

MEETING OF THE PARLIAMENT

Wednesday 28 November 2001
(*Afternoon*)

Session 1

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Scottish Parliament

Wednesday 28 November 2001

(Afternoon)

[THE PRESIDING OFFICER *opened the meeting at 12:00*]

Time for Reflection

The Presiding Officer (Sir David Steel): To lead our time for reflection, I welcome Rev David Hamilton, who is the Church of Scotland parish minister in Rannoch.

Rev David Hamilton (Church of Scotland Parish Minister in Rannoch): The Scottish historian, Professor Geoffrey Barrow, concludes a brief study of Robert the Bruce by referring to

“a deep yearning, shared by people in Scotland and Scots the world over, for an identity and a history which it seems ... inhumane, unjust and unwise to deny them.”

I believe that everyone here, regardless of party affiliation, can relate to that.

Few of us will forget the glorious days of the re-establishing of the Parliament, with its sense of history, its sense of identity and its sense of purpose. Then came the questioning, the sniping and backbiting; for we Scots are both passionate and impatient. We want things sorted and we want them sorted now.

As representatives of the people of Scotland, you know the need for that passion—a passion for justice and for the well-being of every citizen. You also know what many others too readily forget—that this is a young Parliament and that all of you are still on a very steep learning curve. It will take time.

Nevertheless, on a day of new beginnings, take heart from what has already been achieved. There is much that is pleasing in the small print of what has been accomplished. If we are impatient, that is only because so much more is still to be done. That is in the nature of your vocation, just as it is in the nature of my work as a parish minister. There is so much to do and never enough time or sufficient resources to do it. I return again and again to the sense of vocation that we find in Jesus of Nazareth. The German martyr and theologian Dietrich Bonhoeffer called Jesus the man for others. That is a phrase to conjure with.

The late John F Kennedy seldom used the word “politics”, but spoke instead of public service. You and I, together, are in public service—we are called to be men and women for others. That is a tough call. You need a sense of personal identity

and must know who you are and what you are about. You need a sense of corporate identity, recognising that the nation of Scotland has been something great and what it can yet be. However, with that sense of identity comes the need for responsibility. You are in public service. You are called to lead. You are men and women for others. May Jesus Christ, the man for others, be your guide.

Ministers

The Presiding Officer (Sir David Steel): Rule 4.8.2 of standing orders requires me to inform members—in case they had not noticed—that several people demitted office yesterday. They are Jackie Baillie, Sarah Boyack, Rhona Brankin, Susan Deacon, Angus MacKay, Tom McCabe and Alasdair Morrison.

We begin today by debating motion S1M-2488, in the name of the First Minister, on the appointment of ministers. That will be followed by motion S1M-2491, on the appointment of junior ministers, which will be followed by motion S1M-2493, to appoint a new Solicitor General. A revised business bulletin with all the amendments to the motions is available at the back of the chamber, in case members do not have it.

I have selected all six amendments that were lodged, for the simple reason that I believe that it is important in principle that the Parliament has the opportunity, if it so wishes, to vote on every ministerial appointment. However, I intend to hold only one debate. I will call the First Minister to move the motion on the appointment of ministers and call other speakers to move the amendments in turn. We will then have open debate for anyone who wishes to participate. There will be one wind-up speech from each party and the First Minister will reply at the end of the debate. I hope that that is clear.

12:07

The First Minister (Mr Jack McConnell): I thank very much Jackie Baillie, Sarah Boyack, Susan Deacon, Tom McCabe, Angus MacKay, Rhona Brankin and Alasdair Morrison for the excellent service that they have given to the Parliament and the Scottish Executive in the past two and a half years. I hope that all of them will serve the Parliament well, as I know they will their constituencies.

I said last week that in appointing a Cabinet for Scotland I wanted to focus on the delivery of public services, improved relations with the Parliament and closing the opportunity gaps, particularly for children and young people. Today, I recommend to the Parliament a team that will do just that.

We have the right jobs for Scotland. We have moved the transport portfolio, which is vital for business and even more vital for jobs in Scotland, into the work of the enterprise and lifelong learning department. People in Scotland have long clamoured for clearly identified Cabinet-level responsibility for tourism. With culture, sport and Gaelic, that responsibility is given new status today.

I also said that we would focus on public services. A portfolio is proposed for finance and public services, which will include ministerial responsibility for modernising government and for a quality focus, to ensure that throughout the Executive public service improvement is delivered. We have a particular focus for the young people of Scotland. We have a special focus in the Cabinet and a new minister to build opportunity for all into all that we do.

I am recommending the right people to Parliament. The people who are named in the motion have the relevant experience, the absolute commitment to the Parliament and to the objectives that we have set out, and the talent and ability to carry Scotland forward.

Patricia Ferguson has been a first-class Deputy Presiding Officer and has won the respect of all parties in the Parliament for the way in which she has conducted herself in the chamber and abroad, not least in the British-Irish Inter-Parliamentary Body and at the tartan day celebrations in Washington earlier this year. She has devoted two and a half years to promoting and encouraging respect for the Parliament. As Minister for Parliamentary Business, she will serve the Parliament well.

Cathy Jamieson has devoted her life to disadvantaged young Scots. She is much more respected in children's services than I ever was in teaching. She will put young people centre stage. She is a real-life person, with real life experience and real job experience. She will do a real job for Scotland.

Andy Kerr is one of the few politicians in Scotland who has a history of professional involvement with quality management in public services. That includes one year as the UK-wide secretary of a body that is known as the Association for Public Service Excellence. As a committee convener, known for having an independent mind and for his hard work, he has earned respect and admiration inside and outside the Parliament.

Malcolm Chisholm has been an excellent Deputy Minister for Health and Community Care. He is respected in the Parliament and in the service. His experience and wisdom will be up to the challenge of improving health services across Scotland.

Mike Watson has a history of involvement in sport, if we make allowances for the slight problem of his involvement with Dundee United. He also has a history of involvement in culture and in small business. Mike Watson can take forward the job of the new Minister for Tourism, Culture and Sport in the way that over the past two and a half years he has taken forward the new financial

responsibilities of the Parliament as a committee convener.

I have not heard anyone in the Scottish Parliament say that Iain Gray has done a bad job in the two deputy minister positions that he has held. Iain Gray is widely respected and was successful as Deputy Minister for Health and Community Care and as Deputy Minister for Justice with specific responsibility for drugs.

Six appointments have been made, on merit, of experienced people with talent and ability. They will serve the Parliament well in the Executive. They are not a collection of individuals, but a real team of people who will deliver for Scotland in public services. They are people who have a respect for the Parliament, politics and public service. They will listen to people, respond to their concerns and deliver opportunity for all.

I am extremely proud to recommend them to the Parliament—and confident in doing so.

I move,

That the Parliament agrees that Malcolm Chisholm, Patricia Ferguson, Iain Gray, Cathy Jamieson, Andy Kerr and Mike Watson be appointed as Ministers. *[Applause.]*

The Presiding Officer: I will call the amendments in the same order as the ministers are set out in the motion, which is alphabetically. Each mover of an amendment can speak only to that amendment and not generally. I call Nicola Sturgeon.

12:12

Nicola Sturgeon (Glasgow) (SNP): The Government that Jack McConnell assembled yesterday has been almost universally described as a Cabinet of cronies. That said, at first glance I admit that it is not immediately obvious whether Malcolm Chisholm is a real crony. Attempting to stop Jack McConnell becoming First Minister is not the behaviour that is normally expected from one of your best buddies. It can also be said that Malcolm and Jack are hardly political soul mates. As we all know, Jack McConnell is an enthusiastic supporter of the private finance initiative, whereas when the Parliament debated PFI Malcolm Chisholm said:

“it is well known that I have serious reservations about PFI.” —*[Official Report, 24 June 1999; Vol 1, c 754.]*

If Malcolm Chisholm is not a crony, what is the explanation for his elevation? It cannot be a reward for a job well done as Deputy Minister for Health and Community Care. In the year since Malcolm Chisholm has held that post, the national health service in Scotland has lurched from one crisis to another. In the past quarter alone, waiting lists have gone up by 1,500. In the year since Malcolm Chisholm became Deputy Minister for

Health and Community Care, out-patient waiting times have gone up by an average of five days, in-patient waiting times have gone up by an average of three days and cancer services in the west of Scotland have hit crisis point, with staff leaving and services under threat of withdrawal.

A survey that was published earlier this week revealed that 29 per cent—almost one third—of our nurses feel burned out and that we have the unhappiest nursing profession in the whole wide world. That is hardly a glowing reference for the top job—more the kind of record that should have seen Malcolm Chisholm following Susan Deacon out of the door, not being promoted to the post of Minister for Health and Community Care.

That brings us back neatly to the crony Cabinet. The big question is, “What did Malcolm Chisholm do for Jack?” The one thing that unites all the ministers in Jack’s Cabinet is that at some point they have all done a favour for Jack. What was the favour that Malcolm Chisholm did for Jack McConnell? *[Interruption.]* This may be uncomfortable, but it is true. Was it that he agreed to stand for leader when Jack wanted a third candidate to stop Wendy Alexander becoming leader of the Labour party and that he agreed to stand aside because Jack wanted the way cleared for an unopposed election?

In the murky world of Labour politics that is exactly the kind of behaviour that seems to attract reward. Malcolm Chisholm may be the kind of pliable ally who will suit Jack McConnell over the next few months, but on his record of the past year he is not the kind of minister whom we should be promoting to steer the NHS to the vital improvements that are needed for patients in Scotland.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): Will the member take an intervention?

Nicola Sturgeon: No, thank you.

Of all the commentators on the Cabinet reshuffle, Ian Bell sums it up best in *business a.m.* when he says that yesterday’s Cabinet reshuffle was

“personal not political, and therefore deeply depressing.”

He goes on to say that this has happened because

“the Labour party still cannot tell the difference between its private affairs and the government of Scotland.”

If we cannot trust Jack McConnell to make that vital distinction in the appointment of his Cabinet, how can we trust him to make it in Scottish public life in general? That is why Malcolm Chisholm is not the right man to be Scotland’s health minister.

I move amendment S1M-2488.5, to leave out “Malcolm Chisholm”.

12:16

Fiona Hyslop (Lothians) (SNP): Yesterday was the day of the short dirks; it was not a day for Scotland and its leadership. It was a signal of weakness rather than strength. Either the Executive has been failing significantly or those who were in the right camp are being rewarded.

It is particularly sad that Patricia Ferguson has chosen the Executive over the Parliament because, as Deputy Presiding Officer, she played an important role as an ambassador for the Parliament. I have witnessed her efforts and commend her on her record. However, in accepting this appointment she is a gamekeeper turned poacher. It is a classic example of inside knowledge being deployed to the advantage of a third party. Some may see that as a wise or clever move, but others have observed the way in which the Executive has used the position of Minister for Parliament to stultify and stunt the Parliament. We groan with suspicion that the appointment is more about control freakery than anything else.

Jack McConnell talked about how he wants Patricia Ferguson to serve the Parliament, but if we have learned anything from yesterday's appointments it is what a centralised control freak Jack McConnell is. The issue is whether Patricia Ferguson will serve the Executive or the Parliament. I suspect that the whole point of her appointment is that she should serve the Executive.

We have seen an exhibition of cronyism and of the Labour party promoting its own people before the Scottish people. The Executive is scrambling around, discovering its briefs, when it should be serving the people of Scotland. Twice in recent months the Government has been paralysed by the actions of the Labour party and by its internal machinations, connections and cronyism. That happened initially with the Henry McLeish debacle, then with Mr McConnell's inability to command the respect of his former Cabinet colleagues and his need to shore up his power base within Labour party circles.

Scotland needs a First Minister who can rise above the Labour party bickering that is strangling Scotland. Scotland needs to breathe fresh air, untainted by the corrosive smell of the Labour infighting that dominates so much of Scottish political life. Either Patricia Ferguson's nomination is creative or it is a failure of government. There are two charges there. I challenge whoever wants to be minister responsible for Parliament to open up the Parliament, broaden the range and depth of debates and, rather than close the Parliament down, broaden what the Parliament can do. Indeed, I challenge anybody who wants to be First Minister to give opportunities to back benchers. That is a great challenge for Patricia Ferguson.

She should consider the range of back benchers and the opportunity that she has to give them more time and effort. We will have to keep those back benchers busy because otherwise they will be at her back, challenging her from within. Never mind what the Labour party has done internally, that would be dangerous for Scotland.
[*Interruption.*]

The Presiding Officer: Order. The chamber must be quiet—I want to hear what is being said.

Shona Robison (North-East Scotland) (SNP): It just shows lack of respect for the Parliament.

Fiona Hyslop: Shona Robison puts it well—it shows a complete lack of respect for the Parliament.

The Presiding Officer made it quite clear that the Parliament has a role and a responsibility to challenge each and every one of the appointments, because that is the job that we were elected to do.

The First Minister used to be in charge of external affairs policy. Where is the Executive's external affairs policy now? There is no ambition. I challenge members of the Executive. They are not ambitious for others. They are not ambitious for Scotland. They are ambitious for themselves. It is quite clear that the appointment of Patricia Ferguson is not about the growth of the Parliament or about the respect that the Executive has for the Parliament. It has everything to do with the cronyism and culture of despair that is strangling Scotland and from which we have to be liberated.

I move amendment S1M-2488.6, to leave out "Patricia Ferguson".

12:20

Mr Kenneth Gibson (Glasgow) (SNP): They say that revenge is a dish best served cold. It certainly appears to us that, in assembling his new team, revenge has been the central motive of a First Minister who seems to have a taste for the bizarre. We thought that it was a wind-up when we saw some of the names that were coming forward, but it was very much reality. Perhaps some of us will wake up tomorrow and find that it is not true, but I doubt it.

The cull of McLeishites means that some of those Caribbean holidays and trips to Ikea have been cancelled in favour of more time spent with their families. However, we should not shed too many tears for those who are now saying farewell to their ministerial cars and quaking at the thought of finding themselves in that new Labour gulag, the Subordinate Legislation Committee.
[*Laughter.*]

Ms Margo MacDonald (Lothians) (SNP): On a point of order. [*Applause.*]

The Presiding Officer: Order. I have to hear a point of order.

Ms MacDonald: I shall make it short, Presiding Officer. What is wrong with subordinate legislation?

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

Mr Gibson: My colleague made her point of order short—just like the meetings of the Subordinate Legislation Committee, the last of which, I understand, lasted approximately seven minutes.

Of course, we should not be too sympathetic to Mr McLeish's acolytes. Where were they when he was being put through the wringer a few weeks ago? It is quite clear that, with one or two notable exceptions, they were invisible in the media, and they have paid the price.

What we have today is not a new ministerial team but a fan club. Perhaps the names of the McConnellites were just put in a hat and drawn out at random. After today, 29 Labour MSPs will have served on the Executive.

The Presiding Officer: Mr Gibson, it would be helpful if you were to mention the person named in the amendment that you are speaking to.

Mr Gibson: I know that you do not possess it, Presiding Officer, but patience is indeed a virtue. I am just coming to that point. The announcement of Mr Gray's appointment as Minister for Social Justice sees Mr Gray coming off the subs bench as Susan Deacon joins the ranks of the ministerial undead. To us, it appears that it was a panic appointment. Perhaps it was to balance the east of Scotland purge that saw three ministers and a deputy minister from Lothian given the boot and only Malcolm Chisholm promoted.

In his speech, Mr Eulogy talked about how wonderful Mr Gray was and said that he was widely respected. Well, Mr Gray is widely respected, but if he was so great why was he not Jack McConnell's first choice for the post? If it is not about cronyism, why ditch Jackie Baillie? Does the First Minister believe that she failed? We certainly believe that she failed. We believe that she failed to eliminate rough sleeping, to invest properly in housing, to reduce child poverty significantly and to spend £122 million of her budget last year. If she has failed, what will Iain Gray do differently? Will the policies be different, or will it just be the same old same old, albeit with a new face who is a devotee of the First Minister?

What we have today is not so much the best team for Scotland as the best team for Jack. The

Executive takes the Forrest Gump approach to politics. We look at who is going to be in the Executive next, but we just never know which one we are going to get.

The Presiding Officer: I take it that you wish to move your amendment, Mr Gibson.

Mr Gibson: In the manner of Euan Robson, formally moved.

Motion moved,

As an amendment to motion S1M-2488 in the name of Mr Jack McConnell (Appointment of Ministers), leave out "Iain Gray".—[*Mr Kenneth Gibson.*]

12:24

Michael Russell (South of Scotland) (SNP): Section 47(3) of the Scotland Act 1998 says:

"A Minister appointed under this section-

(a) shall hold office at Her Majesty's pleasure,

(b) may be removed from office by the First Minister".

I suspect that the person who drafted that section could not and did not foresee the circumstances of today's debate. The First Minister has ensured that Her Majesty's pleasure has been forcibly withdrawn from three quarters of the entire Scottish Cabinet and more than a third of the Scottish ministerial work force.

In opposing the nomination of a minister, one factor that a member must take into account is the fitness for office of the person concerned. I do not question Cathy Jamieson's fitness for office. However, many in her party believe that she is no more or less fit than many other members who have not been preferred or catapulted from the very back bench to the very front bench in the time that it takes Jack McConnell to sack an enemy—in other words, in no time at all.

I question the process of appointment. Unfortunately, Cathy Jamieson's appointment is the result of a flawed and shabby process. Not a week ago, Jack McConnell promised his own group and the country that there would be no night of the long knives, that there would be an end to factionalism and that he would ensure that all those with a contribution to make were valued. Three promises were made and three promises were broken within 24 hours of his being sworn in. With 519 days to go to the Scottish Parliament elections in 2003, Jack McConnell is well on course for a place in "The Guinness Book of Records".

Cathy Jamieson has been appointed through a deeply divisive process. An arcane knowledge of the processes of the Labour party is required, but some things are clear—friendship with Jack McConnell is a clear asset and support for anybody else is fatal. There is an obvious attempt

to get at somebody who is not even in the chamber—the king over the water, although the water is only the Firth of Forth. The reshuffle is designed to damage the Chancellor of the Exchequer. I am not against that. In the Sunday papers, he was described by someone on the front bench as a paranoid egomaniac. The reshuffle is about the war between Jack and Gordon—that is the background and the war has nothing to do with Parliament, policy or serving the people of Scotland. There is a tussle for place and a clash of personalities. Parliament is the victim.

Cathy Jamieson's appointment is the result of a demeaning process. It demeans those who are appointed, Parliament, our democracy and the First Minister, who has had the shortest honeymoon period in electoral history. Yesterday morning, he did not have one rival. Now, they are on the benches round the chamber. The process demeans Parliament because Jack McConnell understands exactly how cronyism works. It works not just by appointing one's friends, but by doing down one's enemies. Cronyism is not just about connections rather than talent taking one forward—it is about ensuring that despite talent, ability and determination an individual will not succeed. Cronyism is not just about favouring the less talented because they have pledged their loyalty—it is about disadvantaging the more talented because they have not pledged their loyalty.

On my way to the chamber this morning, I saw a billboard advertising *The Scotsman*. It said:

"First Minister rewards his friends".

In the past 24 hours, Jack McConnell has signalled to Scotland and the world that it is business as usual for a party whose time has passed and that is tainted by cronyism and abuse of patronage. He intends to raise those to an art form.

I am glad that I did not vote for him last week. I suspect that his benches are now full of those who wish that they had not voted for him either, although I hear them cackling.

We should not approve the Cabinet. The whole process is damaging to Scotland and deeply destructive. We should reject the Cabinet and reject Jack McConnell, too.

I move amendment 2488.3, to leave out "Cathy Jamieson".

12:29

David McLetchie (Lothians) (Con): My speech will be a welcome relief for the Parliament and a welcome change from the SNP's turgid efforts. The SNP is getting much-needed practice in the art of being in opposition. For the past month, they

have been outdistanced by a country mile. I have to reflect that never, in the field of political conflict, have so many owed so much to so few.

It is my pleasure to move amendment S1M-2488.1, which objects to the appointment of Andy Kerr as Minister for Finance and Public Services. I have nothing personal against Mr Kerr; it is just that his appointment exemplifies the fact that we have not so much a ministry of all the talents as a ministry of all the toadies.

From Mr Kerr's activities over the past few weeks, it has been pretty clear that there are few things that he will not do for his political master. It is apparent that he is willing to act as Mr McConnell's political shield and, if necessary, to lay down his ministerial life for his new boss. Jack the knife has clearly decided that he needs the services of a bodyguard—small wonder, as his back benches are populated with the disappeared, the dispossessed and the disgruntled.

More important, from the standpoint of our country, Mr Kerr's appointment is a sure sign that there will be a continuation of one of the worst characteristics of the Executive—its inability and unwillingness to take responsibility for its actions. Despite all his brave words, the First Minister does not want to be in the firing line when the Scottish Executive fails to deliver on our public services. He has created a completely unnecessary gimmick of a position to provide himself with a convenient scapegoat—Mr Kerr is to be the carry-the-can minister. Mr McConnell has clearly learned much from the Prime Minister about the arts of self-preservation and meaningless gesture politics.

The First Minister's defence is that the new post shows how seriously he takes our public services and proves that he means to deliver on them. Pull the other one. It is the First Minister's responsibility to lead and oversee the performance of his ministerial team. If the First Minister is not happy with the way in which his Minister for Education and Young People, his Minister for Health and Community Care or—perhaps more pertinent—his Minister for Enterprise, Transport and Lifelong Learning do their job, he can sack them. As he does not seem to be particularly averse to doing that, he does not need an Andy Kerr to do his job for him. The appointment is hardly conducive to good relations around the Cabinet table.

Mr Kerr's appointment also tells us a lot about the nature of the new Administration. The man who is meant to oversee the much-needed reform of our public services is the same man who led the resistance to Sarah Boyack when she took the brave decision to award the road maintenance contracts to the private sector, saving the taxpayer £190 million over a five-year period. That decision was fully vindicated by the recent Audit Scotland

report. Mr Kerr's approach certainly does not bode well for his role as Minister for Finance and Public Services or for the prudent management of our nation's finances. With tartan-tax-raising Lord Mike Watson at his side, the taxpayers of Scotland should certainly look out.

The idea that the troika of Andy Kerr, Cathy Jamieson and Malcolm Chisholm will overhaul our public services is simply laughable. They have built their careers on defending the interests of the public sector trade unions. They will continue to adhere to their outdated dogma and to put the interests of providers above the interests of the public.

The Scottish Conservatives have argued consistently from day one of the Parliament that the bloated Administration needs to be cut down to size, as the number of ministers is already four times the number that ran the Scottish Office under the most recent Conservative Government and its Labour successor. Instead of using his first reshuffle to cut the Cabinet down to size, however, Mr McConnell has used it as an opportunity to settle a few old scores with his political adversaries. He has sacked half his Cabinet—arguably the wrong half. That says all that we need to know about his priorities. He is more concerned with conducting petty feuds and settling scores than with delivering leaner, fitter and better government for Scotland.

Unlike the Mafia dons, Mr McConnell will find that he cannot just get rid of his enemies. They do not sleep with the fishes. They are on his back benches and he may come to rue the day that he put them there. I doubt that the code of omertà will last for long.

At least Mr McConnell has succeeded in proving Henry McLeish wrong. There are two parties in the coalition. It is unfortunate for Mr McConnell that they are both Labour.

I move amendment S1M-2488.1, to leave out "Andy Kerr".

12:34

Mr Kenny MacAskill (Lothians) (SNP): I put on record at the outset that, in moving amendment S1M-2488.4, I bear no animus against Mike Watson as an individual; my objection is to the manner in which he has been appointed and the portfolio with which he has been provided. Many of the points that I wish to make have been made by others. The creation of the portfolio of the Minister for Tourism, Culture and Sport has demeaned the Executive and the Parliament. It reflects the worst of the municipal fiefdoms that Labour possesses in the west of Scotland. In coming in as First Minister and making this appointment, Jack McConnell reflects what has gone on in local government and

what has brought it into disrepute. What he has done justifies the need for proportional representation in local government. What we have seen is simply on-going cronyism.

