribute to the cost of building, maintaining and operating them. In a case such as the Erskine bridge the principle that is applied is that the user pays; that was well understood when national Government and local authorities agreed to support the construction of a toll bridge in 1968.

Dennis Canavan (Falkirk West): Back in the 1980s, which was long after the Erskine Bridge Tolls Act 1968 was passed, I recall a young Labour MP introducing a bill in the House of Commons to abolish tolls on the Forth road bridge. When challenged by the Tories about where the money would come from to replace the tolls, he said that the money should come from the Treasury. Bearing in mind that the young Labour MP in question was none other than Gordon Brown, why do we not simply write a similar request to the Chancellor of the Exchequer?

Lewis Macdonald: That is a very interesting point and it is perhaps a matter of regret to Mr Canavan that he is no longer in a position to put that point directly to the individual in question. However, we are quite clear about our view on the matter and about the decision that ministers have taken in the light of the balance of argument—including arguments made by Labour members of the Parliament—to continue tolling on the Erskine bridge during the next five years. That decision is put into force, albeit a little belatedly, by today's bill.

It has been said that the error that was made raises wider questions. We certainly recognise the need to investigate fully the circumstances of the case and to report to Parliament on the lessons learned. However, the proper test for the effectiveness of a transport department and a transport policy is what they deliver. We believe that our wider transport strategy, with the resources that have been invested in it, will deliver better transport facilities not only in the lower Clyde area, but throughout Scotland. Traditional spending areas are being supplemented by more innovative schemes to develop the strategy.

Taken together, our transport policies and the economic development policies that were discussed this morning will be of significant benefit to the areas that are served by the Erskine bridge. Tolls from that bridge make a small but nonetheless significant contribution to the overall transport budget. In the longer term, they will meet the lifetime costs of the bridge for many years to come. Our priorities are to get the best value in transport and administrative terms for the money that we spend. I therefore commend the Erskine Bridge Tolls Bill to the Parliament as a relatively small but certainly important contribution to our wider transport agenda, and as a necessary step toward putting tolling on the bridge back on a sound legal footing.

I move,

That the Parliament agrees that the Erskine Bridge Tolls Bill be passed.

16:02

Mr Adam Ingram (South of Scotland) (SNP): Given the failure of our amendments at stage 2, the fundamental flaw of democratic deficit remains in the bill. The SNP will therefore maintain its opposition to the bill. An opportunity was missed this morning to instigate a process whereby all the arguments for and against the continuation of tolls on the Erskine bridge could be explored and recommendations made.

The Executive made it clear during the debate that its primary focus was on ensuring that the surplus that is generated by the tolls can continue to supplement its transport budget. If tolls are to remain, we would rather see the establishment of a sinking fund, as suggested by Annabel Goldie this morning, with the balance being hypothecated for use by the local authorities, all of which have expressed great concern about the constraints on their economic development as a result of the bridge being tolled. That would ensure that the inequitable aspect for users of the bridge, who have in effect to pay a form of stealth tax to support the Executive's transport budget, is done away with.

With regard to how the shortfall in the Executive's transport budget might be made up—the subject of taunts from the Labour benches this morning—I suggest that the Executive refer that question to Angus MacKay, who cut not £5 million from Ms Boyack's budget, but £30 million, prior to the recess. Angus referred to that cut as a budget realignment, but Ms Boyack has yet to tell us which of her programmes will be realigned as a consequence of his announcement.

The Minister for Transport and Planning (Sarah Boyack): During the summer, I answered that question in a written answer to two of Mr

Ingram's party colleagues.

Mr Ingram: I apologise.

I would like to move on to my final comment on this morning's debate. Another feature that I found particularly interesting was the stark division of the Executive's budget from the real Scottish economy. Clearly, that is a consequence of the devolution settlement and the financial arrangements for the devolution settlement. The SNP believes that the economy, the Executive and the Parliament need to connect. In other words, the Parliament requires full financial powers. Until then, we will be unable to meet the needs of the Scottish economy or the local communities that are affected by bridge tolls. I hope that those are my final words in today's debate.

16:05

Mr Murray Tosh (South of Scotland) (Con): I congratulate Adam Ingram on his final sentence, which is probably the most popular thing that he has said today.

On a number of occasions this morning, I spoke about the SNP's opportunities in the past two years to speak about the broad principles of bridge tolling. The SNP has had the opportunity to use some opposition time and the opportunity to bring forward petitions, lodge motions and to suggest in the Transport and the Environment Committee that the issue could usefully occupy parliamentary time. However, I neglected to mention one opportunity. Adam Ingram prompts me to comment on the further possibility that such issues could have been ventilated and the discontinuation of tolls suggested when the Parliament dealt with its budget.

Last year and this year, the SNP had the opportunity in debating the budget to lodge an amendment recommending the deletion of tolls. The tolls in question are not Forth bridge tolls or Tay bridge tolls that are paid to the local authority joint boards—they are paid directly to the Executive and expenditure is taken from that money. I think that they are technically called appropriations-in-aid. They feature in the budget and were identified in the Transport and the Environment Committee budget debate last year as a subject for discussion. The SNP did not take the opportunity at that committee, at the Finance Committee or when the budget was discussed in the chamber to suggest that tolls should be removed, that the income should be forgone and that an alternative way should be found of replacing that income.

Michael Russell (South of Scotland) (SNP): For the record—

The Deputy Presiding Officer: Your microphone is not on.

Michael Russell: It is on now. I can usually be heard without it—as can Mr Tosh.

It is not good enough for Mr Tosh simply to repeat parrot fashion arguments from the Labour benches about the SNP. My colleague, Fiona McLeod, lodged amendments to the Transport (Scotland) Bill on tolling and Irene McGugan lodged two motions on the Skye bridge. Simply repeating things that Labour says is dangerous and does not do any service to the debate. I am sure that Mr Tosh will want to correct what he has said.

Mr Tosh: I have the impression that Michael Russell has not been in the chamber much today. I understand that his principal interest has been to appear on television to talk about the issue rather than to be in the chamber to debate it. If he reads the *Official Report* of today's proceedings, he will find it extremely difficult to substantiate the argument that I have parroted lines from the Labour party.

To introduce the issue of Skye bridge tolls is irrelevant and to put that point to me about Forth bridge tolls is absurd. I introduced that topic this morning when the minister criticised the SNP for not having raised it in relation to the Transport (Scotland) Bill. I said that the minister was being unfair because the SNP had debated the issue. My point was that in debating amendments to the Transport (Scotland) Bill, the SNP had explicitly accepted the principle of Forth bridge tolls. That made it extremely surprising that the SNP should not accept the principles of the Erskine Bridge Tolls Bill. The stage 3 amendment that was lodged by the SNP aimed to restrict Forth bridge tolling to a number of defined categories. In essence, the amendment accepted the principle of Forth bridge tolling. The SNP's policy statement today to the effect that it is against Erskine bridge tolling is an entirely new announcement out of thin air.

The Deputy Presiding Officer: Will the member wind up?

Mr Tosh: The statement does not follow any extensive debate and is an opportunistic reaction to an administrative foul up by the Scottish Executive. If we want to change policy—

Members: Wind up.

The Deputy Presiding Officer: Mr Tosh is winding up.

Mr Tosh: To be wound up is to be entitled to wind up.

If we wish to re-examine and to change policy, there are mechanisms in Parliament to do that. However, it is unacceptable to propose that we should rewrite policy radically and that—having failed to raise and ventilate an issue over two years—we should suddenly say, "Let us change

policy in one segment of the whole matter of toll bridges." If we want a proper policy debate, let us initiate and have that debate. As things stand, we vote today for the continuity and continuation of existing policy until the proper opportunity arises to reflect on all the issues that concern all aspects of toll bridges throughout Scotland. To change policy in relation to the Erskine bridge alone is unwise, unsound and—to be frank—typical of the SNP.

16:11

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I say to myself, "Och, dearie me," as I bring a small voice of calm to the debate. That is why I am on my feet today. It is an object lesson in good reasons for not nodding off during the Liberal Democrat party parliamentary meeting.

The Liberal Democrats support the bill fully—let us not muck about. We heard a ringing endorsement of the bill from John Farquhar Munro, which has nothing to do with the fact that Tom McCabe sat beside him yesterday or that the First Minister sat beside him today. We are as one as a party. The bill makes complete and utter sense.

The SNP repeatedly dodges the strong cash argument about the five million quid. As Sarah Boyack said, she must spend that cash on the roads. If, every time that I went to Sarah Boyack, I told her that I would take five million quid from her, I would not have a leg to stand on.

Mr Quinan: Does Mr Stone, like me—and like the Scottish Liberal Democrat policy that was passed at the party conference in Pitlochry in 1994—oppose the imposition of tolls on motorways? Will he reaffirm his commitment to removing tolls from road bridges that are an integral part of the road system?

Mr Stone: I cannot pretend to be an aficionado of SNP conferences, but I recall that 1994 was the year after the "Free by '93" campaign. For the SNP members, excited as they are, to come up with such ridiculous amendments in the face of utter common sense shows that they are having a collective bad hair day. We have heard mention of stealth taxes and goodness knows what else. The SNP still has no policies.

It gives me great pleasure to support the bill. I enjoyed Murray Tosh's bruising contribution to the debate and I dread the day that he turns on me—although I dare say that it will come, as most things do.

On behalf of the Liberal Democrats I thank the ministers, who have done a good, speedy and correct job. I also thank the parliamentary staff for the way in which they have dealt with the matter. It is right and proper to support the bill and I urge members to do so.

16:13

Des McNulty (Clydebank and Milngavie) (Lab): I welcome some of the commitments that ministers have made to consider the specific issues that relate to the Erskine bridge. Nearly all the speeches from SNP members have been about procedural issues—Colin Campbell's being an honourable exception. Their speeches were not really about the Erskine bridge and they were not about the people who I represent in West Dunbartonshire or the people who Trish Godman represents on the other side of the Clyde.

Fiona McLeod (West of Scotland) (SNP): Will the member give way?

Des McNulty: I will make my speech brief.

There are economic development issues in my area that need to be addressed, such as tolling on the Erskine bridge—there is a surplus—the strategy for economic development in Clydebank, the URBAN II money and the needs of Port Glasgow. Transport issues also need to be addressed.

All those matters need mature consideration. They must be properly thought through. I hope that I can have discussions with the Minister for Transport and Planning and with Wendy Alexander, the Minister for Enterprise and Lifelong Learning, about how to take this broad agenda forward in the interests of the people I represent. That is the mature debate that we should have. There has been far too much empty point scoring in this debate.

16:15

The Minister for Transport and Planning (Sarah Boyack): We have come to the end of a substantial and wide-ranging discussion about the bill. The issue has had considerably more of an airing than would have been the case if an order had been passed timeously in the first instance. Before devolution, a matter such as this would probably have slipped through unnoticed. It is a testament to the procedures of our Parliament that we have had an extensive debate today. This has not been about sidestepping Parliament or reducing Parliament's legitimate right of scrutiny. I said last week, when I discovered that there had been an administrative error, that it was deeply unfortunate. Today has been about quick, decisive and accountable action to put right that unfortunate and regrettable mistake.

I will touch briefly on some of the key issues that members have raised in the debate. It has given us the opportunity to think through some of the substantial themes and issues raised by members, such as public accountability and the role of Parliament in scrutinising the Executive and the

legislation that it brings forward. We have discussed efficient administration; in particular, the need for the Executive to improve its procedures, investigate what went wrong in this situation, learn from that experience and ensure that we put in the right kind of information technology procedures and management procedures to prevent this kind of thing from happening again.

We have also had a lengthy debate on the balance of responsibility between use payers and the general taxpayer for funding transport facilities. We have also had the beginnings of a useful discussion on the social, economic and environmental well-being of areas around the Erskine bridge. We have had that discussion on other bridge areas but the local members—Des McNulty, Trish Godman and Hugh Henry—have put important issues on the agenda today.

I reiterate that the bill, which is what we are here to discuss, does no more than put us back to where we should have been two months ago. It has not been a cunning dodge. It is not about stealth taxes or about removing the Parliament's powers of scrutiny. I have not even taken the opportunity to simplify some of the arcane accounting and legislative provisions that we inherited from more than 30 years ago. The bill is a straightforward rectification of an unfortunate mistake. It is a rapid response to clarify the law and to stop the haemorrhaging of thousands—and over time perhaps millions—of pounds of public funds, funds that would otherwise have had to come from taxpayers' pockets to pay for the upkeep of an important piece of our national infrastructure. The funds would have had to come from other vital transport programmes and projects.