The appointment of a Cabinet is a matter of balance. The Cabinet has to reflect not simply one's friends—clearly a First Minister has a right to ensure that those who are closest to him are brought on board—but the wishes and aims of the political party. Most important, given that we are talking about the Government of our nation, the Cabinet has to reflect the talents that are available. If we take a broad view, we see that the appointments are not based on picking the right people to deal with the needs and wants of the Scottish economy, Scottish tourism, culture, art or sports; they are a matter of Jack McConnell rewarding his friends for supporting him this time, as they supported him last time. That is simply not good enough.

The First Minister talked about a minister for what he pronounced as "Gaylick". I hope that Mike Watson—if my amendment is unsuccessful and he is appointed—has more knowledge of Gaelic than the First Minister has. We had a minister who dealt with Gaelic. I had my criticisms of and run-ins with Mr Alasdair Morrison, but at least he had some knowledge of Gaelic and was conscious that it was a living language that we hope to preserve. Jack McConnell has appointed someone who, if he follows his First Minister—this may relate to their friendship—will consider his brief to be the language that is spoken on the other side of the Irish sea. We will be classifying Gaelic with classical Greek, as opposed to trying to support a language that may be spoken only by a small and diminishing number of our people, but that we are trying to retain and support. That is part of the Parliament's ethos.

The part of the previous portfolio that covered the Highlands and Islands has simply disappeared. Where is the representation of that area if we bring the Lanarkshire Labour group into the First Minister's private camp?

Another issue is tourism. The minister who previously had responsibility for tourism, Wendy Alexander, failed. The tourism industry clearly thought so, given the disgruntled representations and anecdotal evidence. Neither I nor anyone in my party went as far as to describe her as "an extremely stupid woman". That was said by someone who is close to the First Minister—perhaps even by someone who is now in the Cabinet. There are considerable difficulties. We support the concept of a dedicated tourism minister. The problem before was that the ministers had far too much on their plates.

How do we tie in tourism with transport? Where are the conduit and links if we are to bring in the

necessary flights, whether from the United States or elsewhere? What is the Minister for Tourism, Culture and Sport supposed to do when the VisitScotland board already contains many friends of the Minister for Enterprise, Transport and Lifelong Learning? How does the role of the Minister for Tourism, Culture and Sport tie in with the appointment of a new chief executive and chairman of VisitScotland? What will happen when the new minister finds that he has no influence over two aspects that are fundamental to tourism in Scotland—transport and training?

We do not need a minister who will simply go round having cups of coffee, visiting bed-and-breakfast establishments and patting people on the back. We need a minister who has the power and clout to deliver what is necessary—bringing in foreign visitors. Given that Americans are deeply fond of titles, never mind our castles, it might be thought that, if the minister goes around as Lord Watson rather than as Mike Watson, that will boost the number of tourists in Scotland from north America. I think not. We need to improve the ways in which visitors from the United States can fly to Scotland and to make that cheaper, through sterling exchange rates.

It is for those reasons that I move amendment S1M-2488.4, to leave out “and Mike Watson”.

The Presiding Officer: We have a few minutes for open debate before I call for wind-up speeches. I should remind members that the debate will be a general one on any of the motions or amendments.

12:40

Tommy Sheridan (Glasgow) (SSP): Most people in Scotland will be more concerned with the policies that the Scottish Executive implements than with the personalities involved. Over the next two years, the issues on which the Executive will be judged harshly will be poverty, inequality and the current mess in our health service.

As for the individuals concerned, Malcolm Chisholm has been given an important portfolio. Every member who listens to his or her constituents—to those in despair who come looking for help because of the absolute crisis that is permeating our health service or to the nurses and contractors who work in the service such as the porters and the medical secretaries—and is prepared to appreciate that morale in the service has reached rock bottom will know that the health and community care portfolio is vital. The situation must be sorted out.

For that reason, I am not prepared to vote against Malcolm Chisholm. He is probably one of the few individuals in the Scottish Labour party to have shown some principle by resigning over the

disgraceful abolition of lone parent benefit. I hope that he brings such principles to bear on the health service and that he takes action to raise the morale of health service workers and to replace the corrosive private financing of our service with proper public investment.

I am not prepared to support Patricia Ferguson, not because I do not think that she is a capable individual, but because I think that she should see out her period of office as a Deputy Presiding Officer. As she has tackled that job with particular skill, she deserves the opportunity to finish her period in the post.

As for Mr Gray, I am sorry, but any Minister for Social Justice who was not prepared to vote for the abolition of warrant sales does not deserve the title.

I have some doubts about Cathy Jamieson. I hope that the politics that she talks about privately will be brought publicly to bear on the Scottish Executive's direction. As she now holds a position of influence, she deserves the benefit of the doubt. However, I was disappointed that she did not vote to implement the Abolition of Poidings and Warrant Sales Bill when it should have been implemented. Perhaps she will show in years to come that, as a minister, she is prepared to support genuine social justice.

I will abstain from voting on the amendment concerning Andy Kerr for reasons that are opposite to Mr McLetchie's. I thought that Mr Kerr was doing a great job in bringing the former Minister for Transport and Planning to account for the way in which she was privatising essential road maintenance services. However, he did not see things through to their just conclusion, which gives me cause for worry.

Mike Watson has shown the courage of his convictions by introducing a member's bill and sticking to his guns, despite the fact that the bill has caused a lot of opposition across the country. I just hope that, as with Cathy Jamieson, his private opposition to the privatisation of public services will signal a change in the Executive's public policies and that he will not simply keep that opposition private.

I will finish on two points. First, as an Opposition member, I welcome the fact that Jack McConnell has left out of the Executive one of the most capable individuals on the Labour benches—John McAllion. That decision will weaken the Labour party's defence of its handling of public services and public service trade unions.

Secondly, I appeal to the members who are now leaving the front benches to return some integrity to politics by refusing to take their £9,000 pay-offs. That pay-off is not deserved; they are going back to a £42,500 salary and do not need the extra

money. I therefore appeal to them to show that politics has some credibility and to refuse the pay-off.

12:45

Dorothy-Grace Elder (Glasgow) (SNP): I do not intend to make a speech; I just want to make one or two points. This is a particularly nasty and horrible day in politics, which is a pretty nasty business overall. I do not like to see individuals hurt and there are many hurt hearts here today. My comments are on the question of experience, rather than an attack on individuals.

I admit that I was deeply shocked yesterday, because the events were like "The Poseidon Adventure". I woke up to find that, overnight, the ship of state had overturned. In fact, "The Poseidon Adventure" had a happier ending, as a few people got out alive, whereas Captain Jack has sunk almost the lot of them. In welcoming the First Minister to the very worst job in Scotland, I ask him whether he would board the Arran ferry if he knew that it had a totally untried crew.

12:46

Alasdair Morgan (Galloway and Upper Nithsdale) (SNP): I begin by echoing the Presiding Officer's words, although not in the hope of getting any job that may be vacant at the moment. It is right and proper that Parliament should scrutinise ministerial appointments. We should not be a rubber-stamp for the First Minister's decision. There is a case for ministerial appointments having to go before the subject committees for ratification, so that the ministers can explain their policies and how those policies will differ from those of their predecessors. I do not know whether Jack McConnell is beginning to rethink his appointments, given the support of Mr Sheridan for most of them, but we will no doubt find out in due course.

I shall talk about two posts in particular. We are now on the fifth transport minister since Labour came to power in 1997. The first was Malcolm Chisholm, who resigned and proved that there is life after death. Then came Henry McLeish, who has gone to the back benches by a circuitous route, and Calum MacDonald, who has gone to the back benches in another place. Now that Sarah Boyack has been sent to the back benches, too, Wendy Alexander will be the Minister for Enterprise, Transport and Lifelong Learning. Wendy Alexander was apparently too busy at the previous reshuffle to add the environment to her portfolio of enterprise and lifelong learning, but she now seems to have the time to add the transport brief to that portfolio. That is in the same week as a Government report said that Britain has the worst transport system in western Europe. To sort

out the situation in Scotland, we need someone who will give the matter their full attention and not add it to two other tasks that were apparently a full-time job only a year ago.

Angus MacKay impressed the Finance Committee with his skill. He had the skill to explain away the record of the Executive and to defend the indefensible. For example, in explaining the Executive's £719 million underspend, he convinced himself, if not the committee, that the surplus was not the result of inefficiency, spin—making announcements when there was no possibility of spending the money that was allocated in those announcements—or building up a surplus to bribe the electorate at the 2003 elections. He also convinced himself that not being able to implement a budget that he decided on only 12 months before was a virtue. With a talent such as that, he should have gone far instead of making the short journey that he has just made.

Jack McConnell listed Andy Kerr's qualifications, but missed one out—the fact that he was his campaign manager. I am not sure whether that is much of a qualification, as there was no campaign. It was the kind of election of which the Politburo would have been proud. Nevertheless, running a campaign and ensuring that there is no competition is quite a skill, and we may see more such skills in the weeks to come.

The Scottish Parliament has suffered badly over the past few weeks. That has not been through its own fault; problems have been generated over the years at Westminster and in the Labour one-party states throughout Scotland. However, many members of the public think that we have not measured up. At the weekend, the First Minister had the chance to begin to change that and to restore the reputation of the Parliament. He has failed to do so. David McLetchie will secretly be pleased about that, but the Parliament and Scotland are poorer for it.

12:50

Ms Margo MacDonald (Lothians) (SNP): I will not attempt to tell the new First Minister his job, as I will have 18 months in which to do that. I simply make a plea to him to appoint a member of his team to be answerable in this chamber for the goings-on at the foot of Holyrood Road. I have just learned that the Holyrood progress group has decided that the person who was named as the chief architect for the project, Benedetta Tagliabue, is no longer to be seen as the main person and that a person unknown to most people in this chamber will assume full responsibility. It is time that we knew what was going on and it is time that we had a minister whom we could question. I hope that the First Minister enjoys his term of office.

The Presiding Officer: That matter is, in fact, my responsibility, not the First Minister's. However, we will argue about the issue in due course.

12:51

Alex Johnstone (North-East Scotland) (Con): The amendment in the name of David McLetchie was to remove Andy Kerr from the list of appointments. As David McLetchie pointed out, we merely picked Andy Kerr as an example around which to develop our arguments. However, we now have another reason for picking him: he is the only appointee of whom the SNP did not disapprove. If for no other reason, we disapprove of him for that.

Michael Russell: On a point of order, Presiding Officer. In the interests of fairness, could you confirm that the SNP submitted an amendment identical to the one that David McLetchie lodged? We disapprove of Andy Kerr as much as we disapprove of all the others.

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

Alex Johnstone: I am content to accept that explanation.

The other amendments have targeted the other individuals who have been appointed to the Cabinet. At this point it would be appropriate for me, as a representative of rural interests, to raise the issue of the appointment of Mike Watson to the position of Minister for Tourism, Culture and Sport. Mike Watson has spent a great deal of his time in the Scottish Parliament talking about issues that impact on people in certain areas and that those people consider to be pertinent to their culture and to the interests of sport and tourism. Will he make an early appointment to visit the constituency of his new deputy, Elaine Murray, to hear what people there have to say about the impact of his policies on culture, sport and tourism? I hope that he will also take the opportunity to visit the Borders, where the impact of his policies will be significantly greater.

It is interesting that the appointments have resulted in a change in the gender balance of the Cabinet. We are down to only two women on the front bench. [MEMBERS: "Three."] I am counting the ones that we can see. Had it not been for the deal that appears to have been struck with Wendy Alexander, we might have been down to even fewer.

Gender balance is not our greatest worry about the appointments. The motion to appoint new members to the Cabinet shows a distinct and sharp turn to the left, which will give the Scottish Parliament and the Scottish Executive a different

character. It makes the benches on the left so crowded that the competition on the right is becoming increasingly weak. We have been abandoned by those who ought to be defending the political neutrality of the Parliament and I am sure that we will be abandoned at decision time today when the Liberal Democrats, once again, sell their souls and support the Cabinet that has been proposed by the First Minister.

12:55

Mr John Swinney (North Tayside) (SNP): One of Mr McCabe's difficulties this year arose when he miscounted on an occasion when we debated the fishing industry. It will be a great comfort to Patricia Ferguson in future divisions in the Scottish Parliament that she will not have to deal with a Conservative whip who can count.

We all know that the First Minister went to the Court of Session on Tuesday and received the great seal of Scotland. We did not expect that he would wield the sword of state soon afterwards on the same day. We have seen a set of decisive actions from the First Minister. Let us examine those first decisive actions in office.

The key and absolute qualification for any First Minister of Scotland is that that individual must be able to command the trust of the Parliament and the public. One First Minister had to go because he lost that trust. The current First Minister must have the Parliament's trust. However, his actions in the past 10 days raise the question whether he commands our trust. In the past 10 days, he has said that he would have a Cabinet of all the talents. He dumped five of his six Labour colleagues. He said that there would be no night of the long knives. Believe me, last night was a night of the long knives. He said that he would put an end to factionalism. All that he has done is to create an inferno of factionalism in the Labour group in the Scottish Parliament.

It goes some distance for even a Labour First Minister to break three promises on his first day in office as a result of his appointments. That is a record for the Labour party. As my colleagues have said in the various amendments that the SNP has lodged, the appointments have been all about ensuring that the First Minister can command the support in Cabinet of his cronies and buddies. We used to have team McLeish. Now we have faction Jack at the heart of our Government. It is not a Government for Scotland. It is a Cabinet of cronies. That is why we have decided to challenge the Cabinet of cronies in the debate.

Let us take the First Minister's actions at face value. They amount to an admission that the Labour-led Administration that has governed the

country since 1999 has unreservedly failed the people of Scotland and that five of his six Labour colleagues therefore had to be shown the door. His actions are an admission of failure on waiting times, on waiting lists, on crime and unemployment, which are up, on tourism, which is in crisis, and on our small business start-up rate, which has collapsed. That is the Labour record that the First Minister had to confront. We want to know what his Administration will do to improve—in some form—on that appalling record of failure. The debate, especially the First Minister's contribution to it, has shed no light on that.

This morning, the former Minister for Finance and Local Government, Mr MacKay, was on the radio. He said that he was optimistic that the First Minister, being a moderniser, would take forward the modernising agenda by driving forward public-private partnerships and the private finance initiative. He also said that he would take the opportunity to find ways of challenging the Administration's position on free personal care for the elderly. We need to hear from the Administration and from the First Minister what, when all the dust has settled on the personalities, will happen to the Government's policy position.

The Government has failed to deliver on the expectations of the public. It has failed to deliver the public services that we require. We need to see behind the froth of personalities and hear whether the Government will abandon its obsession with PPP, which puts money from our schools and hospitals into the pockets of private financiers, and start investing that money in our country's infrastructure. Will the Government dramatically transform the handling of the health service or will the miserable record of failure with which Malcolm Chisholm and Susan Deacon are associated continue? We need to hear whether the Government will take Scotland forward or be resigned to the record of failure that Labour has delivered.

In the debate last week, we argued that it is essential that we move out of the murky swamp of Labour Scotland and be given some of the fresh air of independence. After yesterday's exercise in cronyism, the sooner that that day comes, the better for Scotland.

13:00

The First Minister: We have discovered a few new things in the course of the afternoon's discussion, not least that Dorothy-Grace Elder was concerned about the day becoming a "nasty, horrible day". Those of us who remember her pleasant and caring descriptions of politicians in her newspaper columns will perhaps be surprised by her comment.

We have heard a degree of hypocrisy in the chamber this afternoon about the personalities who are taking up their new posts: people who are ready to serve Scotland in those positions. That hypocrisy knows no bounds and the chamber should reject it because the people who are being appointed to the Executive today will serve Scotland very well indeed.

Alex Johnstone gave a whole new meaning to the wind-up speech. He should perhaps think carefully about being in that position again. This team of ministers—not just the Cabinet ministers, but the deputies and the new Solicitor General for Scotland—will increase the number of women who will serve Scotland in ministerial positions. Members should get their facts right before they speak in the chamber on such matters.

Members should also address the issues. Almost every member who has spoken has focused on personalities and innuendo rather than dealt with the issues—[*Interruption.*] I have to say to Mr Russell, who regularly enjoys shouting out in the chamber when members from other parties are speaking, that he spoke for five minutes about the new Minister for Education and Young People without talking once about education or young people. When the new ministers get to work for Scotland, they will get to work on issues and not on personalities.

Fiona Hyslop, a business manager, criticised someone who has the respect of Parliament—as was admitted from her own side when Kenny Gibson said that Patricia Ferguson is one of the more respected members of the chamber. Fiona Hyslop demeans her position and the work of the Parliament when she condemns and criticises as she did the appointment of Patricia Ferguson as the new parliamentary business manager.

It is very wrong indeed for a party that uses the parliamentary committees as party political battering rams week after week, using its spokespersons on committees to push through party political positions, to criticise those, not least Andy Kerr and some of the deputies who will be appointed after the next debate, who have served the Parliament very well in committee positions. It is also wrong to describe their experience as irrelevant to ministerial posts. If we in this Parliament are genuine about a partnership between the Executive and the parliamentary committees, we should not make the assumption that those who serve the Parliament well on parliamentary committees should not then use their experience to fill ministerial office.

I believe that this is an excellent team for Scotland. I believe that, when all the froth from the Opposition goes by the wayside, we will see that the members of this team are in the right positions—in the right jobs—for Scotland. I believe

that it is right that we have a Cabinet minister who is clearly responsible for tourism, for culture and for sport; I believe that it is right that responsibility for transport should lie alongside responsibility for promoting enterprise and creating and defending jobs; I believe that it is absolutely right that the minister with responsibility for finance and local government should be responsible for the improved delivery of public services; and I believe that it will be absolutely right that health and community care should be given top priority and that we should have two deputy ministers rather than one.

This is setting the right priorities for Scotland. Over and above the others, the right priority for Scotland is to create new opportunities for our children and young people. For two and a half years, many have said that people in ministerial jobs should have real life experience. I said it in my opening statement and I will say it again: it is right to put someone with a lifetime's commitment into the job of defending the rights of children and young people in Scotland, of improving not just our education service but our social work services—about which many wrote to me to express concern over the past 12 months when I had ministerial responsibility for education—and of delivering improved and integrated children's services. That someone is Cathy Jamieson.

I believe that this team of ministers will deliver the improved public services, the respect for this Parliament and the new opportunities that Scotland badly wants. I hope that the debates that they will take part in over the coming months and years will be conducted in a better form and shape than this one.

The Presiding Officer: The first question is, that amendment S1M-2488.5, in the name of Nicola Sturgeon, to leave out "Malcolm Chisholm", be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)

McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 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)
 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)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)

Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Sheridan, Tommy (Glasgow) (SSP)
 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)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Aitken, Bill (Glasgow) (Con)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (South of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mundell, David (South of Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Young, John (West of Scotland) (Con)

The Presiding Officer: The result of the division is: For 32, Against 68, Abstentions 18.

Amendment disagreed to.

The Presiding Officer: The second question is, that amendment S1M-2488.6, in the name of Fiona Hyslop, to leave out "Patricia Ferguson", be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)

Paterson, Mr Gil (Central Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 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)
 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)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)

Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Aitken, Bill (Glasgow) (Con)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (South of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mundell, David (South of Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Young, John (West of Scotland) (Con)

The Presiding Officer: The result of the division is: For 31, Against 67, Abstentions 19.

Amendment disagreed to.

The Presiding Officer: The third question is, that amendment S1M-2488.2, in the name of Kenny Gibson, to leave out "Iain Gray", be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)

Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 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)
 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)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (LD)

Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Aitken, Bill (Glasgow) (Con)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (South of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mundell, David (South of Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Young, John (West of Scotland) (Con)

The Presiding Officer: The result of the division is: For 33, Against 66, Abstentions 18.

Amendment disagreed to.

The Presiding Officer: The fourth question is, that amendment S1M-2488.3, in the name of Mike Russell, to leave out "Cathy Jamieson", be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

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

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 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)
 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)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Sheridan, Tommy (Glasgow) (SSP)
 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)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Aitken, Bill (Glasgow) (Con)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (South of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mundell, David (South of Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Young, John (West of Scotland) (Con)

The Presiding Officer: The result of the division is: For 32, Against 68, Abstentions 18.

Amendment disagreed to.

The Presiding Officer: The fifth question is, that amendment S1M-2488.1, in the name of David McLetchie, to leave out "Andy Kerr", be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Campbell, Colin (West of Scotland) (SNP)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North-East Scotland) (Con)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeod, Fiona (West of Scotland) (SNP)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)

Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 Wallace, Ben (North-East Scotland) (Con)
 Welsh, Mr Andrew (Angus) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)
 Young, John (West of Scotland) (Con).

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 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)
 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)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)

Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Sheridan, Tommy (Glasgow) (SSP)

The Presiding Officer: The result of the division is: For 50, Against 67, Abstentions 1.

Amendment disagreed to.

The Presiding Officer: The sixth question is, that amendment S1M-2488.4, in the name of Kenny MacAskill, to leave out "and Mike Watson", be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

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

Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 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)
 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)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Sheridan, Tommy (Glasgow) (SSP)
 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)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Aitken, Bill (Glasgow) (Con)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (South of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Johnstone, Alex (North-East Scotland) (Con)

McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mundell, David (South of Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Young, John (West of Scotland) (Con)

The Presiding Officer: The result of the division is: For 30, Against 68, Abstentions 18.

Amendment disagreed to.

The Presiding Officer: The final question is, that motion S1M-2488, in the name of the First Minister, on the appointment of ministers, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 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)
 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)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)

Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Campbell, Colin (West of Scotland) (SNP)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North-East Scotland) (Con)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeod, Fiona (West of Scotland) (SNP)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 Wallace, Ben (North-East Scotland) (Con)

Welsh, Mr Andrew (Angus) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)
 Young, John (West of Scotland) (Con)

ABSTENTIONS

Sheridan, Tommy (Glasgow) (SSP)

The Presiding Officer: The result of the division is: For 67, Against 50, Abstentions 1.

Motion agreed to.

That the Parliament agrees that Malcolm Chisholm, Patricia Ferguson, Iain Gray, Cathy Jamieson, Andy Kerr and Mike Watson be appointed as Ministers.

The Presiding Officer: The result of the vote is valid. Parliament has agreed the First Minister's recommendation. He may now invite Her Majesty to approve the appointment of Malcolm Chisholm, Patricia Ferguson, Iain Gray, Cathy Jamieson, Andy Kerr and Mike Watson as ministers. *[Applause.]*

Junior Ministers

The Presiding Officer (Sir David Steel): Our next item of business is the debate on motion S1M-2491, in the name of the First Minister, on the appointment of junior Scottish ministers, and one amendment to that motion. Members who wish to speak during the debate should press their request-to-speak buttons now.

13:14

The First Minister (Mr Jack McConnell): I will be brief, Presiding Officer, but I wish to address the content of the motion and to mention just some of the reasons why I believe that the four members of the Scottish Parliament who are named in the motion should serve in the Executive as deputy ministers.

I believe that the role of deputy minister is vital to the relationship between ministers and the Parliament. It is also vital in providing ministers with support and in helping them to meet the additional responsibilities that they carry. The excellent work that has been carried out by deputy ministers at different times over the past two and a half years has made a real difference to the work of the Executive, to the reputation of the Parliament and to its effectiveness in relation to legislation and Executive decision making.

Four individuals are mentioned in the motion. Richard Simpson has knowledge and experience not only of health matters; his knowledge, experience and commitment to tackling drugs in Scotland's communities and reforming Scotland's prison service has earned the respect of people outwith my party and across the chamber and beyond. I believe that he will be an excellent Deputy Minister for Justice.