The SNP has suggested that I should merely go to Angus MacKay and say, "Can I have another 5 million quid please, Angus?" I am afraid that government does not work like that. There are severe pressures on our budgets. We must budget properly and take decisions for the long term. We cannot make off-the-cuff comments in the chamber. Managing our budget responsibly means that we must take tough decisions. We have heard nothing from the SNP about how it would find the funds to replace lost revenue from the tolls. It has told us to find the funds ourselves.

Fiona Hyslop (Lothians) (SNP): Will Sarah Boyack give way?

Sarah Boyack: No thank you.

The SNP has done what it always does. It has criticised, it has been negative and it has indulged in opportunism, breathtakingly in the case of their final response to the chamber on the Erskine bridge. What we needed to do today was to fix the problem that was brought to our attention. There

will be future opportunities to discuss the Erskine bridge, if Parliament and the Transport and the Environment Committee want to take them. There will be opportunities to review the toll order in 2006. Today is about putting things right. I commend the bill to Parliament.

Parliamentary Bureau Motions

The Presiding Officer (Sir David Steel): The next item of business is consideration of four Parliamentary Bureau motions, which are set out on page 7 of the business bulletin.

Motions moved,

That the Parliament agrees that the following Members be appointed to Committees with effect from 6 September 2001—

Christine Grahame to replace Alasdair Morgan on the Justice 1 Committee,

Margaret Ewing to replace Christine Grahame on the Justice 2 Committee,

Stewart Stevenson to replace Margo MacDonald on the Justice 2 Committee and to replace Margaret Ewing on the Rural Development Committee,

Adam Ingram to replace Bruce Crawford on the Transport and the Environment Committee,

Gil Paterson to replace Linda Fabiani on the Equal Opportunities Committee,

Tricia Marwick and Sandra White to replace Kenneth Gibson and Gil Paterson on the Local Government Committee,

Kenneth Gibson and Linda Fabiani to replace Sandra White and Brian Adam on the Social Justice Committee,

Fiona Hyslop to replace Brian Adam on the Procedures Committee,

Alasdair Morgan and Brian Adam to replace Andrew Wilson and Adam Ingram on the Finance Committee,

Colin Campbell to replace Kenny MacAskill on the Subordinate Legislation Committee.—[*Euan Robson.*]

That the Parliament agrees that the Justice 2 Committee is designated as Lead Committee in consideration of the Sexual Offences (Procedure and Evidence) (Scotland) Bill and that the Bill should also be considered by the Justice 1 Committee.—[*Euan Robson.*]

That the Parliament agrees the following dates under Rule 2.3.1: 18 – 22 February 2002 inclusive, 29 March – 12 April 2002 inclusive, 1 July – 30 August 2002 inclusive, 7 – 18 October 2002 inclusive and 23 December 2002 – 3 January 2003 inclusive.—[*Euan Robson.*]

That the Parliament agrees that between 7 January 2002 and 3 January 2003 (inclusive) the Office of the Clerk will be open on all days except: Saturdays and Sundays, 29 March, 1 April, 6 May, 31 May, 3 June, 4 June, 29 November, 24 December (PM), 25 December, 26 December 2002, 1 January 2003 and 2 January 2003.—[*Euan Robson.*]

The Presiding Officer: I will put all those questions to the chamber at decision time, on which matter I hope Mr Robson has something to say to me.

Motion without Notice

The Deputy Minister for Parliament (Euan Robson): I ask the chamber's permission to move a motion without notice.

The Presiding Officer (Sir David Steel): Is that acceptable to the chamber?

Members indicated agreement.

Motion moved,

That the Parliament agrees under rule 11.2.4 of Standing Orders that Decision Time on Thursday 6 September shall begin at 4.20 pm.—[*Euan Robson.*]

Motion agreed to.

Decision Time

16:20

The Presiding Officer (Sir David Steel): There are seven questions to be put as a result of today's business. [*Interruption.*] I hope that members are concentrating.

The first question is, that motion S1M-2133, in the name of Alex Neil, on behalf of the Enterprise and Lifelong Learning Committee, on the impact of the new economy, be agreed to.

Motion agreed to.

That the Parliament notes the 6th Report, 2001 of the Enterprise and Lifelong Learning Committee on the impact of the new economy (SP Paper 355).

The Presiding Officer: The second question is, that motion S1M-2156, in the name of Angus MacKay, on the financial resolution in respect of the Protection from Abuse (Scotland) Bill, be agreed to.

Motion agreed to.

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Protection from Abuse (Scotland) Bill, agrees to any increase in expenditure payable out of the Scottish Consolidated Fund in consequence of the Act.

The Presiding Officer: The third question is, that motion S1M-2164, in the name of Sarah Boyack, that the Erskine Bridge Toll Bill be passed, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

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, 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)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (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)
 Hughes, Janis (Glasgow Rutherglen) (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)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeish, Henry (Central Fife) (Lab)
 McLetchie, David (Lothians) (Con)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Young, John (West of Scotland) (Con)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 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)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

The Presiding Officer: The result of the division is: For 78, Against 26, Abstentions 0.

Motion agreed to.

That the Parliament agrees that the Erskine Bridge Tolls Bill be passed.

The Presiding Officer: The fourth question is, that motion S1M-2149, in the name of Mr Tom McCabe, on committee membership, be agreed to.

Motion agreed to.

That the Parliament agrees that the following Members be appointed to Committees with effect from 6 September 2001—

Christine Grahame to replace Alasdair Morgan on the Justice 1 Committee,

Margaret Ewing to replace Christine Grahame on the Justice 2 Committee,

Stewart Stevenson to replace Margo MacDonald on the Justice 2 Committee and to replace Margaret Ewing on the Rural Development Committee,

Adam Ingram to replace Bruce Crawford on the Transport and the Environment Committee,

Gil Paterson to replace Linda Fabiani on the Equal Opportunities Committee,

Tricia Marwick and Sandra White to replace Kenneth Gibson and Gil Paterson on the Local Government Committee,

Kenneth Gibson and Linda Fabiani to replace Sandra White and Brian Adam on the Social Justice Committee,

Fiona Hyslop to replace Brian Adam on the Procedures Committee,

Alasdair Morgan and Brian Adam to replace Andrew Wilson and Adam Ingram on the Finance Committee,

Colin Campbell to replace Kenny MacAskill on the Subordinate Legislation Committee.

The Presiding Officer: The fifth question is, that motion S1M-2137, in the name of Mr Tom McCabe, on the designation of lead committees, be agreed to.

Motion agreed to.

That the Parliament agrees that the Justice 2 Committee is designated as Lead Committee in consideration of the Sexual Offences (Procedure and Evidence) (Scotland) Bill and that the Bill should also be considered by the Justice 1 Committee.

The Presiding Officer: The sixth question is, that motion S1M-2166, in the name of Mr Tom McCabe, on rule 2.3.1, be agreed to.

Motion agreed to.

That the Parliament agrees the following dates under Rule 2.3.1: 18 – 22 February 2002 inclusive, 29 March – 12 April 2002 inclusive, 1 July – 30 August 2002 inclusive, 7 – 18 October 2002 inclusive and 23 December 2002 – 3 January 2003 inclusive.

The Presiding Officer: The seventh question is, that motion S1M-2167, in the name of Mr Tom McCabe, on sitting days, be agreed to.

Motion agreed to.

That the Parliament agrees that between 7 January 2002 and 3 January 2003 (inclusive) the Office of the Clerk will be open on all days except: Saturdays and Sundays, 29 March, 1 April, 6 May, 31 May, 3 June, 4 June, 29 November, 24 December (PM), 25 December, 26 December 2002, 1 January 2003 and 2 January 2003.

The Presiding Officer: That concludes decision time exceptionally early.

Donibristle Pit Disaster

The Presiding Officer (Sir David Steel): We come to members' business, which is on motion S1M-1964, in the name of Helen Eadie, on the centenary of the Donibristle pit disaster.

Motion debated,

That the Parliament congratulates the schools in Dunfermline East for their contribution to marking the centenary of the Donibristle pit disaster on 26 August 1901; notes that their efforts will help celebrate and keep alive the memory of the brave men, some of whom heroically gave their lives to save fellow miners in the tragedy; further congratulates all of those in our towns and villages in the constituency of Dunfermline East for the act of remembrance that binds miners and their families through the ages and across all our communities and, in doing so, sends its thoughts and prayers to the community of Caerphilly, Wales who remembered on 24 May the miners who lost their lives in the Caerphilly disaster on that date 100 years ago, and calls on the Scottish Executive to send appropriate messages to both communities.

16:24

Helen Eadie (Dunfermline East) (Lab): I am very privileged to have secured this evening's members' business debate.

I lodged the motion on 24 May, which is the date on which 78 coal miners were buried alive by a series of gas explosions in Caerphilly, Wales. I wanted to remember those men alongside the brave men involved in the Donibristle disaster in Fife. Both the Donibristle disaster of 26 August 1901 and the Caerphilly disaster of 24 May the same year are remembered for many reasons, chief among which is the fact that coal miners and their families have had to make sacrifices throughout the ages to grow the wealth of our nation.

As members will know, at the beginning of the 20th century, coal was the main source of heat, light and power in nearly every country in the world. Coal has been dug in Scotland for many years, and as far back as 1,800 years ago the Roman army of occupation between the Forth and the Clyde canal was using coal. In no country did coal play as big a part in the economy as it did in Scotland. At the time of the Donibristle disaster, the Boer war still raged in South Africa and the price of coal leaped to new levels. The increased demand for the "black diamond" made coal mining highly profitable. However, it was the miners and their rescuers, who we remember today, who were the real diamonds of their time.

There have been many disasters in the coalfields of Britain, but the Scottish coalfields have earned an unenviable notoriety. The two disasters of Donibristle, in Fife, and Knockshinnoch, in Ayrshire, were caused by the

abundance of moss or peat on the surface in the neighbourhood of coal workings. I am sure that, if Cathy Jamieson were here today, she would have spoken more about the Knockshinnock disaster in which 129 miners were entombed.

Elaine Smith (Coatbridge and Chryston) (Lab): Will Helen Eadie join me in remembering the mining disaster at Auchengeich, which happened in September 1959? Can we send our thoughts to the community, which will be holding its annual memorial service later this month?

Helen Eadie: I am happy to join Elaine Smith in expressing those sentiments and I would have no hesitation in joining her at the memorial service, if there is one.

At Donibristle colliery, on 26 August 1901, eight men were smothered underground by the inflow of moss. The pit was situated in the parish of Aberdour, near Cowdenbeath, on the southern edge of the Fife coalfield. Most of the workings lay under Mossmorran, a square mile of moorland 450ft above sea level, which, 200 years earlier, had been a sheet of water. Some 270 men were employed underground. The Mynheer seam had been entered more than 450ft down and had then been worked up a long, steep incline.

Ten months before the disaster, the heading had reached the outcrop and operations were stopped to determine whether a connection could be made with the surface to provide easier access to the workings. It was known that an inrush 40 years before had taken place only 300yd away; yet, on 22 August 1901, operations were begun in the heading, probing upwards with a 17ft rod.

At 1.40 pm on 26 August, as two men were continuing operations, the moss burst in. They were instantly smothered and another two men—Alexander Smith and David Campbell—who were working at lower levels also lost their lives. Oversman Thomas Rattray at once led a rescue party in from another level, which comprised James McDonald, William Hynd and Andrew Paterson. However, by 11 pm they had not returned.

On the Tuesday, by going down an airshaft and then through old workings, it was proved that the moss debris had not filled some of the upper workings and it was hoped that some men might have reached there. Attempts were made on the surface to sink small pit shafts from the ground beyond the huge hole that was opening up in the moss, but the pit kept filling with peat.

The next move was to stretch two wires across the hole in the moss and draw a platform over the gap. From there, the rescuers attempted to gain access to the workings. Two volunteers—James Dick and John Sheddon—were lowered into the hole with a sled on which to strap any survivors.

The first miner to be rescued gasped that there were six of them. However, after five men were rescued in that way, the sides of the hole collapsed and the two rescuers were entombed with the remaining survivor, adding to the distress of the wives and families who had gathered at the scene.

On the Wednesday morning, the seven pit ponies were found fairly near the main shaft and were led to safety. Efforts were made to renew surface structures to allow rescuers to go down the hole in greater safety and several hundred volunteers carried materials across the moor to form a shaft.