Elaine Murray has earned respect throughout the chamber for the way in which she has represented her constituency in perhaps some of the most difficult circumstances for any member of the Parliament over the past two and a half years. Elaine Murray has a track record in representing all Scotland's local authorities in education and culture before becoming a member of the Scottish Parliament. I believe that she will be an excellent Deputy Minister for Tourism, Culture and Sport for Mike Watson.

Mary Mulligan and Hugh Henry are ideally suited to help ensure that we deliver improved health services and community care in Scotland. Hugh Henry was an excellent leader of Renfrewshire Council who reformed and modernised—

Michael Russell (South of Scotland) (SNP): Nonsense.

The First Minister: The SNP does not like the fact that effective deputies are being appointed to deliver improved public services. Mary Mulligan and Hugh Henry will improve the Parliament's reputation and the Executive's effectiveness. Hugh Henry was leader of Renfrewshire Council and has been an effective member of the Parliament and convener of the European Committee. Mary Mulligan was parliamentary private secretary to Henry McLeish. She has won quality awards for her work in the public sector and in public services. Both individuals will serve the Parliament well. They will ensure that our agenda of delivering improved health services through a more effective health service and better use of health resources that will improve the health of Scotland is carried through to fruition.

With confidence and some pride, I commend the motion.

I move,

That the Parliament agrees that Richard Simpson, Elaine Murray, Mary Mulligan and Hugh Henry be appointed as junior Scottish Ministers.

13:17

Colin Campbell (West of Scotland) (SNP): I speak as a member of Margo MacDonald's gulag and as a member of Renfrewshire Council for four interesting years—equivalent in length and in difficulty to the great war, I suppose.

First, I want to talk about cronyism. Although Tommy Graham, the former MP for Renfrew, West and Inverclyde, was eventually expelled from the Labour party, before the 1997 election it was common knowledge that there was something seriously wrong in Renfrewshire Labour. The party ignored the problem to get through the 1997 election without a public dispute.

The Scottish Labour party delayed cleaning up its act in Renfrewshire and so did the Renfrewshire Labour party. Hugh Henry was a central player in Renfrewshire Labour at that time so he must take responsibility for the delay. Not only that, but Renfrewshire Labour—in which Hugh Henry took an active part—endorsed Tommy Graham's candidature in the 1997 election in the full knowledge of much of what was being suppressed.

The Ferguslie Community Business in Paisley, which brought national disgrace to the town, was a byword for cronyism, mismanagement and financial incompetence. Its end could have been hastened had the nettle been grasped sooner. Hugh Henry was a central player in Renfrewshire Labour and must take responsibility for that delay.

The Renfrew unemployed workers centre had problems. Documents went astray and there was

mismanagement among the cronies involved. Hugh Henry was the leader of the Labour group on Renfrewshire Council at the time; resolution of the problem was slow.

A motion from the SNP on Renfrewshire Council to set up a list of relatives of councillors and senior officials who work for Renfrewshire, to which the public could have access in the interests of transparency—

Mr Frank McAveety (Glasgow Shettleston) (Lab): On a point of order, Presiding Officer. What relevance is any of this alleged information to the appointment of Hugh Henry? [*Interruption.*]

The Presiding Officer: Order.

Mr McAveety: Tenuous links are being made. This is scurrilous conduct by Colin Campbell.

The Presiding Officer: I am listening carefully. Colin Campbell is talking about the candidate to whom his amendment refers. He is perfectly in order.

Colin Campbell: Jack McConnell made the point that Hugh Henry was a wonderful leader of Renfrewshire Council. People should know a little of what happened.

We tried to get a list put together of relatives of councillors and senior officials who were employed by Renfrewshire Council, but Renfrewshire Labour, which was led by Hugh Henry, defeated our motion on a roll-call vote.

A full council decision to tape all Renfrewshire Council meetings—because they were interesting and controversial from time to time and so that there could be no dispute as to who said what—was negated by the Labour party refusing to allow opposition or public access to the tapes. Unlike the Parliament, there were summary minutes but no verbatim accounts.

It is possible that the First Minister has appointed Hugh Henry as a cronyism buster and advocate of transparency—a kind of poacher turned gamekeeper—but given that he has appointed his cronies, I doubt that. The First Minister intends to be convincing in his determination to stamp out cronyism and to open up the Government to scrutiny; his appointment of Hugh Henry will be seen to represent the opposite. The First Minister should support me as I move against Hugh Henry's appointment.

I move amendment S1M-2491.1, to leave out "and Hugh Henry".

13:21

Miss Annabel Goldie (West of Scotland) (Con): Only the most gullible or naive would seek to rationalise the proposed ministerial

appointments because, as is now popularly understood, they have nothing to do with a game plan for Scotland and everything to do with a power game within the Labour party.

What is truly remarkable about the proposed junior ministers is that, unbelievably, they are better known than the principal ministers. What is even more strange is that, when one analyses what these junior ministerial appointments comprise, they show some curious deficiencies in the First Minister's analytical powers.

My comments on the new incumbents are not personal in any way—[MEMBERS: But?—]—but if one considers Dr Richard Simpson, who I have heard make many useful contributions on health matters, one would think that he might be a suitable appointment for a health portfolio minister; but he goes to the Justice Department.

If one considers Mr Hugh Henry, who comes from that noted area of lawlessness in Scotland—Renfrewshire Council chamber—and is deemed to be an expert in all matters relative to law, one might think that he would be a useful addition to the Justice Department, but, unbelievably, he goes to the Health Department. I have a little bit of information for the First Minister: if he had seen Mr Henry's supermarket trolley he would have good reason to reconsider that appointment.

I listened with interest to the First Minister's blandishment of Mrs Murray. In my judgment, the only reason Mrs Murray knows anything about tourism is because David Mundell convinced her that she had to know something about it. It was my impression that Mrs Mulligan was a competent convener of the Education, Culture and Sport Committee, but instead of being given anything to do with education, she has been dispatched to the health department. In short, the junior ministerial appointments have nothing to do with ability or suitability, but everything to do with being the right cronies in the right place for the right First Minister at the right time.

I engage in a smile—the Conservatives can afford to smile because the First Minister's appointments reveal two things. First, they reveal that the Labour party in the Parliament is riddled with fissures and divisions and is absolutely raddled with rivalries and competitions. That is the uneasy backdrop against which the First Minister seeks to apply the government of matters that are devolved to Scotland. Secondly—Mr McConnell might not have had this intention in mind when he made the ministerial appointments—the First Minister has given a heightened sense of purpose and a heightened ozone and energy content to the Conservative group. In the First Minister's appointments we see the peeled-back and unreconstructed face of socialism in Scotland. Implicit within that is the ideology and dogma that

atrophied activity in this country 20 and 30 years ago. We are about to see a return to that, which is why I oppose the appointment of the deputy ministers.

13:24

The First Minister: The Scottish National Party does not like Hugh Henry's appointment because from the time he took over as leader of Renfrewshire Council to the time he left, the Labour majority in the council went up. He was a success as council leader and the people of Renfrewshire responded to that. That is an important fact.

The Conservative party and the SNP have opposed the Parliament's success. The Conservative party did not want the Parliament in the first place and the SNP wants to take it down and replace it with something that would be destructive for Scotland and the United Kingdom.

We have a team of ministers that is prepared to deliver for Scotland, to build the Parliament's reputation and to deliver opportunities for all. I say to Annabel Goldie that anyone who knows Richard Simpson knows his commitment to ensuring that the drugs problems in the most ravaged communities of Scotland are dealt with in a positive and constructive manner that turns round long-standing problems.

Anyone who knows Hugh Henry knows not only his commitment to improved council services and to European matters in the Parliament, but his commitment to improved health for his constituents and the people of Scotland. Anyone who knows Elaine Murray knows of her lifelong commitment to culture and sporting issues, which has been shown in her public service and in other ways. Anyone who knows Mary Mulligan knows that she delivered before she entered the Parliament and when she was a committee convener and a parliamentary private secretary in the Parliament. Those four deputy ministers will serve Scotland well.

It is interesting that nationalist members talk about cronyism and appointments by leaders of parties. During the SNP leadership election, John Swinney could not even say that he would appoint Alex Neil to his front bench and, of course, he did not appoint him. John Swinney has appointed around him a team of front-bench spokespersons of whom almost every one—

Mr John Swinney (North Tayside) (SNP): Will the First Minister give way?

The First Minister: No. We heard—

Mr Swinney: Will the First Minister give way?

The Presiding Officer: Order. The First Minister is not giving way.

The First Minister: We heard Mr Swinney on the radio this morning—

Mr Swinney: Surely the First Minister will give way.

Alex Neil (Central Scotland) (SNP) rose—

The First Minister: No, thank you very much.

We heard Mr Swinney on the radio this morning—

Mr Swinney rose—

The First Minister: We heard Mr Swinney—
[*Interruption.*]

The Presiding Officer: Order. Members know that if a minister will not give way, they must sit down.

The First Minister: We should have no hypocrisy in the chamber.

Alex Neil: On a point of order, Presiding Officer. I am sorry, but the First Minister made an untrue statement.

The Presiding Officer: Such statements are often made in the chamber.

Alex Neil: My point of order is that contrary to what the First Minister said, Mr Swinney did offer me a job on his front bench.

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

The First Minister: As my colleagues who are sitting behind me have reminded me, that is not what I said.

On Friday 4 August 2000, the BBC reported that when asked whether he would be glad to have Mr Neil alongside him, Mr Swinney gave Mr Neil no such assurance, despite Mr Neil's being perfectly happy to give Mr Swinney that assurance.

Mr Swinney: It would be courteous of the First Minister to give way.

Members: Give way!

The First Minister: The Conservatives and the SNP are angry about the team of appointments because it will be a united team for Scotland that will deliver improved public services and ensure that there is opportunity for all, thereby enhancing the reputation of the Parliament.

Annabel Goldie said that the Labour group in the Parliament is riddled. I will tell members what the Labour group and the partnership are riddled with: a commitment to improved delivery of public services, to opportunities for all and to the highest standards of public service and respect for the

Parliament. That is exactly what the new ministerial team will deliver.

Scotland will be able to be proud of the new ministerial team, which will ensure that each department of the Executive is focused on delivery and action, in a way that the people of Scotland will appreciate.

The Presiding Officer: The question is, that amendment S1M-2491.1, in the name of Colin Campbell, to leave out "and Hugh Henry", be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, Brian (North-East Scotland) (SNP)
Campbell, Colin (West of Scotland) (SNP)
Crawford, Bruce (Mid Scotland and Fife) (SNP)
Cunningham, Roseanna (Perth) (SNP)
Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
Ewing, Mrs Margaret (Moray) (SNP)
Fabiani, Linda (Central Scotland) (SNP)
Gibson, Mr Kenneth (Glasgow) (SNP)
Grahame, Christine (South of Scotland) (SNP)
Hamilton, Mr Duncan (Highlands and Islands) (SNP)
Hyslop, Fiona (Lothians) (SNP)
Ingram, Mr Adam (South of Scotland) (SNP)
Lochhead, Richard (North-East Scotland) (SNP)
MacAskill, Mr Kenny (Lothians) (SNP)
MacDonald, Ms Margo (Lothians) (SNP)
Marwick, Tricia (Mid Scotland and Fife) (SNP)
Matheson, Michael (Central Scotland) (SNP)
McGugan, Irene (North-East Scotland) (SNP)
McLeod, Fiona (West of Scotland) (SNP)
Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
Neil, Alex (Central Scotland) (SNP)
Paterson, Mr Gil (Central Scotland) (SNP)
Reid, Mr George (Mid Scotland and Fife) (SNP)
Robison, Shona (North-East Scotland) (SNP)
Russell, Michael (South of Scotland) (SNP)
Stevenson, Stewart (Banff and Buchan) (SNP)
Sturgeon, Nicola (Glasgow) (SNP)
Swinney, Mr John (North Tayside) (SNP)
Ullrich, Kay (West of Scotland) (SNP)
Welsh, Mr Andrew (Angus) (SNP)
Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
Baillie, Jackie (Dumbarton) (Lab)
Barrie, Scott (Dunfermline West) (Lab)
Boyack, Sarah (Edinburgh Central) (Lab)
Brankin, Rhona (Midlothian) (Lab)
Brown, Robert (Glasgow) (LD)
Butler, Bill (Glasgow Anniesland) (Lab)
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Curran, Ms Margaret (Glasgow Baillieston) (Lab)
Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
Eadie, Helen (Dunfermline East) (Lab)
Ferguson, Patricia (Glasgow Maryhill) (Lab)
Finnie, Ross (West of Scotland) (LD)
Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
Gillon, Karen (Clydesdale) (Lab)
Godman, Trish (West Renfrewshire) (Lab)
Gorrie, Donald (Central Scotland) (LD)
Grant, Rhoda (Highlands and Islands) (Lab)

Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 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)
 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)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Aitken, Bill (Glasgow) (Con)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (South of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mundell, David (South of Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Young, John (West of Scotland) (Con)

The Presiding Officer: The result of the division is: For 31, Against 67, Abstentions 19.

Amendment disagreed to.

The Presiding Officer: The question is, that motion S1M-2491, in the name of the First Minister, on the appointment of junior Scottish ministers, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 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)
 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)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)

Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Campbell, Colin (West of Scotland) (SNP)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North-East Scotland) (Con)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeod, Fiona (West of Scotland) (SNP)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 Wallace, Ben (North-East Scotland) (Con)
 Welsh, Mr Andrew (Angus) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)
 Young, John (West of Scotland) (Con)

ABSTENTIONS

Sheridan, Tommy (Glasgow) (SSP)

Motion agreed to.

That the Parliament agrees that Richard Simpson, Elaine Murray, Mary Mulligan and Hugh Henry be appointed as junior Scottish Ministers.

The Presiding Officer: I declare the result valid. Parliament has agreed the First Minister's recommendation. He may now invite Her Majesty to approve the appointment of Richard Simpson, Elaine Murray, Mary Mulligan and Hugh Henry as junior Scottish ministers. [*Applause.*]

The Presiding Officer: The result of the division is: For 67, Against 50, Abstentions 1.

Solicitor General for Scotland

The Presiding Officer (Sir David Steel): Our final item of business before we break for lunch is motion S1M-2493, in the name of the First Minister, to appoint the Solicitor General for Scotland.

13:32

The First Minister (Mr Jack McConnell): I thank the Presiding Officer for accepting this motion as it was lodged later than the two motions that we have already debated.

I will begin by thanking Neil Davidson for tendering his resignation. He is a close personal friend and, over the past year and a half, he has made a real contribution to the post of Solicitor General. I wish him very well.

The time is right for a change in our approach to the appointment of the Solicitor General. The time is right to have a Solicitor General for Scotland who is not associated with a political party. The time is right to change the perception and reality of the job and to focus on modernisation and reform of the prosecution service. That matters a great deal to the constituents of each and every member right across Scotland.

Last week, I said that I want to tackle crime effectively. Part of the important improvement in the public perception of our work and of the work of the Government and other authorities in Scotland is improvement of the public perception of our legal system, which has to be reliable, effective and to tackle priorities in the immediate period that lies ahead. For that reason, I am delighted to be able to recommend to Parliament this afternoon and thereafter to recommend to the Queen the appointment of a new Solicitor General for Scotland.

The appointment that I am recommending is of a Solicitor General who will be ground breaking and who will make a real difference to the prosecution service and to the image of the legal profession in Scotland. Elish Angiolini will be the first woman Solicitor General for Scotland. She will be the first solicitor to hold the post and the first procurator fiscal to hold the post. She has spent a lifetime of work in the prosecution service. She set up the first victim liaison service for the Procurator Fiscal Service in Scotland. She is committed to the rights and needs of ordinary people the length and breadth of Scotland. I have every confidence in her ability to do the job. I hope that the Parliament will support unanimously her appointment and will wish her well in the task that lies ahead of her.

Elish Angiolini's appointment is a fresh approach

that will make a symbolic change for Scotland, but the change is not just symbolic. Elish Angiolini has been an outstanding and experienced procurator fiscal. She is a quality solicitor and she will be an excellent Solicitor General for Scotland. I hope that the whole Parliament will give her its support today.

I move,

That the Parliament agrees that it be recommended to Her Majesty that Elish Angiolini be appointed as Solicitor General for Scotland.

13:35

Lord James Douglas-Hamilton (Lothians) (Con): I have one simple question for the First Minister. If it takes only a few minutes to lodge this motion of appointment and have it approved, why did it take nearly two months for the Lord President and Lord Justice General to be appointed, despite the fact that that post was vacant and there was a pressing need for that appointment to be made? After all, if a law officer can be appointed so speedily and effectively, is it not right and just that the top legal position in Scotland should be treated with similar urgency?

Lord President and Lord Justice General Cullen is one of Britain's most outstanding judges. He chaired three incredibly difficult inquiries—into Dunblane, Piper Alpha and a relatively recent railway tragedy—with enormous effectiveness and skill. The Conservatives are very much in favour of women being appointed on merit. Indeed, I could not say otherwise, since my mother-in-law was one of the first women MPs and my life would not be worth living were I to deny that principle. However, I suggest to the First Minister that while we will not oppose the appointment, we feel strongly that top legal appointments in Scotland should be made on merit and reasonably speedily. We feel the recent case of the Lord Justice General was not treated with the urgency it deserved.

13:36

The First Minister: It is important to say on record that, for both of those appointments, it was important to carry out appropriate consultations. It would have been very wrong for immediate political appointments to be made or recommended in any other way. The way in which Lord Cullen carried out his duties in advance of carrying out those duties in that interim period should be welcomed and praised by the Parliament, rather than criticised. That process was carried out properly and thoroughly. It is not an accurate comparison with the appointment that we are making here today.

There is a duty on the First Minister to make a

recommendation to the Parliament so that a recommendation on the appointment of a Solicitor General for Scotland can be made to the Queen. Last weekend, I consulted the Lord Advocate. We discussed the matter again on Monday night and we are here today to make a recommendation.

Mrs Angiolini is currently the regional procurator fiscal for Grampian and the Highlands and Islands. She is a senior member of the Procurator Fiscal Service. She advised the Government on the Scotland Act 1998 and on European human rights legislation. She has an excellent track record and an excellent reputation throughout the profession for the work that she has carried out in the past. I believe that she will be an excellent Solicitor General for Scotland.

Lord James Douglas-Hamilton's final point is the most important one: this recommendation is being made to the Parliament on merit. Elish Angiolini is independent of any political party. She is an excellent procurator fiscal who will serve Scotland well in reforming and modernising the prosecution service. I believe that this is a fresh approach and a new move for Scotland that will be widely welcomed by ordinary people the length and breadth of the country. I hope that the Parliament supports that today and enthusiastically welcomes her when she joins us in future.

The Presiding Officer: The question is, that motion S1M-2493, in the name of the First Minister, on the appointment of the Solicitor General for Scotland, be agreed to.

Motion agreed to.

That the Parliament agrees that it be recommended to Her Majesty that Elish Angiolini be appointed as Solicitor General for Scotland.

The Presiding Officer: I declare that the Parliament has agreed to the First Minister's recommendation that he recommend to Her Majesty that she appoint Elish Angiolini as Solicitor General for Scotland.

13:39

Meeting suspended until 14:30.

14:30

On resuming—

Community Care and Health (Scotland) Bill: Stage 1

The Presiding Officer (Sir David Steel): Our next item of business is a debate on motion S1M-2247, in the name of Susan Deacon, on the general principles of the Community Care and Health (Scotland) Bill, and one amendment to the motion.

I have a large list of members who want to speak, not all of whom are here. As a result, it would be very helpful if those who genuinely want to speak could indicate as much on my screen to allow me to draw up a batting order.

14:31

The Minister for Health and Community Care (Malcolm Chisholm): There have been many significant developments in community care in this Parliament's lifetime, and the Community Care and Health (Scotland) Bill marks a further milestone in the Executive's commitment to better community care services in every part of Scotland. Just over a year ago, Susan Deacon set out to the Parliament the agenda of joint management, joint resourcing, joint working, better home care, more flexible services, free nursing for our older people and help for all Scotland's carers. As members know, free personal care was added to that agenda in January.

The Community Care and Health (Scotland) Bill is the legislative framework for delivering that agenda. I am delighted to say that the bill has also received widespread support and that the Health and Community Care Committee's stage 1 report contains many comments and recommendations with which we also agree. I will consider in detail the many improvements that the bill will bring and the many people whom it will help, as well as referring to the widespread support that the bill has received.

I begin by spelling out the four general principles at the heart of the Community Care and Health (Scotland) Bill, which are choice, partnership, equity and fairness. Our commitment to choice is clear in the bill's provisions on direct payments, top-up payments for care home places and the creation of a deferred payments scheme. That commitment is part of a broader commitment to services that put service users first and that meet the real needs and wishes of the people who use them.

The bill's second general principle is

partnership. Real change can be achieved through true partnership, which will involve national health service boards and local authorities working together to provide services that meet all of a service user's needs. To be fully effective, the partnership approach must be broad enough to include voluntary and private sector care providers, those who use care services and carers, who have for so long been the forgotten, unsung partners in care provision.

Equity and fairness are the final two principles on which the bill is built. Because of those principles, the bill gives ministers powers to introduce free nursing care. No longer will someone in a nursing home have to pay for the same nursing care that would be received free in hospital or at home. For the same reasons, the bill also gives ministers powers to introduce free personal care to bring to an end the current situation in which an elderly person with cancer receives free personal care, whereas someone with Alzheimer's has to pay for the same care. By combining the principles of equity and fairness with those of choice and partnership, we are laying the foundations for care services in 21st century Scotland.

In developing the policies and proposals in the bill, we have tried to give all those with relevant experience and expertise the opportunity to help us in this important work. In some cases, that has happened through the establishment of working groups such as the joint future group and the carers legislation working group. More recently, we have had the care development group and the integrated human resources working group, of which I shall say more in a moment. All those groups have made an important contribution to the development of the Executive's priorities.

In all of this, I have been encouraged by the widespread support that the bill has received. Time after time, those who responded to consultation around the bill said how much they welcome the bill and the changes that it will bring. In session after session, those who gave evidence to the Health and Community Care Committee praised the bill's general principles. The committee, in its stage 1 report, welcomed the main changes that the bill is intended to make and recommended that Parliament approve the general principles of the bill. I thank the Health and Community Care Committee and the other three committees that considered the bill at stage 1. In particular, I thank the lead committee for a very constructive stage 1 report, which was the result of many painstaking hours of evidence taking, research and discussion. I will comment on several of the report's recommendations in a moment.

Let us consider the important changes and

tangible benefits that the bill will bring. It will mean that the Executive will be able to tackle existing inequities surrounding care for older people by introducing free nursing care and free personal care. We will ensure that nursing care is finally free for all who need it, regardless of the context—free at home, free in hospital and, for the first time, free in nursing homes. In the same way, we will ensure that personal care is free for all Scotland's oldest people: the dementia sufferer and the stroke victim; those at home as well as those in care homes. The committee made it clear in at least three places in its report that it supports the inclusion in the bill of a definition of personal care. We have, of course, considered the committee's views carefully, and I am happy to announce that the Executive will lodge an amendment at stage 2 to include a definition of personal care in the bill, based on the definition that was arrived at by the care development group.

We will need to consider carefully how we can combine such a definition in the bill with the need for flexibility in its implementation. As I made clear to the committee in my evidence, I believe that that will be crucial to the bill's successful and sustainable implementation. I am therefore pleased to note that paragraph 32 of the committee's report

"recognises the need for a degree of flexibility".

The report also recommends that regulations that are made under the bill's powers should be subject to the affirmative procedure, and I am happy to accept that recommendation as well. I hope that this commitment to amending the bill will address the points that have been raised by the committee in its report and that we can all agree that the bill will mean a fairer future for Scotland's older people.