Eventually, early on the Thursday morning, the last survivor—Alexander Bauld—was rescued after 60 long hours, along with his two rescuers who had also been entombed. Meanwhile, attempts were being made to locate the four men of the second party, led by Rattray, but nobody was able to find them because the moss and debris had filled so many of the tunnels. Their bodies were not discovered until 4 December, after 12,000 tons of moss and other debris had been brought to the surface and much more had been stowed away in old roads underground.

In total, eight men died, leaving seven widows and 15 children. The Donibristle relief fund raised the relatively large sum of £2,100 and Andrew Carnegie also gave £100 to each of the four heroic rescuers who went to help their comrades. Gold watches were donated by the editor of *The Daily Telegraph* and the relief committee and, along with the money from Andrew Carnegie, they were presented to Dick, Sheddon, Jones, Law and Richardson for their heroism. Many of the other men involved in the operation were given badges for the valour that they displayed.

Donibristle was not the only major mining accident in the area that year. On 15 February 1901, there was a gassing accident at the nearby Hill of Beath colliery. Two men were overcome by the deadly carbon monoxide and five of the men who formed a search party also died. They left seven widows and 25 children.

Around any pit where a disaster had occurred, the picture was always the same: wives, mothers, daughters, sisters and grandmothers all waiting anxiously for news of their loved ones trapped far below ground. We can only imagine what was going through the minds of those who, with a feeling of helplessness, could only stand and pray that their loved ones would be rescued. No one should ever underestimate the sheer courage of the women who stand and wait, supporting each other in the face of tragedy. Suffering in silence is every bit as painful as any amount of physical pain.

The Donibristle disaster provides a moving example of members of a community supporting each other in crisis. This year, the centenary of the Donibristle disaster, many people across the constituency of Dunfermline East have been involved in paying tribute to the brave miners who gave their lives trying to rescue their colleagues. The schools in the constituency have involved children in the commemoration of the event in various ways. In November, a play, poems and ballads written at the time of the disasters will be performed by children from primary and secondary schools. As part of the remembrance, an evening of words and music was organised by the Fife Mining Heritage Society; the Cowdenbeath community council commissioned some moving paintings by Davie Lockhart; and Fife Council sponsored, from the common good fund, a memorial book researched by Joe Paterson. In November, a commemorative conference, organised by the author of "Famous Fife Women", Lillian King, will be held to remember the women who were left behind after the disaster. On the day of the anniversary, 26 August, a memorial service that brought together churchgoers from three local churches was held in the Trinity church in Cowdenbeath. Visitors from as far afield as Yorkshire attended the service and the wreath-laying ceremony at the cairn. Our friend Dennis Canavan, the MSP for Falkirk West, joined us there as well. I thank him for that.

The supreme sacrifice was made by the miners and I would like to recall the last words that were written by the miners as they lay in the bowels of the earth. As the last of the tallow burned to give them light, they wrote their last tragic notes to their loved ones.

James McDonald wrote about his youngest son, aged three:

"I am thinking of wee Donil God Bless him."

Thomas Rattray wrote:

"I leave my love to E.P.M. and David"

and Andrew Paterson wrote:

"Andrew leaves his love to Annie and the bairns, goodbye; God bless you all".

The messages were found with the men, who were huddled together when their bodies were recovered later that year.

We remember especially tonight the heroes: John Sheddon, John Jones, Robert Law and James Dick, who were the surviving rescuers; William Hynd, James McDonald, Thomas Rattray and Andrew Paterson, who sacrificed their lives; and George Hutchison, Alexander Smith, William Forsyth and D Campbell, who were the original group.

Presiding Officer, I thank you for the honour of

being allowed to make this tribute to the memory of such brave men and women and our coal mining heritage.

Ian Banks, one of Dunfermline East's famous local sons, wrote in "The Wasp Factory":

"All our lives are symbols. Everything we do is part of a pattern we have at least some say in. The strong make their own patterns and influence other people's".

I hope that the memory of the heroes of the Donibristle disaster will live on in our minds and will be a positive influence as we strive to serve others.

16:35

Tricia Marwick (Mid Scotland and Fife) (SNP):

I congratulate Helen Eadie on securing an opportunity for the Parliament to remember the mining communities and those who suffered because of the work that they did to build the communities that we now know. I also congratulate David Reid and all those who were involved in the memorial ceremony and the building of the cairn. I also pay tribute to Joe Paterson, the former Scottish National Party councillor who has been responsible for compiling the memorial book to all the men who have been killed in the Fife pits.

I speak as one whose grandfather was killed in one of the Fife pits, as the daughter of one who was invalidated out of the pits and the sister of a miner who was sacked from Seafeld at the time of the strike. The Donibristle disaster of 26 August 1901 is etched deep into the psyches of all of us who were born and brought up in Cowdenbeath, including my good friend Dennis Canavan. All of us who come from mining communities lived with the mining disaster and the tales of our fathers and grandfathers.

It is true that the heroism that was displayed in the Donibristle disaster was way beyond what any community could have expected. It is also significant that that heroism was rewarded with gold watches from a newspaper but that the same people received no reward from the establishment of the day. That probably indicates how little regard the establishment had for the mining communities.

The Donibristle disaster led indirectly to the setting up of the mine rescue service 11 years later. That was set up in Stenhouse Street in Cowdenbeath. Dennis Canavan knows it as well as I do.

It was a privilege and pleasure to be at the ceremony in Trinity church in Cowdenbeath. I saw miners, ex-miners and their families coming from all over Scotland, Yorkshire and beyond simply to pay tribute to the many brave men of the disaster.

Of all of the brave men, I will single out one—Robert Law. After people were trapped and when almost all hope was gone, Robert Law went down and led out some of the rescuers and other men who were abandoned in the pit. After Robert Law brought out the last of those men, there were still eight men trapped in the pit. Their bodies were recovered, as Helen Eadie rightly said, some months later. From the stories that I heard when I was young, it was not a quick or easy death. The fate of the men in the pit can only be imagined. It was quite horrible.

I accept that we should pay tribute not just to the miners of Fife but to the miners throughout Scotland and the rest of the United Kingdom who died to build the communities that we know. It is about time that we gave something back. Fife, like many other areas, was built on the back of the miners. The prosperity that we enjoyed for many years was built on the work of the miners.

It is appalling that, after all this time and when we have only one deep mine in Scotland, there is no lasting memorial to the miners of Fife and that it is almost impossible for the miners of Fife to get the money necessary to build a heritage centre. We need to remember who we are and where we have come from. If we do not remember that, we will have no idea about where we should be going in future. I urge the minister—he is the minister with responsibility for culture—to give, in his closing speech, some hope to the ex-miners of Fife that their relics and artefacts will be preserved for eternity.

I finish by welcoming those visitors in the gallery who have come from Fife. It is fortunate that business finished early, allowing Helen Eadie's members' business to be called and giving those people the opportunity to listen to the debate about Fife and our miners.

The Deputy Presiding Officer (Patricia Ferguson): A number of members wish to speak in the debate, so I remind members that the time limit for their speeches is four minutes.

16:40

Dennis Canavan (Falkirk West): I congratulate Helen Eadie on securing the debate. I wholeheartedly support the motion in her name.

Having been born and brought up in Cowdenbeath, I appreciate the impact that the Donibristle disaster had on the local mining community. That impact was felt for many years after the tragic event. Accounts of the disaster were, and still are, an important part of local history.

The centenary evokes memories for many families, including my own. My grandfather's

brother, Bernard Canavan—Uncle Barney, as we used to call him—was involved in the rescue work at Donibristle. He was comparatively lucky in that he lived to tell the tale. Some of his comrades did not.

At that time, mine rescue work was undertaken largely by volunteers because there was little in the way of organised mine rescue teams. It was not until the Coal Mines Act 1911 that there was a statutory requirement to locate mine rescue stations within certain distances of all collieries. The act also stipulated the numbers of rescue workers that were required to cover the number of miners employed by the colliery.

Even that legislation was not enough to prevent further tragedies from occurring in the coal industry. Thirty-eight years after the Donibristle disaster, and in the same county of Fife, a bigger disaster took place at Valleyfield colliery when 39 men lost their lives in an underground explosion. My Uncle Barney was also involved in that rescue operation. In recognition of his services to the mining industry and mine rescue work, he was later awarded the British Empire medal. As far as I know, that is the one of the few imperial connections in my family.

We have all heard of people getting British Empire medals and OBEs and CBEs and other gongs purely for crawling to the British establishment. Mine rescue workers crawled through the bowels of the earth to try to rescue their fellow miners. Some of them, including some of the rescue workers at Donibristle, made the ultimate sacrifice.

Yesterday, the Parliament rightly acknowledged the heroism of those who gave their lives in the 1820 rising. It is also right that today we should acknowledge the heroism of all those in the mining industry who gave their lives to supply the energy needs of the nation. Some of them also gave their lives for a greater cause—saving the lives of their fellow miners. It is right that the dedicated service and heroism of Scotland's miners should be recognised by Scotland's Parliament.

16:44

Mr Keith Harding (Mid Scotland and Fife) (Con): I congratulate Helen Eadie on securing the debate, I commend the previous speakers on their contributions and I applaud the schools that are commemorating the disaster with art displays and the forthcoming production of a play.

I am particularly pleased to speak in the debate as it has reminded me that I was brought up in a mining community. My older brother, destined for the navy in the second world war, was instead recruited as a Bevan boy and sent down the mines. He did not enjoy that experience. I can still

vividly recall the day that we were told that there had been a tunnel collapse near the coalface in the colliery in which he was working. A stillness fell over the house and over the whole village. The uncertainty and lack of information were distressing. The waiting was terrible, and the relief was enormous when he eventually walked through the door unhurt. I recall that, on that occasion, there were fortunately no fatalities, but several miners were injured, some quite seriously. I have considerable empathy with families such as those who lost their loved ones at Donibristle.

Over the years, miners have risked their lives daily to keep the wheels of industry turning and to ensure our comfort in warm homes. It is most important that the children of today remember those miners who toiled underground and the many who lost their lives in the numerous accidents which have regrettably happened throughout the UK. I gladly support the motion.

16:45

Mr John McAllion (Dundee East) (Lab): I too congratulate Helen Eadie on winning this debate, and for the moving way in which she opened it. It helps to mark this centenary in an appropriate way, as it gives the Scottish Parliament its chance to pay its respects to a very brave group of men and a very brave working-class community.

In her motion, Helen Eadie notes how remembrance of the disaster

“binds miners and their families through the ages and across all our communities”.

That has been demonstrated as the debate has proceeded, with Dennis Canavan inspiringly and affectionately referring to his Uncle Barney. Even if he did win the British Empire medal, I will certainly not hold that against him.

I do not come from a mining community, but in my time I have met a lot of people who came from mining communities. My experience is that being a miner or part of a mining community leaves a mark on people for the rest of their lives—it changes them. I have found that it breeds a healthy militancy, which is one of the outstanding features of mining communities throughout Scotland and Britain. For a very long time, the National Union of Mineworkers was regarded as the praetorian guard of the Labour movement. Most of the great victories of the Labour movement have been won with the NUM leading from the front.

Many of the finest characters in Scottish politics over the last century came from mining communities: the incomparable Michael McGahey, Lawrence Daly, one of the most talented of politicians and a Fifer, and Eric Clarke, one of the finest leaders the miners had. People with mining backgrounds have, in my experience, a warmth, a

compassion and a humanity that are absent in the rest of the Scottish people.

The great Jock Stein, who went on to become the legendary manager of Celtic and Scotland, was a miner. He had gone down the pits, and never forgot the experience—he never allowed himself to forget it. Stories abound from the time of strikes, when the miners were out fighting for a better wage and a better life for them and their families. Stein would never go past a picket line without stopping: even once he was manager of a great and famous club and was travelling all over Europe, he would stop the car and go out to put money into the buckets to support the miners and would remind the pampered footballers under his command that they too had a responsibility to go out and help the miners. Back in those days, Scotland also had a better football team—there may be some connection.

We should never forget the part that the miners played in bringing this Parliament into existence. During the 1950s and 1960s, when the idea of home rule and of having a Scottish Parliament was forgotten by just about everybody, it was the NUM that kept that hope alive. Indeed, I think that it was Mick McGahey who moved the motion at the Scottish Trades Union Congress in the late 1960s that brought back into official STUC policy the desire that

“There shall be a Scottish Parliament.”

If we are looking for a memorial to the Scottish miners, this Parliament is, in a sense, a memorial to them. It is because of their work that this Parliament came into existence, and we should never forget that.