In line with its general principles, the bill will also extend choice. It will do that in many ways, above all by extending the availability of direct payments. Instead of service users being provided with services that are chosen by local authorities, direct payments give the service users the power to buy in their own services. The bill will ensure that direct payments are available throughout Scotland, while at the same time extending the scope of direct payments to all care client groups. In practice, that could mean that, whereas the care needs of someone with a learning disability are currently met by half a dozen different local authority staff, in the future that person would be able to employ one or two personal assistants to meet those same needs.

Changes such as that may be challenging, and perhaps difficult, for local authorities, but they will empower the service user, who will be able to commission the services that they need, when they want them and from the people whom they

choose. The service user must come first. The extension of direct payments will help to deliver that change by increasing choice in home care.

The bill's provisions will increase choice not only in home care, but in residential care. Our commitment to improved choice in residential care is clear in the bill's provisions for top-up payments, in our removal of barriers to care home placements throughout the UK and in our introduction of deferred payment schemes, which will mean that people will no longer be forced to sell their homes to pay for residential care. Members will recall that a much smaller number of people would be in that position anyway, because of the introduction of free personal and nursing care. Those provisions will make a real difference for those in care homes and will combine with the improvements that arise from the Regulation of Care (Scotland) Act 2001 to bring better choice and quality into many people's lives. More than that, the provisions will ensure that anyone who is entering residential care for the first time will be able to experience real choice, with an assurance of quality services and the reassurance that they will not have to dispose of their home to meet the costs.

It is not only those who are in need of care who will benefit from the bill, however. As I said earlier, the Executive recognises the vital role that Scotland's carers play as partners in the provision of care. Our carers strategy acknowledges their immense contribution and our firm commitment to support carers better than ever before. This is no empty rhetoric; the resources that were attached to the carers strategy and the further new funding to expand short-break services throughout Scotland effectively mean that resources to support carers will have quadrupled in just four years.

One outcome of the carers strategy was the establishment of the carers legislation working group, which examined how we could support carers better through legislation. The group made a number of recommendations for change and those are an important part of our carers agenda. The majority of the recommendations do not require changes to primary legislation and we will be taking forward those changes in a variety of ways in discussion with carers organisations and other bodies that will be affected by them. The bill takes forward those recommendations for which new legislation is needed to improve support to carers. In particular, the bill gives carers the right to an assessment of their needs as a carer, independent of the cared-for person. I am pleased to announce that the Executive will lodge an amendment at stage 2 to ensure that the new right will be available to young as well as adult carers.

The new flexibility will improve carers' access to

the support that they need to sustain them in their crucial role. It reflects their status as full partners in providing care, a principle that the Executive whole-heartedly endorses. I am aware that the Health and Community Care Committee suggested that that principle, and one other, be placed in the bill. We are considering what is reasonably possible, but we are concerned that the legislation should have precise legal meanings that will work in practice. If such meanings cannot be clearly set out in the bill, the interpretation might be left to the courts and might not reflect what Parliament intended. If it is not possible to give precise legal meanings, it is better to leave a provision out of the bill and avoid the problem. We need to distinguish between good intentions and good law and be sure that we deliver the latter.

The Health and Community Care Committee also suggested that there was a case for building on the extension of carers' rights by requiring local authorities and the NHS to identify carers and offer them information. I have also considered those points carefully. There would be practical and legal difficulties in imposing such a duty on the relevant people in the NHS in a way that would work. In any case, I do not believe that we need to go down that road as we can work with the NHS to build carer-awareness into the main stream of the health service through the development of a range of initiatives that are already under way. However, I recognise the committee's concern to ensure that carers are aware of their right to an assessment and I am examining carefully the scope that there may be for building further on the new right to assessment for carers with a view to lodging an amendment at stage 2.

The Executive will emphasise the importance of the partnership with carers in other ways. Good things are already being done to help carers in lots of different places, and the challenge for the Executive and other agencies is to spread that best practice. We plan to give clear new guidance to local authorities, the NHS and others to ensure that carers receive full recognition and support in their caring role and to ensure that best practice is turned into the norm.

No one should be mistaken about our commitment to improving support for carers, not only through legislation, but across the range of the Executive's agenda. That same spirit of partnership is equally important for local agencies working together to provide services. The joint future group provided a new lead on joint working between NHS Scotland and local authorities, and applied the good practice of pilot schemes and projects across Scotland to the heart of community care.

Our commitment is to enable and drive a joint approach between agencies rather than to opt for

wholesale reorganisation by creating a new body for community care services—such as care trusts, which are being implemented in some parts of England—which might be perceived as a takeover of one agency by another. The bill delivers on that commitment by removing the final remaining legal obstacles to better joint working within the parameters of existing agency structures. I believe that agencies are signed up to the joint approach and that that is more likely to deliver results in the short to medium term.

Much has already been done within the scope of existing legislation, such as the joint resourcing and joint management of learning disability services in Glasgow and of mental health services in Dumfries and Galloway. In Perth and Kinross, the agencies have formed a high-level partnership and have recently extended those principles by appointing joint locality management. However, the full flexibility of delegation and pooled budgets was not possible. Sections 10 to 14 of the bill will achieve that. They will allow NHS Scotland and local authorities to deliver services in a more integrated way. They will also allow more flexible resourcing to support our goal of care that is designed around the needs of individuals.

Sections 10 and 11 will free up barriers to the transfer of funds between NHS Scotland and local authorities. That will empower the new NHS boards and local authorities to plan for healthier communities, to improve well-being and to resource plans with the emphasis on the outcome for citizens, not the constraints on agencies. Those powers, as well as those in section 12 to delegate powers and pool resources, will allow the new approaches to community care service provision and the fuller integration of services that are needed to meet the expectations of service users, carers and patients.

The bill will allow local agencies to determine their local balance of care and to ensure that the resources that are available to them are used and channelled to best effect. It will also allow them real flexibility of response, pooled resources and the delegation of functions to the agency that is agreed to be best placed to lead on any particular function. In that way, agencies can concentrate on outputs for users, carers and patients rather than be restricted by fruitless discussions about who can do what and how it will be resourced.

I agree with the Health and Community Care Committee's observation that community care needs a well-motivated workforce. That is why we have established the integrated human resources working group under the chairmanship of Peter Bates. Membership of the group is drawn from a broad range of players. It includes, for example, a local authority chief executive, a primary care trust chief executive, personnel managers from NHS

Scotland and local authorities, and representatives from no less than five professional bodies and trade unions. The group, rightly, seeks to expand its membership to take account of the parallel interests of, in particular, the voluntary sector.

Already, the integrated human resources working group is consulting staff on the issues. Some issues, such as secondment protocols, training needs and personnel procedures to support new ways of delivering care, are short term. Other issues, such as pay and pensions, are clearly more complex and will require longer-term consideration. By the end of December, the group will have consulted more than 1,000 staff throughout the country on their concerns about, and aspirations for, joint working. A report will be produced for ministers by April 2002.

In the interim, section 13 is intended to reassure staff that their transfer between agencies will not affect them adversely. In section 14, Scottish ministers take powers to enforce joint working arrangements where necessary. That is not, and will never be, ministers' preferred option, but it may be necessary in the interests of users, carers and patients.

Of course, joint working is more than the sum of the statutory agencies. Voluntary organisations and private providers have a key role to play. We expect agencies to consult all the key players in care provision about joint working arrangements and to involve them in those arrangements. Agencies already have a statutory duty to consult the voluntary sector on community care planning arrangements; mechanisms to do that are in place throughout Scotland, and agencies should build on those. Our emphasis on the statutory agencies is deliberate. We want to improve joint working between the agencies as a matter of priority. From that, we anticipate better, more consistent engagement with the voluntary and private sectors.

The bill's contribution to better care services is matched by its measures to improve health services for all. Part 3 will extend the medical list system to all general practitioners, not just those who run practices. That will improve the coverage of our existing quality and discipline procedures. Patients can be confident that, whichever GP they see, that GP will be subject to high disciplinary procedures and standards. That may sound like a dry technical measure—if members have looked at the bill, they will see that it reads like one as well—but it is an important improvement to the quality of our health care service.

While I am on the subject of GP lists, I want to address the concerns that the stage 1 report raised about that issue. The Health and Community Care Committee recommended that the Executive should hold discussions with the

Royal College of General Practitioners and the British Medical Association to clarify points in their submissions. I am happy to confirm that my officials have written to both bodies to resolve those matters.

I look forward to hearing the views and suggestions of my fellow MSPs during the debate. I also look forward to the detailed discussions with the Health and Community Care Committee that will follow at stage 2.

I remind members of the general principles that we have been discussing: principles of choice, partnership, equity and fairness, which have received broad support from many different quarters. I commend those principles to the Parliament and I commend the Community Care and Health (Scotland) Bill, which has been based upon them. I am confident that the bill will lay the foundations not only for better care services, but for better lives for many in our society: better lives for Scotland's older people, who will be able to live free from the fear of poverty and debt; better lives for service users, who will be able to choose how services are provided for them; and better lives for Scotland's carers, who will see that their contribution to Scotland's care provision is being recognised and valued.

I move,

That the Parliament agrees to the general principles of the Community Care and Health (Scotland) Bill.

14:51

Nicola Sturgeon (Glasgow) (SNP): I welcome the new minister to his post and wish him well in the job. I congratulate the two new deputy health ministers, although it is perhaps appropriate to remind them of the old saying that quality is more important than quantity—as Shona Robison and I regularly demonstrate.

I also place on record my personal and sincere good wishes to Susan Deacon. Susan and I have crossed swords on many occasions over the past year and I have—with good reason—been a regular critic of her record in office. Having said that, I think that we would all agree that being the minister with responsibility for health in Scotland is one of the most difficult jobs in the country, if not the most difficult. I for one have never doubted the energy, commitment and, I believe, principle that Susan Deacon brought to the job. I wish her well in her future parliamentary work.

I am delighted to support the general principles of the Community Care and Health (Scotland) Bill, subject of course to the reservations expressed in the SNP's amendment, which I will turn to shortly. It is appropriate, while I am being nice, to place on record my thanks to all the witnesses who gave evidence to the Health and Community Care

Committee. Something that will emerge from today's debate—it has already emerged from the committee's report—is the consistency in the themes that emerged from the evidence that the committee took. I hope that we will have the opportunity to explore many of those themes today.

I would also like to thank the committee clerks. It never fails to amaze me how a group of people can manage to distil the sometimes wandering deliberations of the Health and Community Care Committee and produce a report that is comprehensive and eminently readable. They are due some credit for that.

The main provisions of the bill are extremely welcome. As Malcolm Chisholm has said, the bill will regulate charging for care home services and, I hope, bring an end to the postcode lottery that has characterised community care for far too long, with local authorities charging wildly differing amounts for the same services.

The bill promotes choice for users of care services. Extending access to direct payments for community care will empower individuals who need care but who do not necessarily wish to relinquish control over their lives; it will enable them to access services that are more tailored to their needs. However, the Health and Community Care Committee is right to point out that that provision will make a real difference in practice only if local authorities are placed under a duty to advise people of their right to access direct payments. Local authorities must also provide people with support in exercising that right.

The provisions on third-party payments—allowing people to make extra payments from their own resources to secure a place in a more expensive home—are also welcome, as long as they are used only in circumstances where individuals have genuine choice. It would not be acceptable if people were expected to top up local authority payments in circumstances where the only care home place on offer is in a home that charges more than the local authority is willing to pay. The use of third-party payments must be closely monitored to ensure that they are not abused to plug gaps in local authority funding.

The bill also enables local authorities to make loans to people to pay for their care. Such loans will be secured against the value of people's houses. The arrangements have the potential to remove the need for anyone to sell their home—even to pay for the accommodation costs of care packages, which will continue to be chargeable after the introduction of free personal care.

The Convention of Scottish Local Authorities expressed legitimate concerns about the practical ability of local authorities to act as lending

institutions. The committee took the view that preferably a national scheme, administered by a single body, should be established for that.

The bill contains some welcome news for carers. It gives them the right to request an assessment of their ability to care, regardless of whether the cared-for person is being assessed. The committee heard powerful evidence from Carers Scotland about the need to place local authorities under a duty to inform carers of that right. The experience of authorities is that if authorities are not placed under a positive duty to do that, giving carers that right will not be enough to improve the lot of carers meaningfully. I hope that the Scottish Executive will heed that advice.

The bill includes provisions that are designed to ensure effective joint working by local authorities and the national health service in the delivery of community care services. Those provisions are welcome, although there remains a degree of scepticism among the committee members and some of the many witnesses who gave evidence about the ability of senior NHS managers and local authorities to overcome their cultural and institutional differences to work together in the interests of service users. Frankly, the factionalism that often exists between those who run local authorities and those who run the NHS would make the Labour group look united.

Last year, in its report on the delivery of community care, the Health and Community Care Committee recommended that

"A single body should be given responsibility for ... planning and commissioning of community care services."

Notwithstanding the minister's remarks about the need to ensure flexibility and the dangers of imposing a uniform structure, I firmly believe that that recommendation should now be given serious consideration. I hope that the minister will not rule it out as a longer-term option.

Before I discuss the most important aspect of the bill—its paving the way for the introduction of free personal care—I will make a general point. The committee heard evidence from a number of witnesses to the effect that the bill should clearly state the principles that underlie it. It is becoming more common for bills to include statements of principle, but the Executive's approach to that is inconsistent.

Two weeks ago, we debated the proposed mental health bill. In that debate, Susan Deacon accepted the need to include in that bill a clear statement of the principles underlying it. For some reason, it appears that that approach is being resisted in this case. The minister says that that is because legislation must be precise. Of course, he is right about that, but if it is possible to produce a precise, workable statement of principles for the

mental health bill, it is surely possible to do the same for the Community Care and Health (Scotland) Bill or for any other bill for which that is deemed appropriate. A clear statement of principle would undoubtedly be an aid to the interpretation of the eventual act and would help to ensure that the will of the Parliament was upheld. I hope that the minister will—as he has indicated he might—lodge an amendment at stage 2 to incorporate the principles of equity, fairness, joint working and partnership.

The debate should mark the beginning of the end of a hard-fought and well-won battle on the part of the Parliament to force the Executive to implement the key recommendation of the Sutherland commission, which is to make personal care free for all those who need it. I hope that this is indeed the beginning of the end of that battle.

The bill paves the way for free personal care by giving ministers the powers that they need to introduce that but, as Malcolm Chisholm has conceded, the bill does not enshrine in law the principle of free personal care, nor does it give any sense of what is to be included in the definition of personal care. The bill leaves it to ministers to define personal care by regulation. I warmly welcome Malcolm Chisholm's assurance that he will lodge an amendment at stage 2 to enshrine the definition in law. It is worth spelling out why that is so important.

Even if we accept the commitment of the current ministers to free personal care, what if a future Government, possibly a Tory one—I ask members to suspend their disbelief for a moment—which would probably be a malevolent one, something that does not require any suspension of disbelief, decided to scrap free personal care? Would we be happy to accept that a minister in such a Government—perhaps a new-generation Mickey Forsyth—should be allowed to do so by regulation, without having to pass primary legislation? I think not. But enough of fantasy. The Tories are not the real threat to free personal care.

Mary Scanlon (Highlands and Islands) (Con):

Does the member recognise that all 19 Conservatives voted in favour of free personal care? Will she endorse that fact?

Nicola Sturgeon: I accept that, but it was the 19 years that preceded those 19 votes that led to me to make that judgment about the Conservative party.

The real threat to free personal care exists within the Labour party, both at Westminster and in Scotland. I was astonished to read in the Sunday papers comments from two Labour MSPs to the effect that the commitment to free care should be reconsidered and the definition watered down somehow.

Brian Fitzpatrick, who is not in the chamber, confessed to being “deeply concerned” about the policy. At least he has an excuse, as he was not an MSP when the Parliament unanimously agreed that the Executive should draw up proposals on free care. However, I am not quite sure what Kate MacLean’s excuse is—incidentally, she is not in the chamber either. Was she not listening to the debates that took place in the chamber? On Sunday, she said that free personal care subsidises

“better-off people who can afford to pay for their own care anyway.”

Really? Does not she realise that anyone who has assets of between £11,500 and £18,500 has to pay towards their personal care at present? Did she consider the position of people whose only asset is their family home or who have managed to struggle to save throughout their lives in order to be wealthy?

The most depressing thing about Kate MacLean’s comment about wealthy pensioners is that it misses the whole point of free personal care, which is the very nature of that care. The fact that any one of us, irrespective of our wealth, could require personal care in our later years makes payment for that care out of general taxation the only equitable way in which to resource personal care needs.

Kate MacLean’s comments were timely because they reminded us of the need for a clear definition to be enshrined in law. As I said earlier, I am glad that Malcolm Chisholm has given that commitment today. However, a question mark still hangs over the policy on free personal care, in the shape of £20 million. Before Jack McConnell was sworn in as First Minister, he announced a review of that policy because of doubts about the long-term funding of the package. There is a more immediate funding problem that the Parliament cannot simply ignore. The funding package for the introduction of free personal care in April is still £20 million short, because Westminster is insisting on the withdrawal of attendance allowance from Scottish pensioners as a way of punishing this Parliament for pursuing a policy that it disagrees with.

When the SNP raised that issue during our debate on 27 September, we were told not to worry. We were told that the matter was in hand and that the Executive was confident of winning the argument. When I raised the issue with Malcolm Chisholm at the Health and Community Care Committee meeting on 7 November, I was again told not to worry. On that occasion, I was told that Henry McLeish was leading the negotiations with Westminster and that it would all be fine. The following day, Henry McLeish resigned. It has been two months since the SNP

first raised the issue in the Parliament, but it appears that we are no further forward. We are still £20 million short of the amount that is needed to implement free personal care next April.

Worse still, we do not know who is leading the negotiations now. At least when Henry McLeish was leading the negotiations, we knew that he was personally committed to the policy of free care. He had staked what was then his reputation on the matter. Frankly, we do not know what Jack McConnell’s position is. All we know is that he has announced a review of free personal care. I dare say that he has had other things on his mind in the past few weeks.

That is why it is important that the Parliament takes two steps today, and I am delighted that Malcolm Chisholm has already agreed to take one of them. The first step that we must take is to send a clear message to Westminster that we want the matter sorted out quickly, so that our pensioners can at last have some certainty about the funding of long-term care. It is unacceptable for Westminster deliberately to undermine the will of the Parliament by withdrawing the very benefits that we want to enhance. We should not think twice about saying so loudly and clearly to Westminster.

The second step, which I am delighted that we will be able to unite around this afternoon, is that we should enshrine in law a definition of personal care, so that any minister—present or future—who wants to water down that definition must do so by primary legislation and not by the back door of regulation.

The care development group has already given us the definition that we should use in the bill. That definition would not deprive ministers of flexibility. If they want to enhance the definition, they should be able to do so by affirmative resolution; if they want to water it down, they should have to go through the Parliament’s full legislative process. That would be appropriate. The SNP amendment would give us the opportunity to further both those aims.

In the spirit of unity that has brought us to the verge of implementing free personal care, I urge members of all parties to support the amendment.

I move amendment S1M-2247.1 to insert at end:

“but in doing so expresses its concern at the lack of a definition of personal care in the Bill similar to that suggested by the Care Development Group and at the fact that negotiations with Her Majesty’s Government over the payment of Attendance Allowances have not yet been successfully concluded.”

15:05

Mary Scanlon (Highlands and Islands) (Con):
I congratulate the new minister. That he has gone

from being a member of the Health and Community Care Committee and back-bench rebel to Minister for Health and Community Care is surely an endorsement of the democracy in the Parliament.

I also welcome Mary Mulligan and Hugh Henry. I hope that Hugh's attendance at health debates will be more frequent than his attendance at the Health and Community Care Committee. I also congratulate Richard Simpson, for whom I have a tremendous respect. That he has been given a remit on drugs and prisons is first class. As Nicola has already said, we extend our best wishes to Susan Deacon. I hope that Susan will join us on the Health and Community Care Committee because she would be a great asset—it would be fun.

I welcome the tone of the minister's speech. He accepted many of the points that the Health and Community Care Committee made. In the spirit of unity that Nicola Sturgeon mentioned we will support the motion in the name of Susan Deacon, not the SNP amendment. The points in the amendment have already been clearly made by the cross-party Health and Community Care Committee. The minister has already accepted one of those points and I know that the other is ongoing. It is not necessary for the SNP to hijack the strongly stated recommendations of the cross-party committee.

We agree with what the new First Minister said last week—that it is better to do less, better. I am pleased to hear that he is reviewing health services. We can certainly confirm that considerable anger lies at the root of the change that is needed.

In June 1999, along with the other 10 members of the Health and Community Care Committee, I listed the main health priorities, so it is with much pleasure that I now stand to support the Community Care and Health (Scotland) Bill at stage 1. Given the fact that care in the community was highlighted as the major issue for committee members two and a half years ago, it is crucial that we get the bill right now. We need to address all the problems that have been highlighted in the oral and written evidence that the committee received and in the visits that it undertook, as well as in all the individual cases that are brought to us as MSPs.

We fully accept the principle that we need to end the discrimination whereby payment must be made for care for the frail and elderly yet NHS treatment is free for other conditions. It is only right that people pay the costs of accommodation including food and laundry because those costs would be incurred at home.

Our support for free personal care was based on

the recommendations of the Sutherland report and the calculations that were made by the then Minister for Finance and Local Government, the care development group and the Department for Work and Pensions. None of those indicated the underestimation that we heard about at the end of last week. Our party did not sign a blank cheque when we backed the policy. Like other parties in the Parliament, we identified the accounting procedures and the calculations that were made at the time by well-respected bodies.

The definition of personal care has been endlessly discussed. I welcome the minister's announcement that the definition will be included in the bill. However, although the definition of personal care as endorsed by the care development group is now clear, the terms "social care" and "nursing care" are not quite so clear.

In fact, when he was Deputy Minister for Health and Community Care, the minister replied to my query by stating to the committee:

"there is a continuum between personal care and nursing care. There is an argument for collapsing the two into each other, because in going for free nursing care we are following a sort of international definition of nursing."—*[Official Report, Health and Community Care Committee, 7 November 2001; c 2177.]*

Malcolm Chisholm: I want to point out that that was not correctly transcribed because, if members think about it, what I said was that free personal care could be regarded as part of the international definition of nursing. It would not make sense to say that free nursing care could be part of the international definition of nursing.

Mary Scanlon: My quote came from the *Official Report*.

Page 67 of the Sutherland report states that personal care

"falls within the internationally recognised definition of nursing, but may be delivered by many people who are not nurses, in particular by care assistants employed by social services departments or agencies."

Therefore, if personal care is nursing care and Westminster has decided to pay for nursing care with no argument over attendance allowances, we have to ask whether older people in Scotland are getting a raw deal or a different deal from older people in England. I ask the minister to address and clarify that point when he is summing up.

My next point highlights the most recent figure of 2,954 people who remain in hospital beds despite being assessed as requiring care in the community, at home, in a residential home or in supported accommodation. In February 1999, three months before the start of Parliament, the bed-blocking or delayed discharge figure was 1,724. Despite various initiatives and commitments, as well as a few million pounds

here and there, the latest figure of almost 3,000 people highlights that major issue.

This week, I was at a meeting at NHS Highland with my colleagues Rhoda Grant and John Farquhar Munro. We were told that children were writing to the hospital to ask why their grandparents were being kept in hospital when they were being told that they should be cared for at home.

We welcome the emphasis on outcomes rather than budgets. However, point 66 of the policy memorandum refers to cases of failure in joint working and states:

"where the expected service outcomes are not being delivered ... Ministers will be able to use this power to require that local authorities and NHS bodies adopt certain key principles, such as a single management structure, with a single budget".

Why should we wait for failure when we already have well-documented failure? The case for a single budget is well made—it was recommended in the Health and Community Care Committee report. That issue must be addressed now.

More worrying statistics were published recently in "Scottish Community Care Statistics 2000" and in the Accounts Commission's review of home care services for older people, which was published last Friday. Between 1997 and 2000, the number of people seen by health visitors fell by 49,800. Between 1998 and 2000, the number of people who received home care fell by more than 9,000. Between 1999 and 2000, the number of people seen by a district nurse fell by 13,300. The number of people attending day centres and the number of people in residential homes were also down.

In a written response to those figures, the minister stated:

"recent changes in practice include increased activity in clinic-based settings".

In fact, the Accounts Commission's report states that

"with national policy focusing on care at home rather than institutional settings",

the facts and the figures prove that the opposite is true. The national review revealed a different picture to Government policy.

We know the problems and we have the time, so we should address them and get the matter right.

Malcolm Chisholm: I am sure that the member will accept that clinics are hardly an institutional setting. Does she accept that not only the number of visits but their length and intensity is relevant? Does she accept that the emphasis has changed—for example, with the Starting Well project, which I visited recently—to intensive home

visiting? Does she also accept that expenditure on home care increased by 10 per cent in the first year of the Parliament and is set to increase by much larger amounts in the next couple of years?

Mary Scanlon: I welcome the minister's point about increases in funding, but as I think all members of the Health and Community Care Committee have said, we are looking for increases in outcomes. The figures are horrific, by anyone's account. They fly in the face of Government policy, which emphasises care at home. That point cannot be missed.

In the Highlands, where 170 people are left in hospital when they should be in the community, we note that the Highland Council's proportion of net community care expenditure on home care for all ages is the lowest in Scotland at 8 per cent. We should also consider that. In comparison, Falkirk Council's proportion is 31 per cent. We need to consider the allocation of those budgets and why some councils allocate so much less than others.

The Highland Council tells us constantly that delayed discharge is all the health board's fault. On Monday, we were told that the fault lay with the council. That is not joint working, and patients are suffering. That could be overcome by accepting the Health and Community Care Committee's recommendation that a single body should be the budget holder, to achieve accountability and transparency and ensure a single point of entry for services.

The Conservatives would like that budget to be managed by the NHS, as the NHS carries the cost of councils' inability to accept that they must provide appropriate care and support to many people. The result is rising waiting lists in hospital and inappropriate care.

We fully endorse and welcome the recommendation of direct payments, which will empower and enable carers and families to purchase the care that they need, when they need it, and to choose the provider of that care. It is unfortunate that the number of people taking up direct payments in Scotland is just over 207. Of those people, 93 per cent are from the 18 to 64 age group. Half Scotland's local authorities do not participate in the scheme. I understand that eligibility depends on a person's being designated disabled, but nonetheless, a positive approach to direct payments must be taken, to maximise the success that the minister spoke about.

It is unacceptable for councils to monopolise referrals to their own homes at a weekly charge of £361 when, in the private, voluntary and independent sectors, the average cost is about £278. Direct payments would allow people to exercise choice in care and the quality of that care.

The Scottish Conservatives endorse, welcome and acknowledge the principles in the bill.

15:18

Mrs Margaret Smith (Edinburgh West) (LD): I welcome Malcolm Chisholm to his new job as Minister for Health and Community Care. As Nicola Sturgeon said, that is one of the most difficult jobs in Government in Scotland, but if anybody can do it well with charm and some ability, I am sure that that person is Malcolm. We trained him well on the Health and Community Care Committee, and he has continued to do great things since he ceased being a member of that committee.

I welcome the two new deputy health ministers—their positions reflect the importance of the health brief. The Labour party needs three people to do the job—or four if Margaret Jamieson, who is a member of the Health and Community Care Committee, is included—and the SNP needs two, while the poor old Tories and Liberal Democrats need only one each. I am not sure what that tells us about quantity and quality.

The experience of the three health ministers will be good not only for the health portfolio, but for the Parliament. Malcolm Chisholm has experience as a deputy convener and Mary Mulligan and Hugh Henry have experience as conveners of parliamentary committees. They will make use of that in performing their ministerial duties. I look forward to working with them in the future.

I must also pay tribute to, and bid farewell to, Susan Deacon. It would be fair to say that we did not always see eye to eye; we definitely did not see eye to eye on free personal care for the elderly. At no time, however, did we have anything other than respect for one another and the positions that we held. I was always very taken with the energy that Susan Deacon brought to her brief and with her hard work and commitment. Susan Deacon cared deeply about health care in Scotland and I wish her well for the future. For the past two and a half years, she has had her hands full, but she will have her hands full with something else in the year to come. I wish her well in that respect. If she finds herself on the Health and Community Care Committee, I recommend that to her—it is never dull. That would be fun, but I have no comment to make on what the former minister would make of it.

It is a privilege for me to stand in the chamber today as the Scottish Liberal Democrat spokesperson on health and as the convener of the Parliament's Health and Community Care Committee to acknowledge our wholehearted support for the general principles of the Community Care and Health (Scotland) Bill.

The bill will provide for the introduction of free personal nursing care for older people; the regulation of charging for home-care services, which have in the past been a postcode lottery; a legislative framework to permit greater joint working between the NHS and local authorities and others who provide care; and extensions of carers' rights. The bill will tackle inequities and bring diagnostic equality and equity to care of the elderly. The way in which we treat our older people is a crucial test of our society. The bill represents an opportunity for the Parliament and the Executive to send a clear signal that we are determined to treat our older people with respect and dignity. I am happy to support that.

The bill is the culmination of a hard-fought battle and of a great deal of work that has been undertaken over many years. I pay tribute again to Sir Stewart Sutherland's work and to the work of his commission. I thank the members of the Health and Community Care Committee for their work over several years. I also thank the joint future group and the members of the care development group, under the chairmanship of the new Minister for Health and Community Care, for the work that they have put into the development of the policy.

The bill will deliver free personal and nursing care for Scotland's elderly and I welcome that whole-heartedly. Free personal care has undoubtedly been one of the Scottish Parliament's most contentious issues. However, in accepting the Sutherland commission's findings, we have contributed to one of the new Parliament's finest hours. Free personal care has the unequivocal backing of my party, the considered backing of the Health and Community Care Committee and the backing of the majority of MSPs of all parties. I believe that the paraphrase "the settled will of the people of Scotland" applies to the bill, which should not, must not and will not be thwarted or deflected.

Let us not forget some of the reasons why the bill is necessary. The system of payment for care was a confusing, unfair muddle: care in hospital was free, but intimate personal care delivered in an older person's home was means-tested and charged. The amount that an older person paid depended not on their needs but—because of charging policies in Scotland's councils—on where they lived.

That system has treated badly in particular the 60,000 Scots who suffer from dementia, because it penalises them for the consequences of their illness in a way that is different from those who suffer from cancer, heart disease or strokes. Opponents of the policy say—and will continue to say—that the provisions of the bill affect only a few thousand Scots who could afford to pay anyway, but I disagree totally with that. The provisions of

the bill are about fairness for all our pensioners. The issue affects everyone. It will benefit us all to take away the fear of paying for care in old age and of losing the home that one has worked for all his or her life. The provisions of the bill will benefit tens of thousands of Scots who currently pay for nursing care and personal care and who currently receive care in their own homes.

If people look to the bill to reflect some of that sense of principle and some of the rhetoric that we have heard pronounced so eloquently in the course of the past two years' debate on the issue, I am sad to say that they will be disappointed. The bill is dry and technical and much of it refers back to and amends the Social Work (Scotland) Act 1968. Perhaps that is the way that it must be.

The Health and Community Care Committee supports the view that was expressed by many witnesses—including community care providers in Scotland and Carers Scotland—that the bill's general principles on the provision of free nursing and personal care, the delivery of joint working and the position of carers as partners in the provision of care services should be made explicit in the bill. We hope, partly because of what we have heard today from the minister, that the Executive will think again about that. I appreciate the need for clarity and precision in the legislation, but I do not think that the task is beyond our new minister.

I am delighted with the minister's assurances that the definition of personal care will be included in the bill. The committee welcomes the care development group's definition of personal care, which covers personal hygiene, continence management, food and diet, problems with mobility, counselling, simple treatments and personal assistance. The committee heard evidence for and against the inclusion of a definition of personal care in the bill, but on balance decided that such a definition should be explicitly included. However, we know that there might be a need for flexibility to improve the definition and we therefore recommend that ministers should be able to amend the definition by subordinate legislation, as long as that amendment improves and adds to the definition. Controversy surrounding the cost of the policies rages on, with different economists crystal-ball gazing into the future. Last June, Angus MacKay announced £200 million to resource free personal care and other aspects of the bill in 2002 and 2003. That built on £100 million for community care services that was announced by Susan Deacon in October 2000 and January 2001.

The Health and Community Care Committee took evidence from Professor David Bell, professor of economics at Stirling University, who is a member of the care development group with

responsibility for costing free personal care. He outlined the costing exercise, which took into account demographic change and the aging population, health expectancy—which is expected to improve—and changes in the unit cost of care at the level of a 2 per cent increase each year. Although Professor Bell undertook a rigorous examination of costs, the minister has stated that the figures are at best prediction. There remains a lack of certainty over costs. It is clear that there will be increases in years to come and the committee has called upon the Executive to monitor continually progress in that area.

The Scottish Liberal Democrats and the Health and Community Care Committee back the Executive in its attempt to secure continuing payment of attendance allowance by the Department for Work and Pensions. The committee noted that in England, nursing care was being extended to include—without any withdrawal of benefits—elements of what would in Scotland be primary care. We consider that any withdrawal of the £20 million in Scotland would therefore be discriminatory.

The committee welcomes the Executive's plans to ring-fence the resources that are distributed to local authorities for implementation of free personal care and the other provisions of the bill. The Sutherland commission, the committee's report and the care development group all noted the funding gap between the amount of grant-aided expenditure that is distributed to local authorities and the amount that is spent on services for care of the elderly. Executive figures that the committee received—which show only part of the picture—show that only one third of Scotland's councils spend to or above GAE on older persons services, while overall our councils spend £98 million above GAE on all social work services. It is essential at this stage that we ring-fence the money that needs to be put in place to deliver those policies and that we move as swiftly as possible towards outcome agreements following negotiations with local authorities.

The bill includes elements of choice in care services, including deferred payments, which will allow individuals to enter into agreements with councils to defer selling their homes to pay for care. Although we welcome that, the committee had sympathy for a view that was expressed by COSLA, the Association of Directors of Social Work and others to the effect that that would mean councils engaging in new activities, which would be paid for by increased borrowing. We think that there is at least a need to consider that nationally and to have it administrated nationally rather than at council level. However, if the Executive does not accept that, it could consider the possibility of phasing some of those extra duties on to local authorities over the course of the coming year.

The committee welcomes the bill's provisions to extend direct payments and the ability to tailor services to individual needs. We recommend that a duty be placed on local authorities to advise individuals that they have a right of access to direct payments. We hope that that work will be developed in order to cut the bureaucracy of the present system and to encourage more people to make use of that service.

The committee welcomes the Executive's plans to give carers an independent right of assessment, but there must be a positive duty to ensure that carers are informed of that right. We welcome the news that there will be an amendment to that effect. We called on the Executive to consider the possibility of imposing a duty on councils and the NHS—which deal with 620,000 unpaid carers in Scotland—to identify carers and to ensure that they are informed of all their rights.

For many, the Community Care and Health (Scotland) Bill is simply the free personal care bill. However, the bill also sets up a framework for joint working that will allow greater partnership and flexibility between key community care partners in the NHS and Scotland's local authorities by lifting legal impediments to closer working. It is true that the committee has been concerned about the lack of progress on joint working to date, and we welcome the possibility of ministers being able to exert pressure on local authorities and other partners to work together. We also welcome their ability to enforce the bill's powers if that is necessary. We feel that it is important that all partners in care, including the voluntary sector, service users and carers, have a say in the development of joint working models.

There is a real challenge to all the component bodies to work together. We understand that the role of those who deliver services is critical and we have some concerns on that front. We know that successful joint working relies on a motivated and integrated work force. That is why we support the removal of barriers through nationally agreed salary levels and conditions for all those who work in care.

I welcome the minister's comments. We hope that the bill will mark a sea-change improvement in the delivery of community care services. We hope also that it will provide a framework that delivers not only free personal care but greater resources, better integration, shared assessments, effective partnership and our ultimate goal, which is a better quality service for the people who rely on community care services in Scotland.

The Deputy Presiding Officer (Mr George Reid): We move now to open debate. Sir David announced that time would be tight, but some speakers have dropped out since then, so I shall allow up to five minutes for the first half dozen or

so speakers. I call Margaret Jamieson.

15:31

Margaret Jamieson (Kilmarnock and Loudoun) (Lab): I record my congratulations to Malcolm Chisholm, Mary Mulligan and Hugh Henry on their appointments, and I look forward to working with them in the coming months. I also extend my good wishes to Susan Deacon. I am sure that she will play an important role for the Labour party on the back benches.

Before I begin, I declare an interest as a member of Unison, which has many members in the health and community care sector.

I add my thanks to Health and Community Care Committee members, to the committee clerks who worked hard to deal with the many submissions on the principles of this important bill, and to those who gave oral evidence to the committee. I must say that I am very disappointed that Scottish Care declined the opportunity to give evidence. That body is a key element in the partnership that will be required to deliver the care that is foreseen in the bill and its views would have been instructive. However, it would be quite wrong for any organisation that has had the opportunity to influence the bill at its earliest stage to criticise the outcomes from the margins. Partnership working requires all partners to play a full part in developing the process. Where better to do that than at the very start?

Partnership in building legislation is unique to the Scottish Parliament and, as such, is a particularly Scottish way of producing better legislation. It is on that partnership aspect of the bill that I want to concentrate. Sections 10 to 14 will enshrine in law, at the very heart of the act, the responsibility of the national health service and local authorities to work together effectively to deliver care services. That issue has been the cause of much heart-searching in the past as well as the cause of many disputes. The committee was disturbed that not enough had been done to ensure that flexible care arrangements were being developed. I draw the ministers' attention specifically to paragraphs 78, 79, 91, 92 and 95 of the committee's stage 1 report.

It is important that joint working can be developed flexibly and locally, but that must not be used as an excuse for delay and disagreement. Joint working also demands that resource transfer be open and clearly identifiable. There are few aspects of local government that have been more guilty of secrecy and, dare I say it, deception in some areas than resource transfer from the national health service to local government. That has been particularly obvious to those of us who have for many months sought to marry the GAE

projections for social work funding with outturn spending to ensure that the needs of the most vulnerable people in society are being met from the funding that is made available for that specific group. It is therefore essential that all aspects of resource transfer and the methods of achieving it—such as pooled budgets—are clearly identifiable not just for accountants, but for ordinary Scots whose taxes pay for care.

That approach was called for in a previous Health and Community Care Committee report on the delivery of community care in Scotland, which stated:

“The Executive should take immediate steps to establish a simple and transparent guide to the funding of community care services, accessible to all stakeholders.”

That approach would make it much easier to move towards another recommendation, which is made in paragraph 145 of the same report. That paragraph states:

“A single body should be given the role of budget holding, planning and commissioning of community care services.”

The Health and Community Care Committee has returned to that view in reviewing the principles behind the bill. There is no reason to modify our stance on that approach. I urge the minister to consider the implications and benefits of such an approach as he takes the bill forward.

We must involve all stakeholders including the NHS, local authorities, the private sector, the voluntary sector, carers, clients and—equally important—the staff who deliver care. Providers must not compete with each other to provide the cheapest care. In the past, that has led to weakening of the quality of services in some areas, which is the very reason that the Regulation of Care (Scotland) Act 2001 was passed.

I have no hesitation in recommending that the Executive support a national pay and conditions scheme for all those who are involved in joint working. That scheme should involve all stakeholders in order to produce an effective national package. It should also be flexible enough to respond to local needs and circumstances. Members have agreed in many debates in the chamber that staff are our most valuable asset. Staff are not looking for words—they are looking for action. I urge the minister to reconsider his earlier statement.

We have an obligation to ensure that real or perceived obstacles are removed so that we can provide the best service for communities. We are concerned that that might not be happening in the integrated human resource working group. The watchword must be partnership—partnership to produce care services that the people of Scotland deserve and that involves all players meaningfully.

I commend the principles of the bill to Parliament and look forward to the minister addressing partnership issues at stage 2.

15:38

Tricia Marwick (Mid Scotland and Fife) (SNP):

I congratulate Malcolm Chisholm on his appointment. We have known each other for a long time in different roles and I am sure that he will bring to the job his commitment to and passion for health and social inclusion issues.

In the policy memorandum, it is made clear that most of the bill's provisions will have an impact on local government because of local government's central role in delivering social services. I am surprised and disappointed that I am the only member of the Local Government Committee who will speak in today's debate. The Local Government Committee took evidence and fed in to the Health and Community Care Committee's report. Local authorities expressed a number of concerns in that evidence. The minister acknowledged that there are challenges for local authorities in the bill in respect of joint working and resources in particular. I will perhaps address that later.

My colleague Nicola Sturgeon addressed the need for a definition of personal care within the bill. The Local Government Committee also felt strongly that there should be such a definition and the social work directors of Perth and Kinross Council and South Ayrshire Council indicated in their evidence to the committee that there should be a base-line definition of personal care on the face of the bill. I welcome the minister's commitment to introduce an amendment at stage 2, because it would be quite unacceptable if such an important piece of legislation gave to present and future ministers the power to determine by regulation what personal care is. We cannot allow personal care to be a political football that is juggled between health and finance ministers, who will decide by regulation from year to year what constitutes personal care and what does not. Decisions should be made based on what the patient needs, rather than on what can be trimmed to accommodate the budget of the day. I welcome the assurances that the minister has given.

An issue—which is not directly related to the bill and therefore cannot be removed by amendment—that came up in the Local Government Committee is the problem of dual financial assessments. Those assessments will be required as a result of the different levels of capital assessment for income support and for home care. It is absolute nonsense that we should even consider putting elderly and vulnerable people and their families through two different assessments. Not only will that lead to increased stress and

confusion, it will—to be frank—be a bureaucratic mess.

Although I acknowledge that benefits and income support are a reserved matter, I would like the Executive to consider with colleagues in Westminster the possibility of a single assessment procedure. I would welcome an assurance from the minister that he will take forward that suggestion as a matter of great urgency.

Local authorities will be pivotal in delivering the social work services and, as many members have said, joint working will present many challenges to the culture, management, structures and accountability of local authorities and health boards. The Local Government Committee heard evidence of good practice out there, but we need to ensure that that good practice is the minimum that is required in joint working.

My view is that much more work needs to be done before we can be confident that joint working arrangements are flexible and secure enough to ensure that the person who needs the service gets the service. We need to stop the turf wars that take place between health boards and local authorities.

Local authorities are also concerned about the resource implications of aspects of the bill. It is vital that the necessary resources are provided to ensure that the bill has the opportunity to make the difference that we know it can make.

The bill will be better when it is amended, but it must not be allowed to fail simply because there is not sufficient money to support it. I give a warm welcome to the bill and the amendments that the Minister for Health and Community Care said that he would lodge. However, it is vital to local authorities and health boards that the resources that are needed to fund the bill are put in place and that they work for the benefit of the people who need the bill.

15:44

Janis Hughes (Glasgow Rutherglen) (Lab): I echo the comments that have been made elsewhere in the chamber and offer my congratulations to Malcolm Chisholm and to the two new Deputy Ministers for Health and Community Care. I thank Susan Deacon for her past contribution to the health portfolio. I declare as an interest that I am a member of Unison.

The Community Care and Health (Scotland) Bill represents a significant step forward in the care of the most vulnerable people in our communities. I believe that the Executive should be praised for that. That is not to say that the bill is perfect. I was disappointed that it was published and introduced to the committee before the care development

group's proposals were published. We heard from some of the people from whom we took evidence of their concerns about the timing. Sometimes we have to be careful about just how quickly we push legislation through. It would have made more sense to wait for the care development group's report before introducing the bill to Parliament.

Along with fellow committee members, I feel that the bill suffers from not having a statement of its general principles. That comment has been made by others this afternoon. While we do not doubt the current Minister for Health and Community Care's good intentions, it would be helpful to have a clear statement of what this bill seeks to achieve. I accept the minister's argument in his opening speech about legal meanings, but I urge him to consider whether further clarity may be possible. It would also be helpful, as we have already heard, to have a clear definition of what constitutes personal care. I am delighted to hear from the minister that the Executive will lodge amendments to provide that at stage 2, in line with the recommendations of the care development group.

I will focus on the provisions in the bill for carers. Members who have read the Health and Community Care Committee's stage 1 report will have noted the comments of Isobel Allan of Carers Scotland, who gave evidence to the Health and Community Care Committee. She lives in my constituency and is an active member of Cambuslang Community Carers. I have been particularly interested in legislation to support carers, which I have mentioned on numerous occasions in various debates in this chamber. I am pleased that the bill will extend the right to an independent assessment for carers. That is important and has been long awaited by carers groups. I hope that an examination of the provision of respite care will be an integral part of assessments.

Isobel Allan told the committee:

"Forgive me for personalising the issue—I cannot speak for the 600,000 other carers—but, as a carer, I need what you need. I need the right to have a normal life. I am not looking for anything special or anything extra. I just want the chance to sleep, to eat, to go out, to finish a meal and to have some kind of ordinariness in my life. The only way that I can get that is by getting a break. That is crucial; it is paramount."—[*Official Report, Health and Community Care Committee*, 24 October 2001; c 2072.]

Ensuring that those breaks are provided for people like Isobel Allan is vitally important. I hope that that will be a crucial part of the assessments.

The Health and Community Care Committee recommended that the bill should be amended to impose a duty on local authorities to take steps to identify carers and ensure that they are informed of their right to an assessment. The evidence that

we took persuaded us that it is important that that duty is enshrined in legislation, not just in the guidance. I hope that the Executive will respond favourably to that request in due course.

I echo my colleague Margaret Jamieson's comments on pay and conditions for staff who are involved in joint working. Good pay and conditions are vitally important not only for the motivation of staff, but for their recruitment and retention, which is sometimes a major problem in the caring professions.

The Community Care and Health (Scotland) Bill is a good piece of legislation. It is another step towards helping those who need it most. I hope that the Executive will take note of the committee's report, which has been offered in the best possible spirit, and produce proposals to make the bill even more effective.

15:48

Bill Aitken (Glasgow) (Con): When this matter was first debated, there was a consensus that the bill was an important piece of legislation. It is a sad fact that none of us is getting any younger. The fact is that the people of Scotland, including Nicola Sturgeon, are all getting older and, more seriously, all getting older at the same time. Given that demographic difficulty, there are difficult times ahead unless we resolve matters and consider carefully the approach that we are going to take to care of this nature.

We have to recognise that there have been failures in the present system. Joined-up thinking is one of new Labour's buzz phrases, but unfortunately it is manifestly obvious that joined-up thinking has not been apparent between the health authorities and local authority social work departments over many years. Accordingly, that issue must be examined. I see from the Health and Community Care Committee's report that some consideration has been given to it already. That can only be of benefit.

Some of the figures are pretty depressing. The numbers of people affected by bedblocking push things far beyond a tragedy, and the issue clearly impinges upon individuals with sometimes devastating effects. For example, 2,954 people in Scotland are unable to leave hospital because the appropriate arrangements are not in place. There are 335 such cases in the greater Glasgow area; indeed, I find it surprising that in the Lothian area, where the minister and deputy minister—to whom I offer my congratulations—have their constituencies, the figure is as high as 463. As for Hugh Henry—whom I can see watching avidly from the back of the chamber and whom I also want to congratulate—the figure is 452 in the health board area that contains his constituency.