This year also marks the 75th anniversary of the general strike. We should never forget the massively important part played in that strike by mining communities across Britain, particularly those in Fife. On the 50th anniversary of the strike, a book was produced about it. I remember reading in it about a man called John McArthur, who was described as a militant miners' leader from east Fife. It described how, the Sunday before the general strike, John McArthur, being the advanced worker that he was, did not really believe that the Labour and trade union leaderships would actually call the general strike. Although the miners called a meeting at Denbeath in anticipation of the general strike being called, they had to cancel it because nobody turned up. However, the following Sunday, after the general strike was called, the meeting at Denbeath was recalled. As McArthur himself said, the back of the crowd could not be seen because so many people had turned out. That was the mining communities of Fife turning out to play one of the most important roles in the history of our country—in nine days that shook the world.

By having this debate, the Scottish Parliament has paid back in a little way the great debt that we owe to mining communities across Scotland, particularly those in Fife. I congratulate Helen Eadie once again. I am sure that when the minister replies to the debate he will say that the Executive will send the appropriate messages to the communities involved, congratulating them on what they have done.

16:50

Alex Neil (Central Scotland) (SNP): I join other members in congratulating Helen Eadie on securing this debate and on the way in which she delivered her speech. I also congratulate her on the excellent brochure that has been issued on the Donibristle mining disaster. It is first class and should in itself serve as a memorial to those who died. I will certainly not put it in the bin after this debate—I will hold on to it.

A number of former miners have already been mentioned. To those we can add Abe Moffat in the trade union movement, Matt Busby in football and many others. However, as it was Helen Eadie who secured this debate, I take the opportunity to mention her father-in-law, Alex Eadie, who was a miner and an activist in the mining union as well as the minister responsible for coal in the Government headed by Harold Wilson. I remember being with him on the day that he was appointed to that post—there could not have been a prouder moment for any miner. Alex Eadie joins the long list of those who have done great service to the mining community in times gone by.

Like many members who have spoken tonight, my background is in the mining community. I come from the village of Patna in South Ayrshire, which is well known to the minister. He must have had many a brawl on the fitba field in Patna, although I am sure that we get the better of him on every occasion. The Knockshinnock disaster has been mentioned. Knockshinnock is in New Cumnock; it is part of the Carrick, Cumnock and Doon Valley constituency in South Ayrshire, where I lived. I was only a young kid at the time of the Knockshinnock disaster, but its effect has lasted for decades. Particularly after the Knockshinnock disaster, people were always afraid of the knock on the door that said that it was their turn—that something had happened down the pit.

Quite rightly, today we remember the big disasters such as Donibristle and Knockshinnock. However, many other people died in the pits, sometimes alone. It must be even worse for someone to die alone down a mineshaft than for them to die with their comrades. We should remember those people as well, because they sacrificed their lives for the industry and their community.

John McAllion spoke about the miners' contribution to the establishment of the Scottish Parliament. We should also remember the Welsh, English and many other miners who have sacrificed their lives. In eastern Europe—where I have worked for the World Bank and others—there are many mines that are as dangerous today as Donibristle was at the start of the previous century and as Knockshinnock and many other mines used to be. As a Parliament and as a people, we could examine ways in which we might contribute to improved mine safety in eastern Europe. In parts of Russia and Romania, almost on a regular basis, tragedies happen that are never reported—huge disasters in which hundreds of people are killed. As a member of the Scottish National Party, I say deliberately that what happens and happened to miners in Wales, England and further afield is critical, as is what happened to miners in Scotland.

I am proud to have been brought up in a mining community and I am very proud to have taken part in this debate. I thank Helen Eadie once again for organising it.

16:54

Scott Barrie (Dunfermline West) (Lab): Like other members, I heartily congratulate my close colleague and neighbouring MSP Helen Eadie on lodging this motion. It not only commemorates the eight men who lost their lives in the Donibristle pit disaster, but recognises the efforts of others in rescuing those who were trapped under the Mossmorran moorlands. We should also congratulate those involved in working with local schools on commemorating the centenary of the disaster and on alerting schoolchildren to their industrial heritage.

I want to speak in this debate for two reasons, the first of which is my close association with Cowdenbeath, where I worked for 12 happy years before I was elected to the Scottish Parliament. The second is my family's close association with the mining industry. In 1939, my grandfather moved from Lanarkshire to Fife to work at the Mary pit at Lochore. During the 1940s, he was also undermanager at Glenraig No 11. Both those pits were only a couple of miles from the Donibristle pit.

I was brought up in Glenrothes and, although it is a new town, its *raison d'être* was to accommodate miners and their families from the nearby Rothes pit. My parents met while they were both employees of the National Coal Board at the Frances pit in Dysart.

Although I was only five, I vividly remember the serious fire at the Michael pit in East Wemyss in 1967, which had a huge impact on the people of

Glenrothes. That impact must have been replicated many times in many communities when disasters struck. Tricia Marwick's speech reminded me that my dad's cousin was also the superintendent at the mines rescue station in Cowdenbeath.

I have the privilege of representing the last deep mine in Scotland: Longannet at Kincardine. The history of Fife is nothing if it is not characterised by the mining industry. When we remember that, we should never underestimate the human cost that is associated with deep mining and the debt that we owe to all those who worked in that industry. For those of us who are proud to be members of the labour and trade union movement, the points that John McAllion made were both good and telling. Miners certainly have a special place in our hearts, given all that they did to promote the interests of organised labour throughout their long and proud history.

My constituency of Dunfermline West contains several communities that owe their existence to the mining industry, such as Blairhall, Oakley and, in particular, High Valleyfield, which in 1939 had the worst pit disaster in Fife's history, as we heard earlier. It is important that our children—not only in Fife but throughout Scotland—are not allowed to forget our proud industrial heritage. Events such as the Donibristle centenary allow those memories to continue. The work that has been done in local schools in Dunfermline East is a model that should be replicated throughout ex-mining areas, in order to remind our children and our families of the rich traditions to which we all owe so much.

16:57

Marilyn Livingstone (Kirkcaldy) (Lab): Much of what I was going to say has been covered. As I represent the constituency of Kirkcaldy, I, too, am a neighbour of Helen Eadie. I was moved by her introduction and her great testament to the miners: what she said and the way in which she said it moved all members. I pay tribute to her for securing today's debate.