Indeed, the number of bedblocking cases in the Renfrewshire Council area is 232, which possibly reflects the era when Hugh Henry was in charge. Those issues have to be examined closely and progressed.

We were encouraged by the minister's comments on the definition of personal care. As the matter is of supreme importance, we do not want the definition to require interpretation by the courts. The wording must be sufficiently tight to ensure that no difficulties arise.

The question of choice and direct payments is vital. Frankly, it is little short of a disgrace that uptake by local authorities is so low, and I strongly suggest that they should be made to participate in the direct payments scheme. That can only benefit all concerned.

As Mary Scanlon said, when our party decided to support the Sutherland recommendations we did not suggest that a blank cheque should be issued. We stated the tremendous savings that could be made by scrapping health boards and solving the current bedblocking scandal. That is the nub of the problem.

Janis Hughes's words were particularly apt. Sadly, we have failed to recognise the immense contribution that carers have made to Scottish society. Many of them lead a very difficult life because of their commitment to the individual for whom they care. It is particularly striking that carers organisations should have underlined in correspondence the fact that their members have often been poorly served by statutory agencies. Those people are frequently not informed of their rights, are left isolated and find authority difficult to deal with. We have to address that situation, and the bill contains a provision to do so. If we do not do so, paragraph 66 of the policy memorandum—which ominously mentions "failures"—would have to be brought into play.

15:53

Dorothy-Grace Elder (Glasgow) (SNP): I do not know why Bill Aitken is so worried about blank cheques. He knows perfectly well that one has been issued to pay for the new Parliament. Anything that this legislation will cost us will be cheap at the price. Dare I whisper that the latest bill for roads and mere landscaping is more than £14 million. I do not know how one could possibly rack up such a bill for trees and dauds of grass.

However, that is beside the point. I welcome the two new Deputy Ministers for Health and Community Care. Given the fact that the brief is so huge, having two deputy ministers is a sensible move. Furthermore, I welcome Malcolm Chisholm back into the spotlight. I have always known him to be a man of principles, and I hope that he does

not lose any along the way. One can occasionally mislay these things if one is in a high ministerial position. I also pay my due to Susan Deacon, who took on a terrible burden as the first Minister for Health and Community Care in the first Scottish Parliament.

The Parliament sometimes has the public popularity rating of scabies or head lice, but today we have something to be rather proud of. The bill could not have been scrutinised and approved in anything like this time span if we had stuck with Westminster. It would have taken two or more years to secure even a debate for Scots on this subject, yet a bill has been drafted and is on our desks in just over two and a half years.

I think back to the beginning of the Health and Community Care Committee—I am an original committee member—and remember my colleague, Kay Ullrich, a former social worker, going on and on about free personal care and the Sutherland report. We achieved total consensus on the issue. We had valiant backing from our convener, Margaret Smith, and we showed the advantage of members' having come from real jobs before they entered politics. In our midst, we had Margaret Jamieson, a former Unison official; Shona Robison, a former care organiser; Dr Richard Simpson; and Mary Scanlon, who has vast life experience and who did indeed—I can testify to it—back the provision of free personal care. All that experience helped to bring us together in the battle on behalf of people who have been neglected for so long.

Our generation's record on helping pensioners is really shameful. We have not got much time left to change that because the generation that won the war, created a national health service and gave us almost every benefit that we now enjoy is leaving us. We have let those people down shamefully. In their old age, they are not being rewarded but punished simply for being old and frail. I offer a word of warning. The bill must be a test for the new Cabinet. There must be no delay, no foot-dragging and no interference from Westminster. The bill is ours and we are rather proud of it. Westminster could not have done the job that the Scottish Parliament has done.

I support Janis Hughes and others who have mentioned the need to include our commitment to carers in the bill. Malcolm Chisholm spoke of what he called the

“need to distinguish between good intentions and good law”

when putting that commitment in the bill, as Carers Scotland has pleaded on behalf of Scotland's 620,000 carers. Carers deserve that dignity and assurance. Good lawyers should be able to find the words to back good intentions with good law. Otherwise, what are we paying them for?

I hope that free personal care will one day extend to others besides the elderly—to all who are in need. The plight of younger disabled people is too often ignored. It is summed up by a case that I am dealing with right now, in Baillieston, in the east end of Glasgow. A 41-year-old woman who is suffering from multiple sclerosis has been put into an old folk's home there because there was nowhere else to put her temporarily. There had been huge bureaucratic delays in the building of an extension to her home. Help to keep people in their homes is one of the budget facilities that we must consider, because people want to remain at home with their families whenever possible. That 41-year-old woman, who tonight will have to spend another night in an old folk's home, is the sort of person whom we must help in the future. However, today we have at least made a start in helping older people.

16:00

Nora Radcliffe (Gordon) (LD): I congratulate the new health team, wish them well in their work and pay tribute to Susan Deacon for her contribution as our first Minister for Health and Community Care.

Like everyone else, I welcome this bill, which will enable provision of free personal care. I was pleased to hear the minister's earlier assurance that a definition of personal care will be included in the bill, as I am frequently asked by constituents what personal care is. The inclusion of a definition is fairly fundamental.

As well as benefiting individuals, the funding of personal as well as nursing care should make it easier to integrate health and personal care services. It should eliminate, or at least greatly reduce, the hidden drain on resources, both financial and human, that results from having to decide what falls within or outwith definitions and, therefore, budgets.

I welcome particularly the elements of the bill that will make a difference for carers. The general principles of the bill should promote the role of carers as partners in care provision. The positioning of carers as key partners in the provision of care should replace the all-too-prevalent perception that carers are clients and are a drain on resources, which results in their being sidelined and ignored. The contribution that carers make must be acknowledged. The hundreds of thousands of carers in Scotland are relieving the statutory authorities of service provision that is valued at anything up to £3.4 billion. Sadly, that contribution is sometimes not recognised. Even more sadly, it is often totally unsupported.

That is why the extension of the right of carers to

have their needs assessed independently of the cared-for person is important. To benefit from that, however, carers have to know what their rights are and how to access them, and the resources have to be there to meet the identified need. The statutory authorities must recognise the special circumstances of many carers that might lead to isolation and make it difficult for them to take care of their needs and participate in consultation, for example. If one's caring commitments are such that one has no opportunity to take a break from them, how can one seek out information on respite care or go to meetings to discuss better service provision? We have to invoke the Heineken principle and ensure that we reach parts that we have not reached before.

I make a special plea on behalf of young carers. Too many children are shouldering adult burdens and are being robbed of their childhood. We are failing them badly and my experience shows that, even when we know who they are and where they are, the support that is available to them is thinly stretched.

I strongly support the recommendation that the health service and local authorities should have a duty to identify carers. If they do not identify carers, how can they either work properly with them in partnership or see that they have the support that they need to carry on caring? To illustrate the necessity for that, I will tell members of a case that recently made me extremely angry. An 80-year-old man who had been caring single-handedly for a dependent wife discovered by pure chance—by way of a passing remark by an acquaintance—that voluntary respite care was provided in the town that he was living in. His household had been visited regularly by medical staff and someone, somewhere, should have seen what was happening and put that man in touch with the resources that eventually made an enormous difference to his quality of life.

I welcome the bill in total and the provisions for carers in particular. I also welcome the elements of the bill that will facilitate people working together.

16:04

Irene Oldfather (Cunninghame South) (Lab): I offer my congratulations to the new minister and his two deputies. I also extend my good wishes to Susan Deacon. As Margaret Smith said, two of the three ministers have come from the Health and Community Care Committee. All bring with them invaluable parliamentary experience that will be helpful in the months ahead.

I am pleased to be able to speak in today's debate. Community care has been at the heart of the work of the Parliament since it was set up and

I know the hours of effort that the Health and Community Care Committee has devoted to this subject, first with its community care inquiry and, more recently, in taking evidence in connection with this bill. Today seems a little bit like a reunion as Kay Ullrich and I, both former members of the Health and Community Care Committee, are back in the debate. It is nice to be here. The Parliament owes the committee members and convener its thanks.

When the Scottish Parliament was set up, many of us said that the test of its success would be whether it changed lives for the better. There cannot be a clearer demonstration of that than the potential that the bill offers for our older people. Other speakers have made pertinent points about the opportunities that the bill presents. There is widespread agreement that an assessment of the needs of carers is a welcome development. As well as ensuring that local authorities have a duty to inform carers of their rights, we must ensure that there is adequate follow-through on assessments. Carers must not be left feeling that assessments have been bogus exercises. I take heart from the minister's comments and look forward to seeing his proposals at stage 2.

The minister mentioned equity and fairness. Those involved in caring for the elderly will wholeheartedly endorse those principles. As the minister said, they must translate into tangible benefits. I join others in welcoming the minister's commitment to introducing a definition of personal care. I ask him, when he defines personal care, to take careful account of the nutritional needs of the elderly. To keep old people healthy, we must ensure that they eat properly in hospital, in residential accommodation and at home. Unfortunately, research has shown that many older people in care and in the community are undernourished. For those with Alzheimer's disease or dementia, the provision of a cooked meal is just as important as ensuring that they take their medication. For others who are physically frail, assistance with eating is needed. That is part of good health and must be recognised.

Few would disagree with what I am saying. There is a voluntary group in my area that prevents those on the margins of maintaining independence in the community from going into care. Despite that, the group is unable to obtain funding because it does not provide a statutory service. It falls between the health board and social services department. Recognising the importance of nutritional needs as part of personal care would better allow old people to benefit from voluntary provision. That brings me to joint working, which all of us welcome. It is important that voluntary organisations are integrated fully into the process of caring.

A challenging agenda lies ahead, particularly for smaller local authorities in which management and staffing structures are lean. Although my local authority fully supports the principles of the bill, it would welcome assurances that it will be guided and supported in implementing the major but welcome policy shift.

The debate has been useful. I hope that the message goes out from the Parliament that we value our old people and that we are committed to ensuring dignity in old age. I support the motion.

16:08

Alex Fergusson (South of Scotland) (Con): I take part in the debate with great personal pleasure. That is partly because, as I am now on the wrong side of 50, I am keen to ensure that as much as possible is free for the elderly. It is also partly because it gives me an opportunity to warmly welcome the minister and his deputies to their new posts. They will not need me to remind them of the importance of their task. I am sure that all members wish them well for the future.

I take part in the debate with pleasure particularly because, however hard Nicola Sturgeon may find it to accept, I have always been uncomfortable with the notion that, if someone works hard all their life, saves what they can, perhaps manages to buy their own home and to put something aside to leave to their family, all their efforts may be negated should they be unfortunate enough to be in need of long-term care in their old age. That becomes all the more perverse when we realise that someone who has been profligate all their life, never saved a penny or even thought about retirement has their long-term care costs met in full by the state. That seems to me to be utterly wrong. In effect, hard work is being penalised and profligacy is being rewarded. That completely undermines the ethic of personal responsibility on which any free society rests and, in reality, provides people with a huge disincentive to make sensible provision for their future.

I was delighted when we as a party accepted the principle proposed by the Sutherland commission that personal care—let us be clear that we are talking about the cost of personal care only, not the hotel costs of board and lodging—should be provided free at the point of delivery by the NHS. That is right and proper and the Scottish Conservative party will play its full part in bringing it about.

I will spend a short time on annexe B of the Health and Community Care Committee's report. My point concerns an item of supplementary written evidence from Age Concern Scotland that concentrates on the vexed question of notional

capital—a suggestive and condemnatory phrase—which determines whether someone has disposed of capital specifically to avoid any charges for their care. The case studies that are listed by Age Concern Scotland—no doubt most members have been made aware of similar cases in our regions and constituencies—show that the concept of notional capital has led to appalling cases of apparent injustice that take a considerable time to solve and undoubtedly cause a great deal of added stress to someone who is already ill. In our view, that is an untenable situation that I hope can be corrected during the passage of the bill.

The south of Scotland region, which I represent, and the region of Dumfries and Galloway, in which I am lucky enough to live, have a very high age profile. There is a disproportionate number of the elderly in those regions. I suspect that that situation applies to rural Scotland in general. Many people choose, after all, to retire to the country for the peace and tranquillity that the countryside offers. The bill is of great importance to rural Scotland.

Rumours have circulated from time to time that the provision of free care for the elderly will somehow bring hordes of pensioners from south of the border to live in the sort of free-care havens that might be offered in rural Scotland. We utterly reject that theory. If teachers have not been tempted north by the McCrone settlement—and evidence shows categorically that they have not—there is no reason to suggest that pensioners would be similarly tempted to live in a part of the United Kingdom with which they are unfamiliar and in which they would, therefore, feel somewhat uncomfortable.

We greatly welcome the provision of free personal and nursing care, but we have always made it clear that that should be looked upon as a solution for the short to medium term only. Much more work needs to be done to find the best long-term solution, which should encourage people to make more provision for themselves in a way that would benefit the thrifty without rewarding the profligate. Such a solution might well include encouraging people to make provision during their working lives not only for their pensions but for care costs. For that to succeed, assets that people build up during their working lives must be protected.

People need incentives; they respond to them. Without incentives, people will not bother to make provision for care. Forcing people to sell their assets to pay for care is no incentive, so the current situation must be addressed.

I look forward to following the passage of this bill through Parliament, and I warmly welcome its publication.

16:13

Colin Campbell (West of Scotland) (SNP): I want to reiterate the point made anent the £20 million attendance allowances that are being held back by the UK Exchequer, to which the people of Scotland who are in care are entitled. First, it is a small sum when compared with the global totals that the Chancellor tinkered with yesterday; it should not be the subject of internecine strife between the Scottish and UK Governments. Secondly, at the risk of provoking the UK parties—although a little provocation this afternoon may get things going a bit—I have to say that, if Scotland had fiscal autonomy, preferably as an independent nation, this particular dispute would not be necessary.

The underlying issue that the debate addresses is clear: there is a lack of uniform provision in the present arrangements, with people in hospitals having free care and people in nursing homes having to pay.

Ben Wallace (North-East Scotland) (Con): If Scotland was independent, will Mr Campbell tell us where he would find the £20 million? Whom would he tax to get the £20 million to provide free personal care and the extra money that Scotland receives through the Barnett formula?

Colin Campbell: We have already paid the money in tax to the United Kingdom Exchequer; it is sitting there as part of the totals that we have already paid in. Good try, Mr Wallace.

There is little doubt that care is an enormous problem that will only become greater. Life expectancy has increased as a result of improved living conditions, safer working conditions, increased leisure provision and technological advances in health care. Concomitant to that is an increase in the survival rate and an increased financial burden on the employed population.

I was going to remark on the absence of a definition of personal care. I am delighted to have been able to delete that part from my speaking notes and I am pleased that Malcolm Chisholm will address the point in the proposed primary legislation, where—as Nicola Sturgeon said—the definition must be enshrined.

I was impressed by the proposal to put carer awareness into the main stream. The value of that is obvious. So many professionals are so overwhelmed with their work that, if a certain service that they provide is not understood to be a *sine qua non*—or essential—of their job, there is a danger that it may be omitted, even by the best intentioned among them.

We all share the Government's ambition to get legislation in this area right. I say that objectively, not—as Alex Fergusson was indicating—because

I am chronologically closer to the possibility of requiring care than some other members, although I understand that the need for care is not necessarily age-related.

I make a presentational plea. My experience from talking to constituents with benefit difficulties is that such problems inevitably expose the labyrinth of regulations surrounding all Government allowances, which people have to wade through with great difficulty. I ask the minister, after his section-by-section overview, to remember the advice given by a former agent of mine—KISS, or “Keep it simple, stupid.” It was not pejorative; it was just a bit of advice to me. I ask that even the complexities of the worthwhile regulations that flow from the eventual legislation be easy to read, clear, concise and comprehensive, for the benefit of carers and people who require care. People in those situations do not need to have to wade through the small print of legislation. I make that plea to the minister as a former teacher to a former teacher.

The Deputy Presiding Officer: If members want their time to be extended, permission will gladly be given on this occasion.

16:17

Karen Whitefield (Airdrie and Shotts) (Lab): I add my congratulations to Malcolm Chisholm and his two new deputies. I wish them well in their new role. I pay tribute to the work of Susan Deacon, our former Minister for Health and Community Care.

I am particularly pleased to be able to speak in the debate because I am not a member of the Health and Community Care Committee. For that reason, and as the convener of the cross-party group on carers, I intend to limit my remarks to carers issues. Much of what I intended to say has been expressed well by committee members, who are well aware of the issues.

Before commenting on the sections of the bill that relate to carers issues, I pay tribute to Health and Community Care Committee members for their stage 1 report. I welcome the report, and hope that the Executive will give it full consideration.

There is no need to highlight the vital role played by carers. Discussions about the vital support that they provide have been well rehearsed. We have all heard the relevant figures and we are all convinced of the value of carers in Scotland and of the need to ensure that they receive proper recognition, support and assistance.

Representatives of Carers Scotland gave the Health and Community Care Committee moving evidence regarding the need for strong

assessment and support structures for carers. I was pleased to note how they felt:

"The principles of the bill offer the opportunity to revolutionise the experience of carers in Scotland and to change fundamentally their status and position, from being perceived as needy and a drain on resources to being seen as partners in the provision of care."—[*Official Report, Health and Community Care Committee*, 24 October 2001; c 2062.]

The carers strategy began the process of providing proper recognition to Scottish carers and clarified the commitment of the Parliament and the Executive to carers. The bill continues to strengthen that commitment.

I am pleased that the bill will ensure that carers have an independent right to assessment. However, the right to an assessment is useful only if the carer is aware of it. In that regard, I share some of the concerns of Carers Scotland, of other carers organisations and of members of the Health and Community Care Committee, and find myself agreeing with the recommendations in the committee report.

There is compelling evidence to suggest that there is a need to impose a duty on local authorities and the NHS to take steps to identify carers and to ensure that carers are informed of their right to an assessment. There is a need for clear and flexible guidelines, although such guidelines will not be enough on their own. If we insert a statutory duty in the bill, we will provide a much greater incentive to local authorities and the NHS and greater recourse for dissatisfied carers or carers organisations.

I am pleased that the bill recognises that carers are key partners in the delivery of care services. Many local authorities already work in partnership with carers. Indeed, my local authority, North Lanarkshire Council, has successfully involved carers in the design of services. I am also pleased that the minister indicated that the Scottish Executive is willing to lodge an amendment that will give young carers the right to assessment, which I believe is a vital step. Young carers face a particularly difficult task. The burden of caring can often have a negative impact on their education and on their ability to socialise with their peers. They deserve all the support that society can provide.

I will conclude with a few words on the importance of providing respite to carers. Carers Scotland was right to point out that carers should not be seen as clients or recipients of services, but as the providers of services. They need support and assistance in the provision of care, including the provision of adequate respite. We would not dream of asking professional carers in the NHS or in local authorities to provide care 24 hours a day, seven days a week, and we should not expect

such a service from Scotland's carers. We need to provide proper respite, so that carers can spend time away from their caring duties, safe in the knowledge that the person for whom they care is not suffering as a result of their absence.

I reiterate my opening point. I am pleased with the bill's provisions on carers, but the Executive could still go a step further and deliver a Scottish bill that would be the envy of carers across the United Kingdom.

16:22

Mr Keith Raffan (Mid Scotland and Fife) (LD):

I welcome the minister to his new post. When I first became a spokesman on health, there seemed to be at least two health debates a week. I was thrown in at the deep end and asked the minister how I should deal with the situation. He metaphorically put his hand on my shoulder and said, "Keith, specialise—and quickly," meaning in those areas in the health field in which I felt I had some in-depth knowledge. I respect the way in which he has initiated and responded to debates as a deputy minister and I wish him well in his new post. I also congratulate his two deputies.

I am sorry that we have lost Susan Deacon from the Executive. I respected her commitment, her obvious concern and her desire for an improved health service. Not least, I respected the quality that she brought to debate in the chamber that might best be described as feistiness. I may not always have agreed with her, but I certainly have great respect for her.

I welcome the Community Care and Health (Scotland) Bill. As others have said during the debate, the bill goes beyond free personal care for the elderly, but I will restrict my comments to that issue.

I resigned as my party's health and community care spokesman earlier this year over free personal care for the elderly. That is past history—I do not want to rake over it. Despite the fact that I have been given extra time, I will not abuse that position by giving the chamber a lesson on that quite colourful period in the Parliament's history.

Members: Go on.

The Deputy Presiding Officer: Order. Carry on, Mr Raffan.

Mr Raffan: A lot has happened since then, not least in the past few days—so that period is almost pre-history.

We have come a long way since the Minister for Parliament made that famous statement to Parliament in January, just a few minutes before decision time, conceding on free personal care on behalf of the Executive. I pay tribute to the new

Minister for Health and Community Care for the way in which he has made progress on the issue since then. Few of us would have believed that he could have produced—virtually on time—the care development group's substantial report. He met a tight deadline. He and the Executive have been as good as their word.

I do not find much with which I would disagree in the SNP amendment, although it has been overtaken by events and, in particular, by the minister's opening speech. I welcome the minister's willingness to produce an amendment that contains a definition of free personal care. That is important and I look forward to such an amendment being lodged at stage 2. I presume that the amendment will be along the lines of paragraph 4.14 of the care development group report. It is as clear a definition as any that I have seen. I would be grateful if the minister could confirm that when he winds up.

Nicola Sturgeon: Will the member give way?

Mr Raffan: I will finish my point, then—as I have so much time—I will be happy to give way to Ms Sturgeon.

I hope that the minister will lodge an amendment along the lines of paragraph 4.14.

Nicola Sturgeon: I may be jumping the gun somewhat, but I hope that Mr Raffan accepts that only half of the SNP's amendment has been overtaken by events this afternoon. The other half of the amendment remains perfectly valid and is important. Does he agree that we should send a clear message to our counterparts in Westminster that this Parliament will not tolerate its policy of undermining free personal care?

Mr Raffan: I am grateful to Ms Sturgeon for providing a trailer for the better part of my speech, which is about to come. I thank her for that commercial break before I go on with part two. Ms Sturgeon has jumped the gun by anticipating the important point to which I am about to come.

The Parliament has been patient about the Executive's negotiations with the UK Government on attendance allowances. I am somewhat mystified that Nicola Sturgeon continually used the term "Westminster" in her speech, because the issue is very much between the Scottish Executive and the UK Government, especially the Treasury and the Chancellor of the Exchequer. I do not want to say or do anything—not that I could, for that would be grandiosity in the extreme—to upset delicate negotiations between the Executive and the UK Labour Government. Anything that might have caused upset has happened in the past 48 hours. However, I am concerned that the negotiations have dragged on for such a long time.

The Government and the chancellor seem to be

dragging their feet over the payment of attendance allowances, the value of which is about £20 million. Mr Campbell said that £20 million is not a lot of money in global terms or as a proportion of the total budget either down south or up here, but £20 million is a significant amount that would need to be found from elsewhere if it were not provided by the Treasury, as I passionately believe that it should be. That means that cuts would need to be made elsewhere within the Scottish block, which I would find difficult—in fact, impossible—to accept.

Ms Sturgeon mentioned all-party unity, as did Ms Scanlon, although—not for the first time—I found it difficult to follow the logic of Ms Scanlon's speech. I do not want to make a partisan point, but we should speak with one voice so that there is no illusion down south—either in the UK Government or at Westminster—about how strongly we feel.

Mary Scanlon: Will the member give way?

Mr Raffan: I will finish this point.

Indeed, in view of the widespread speculation in the media in the past few days, the important question concerning resources for the long-term cost of free personal care for the elderly needs to be settled. I do not want to create problems—I do not think any of us does—but it is important that we speak with one voice and sing from the same hymn sheet, so that the word goes forth from the chamber and they understand down south that we are all speaking together, no matter what political party we belong to. The UK Government should be under no illusion about the strength of feeling on free personal care that exists across the parties.

When the minister winds up, I hope that he will say something about the important resources issue. There has been much speculation about the long-term cost of free personal care for the elderly and when the speculation comes from academics, it is always more worrying. One can dismiss tabloid speculation, but speculation that comes from those who are specialists in the field must cause real anxiety.

I hope the minister will also touch on a point that is not in the bill. I understand why it is not in the bill but it is a point that I have raised with him before and it is directly related to free personal care—free personal care for the disabled. The minister will know that a number of organisations—not least the Leonard Cheshire homes—have raised the issue. In one of those answers that we get at question time that are not as helpful as written answers, the then deputy minister said that the issue would be considered after the bill. I hope that he can assure me that that is still the case.

With those provisos, I wish the minister and the bill well.

16:30

Mrs Margaret Smith: We have had an interesting debate. The ministerial team should take from it that the bill has the support of the whole chamber. Some outstanding issues remain to be worked through at stage 2. As convener of the Health and Community Care Committee, I look forward to doing that.

I thank colleagues for their kind comments about the work that has been undertaken by the members and clerks of the Health and Community Care Committee over more than two and a half years. We have been committed to the issue and we welcome the bill. We also welcome many of the minister's comments. We welcome the fact that there will be a definition of personal care in the bill. That is important to make sure that provision is protected in future. We also welcome the minister's comments about young carers being eligible for assessments.

I am concerned that the minister has not accepted the point about the general principles being in the bill. That is important, and I take Nicola Sturgeon's earlier point that general principles have been stated in other bills—in the proposed mental health bill and in the Housing (Scotland) Bill, for example. The approach has value, in sending a general message that carers are partners in the provision of care, because, as Nora Radcliffe said, the care that they provide is worth somewhere in the region of £3.5 billion.

To put that in context, that is more than half the Scottish health budget or half of what statutory organisations provide for health care. The carers of Scotland contribute to our society, so the general principles of the bill should acknowledge carers as partners in care. The general principles should also acknowledge the principles of equity and fairness that are behind the bill and the need for joint working between statutory bodies, the voluntary sector and carers. That would be a valuable move.

It is important that we acknowledge the role of the voluntary sector and I am pleased that the human resources group, which is chaired by Peter Bates, will include representatives of the voluntary sector, as well as unions, professional bodies and chief executives. That is a welcome move.

I take Margaret Jamieson's point about the private care sector. We asked Scottish Care to give evidence to the committee, but it was unable to do so. That does not mean that we should stop listening to what Scottish Care has to say. The organisation is crucial to making progress with the bill because changes that might come about in care home fees will have an impact on the funding of the policy. It is important that we continue in the spirit of partnership and continue the dialogue with

Scottish Care.

Many colleagues identified the need for better joint working. Some problems exist, such as bedblocking, which was identified by Mary Scanlon and Bill Aitken and which is a tragedy for those involved and their families. I hope that better joint working will result in a reduction in the number of people—currently 2,000—who are waiting in blocked beds and receive what amounts to inappropriate care in institutional settings. Bill Aitken mentioned my area, Lothian, where the care home sector has problems because of property costs in Edinburgh and the difficulties of accessing a work force in a buoyant local economy. There are no end of wider community care issues, with which the ministerial team and the Health and Community Care Committee will have to wrestle.

The Health and Community Care Committee has been sceptical about the move towards joint working. We do not think that it has happened fast enough. Unfortunately, the evidence that we have been given and the attitudes that we have encountered do not suggest that there is a groundswell of people who are willing to break down the barriers between professionals and between budgets, and other barriers, to make joint working a reality.

The committee accepts the Executive's preferred policy on joint working. In its stage 1 report, the committee says that it

"feels that it is appropriate at this time to allow a degree of flexibility. However if the Executive has to consistently apply the power of enforcement the Committee would recommend that consideration be given to the establishment of an overarching body as outlined"

in our previous community care report. I am happy to be proved wrong, but if ministers must consistently apply the power of enforcement to ensure that joint working happens, perhaps an overarching single body, which we suggested a year ago, is required. I hope that I am wrong—I am occasionally.

Several members spoke about carers. The Health and Community Care Committee is happy that carers will receive their own assessments as a result of the bill. It is important that carers are given information about assessments, that they are told that they have a right to expect an assessment and that their needs in their caring role are identified.

Many carers have cared for their husband, wife, son, daughter, mother or whomever for many years. They think of themselves not as carers, but as family members. We must identify those people. Often, they come into contact not with social workers—because they do not identify

themselves as carers—but with GPs, community nurses and, if they are young carers, school nurses. People who work in statutory bodies should be told that they have an obligation to identify carers. That might happen over time, but we want the Executive to reconsider the matter.

I am running out of time. Irene Oldfather made important points on diet and Alex Fergusson's comments on notional capital are covered by the Health and Community Care Committee's stage 1 report.

I welcome the bill and look forward to working with colleagues on stage 2.

16:37

Ben Wallace (North-East Scotland) (Con): The road to today's debate has been long. From the moment that the Sutherland report recommendations and their implications for personal care were mooted, many members pushed for their implementation. The Executive was quick to respond. It was quick to implement some measures and quick to reject others. It was quickest on personal care.

The bill is an achievement for the Parliament, but I question whether it is an achievement for the partnership—the Lib Dem-Labour Executive—which fought to fudge the matter or to reject the proposals of the Conservatives and the SNP. The bill needs considerable work if it is to provide free personal care for the elderly and untangle the present muddle.

The bill has few principles. We should reflect on the reason for that. May I be so bold as to suggest that it is because the bill was drafted before the care development group's report was published, which makes it something of a hotch-potch of amendments?

The bill allows for plenty of measures, but directs the implementation of few. We would prefer stronger directions to local authorities to produce national and standardised rates, for example. Surely the minister is aware of the clear recommendation of the Accounts Commission and the care development group that local authorities must clarify and prepare charges for home care and other services, in preparation for the implementation of the bill.

The opportunity to insist on those reforms does not seem to have been taken. The same goes for single and pooled budgets. The bill may allow some of those changes, but unless the minister makes the situation clearer in regulations, I fear that some of Sir Stewart Sutherland's recommendations will be pushed aside.

We must be clear about why we are here. Long-term care was in a mess for many reasons—there

are too many to list them all, but turf wars, inefficient accounting methods, the siphoning of funds from their intended destinations, lack of joint working and arguments over types of care were the main thrust behind the need for the Royal Commission on Long Term Care.

We believe that, unless the system that is to deliver community care is transparent, flexible and standardised, the patient will not receive the correct care for their specific needs. Real leadership is required to implement the strategic reforms in the bill. When the minister looks at the regulations, he should consider that point carefully. The Scottish Conservatives seek real assurances from the minister on those matters.

We are not minded to back the SNP amendment, as it has hijacked many of the recommendations that were contained in the Health and Community Care Committee report. At stage 2, we will ensure that the Executive sticks to its word. That is the right and proper time for us to do that.

I associate myself with the comments that Bill Aitken and Karen Whitefield made about carers. I also agree strongly with what Margaret Jamieson said. The SNP talked of a pot of money that waits in Westminster with Scotland's name written all over it—we have heard that one before.

Nicola Sturgeon: Will the member take an intervention?

Ben Wallace: No. I will get back to Nicola Sturgeon in a minute.

A question mark exists over the £20 million and the changes to the attendance allowance. I have a letter from the Department for Work and Pensions. I wrote to Alistair Darling asking him to consider changes to the attendance allowance and to state his position on the issue. The reply is recent. I hope that the minister is aware of its contents—the Executive may have been given a copy. The final paragraph is important. The last sentence says:

"The rules exist to prevent the duplication of payment designed for the same purpose and it is only right that they remain uniform throughout Great Britain."

If negotiations were not going on, that would be a matter of serious concern. The negotiations seem to be taking longer than any others that I have come across. Keith Raffan alluded to that. I ask the minister to provide us with details of the negotiations.

If we are not to receive the £20 million, I implore the minister to make plans to ensure that we get free personal care; I ask him to identify where he can find funds within existing budgets. Finance should not be allowed to be a barrier to free personal care.

Nicola Sturgeon: Will Ben Wallace, as a Tory member of the Scottish Parliament, ever stand up and fight for Scotland's interests? He says that the SNP refers to pots of money, but will he agree now that the £20 million that is already paid in attendance allowance to Scottish pensioners is money that rightly belongs to Scotland? Will he further agree that that money derives from taxes that have been paid by Scottish pensioners for that purpose? Will he say to Westminster—or the UK Government, as Keith Raffan prefers to call it—that it is unacceptable for that money not to be kept in Scotland?

The Deputy Presiding Officer: Ben Wallace should please answer and close his speech.

Ben Wallace: I say to Nicola Sturgeon that it was I who wrote the letter to a UK Government department. I have not seen her writing letters. It was I who got the answer on behalf of the Scottish Parliament. If anyone is sticking up for Scotland, it is I. Rather than chirping from the sidelines, the SNP should try to get the answers.

We support the Executive's motion. We welcome the bill. We will scrutinise it carefully at stage 2 to ensure that the minister and the Executive stick to their word. It will be a good day for the pensioners of Scotland when, at last, the frugal are not punished at the expense of those who perhaps did not bother. I urge the Parliament to support the Executive motion and to reject the SNP amendment.

16:43

Shona Robison (North-East Scotland) (SNP): I will not go through all the congratulations that are due—members can take them as read. Suffice it to say that I am excited about the prospect of not knowing which Deputy Minister for Health and Community Care I will be up against in each debate. I look forward to debating with them.

The stage 1 debate has produced much agreement. The bill provides us with an opportunity to make a major impact on the way in which community care services are delivered. Key to the enhancement of the rights of users and carers are free personal care, direct payments, carers' assessments and joint working. The bill is based on the principles of equity and fairness.

As many members have highlighted, all bar one of the organisations that gave evidence to the Health and Community Care Committee said that they would like the general principles to be included in the bill. As was said, that has been done in other bills, most notably the Regulation of Care (Scotland) Bill and the Mental Health (Public Safety and Appeals) (Scotland) Bill. The minister cited difficulties in interpretation, but I am not convinced about such legal barriers, which have

not been a problem with other bills. I ask him to look at the issue again at stage 2.

The general principles should promote the role of carers in the delivery of care. The bill presents us with an opportunity to enhance the role and rights of carers. Janis Hughes proved that that needed to happen when she described the evidence given by the carer Isobel Allan. There should be a duty on local authorities and the NHS to take steps to identify carers and to ensure that they are informed of their right to an assessment. I am not convinced about the legal difficulties of doing that, which the minister outlined. I would welcome his saying that he intends to consider building on the new right for assessment for carers, which I hope will meet carers' demands—we will hear from them whether it does. I welcome the extension of the right to assessment to young carers. That is an important provision.

On direct payments, I welcome the fact that the minister recognises that the needs of service users are paramount, despite the difficulties that, as he highlighted, that might bring to local authorities. Local authorities have to be confident that their services will be of such quality that users will choose to use them. That is about empowerment and choice. I hope that the bill will impose a duty on local authorities to inform users about direct payments.

On joint working, the bill removes the legal barriers between agencies, as many have said. However, the question remains whether that goes far enough, as was said in evidence to the Health and Community Care Committee. There are compelling arguments for a single budget. I was pleased to hear a number of people say that that will not necessarily be ruled out for the long term. Perhaps when the minister sums up he will confirm whether that is indeed the case. I support Margaret Jamieson's comments and her call for a national pay scheme for all those involved in joint working. That is also important.

Free personal care is, as many have said, the settled will of the Parliament. I welcome the minister's commitment to lodge an amendment to include a definition of personal care in the bill. That is an important concession. However, it was right for Nicola Sturgeon to comment on the recent utterances made by a couple of members who do not seem to have signed up to that settled will of the Parliament and still peddle the myth of rich pensioners. I am sure that Kate MacLean's comments will not go down well with the hundreds of pensioners in her constituency who have struggled all their lives to save, and perhaps to buy their council house, and who will be the beneficiaries of the bill. I am sure that they will have noted her comments about how rich and undeserving they are. I hope that the minister will

take this opportunity to distance himself from Labour back benchers' comments on the issue.

As Margaret Smith said, the bill will benefit not only those who go into residential and nursing home care but the tens of thousands of people who receive personal care in their own homes. Nicola Sturgeon and I raised that issue many times in the early stages of the debate and are happy that it has been recognised as an important effect of the bill.

As Colin Campbell and others have highlighted, the arguments in favour of Westminster continuing to pay attendance allowance to those in Scotland who qualify for it are indisputable. The argument has been strengthened by the decision that attendance allowance will continue to be paid to residents of nursing homes in England and Wales who will receive free nursing care, the definition of which is likely to include elements of personal care. The Department for Work and Pensions is not being asked to increase its expenditure, as the money is already coming to Scotland. Ben Wallace should know that, but he seemed ignorant about the issue. I would be happy to bring him up to speed with that after the debate.

As Nicola Sturgeon said, the concern is that Henry McLeish was personally involved in the negotiations with Westminster over the matter, as Malcolm Chisholm confirmed in his evidence to the Health and Community Care Committee. We now need assurances that the new First Minister will be as involved and as committed to pursuing Westminster for Scotland's attendance allowance moneys.

Mary Scanlon should not cut off her nose to spite her face. If she agrees with the SNP amendment in principle, she should not get hung up on silly arguments about who lodged it. If it is right, it is right, and she and everyone else in the chamber should support it. As Keith Raffan said, the Parliament should speak with one voice. Tonight, members have an opportunity to do that. I urge them to do the right thing and support the amendment.

16:50

Malcolm Chisholm: To confuse Shona Robison even more, I am afraid that, although she is up against me in this debate, I assure her that that will not happen again. We look forward to hearing from Hugh Henry and Mary Mulligan, probably starting with one of them at 5 pm tomorrow, when we will have the first health-related members' business debate for more than a year in which I have not summed up.

This has been the second excellent health and community care debate in two weeks. This debate and the debate on mental health law have shown

the Scottish Parliament at its best. I thank Nicola Sturgeon, Margaret Smith, Mary Scanlon, Janis Hughes and others for their good wishes to Susan Deacon. I reiterate those good wishes. I also thank Margaret Smith, Tricia Marwick and others for their kind remarks about me.

Many detailed points have been made in the debate and I would like to touch on two or three of them before moving on to the broader themes. Nicola Sturgeon and Alex Fergusson raised the issue of a precise time limit for notional capital. I assure members that the Executive is committed to ensuring that people in receipt of residential care are treated in a fair and equitable manner. There are already national regulations and guidance covering notional capital based on the circumstances of each individual case.

Nicola Sturgeon mentioned top-ups and protecting individuals' disregarded income. Those are sensitive issues and regulations will need to be carefully framed to balance the aims of allowing choice, protecting people from pressure to impoverish themselves and ensuring that people with existing top-up arrangements are not adversely affected.

Margaret Smith and Nicola Sturgeon also raised the issue of deferred payment agreements. We expect that deferred payments will not be difficult to administer locally, as local authorities will simply pay the person's care home fees in the normal way, recover an income contribution and keep a record of the extra money owed to be recovered from the person's estate. Because that process is so closely tied into local authorities' normal care funding and means-testing arrangements, it is difficult to see how such a scheme could be administered nationally. Funding has already been allocated to local authorities for that from next April.

I move on to the broader themes of the debate. Support for carers was perhaps the strongest theme of all. In particular, I note the contributions from Janis Hughes, Irene Oldfather, Karen Whitefield and Shona Robison. I have made clear the Executive's full support for the principle of carers as partners in providing care. That means carers of all ages. The bill makes important steps in extending carers' rights to have their needs assessed in their own right. As I said, I will look closely at how we may reinforce that by ensuring that local authorities make carers aware of that right. I believe that that approach will be the best way of offering better support to Scotland's carers. Janis Hughes also mentioned her constituent, Isobel Allan, whom I was pleased to meet recently. I echo what Janis Hughes said about her. Janis Hughes also mentioned respite care provision, which will be an integral part of assessment. I remind members of the 22,000 extra weeks of

respite care that are provided from last October's funding package.

That takes me on neatly to the subject of resources, to which Tricia Marwick referred. I remind members that £100 million was allocated for older people's services in October 2000 and that an extra £100 million was announced by Angus MacKay in June this year. That is an unprecedented investment in older people.

Many members welcomed the direct payment proposals. Nicola Sturgeon asked about support for them. We have given £400,000 to the UPDATE consortium to support people using direct payments. Moreover, local authorities will be required to inform people of their rights.

Margaret Jamieson mentioned resource transfer and grant-aided expenditure for older people's services, as did Margaret Smith. The importance of those matters is highlighted on pages 28 and 29 of the care development group's report.

Margaret Jamieson also reinforced the need for a partnership approach with staff in particular. We share her view. The integrated human resources working group embodies that approach and, by the end of the year, it will have consulted more than 1,000 people. The group includes five trade union representatives. Some members of staff have expressed interest in a single public sector pay scale. I look forward to receiving the group's report in the spring.

I have dealt with Mary Scanlon's remarks about home care and will not repeat myself. However, I want to reinforce my point about the intensity of home care and health visiting. The average number of home care hours per client is rising, as are total home care hours. The number of clients who receive more than 10 hours of home care a week rose by 1,500 during the first year of the Parliament. As I said, resources for home care are increasing in an unprecedented way.

Mary Scanlon highlighted the importance of delayed discharges. The care development group report drew attention to that issue and, in my first day in the job, I have flagged it up as part of the more general issue of delays in the journey of care. We are committed to dealing with the issue as one of our key health priorities.

Many references were made to the care development group's report. Keith Raffan asked about long-term costings. That is a complicated subject, but I repeat that we used one of the best economists in Scotland—David Bell—so we can be confident about the costings that have been given. The care development group's recommendations are being taken forward by an implementation steering group under the convenership of Alexis Jay.

I reassure Shona Robison about attendance allowance. The First Minister will pursue the issue with Westminster. We will concentrate on the merits of the argument rather than turning the issue into a constitutional stand-off, as some SNP members seek to do.

Nicola Sturgeon: Perhaps the minister will take this opportunity to update us on the progress of negotiations with Westminster. In particular, will he tell us what contact there has been with the UK Government on the matter since Henry McLeish's resignation? Will he concede that the issue is fundamental to the implementation of free personal care and that pensioners should be given some certainty?

Malcolm Chisholm: The First Minister was sworn in yesterday. Nicola Sturgeon should give him a little more time before we update her on progress on the matter.

The SNP amendment refers to attendance allowance and the definition of personal care, but it is now redundant. It would be illogical to express concern over the lack of a definition of personal care in the bill, as I have assured members that we will put such a definition in the bill. I am glad that other parties have accepted that the amendment is no longer necessary.

I remind members of the general principles that underpin the Community Care and Health (Scotland) Bill: choice, partnership, equity and fairness. With those principles, the bill paves the way for free nursing and personal care, the extension of direct payment schemes, an independent right to assessment for carers, improved arrangements for joint working and many other improvements to the provision of care and health services. The principles are admirable and I commend them to the chamber. I ask members to join me in supporting the bill.

Community Care and Health (Scotland) Bill: Financial Resolution

16:59

The Presiding Officer (Sir David Steel): The next item of business is consideration of a financial resolution. I ask Peter Peacock to move motion S1M-2484, on the financial resolution in respect of the Community Care and Health (Scotland) Bill.

Motion moved,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Community Care and Health (Scotland) Bill, agrees to the following expenditure out of the Scottish Consolidated Fund –

(a) expenditure of the Scottish Administration in consequence of the Act; and

(b) increases attributable to the Act in the sums payable out of that Fund under any other enactment.—
[*Peter Peacock.*]

Business Motion

17:00

The Presiding Officer (Sir David Steel): The next item of business is business motion S1M-2489, in the name of Euan Robson. If any member wants to speak against the motion, they should indicate that now. I call on Euan Robson to move the motion.

The Deputy Minister for Parliamentary Business (Euan Robson): Before I move the motion, Presiding Officer, I must explain that the change to tomorrow's business is to allow for the election of a new Deputy Presiding Officer, following the resignation of Patricia Ferguson.

I move,

That the Parliament agrees—

(a) as a revision to the Business Programme agreed on 22 November 2001

Thursday 29 November 2001

after Business Motion, insert

12.30 pm Election of Deputy Presiding Officer

(b) the following programme of business

Wednesday 5 December 2001

2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Equal Opportunities Committee Inquiry into Gypsy Travellers and Public Services

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business - debate on the subject of S1M-2175 Ms Sandra White: European Year of Languages 2001 & BSL

Thursday 6 December 2001

9.30 am Stage 1 Debate on the Water Industry (Scotland) Bill

followed by Financial Resolution in respect of the Water Industry (Scotland) Bill

12.00 noon Ministerial Statement

followed by Business Motion

2.30 pm Question Time

3.10 pm First Minister's Question Time

3.30 pm Executive Debate on Improving Scotland's Youth Justice System to Build Safer Communities

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business - debate on the subject of S1M-2428 Mr Kenneth Macintosh: 2002, Autism Awareness Year

Wednesday 12 December 2001

2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Executive Business

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 13 December 2001

9.30 am Scottish National Party Business

followed by Business Motion

2.30 pm Question Time

3.10 pm First Minister's Question Time

3.30 pm Executive Debate on Fisheries

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

and (c) that Stage 2 of the Scottish Local Government (Elections) Bill be completed by 4 December 2001 and that Stage 2 of the Sexual Offences (Procedure and Evidence) (Scotland) Bill be completed by 19 December 2001.

Alex Neil (Central Scotland) (SNP): As members might be aware, at the weekend there was a suspension of payments awarded in Scotland in respect of individual learning accounts, which has major implications for the college sector, for companies and for individual trainees. Would it be possible to have a ministerial statement tomorrow on the future of ILAs?

Phil Gallie (South of Scotland) (Con): Further to—

The Presiding Officer: I am sorry, Mr Gallie—I am allowed to hear only one speaker on the matter, but I take it that you support Mr Neil's point.

Euan Robson: Presiding Officer, it is not possible to alter the business that has been set out; however, Mr Neil can make representations through the Parliamentary Bureau in due course.

The Presiding Officer: The question is, that motion S1M-2489, in the name of Euan Robson, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: I think that that is agreed.

Members: No.

The Presiding Officer: As I have said previously, if members are going to shout, they

must shout louder.

Ms Margo MacDonald (Lothians) (SNP): No.

The Presiding Officer: In that case, 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)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (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)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 MacAskill, Mr Kenny (Lothians) (SNP)
 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)
 McLeod, Fiona (West of Scotland) (SNP)
 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)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)

Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 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)
 Canavan, Dennis (Falkirk West)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East 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)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 90, Against 22, Abstentions 0.

Motion agreed to.

The Presiding Officer: I want to make an announcement to the chamber. The business motion, which members have just agreed to, sets out a voting period for the election of a Deputy Presiding Officer. The period for nominations is from 12 noon to 12.15 tomorrow. It would be helpful if nominations were received nearer to 12 noon than to 12.15, because ballot papers must be printed. Nomination forms will be available from the clerks in room 5.16 in parliamentary headquarters and should be lodged with the clerks

in the Presiding Officers' outer room of the assembly hall behind where I sit.

The election will be held at 12.30 tomorrow. Unlike any other election that we hold in the Parliament, it will be conducted by secret ballot. That is so that none of us knows who votes against us and we can retain our impartiality. Any two members may nominate a candidate. Thereafter, the rules that govern voting for candidates are similar to the procedures for the selection of a nominee for First Minister. Tomorrow's business bulletin will provide further details on the election procedures.