I was born and lived in a mining village called Dysart, which is just outside Kirkcaldy. Members will not be surprised, therefore, to learn that my grandfathers, great-grandfathers, brother and father worked in the Frances colliery which is—guess where?—in Dysart. My great-grandad and my grandads went down the pit at the age of 14. What must that have been like? My grandads had a huge influence on my life and my politics and on the fact that I joined the Labour and trade union movement—they were great supporters of the NUM. I remember that, when I was a little girl, I jumped on my grandad, landing on his knees. Those who know the Frances colliery will know that he would have spent his life up to his knees in

water and so would have had problems with his knees and fingers. Many of us will have similar memories of our grandads and our fathers and the problems that they had in the mining industry.

Nevertheless, what community spirit there was in Dysart! I am sure that there would have been the same community spirit in Ayrshire and I know that it was the same in the Wemyss villages in Helen Eadie's constituency. That community spirit still lives with us. For example, I was presented with a 1937 minute book of the women's section of the Labour party, which showed that both my grandmothers donated to the poor. I noticed that they took the same things every week: a quarter of butter and a bag of sugar. That was the community spirit that we had in Fife and that still exists in many parts of Fife today.

Like Scott Barrie, I pay tribute to those folk from all parts of Fife who lost their lives, especially in the Michael disaster in 1967. Like Alex Neil, I would like to say that many people had friends who lost their lives on their own and alone down the pits. The impact of that on our local communities will not be forgotten. I still remember my father's and grandfather's stories of some of the horrific accidents and disasters that happened down individual pits. We must never forget those.

Since being elected, among other things I have fought for the headgear and A-frame at Frances colliery to be retained. Some members have helped me in that. We are now getting it painted, but it has taken us years.

As Tricia Marwick said, if we forget where we come from—that we are miners' daughters and granddaughters—we will be lesser people. I back the calls of Helen Eadie, Scott Barrie and Tricia Marwick for a mining heritage centre in Fife, for which we need funding. I will not forget, because I want my children and my children's children to remember the effort, the support and the community spirit that existed for miners in Fife and throughout Scotland. I ask the minister to consider the mining heritage in Fife and throughout Scotland. That is how we will remember whence we came.

17:01

The Deputy Minister for Sport, the Arts and Culture (Allan Wilson): I join fellow members in congratulating Helen Eadie on her excellent speech and on lodging her motion for debate.

Tricia Marwick asked how we know who we are. I firmly believe that we are all products of our environment and of our communities. One of the many features that link the communities of Ayrshire and Fife is our common coal-mining heritage. As Alex Neil said, we share the pain of disaster and know the true price of coal.

For the people of Fife, coal mining is the cornerstone of their heritage and of their present-day community spirit. The Donibristle colliery disaster of 1901 made an indelible mark on the collective memory of the mining communities of Fife. Eight men died, leaving seven widows and 15 children. Three hundred volunteers were prepared to risk their lives in various attempts to rescue their colleagues. That fact alone bears witness to the spirit of the Fife mining communities.

As members have pointed out, that spirit was reflected throughout the Scottish coalfields. Scotland's industrial might was founded on our coal mines. Today, it is all too easy to forget the price that was paid for that valuable fuel by miners in Fife, the Lothians, Lanarkshire and Ayrshire.

As Alex Neil mentioned, the natural hazards of flammable and noxious gases, unstable ground, fire and inrushes of wet materials have not changed; they are present in today's mines exactly as they were for the Donibristle miners in 1901. The Donibristle pit disaster was one incident in mining history that was, in part, responsible for the continuous improvements in mining health and safety legislation.

As Marilyn Livingstone mentioned, other health hazards have recently come to the fore. We now better appreciate the effects of long-term exposure to vibrating tools or equipment, particularly hand-arm vibration syndrome and vibration white finger. The Health and Safety Executive's mines inspectorate is working with employers to prevent such hazards by changing working practices and assessing alternative equipment.

Modern mining health and safety legislation, particularly the Escape and Rescue from Mines Regulations 1995, draws heavily on the lessons of the past. Those regulations set out the measures that mine owners and managers must take so that, in the event of an emergency, those below ground may escape to safety or be rescued.

Historically, the development of mining legislation was largely a response to such disasters. There was no mines rescue service at the time of the Donibristle disaster or at the time of the Hill of Beath colliery disaster—also in Fife—which occurred one month earlier. In 1906, a royal commission was established; its recommendations led to the Coal Mines Act 1911, which made provision for mines rescue, first aid and a mines inspectorate.

The people of Fife, however, were not content to wait for the legislators. Scott Barrie has referred to the establishment in 1910 by the Fife and Clackmannan coal owners association of the first mines rescue station at Stenhouse Street, Cowdenbeath. The first superintendent was David Stephenson, a first-aider from Bowhill colliery. The

rescue brigadesmen were trained to use Garforth breathing apparatus to enable them to travel through irrespirable atmospheres to save people. No one would now doubt the importance of having well-established procedures for dealing with emergencies at mines. Indeed, history has shown that on such occasions a quick and professional response can make the difference between life and death.

Today, the Scottish coal industry consists of one deep mine at Longannet employing about 650 people. The Longannet miners recognise the debt of gratitude that they owe to the men of Donibristle and those thousands of other Scots, Welsh and English miners who, as has been mentioned, lost their lives through pit disasters. Not only did they provide Britain with a secure energy supply, they delivered the stringent mine safety regulatory framework that our miners enjoy today.

I take on board the points that have been made about a heritage centre. Too often, local history is either forgotten or scorned as unimportant. When I researched this speech, I looked up the words of the war poet Wilfred Owen. He recognised that failure when he wrote these words:

"The centuries will burn rich loads
With which we groaned,
Whose warmth shall lull their dreaming lids
While songs are crooned.
But they will not dream of us poor lads,
Lost in the ground."

It speaks volumes for the Dunfermline East community that teachers and pupils alike not only remember but pay tribute to the men who lost their lives in the Donibristle pit disaster. I say to John McAllion that I am pleased and proud to send out appropriate messages to those people. I commend the teachers and pupils in Cowdenbeath—at Crossgates Primary School and Hill of Beath Primary School—for their respectful commemoration.

Helen Eadie has enriched our Parliament with this debate in memory of the brave men who lost their lives at Donibristle more than 100 years ago. We thank her for that.

Meeting closed at 17:07.

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