I hope that members will allow me to take the opportunity to express my personal thanks and, I hope, those of the Parliament to Patricia Ferguson for her period of service as Deputy Presiding Officer. *[Applause.]*

I want to say a wee bit more. The Deputy Presiding Officers undertake a great deal of work that is not known to the public and is probably not known to many members. Patricia Ferguson launched our education service, which has been one of the great successes of the Parliament. She hosts many overseas visits and shared conferences in the chamber. She led the all-party delegation to the British-Irish Inter-Parliamentary Body. She has led twice the all-party delegation to tartan day in Washington. She chaired the Scottish Commission for Public Audit. Not least, at my request—members might bear this in mind when they are buying Christmas presents—she has been responsible for the quality of the products in our shop.

We thank Patricia Ferguson very much indeed. I give her my warm thanks for her service as Deputy Presiding Officer.

Decision Time

17:05

The Presiding Officer (Sir David Steel): We come now to decision time. I have three questions to put. The first question is, that amendment S1M-2247.1, in the name of Nicola Sturgeon, which seeks to amend motion S1M-2247, in the name of Susan Deacon, be agreed to. Are we all agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (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)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 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)
 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)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 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)

ABSTENTIONS

Raffan, Mr Keith (Mid Scotland and Fife) (LD)

The Presiding Officer: The result of the division is: For 30, Against 81, Abstentions 1.

Amendment disagreed to.

The Presiding Officer: The second question is, that motion S1M-2247, in the name of Susan Deacon, on the general principles of the Community Care and Health (Scotland) Bill, be agreed to.

Motion agreed to.

That the Parliament agrees to the general principles of the Community Care and Health (Scotland) Bill.

The Presiding Officer: The last question is, that motion S1M-2484, in the name of Angus MacKay, on the financial resolution in respect of the Community Care and Health (Scotland) Bill, be agreed to.

Motion agreed to.

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Community Care and Health (Scotland) Bill, agrees to the following expenditure out of the Scottish Consolidated Fund –

- (a) expenditure of the Scottish Administration in consequence of the Act; and
- (b) increases attributable to the Act in the sums payable out of that Fund under any other enactment.

Gaelic-Medium Education

The Deputy Presiding Officer (Mr George Reid): The final item of business today is a members' business debate on motion S1M-2222, in the name of Maureen Macmillan, on Gaelic-medium education.

Tha sinn a-nis a' gluasad gu gnòthach bhall agus deasbad le gluasad le Maureen Nic Ille Mhaoil air foghlam tro mheadhan na Gàidhlig. Tha mi a' gairm Maureen Nic Ille Mhaoil.

Motion debated,

That the Parliament notes the critical situation facing Gaelic-medium education as a consequence of the current shortage of Gaelic teachers; further notes the continuing shortage of university graduates intending to enter Gaelic-medium teaching, and urges the Scottish Executive to put into place without further delay (a) a review, update and implementation of the recommendations contained in Comunn na Gàidhlig's proposed national policy for Gaelic Education, *Framework for Growth*, which was submitted to the Scottish Office in 1997 and (b) the recommendations contained in the report by the General Teaching Council for Scotland *Teaching in Gaelic-medium Education—recommendations for change* which was submitted to the Scottish Executive in 1999.

Note: The member who lodged this motion has provided the following translation—

Gu bheil a' Phàrlamaid a' toirt fa-near an suidheachadh èiginneach anns a bheil foghlam tro mheadhan na Gàidhlig air sàilleibh gainne luchd-teagaisg le Gàidhlig; a' toirt fa-near cuideachd a' ghainne de cheumnaich bho oilthighean a tha am beachd a dhol a-steach airson teagasg tro mheadhan na Gàidhlig, agus a' cur impidh air Riaghaltas na h-Alba na leanas a chur an cèill gun dàil (a) sgrùdadh, cunntas as ùr agus buileachadh air na molaidhean a bh' anns an aithisg aig Comunn na Gàidhlig a thaobh poileasaidh nàiseanta airson foghlam Gàidhlig, *Innleachd airson Adhartais*, a chaidh a chur gu Oifis na h-Alba ann an 1997 agus (b) na molaidhean a bh' anns an aithisg aig Comhairle Teagaisg Choitcheann na h-Alba, *Teagasg ann am Foghlam tro Mheadhan na Gàidhlig—molaidhean leasachaidh*, a chaidh a chur gu Riaghaltas na h-Alba ann an 1999.

17:08

Maureen Macmillan (Highlands and Islands (Lab): It must seem strange to those watching and listening to this debate that I am opening it with a speech that is not in Gaelic, but in English. I am an example of a lost generation of Gaelic speakers who were educated at a time when speaking Gaelic was thought to hold one back. Parents did not pass on the language. All my primary school teachers spoke Gaelic, but in the staffroom, not the classroom. When I suggested that I might take Gaelic at secondary school, I was dissuaded from doing so because, I was told, it would be of no use to me whatsoever.

The language almost disappeared in the 1950s and 1960s and I hardly felt more than a nostalgia

pang until, as a teacher, I became aware of Gaelic-medium education in the 1980s. The school I taught in, Millburn Academy in Inverness, had a Gaelic-medium primary as a feeder school and Gaelic-medium pupils were together in one class for Gaelic, history and geography. I taught them English, so I was the English teacher for the Gaelic-medium class. There were only about five pupils in the first year, but the numbers steadily grew year on year.

Coinciding with that, I decided to learn Gaelic and had as my teacher Alasdair Campbell—a Bhocsair—from Lewis. I will tell members not of our hilarious times but of my realisation that a good few people in the class were there to learn Gaelic because their children were at Gaelic-medium playgroup or Gaelic-medium primary school. Sometimes, one parent was a Gaelic speaker, occasionally neither was, although there might have been a Gaelic-speaking grandparent. Sometimes there was no family Gaelic connection but a realisation of the importance of Gaelic to Scottish culture and the wish to see it grow and become viable as a language again.

What is important about the GME movement is that it is a grass-roots movement that began because parents want it. Organisations such as Comhairle nan Sgoiltean Araich supported parents and helped to get playgroups off the ground. The expansion of nursery education since 1997 has helped the expansion of GME and as more Gaelic-speaking children have gone into primary school, demand for such education in primary and secondary school has also expanded. GME is written into the Standards in Scotland's Schools etc Act 2000 as a national priority.

There are 34 Gaelic-medium nurseries with more than 400 pupils; 60 GME primary schools with nearly 2,000 pupils; and 14 secondary schools with more than 300 pupils. There is an evident fall-off at secondary level, which is primarily due to teacher shortage. In fact, the whole of GME threatens to founder through such a shortage. If GME founders, the language itself will not survive. We need 20 to 25 new entrants a year. Although we might achieve that figure this year, it is only a bare minimum. We need a supply teacher pool; we need special educational needs teacher provision; and we need to roll out Gaelic as a subject throughout the secondary curriculum right up to higher standard.

Throughout the year, constituents have expressed concern about this issue. For example, in March I received a letter from a constituent who said that

"all that has been achieved in the past years is being eroded through teacher shortage".

In April, another constituent from Inverness said

that

"the whole issue of teacher shortage"

filled her with

"dread and foreboding".

In May, a constituent in Islay informed me that

"the number of children going into GME is increasing annually yet the teacher recruitment crisis continues".

Finally, a student from Sutherland wrote to me in September, saying:

"I regret that during my entire education in Sutherland, I only had the opportunity in my 5th year to learn Gaelic. This situation has worsened since then."

At Comunn na Gàidhlig's annual congress in June, speaker after speaker sounded a warning that GME, and, with it, the whole language, is running on to the rocks. Teachers cannot be plucked from the air. Where will they come from? There are three sources. First, there are school leavers who have come through the Gaelic-medium system and who want to teach. However, as I was told last Friday at Portree High School, there are problems as youngsters who wish to teach find that they have to fund themselves for an extra year to bring their Gaelic up to scratch. They should be financially supported to do that.

Furthermore, it is difficult to attract boys straight into teaching, although the new McCrone pay scales might help. We should not, therefore, concentrate resources on the bachelor of education degree to the detriment of the postgraduate certificate of education, as many Gaelic-speaking graduates will decide on teaching after their degree rather than before it. Funded Gaelic-immersion courses must be made available to new graduates, and training colleges should admit all qualified applicants. New teachers are inclined to stay and teach Gaelic-medium education in the central belt, however, and the Highlands and Islands find it difficult to attract young graduates to remoter areas.

The second source of teacher recruitment is Gaelic-speaking teachers who are currently teaching English medium. That is particularly the case in the Highlands and Islands. Such teachers would be willing to make the change if they could do the conversion course at home. I know from talking to Highland Council that that is perfectly feasible. The facilities exist, but we need a funding stream for immersion courses. As a result, I ask the Executive to consider this suggestion as a small investment that would pay large dividends. Although Highland Council will give teachers leave of absence to take on a Gaelic conversion course, not all local authorities do.

The third source is Gaelic speakers who are not teachers. As we are currently recruiting mature entrants into teaching, why can we not have

specific advertisements for Gaelic-medium teachers now that training courses can be delivered in rural areas as well as in the cities? Jordanhill College is liaising with Lews Castle College to deliver Gaelic-medium training. What about Sabhal Mòr Ostaig and other learning centres throughout the Highlands? Greater flexibility in teacher training delivery would enable more people to access it.

I appreciate that the minister is new to her brief. I hope that she will be informed by the debate. Comunn na Gàidhlig's national policy document, which was submitted four years ago, has never received a reply. The ministerial advisory group on Gaelic will present its report next week. I hope that it will bear fruit. I also hope that it is a good omen that one of the signatories to my motion, Cathy Jamieson, is now Minister for Education and Young People. There is a lot that the Executive can do to change the funding and delivery structures and to lean on recalcitrant councils.

Last of all, I ask all the Gaelic speakers in the gallery who are not teachers to consider a change of career. We must ensure that when parents put their children into a Gaelic-medium nursery, there will also be a primary and secondary-level Gaelic-medium unit for them, to secure the future for the language.

17:15

Michael Russell (South of Scotland) (SNP): Bruidhnidh mi sa Ghàidhlig aig an toiseach, agus an uair sin sa Bheurla. Fàilte ris na ministearan ùra le cùram airson na Gàidhlig—is e obair mhòr a th' aca, ma tha iad airson Gàidhlig a shàbhaladh.

Tha mi taingeil do Mhaureen Nic Ille Mhaoil airson a' chothruim seo airson deasbad air ceist chudthromach: dè a-nis airson na Gàidhlig? Agus dè a-nis airson foghlam tro mheadhan na Gàidhlig?

Anns na bliadhnachan a dh'fhalbh, bha clann na Gaidhealtachd a' bruidhinn na Gàidhlig, ged a bha na tidsearan a' bruidhinn na Beurla, ged a bha a' Ghàidhlig an aghaidh nan riaghailtean. Ach anns an linn seo—linn an fhoghlaim agus linn nam meadhanan—bàsaichidh a' Ghàidhlig mura faigh i cuideachadh bhon stàite agus àite ann am foghlam. Tha foghlam tro mheadhan na Beurla a' faighinn a' chuideachaidh sin mar-thà.

Mar a bhios fios aig a h-uile duine ciallach, feumaidh barrachd chloinne a bhith bruidhinn Gàidhlig. An-diugh is dòcha gu bheil timcheall seachd mìle duine cloinne a' dèanamh sin. Chan eil iad uile anns na sgoiltean Gàidhlig. Chan eil ach 1,862 ann an aonadan Gàidhlig—dìreach 100 nas motha na bh' ann ceithir bliadhna air ais. Ged a bha foghlam tro mheadhan na Gàidhlig a' fàs gu luath còig no 10 bliadhna air ais, chan eil e a' fàs

an-diugh.

Ann an Alba an-diugh, chan eil foghlam tro mheadhan na Gàidhlig a' fàs cho luath 's a tha na seann Ghaidheil a' bàsachadh.

Tha mi duilich—is dòcha nach e sin an dòigh as fheàrr air a chur—ach sin mar a tha e. Ach—agus seo an rud a tha cudthromach—chan eil adhbharth sam bith carson nach urrainn dhuinne rudeigin a dhèanamh airson sin atharrachadh. Aig deireadh an latha, tha a' Ghàidhlig mar phàirt dhen chùram againne anns a' Phàrlamaid seo.

Bidh pàrantan a' sgriobhadh thugam fad an t-siubhail, ag ràdh gu bheil iad a' lorg àite ann an aonad Gàidhlig airson na cloinne aca. Ach chan eil na tidsearan ann. Fiù 's ann an colaistean nan tidsear—Cnoc Iòrdan agus Caisteal Leòdhais—chan eil ach dòrlach oileanach a' dèanamh chùrsaichean.

Following is the simultaneous interpretation:

I welcome the new ministers with responsibility for Gaelic.

I am grateful to Maureen Macmillan for this opportunity to have a debate on an important question: where now for Gaelic and, specifically, where now for Gaelic-medium education? In years gone by, Highland children spoke Gaelic even though their teachers spoke English, even though Gaelic was against the rules, but in this age of mass education and mass media, Gaelic will die without some state assistance and without a place in education. English-medium education gets that assistance as it is.

As every sensible person knows, more children need to speak Gaelic. Today, there are perhaps 7,000 children who can speak it. They are not all in Gaelic schools, though. There are only 1,862 in Gaelic units, which is only 100 more than there were four years ago. Although Gaelic-medium education may have been growing quickly five or 10 years ago, it is not growing today. In Scotland today, Gaelic-medium education is not growing at the rate at which old Gaelic speakers are dying. I am sorry—that may not be a nice way to put it, but that is how it is. However—and this is the important bit—there is no reason why we cannot do something to change that situation. At the end of the day, Gaelic is the responsibility of the Parliament.

Parents are always writing to me, saying that they are struggling to find a place in a Gaelic unit for their children. The problem is the shortage of teachers. In the teacher training colleges such as Jordanhill College and Lews Castle College, only a handful of students are doing courses that lead to qualifications to teach in Gaelic.

The member continued in English.

The burden of the argument is not that nothing is being done, but that not enough is being done. The reality that we must face and be honest about is the fact that Gaelic is dying. As I just said, Gaelic is unfortunately dying because Gaels are dying and we are not bringing forward a new generation of Gaels who can speak the language and enliven the culture.

Over the past two days, I have held a number of conversations with senior individuals in the Gaelic world who were prepared to say, privately, that Gaelic was better off under Westminster—what an indictment of this Parliament.

Mr Brian Monteith (Mid Scotland and Fife) (Con): Under us.

Michael Russell: No, not under the Conservatives; under Westminster. For once in my life, I pay tribute to Brian Wilson—

Kay Ullrich (West of Scotland) (SNP): Oh, no.

Michael Russell: It will definitely not become a habit. Even Brian Wilson was called the minister with responsibility for education and Gaelic, yet after two and a half years of this Parliament we still have no minister for Gaelic. How can things be getting better if there is no minister for Gaelic?

I welcome the new minister, although Gaelic is not in the responsibilities listed in her title, and I hope that she will work hard for Gaelic. I also pay tribute to Alasdair Morrison. He and I have fought on many occasions in this chamber, and sometimes outside it.

Allan Wilson (Cunninghame North) (Lab): Metaphorically speaking.

Michael Russell: Metaphorically speaking, as Mr Wilson says—although not entirely. However, despite the fact that I have questioned many things about him and many of the things he has said, I have never questioned his commitment to the language. Without a commitment to the language in the Parliament and the Administration, Gaelic will die. That is the real task that the minister faces. What she is taking on, as part of her wide brief, is nothing less than responsibility for the future of the language.

There are young people in the public gallery today who are in Gaelic-medium schools. The budget that exists for Gaelic-medium education is static and, as the Education, Culture and Sport Committee discovered, it will not rise in the next three years. Gaelic is dying and we have to do something about it “without further delay”, to quote the motion. This debate must be the last debate on this subject and there must now be action. The responsibility for that lies with the minister.

17:21

Mr Alasdair Morrison (Western Isles) (Lab): Tha mi toilichte dha-rìribh cothrom fhaighinn pàirt a ghabhail anns an deasbad seo. Is e a’ chiad rud a bu toigh leam a dhèanamh meal-an-naidheachd a chur air mo bhana-charaid Elaine Mhoireach. Tha mi a’ guidhe gach soirbheachadh dhi anns an dreuchd ùir aice, chan e a-mhàin a thaobh na Gàidhlig ach anns na cuspairean eile. Tha mi toilichte a ràdh—agus bhiodh i a’ dùileachadh seo co-dhiù—gum bi mise a’ toirt m’ uile thaic dhi anns na mìosan agus na bliadhnan a tha romhainn.

Bu toigh leam dìreach puing no dhà a thogail air na thuirt a’ bhean-phòsta Nic Ille Mhaoil. Tha mise ag aontachadh gu bheil staing ann a thaobh gainnead luchd-teagaisg, ach feumaidh sinn aithneachadh gu bheil adhartas air tachairt. Mhinich a’ bhean-phòsta Nic Ille Mhaoil mar a tha foghlam Gàidhlig air leudachadh thairis na bliadhnan a dh’fhalbh. Tha an-diugh 60 sgoil Ghàidhlig ann. Tha mise ag iarraidh gum bi 60 sgoil Ghàidhlig eile ann anns na bliadhnaichean ri teachd. Thathar a’ dèanamh adhartais.

Tha mi dìreach ag iarraidh freagairt a thoirt dhan phuig a thog Micheal Russell gu robh a’ Ghàidhlig nas fheàrr fo Westminster na tha i fo sgiath na Pàrlamaid seo. Chan eil sin fìor. Rinneadh adhartas mòr ann an 1997 nuair a bha Brian MacUilleim na mhinistear airson foghlaim agus Gàidhlig. Bha Calum Dòmhnallach anns an dreuchd às a dhèidh. Chaidh a’ Phàrlamaid seo a stèidheachadh agus bha mise an uair sin anns an dreuchd. Tha mo bhana-charaid Elaine Mhoireach a-nis san dreuchd sin.

Rinneadh adhartas mòr anns na bliadhnan sin, ach an-diugh bheiribh sùil air cia mheud ministear a tha a’ suidhe an seo an-diugh. Tha Elaine Mhoireach ann. Fad bhliadhnan, bha Peadar Peacock, a tha na shuidhe an siud, ag obair às leth na Gàidhlig air Comhairle na Gaidhealtachd. O chionn bliadhna, bha mo charaid Ailean MacUilleim gu math taiceil dhòmhsa san dreuchd agus sinn ag obair gu dlùth is gu faisg air a chèile a thaobh na Gàidhlig.

Tha Lewis Dòmhnallach na Ghaidheal eile a tha na mo charaid. Tha e taiceil agus tha e a’ dearbhadh sin le bhith a’ cur an nighean òg aige dhan aonad Ghàidhlig ann am baile Obar-Dheathain. Tha mi a’ cur fàilte air oir bidh e cuideachd a’ coimhead às dèidh chùisean air Ghaidhealtachd le lomairt na Gaidhealtachd agus nan Eilean. Tha mi a’ guidhe gach soirbheachadh do mhaighistir Dòmhnallach.

A bharrachd air sin, tha tèile an seo a tha taiceil dhan Ghàidhlig agus a chaidh cuideachd a h-ainmeachadh mar Mhinistear an Fhoghlaim agus Daoine Òga, Cathy Jamieson. Nist, mur eil dearbhadh gu bheil an t-àite seo taiceil agus gu

bheil am pàrtaidh againn taiceil dhan Ghàidhlig chan eil fhios agam dè eile a dh'fheumas sinn a dhèanamh.

Ach anns na mionaidean a tha romham, bu toigh leam dìreach a ràdh gu bheil mi cuideachd a' toirt fiathachadh do Elaine Mhoireach tighinn dha na h-Eileanan Siar a dh'fhaicinn dhi fhèin coimhearsnachd Ghàidhlig, sgoiltean Gàidhlig agus, a-niste, colaiste ag obair còmhla ri Oilthigh Shrathchluaidh, a tha a' cur cùrsa air chois far an urrainn luchd-teagaisg a-nist a bhith air an trèanadh airson pàirt den ùine anns a' cholaiste agus cuideachd air tìr-mòr. Tha sin gu bhith air a leudachadh a-mach, le taic bhon Riaghaltas againn, gus am bi an cùrsa sin air a theagasg làn-ùine anns na h-Eileanan Siar. Bhithinn cuideachd a' sùileachadh gum biodh sin an uairsin air a sgaoileadh a-mach gu colaistean eile a tha fo sgiath oilthigh na Gaidhealtachd.

Tha mi cuideachd a' cantainn ris a' mhinistear ùr gum feum i obrachadh—bidh i a' dèanamh sin co-dhiù—leis na ministearan eile, gu sònraichte Peadar Peacock. Tha sinn cuideachd fortanach gur e Leas-mhinistear an Ionmhais agus Seirbhis Poblach. Mar a tha fios aig a h-uile duine againn, tha Peadar eòlach air gnothaichean agus cùisean agus deasbadan co-cheangailte ri cuspair sam bith ann an Riaghaltas a tha a' bualadh air ionmhas. Tha fios agam gum bi Elaine Mhoireach agus Peadar ag obair gu dlùth le chèile.

Bheirinn aon rabhadh dhan mhinistear ùr agus is e comhairle a th' ann cuideachd. Tha taic gu leòr bho luchd-poileataics anns a' Phàrlamaid, ach feumaidh sinn dèanamh cinnteach gu bheil an aon taic a th' againn anns an raon phoileataigeach cuideachd a-measg oifigearan an Riaghaltais. Anns na mìosan agus na bliadhnan a tha ri teachd, tha mi an dòchas gum bi an taic sin a cheart cho follaiseach taobh a-staigh oifisean an Riaghaltais.

Tha seachdain mhòr romhainn mar Ghàidheil far a bheil co-dhùnaidhean agus ceum eile gan gabhail a thaobh cruthachadh buidheann leasachaidh airson na Gàidhlig. Bithear a' gabhail ceumannan ro dheireadh na bliadhna agus, còmhla ris na ministearan eile, tha mi làn chinnteach gum bi mo bhana-charaid Elaine Mhoireach a' dèanamh adhartais an sin. Bidh mi a' coimhead air adhart ri bhith ag èisteachd ris na co-dhùnaidhean aca mu dheidhinn a' bhuidheann sin, oir tha e gu sònraichte cudthromach gun tèid a' bhuidheann ùr a chruthachadh anns an dòigh anns an tèid a mhìneachadh le maighstir Peacock aig coinneamhan.

A thaobh a' mholaidh, tha foghlam Gàidhlig bunaiteach airson nan Gaidheal. Tha e bunaiteach airson cànan sam bith. Tha e mar aon de na prionnsabalan air am feum sinn a bhith a' togail. Is

e fear de na bunaitean cudthromach a th' ann. Tha fios agam gu bheil ministearan ann a tha làn thaiceil agus gu bheil taic ann bho bhuill phàrlamaid bho gach pàrtaidh—fiù 's bhon phàrtaidh aig Micheal Russell. Chan ann tric a bhios mise ag aontachadh ri Micheal Russell. Chan urrainn dhomh smaoineachadh air aon chuspair air am bi mi ag aontachadh leis ach, a thaobh na Gàidhlig, cha mhòr nach eil sinn air an aon ràmh. Leis na faclan sin, bu toigh leam a bhith a' guidhe gach soirbheachadh dhan mhinistear ùr. Tha fios aice fhèin a-nis dè an obair a tha roimhe.

Following is the simultaneous interpretation:

I am delighted to have this opportunity to speak in today's debate. I congratulate Elaine Murray and I wish her every success in her new post, with regard not only to Gaelic but to everything else in her remit. I know that she will expect me to offer my support in the months and years ahead and I will be glad to do so.

I agree with Maureen Macmillan that there is a problem with the supply of teachers, but we should recognise that there have been developments. As Maureen Macmillan suggested, Gaelic-medium education is developing. We have 60 Gaelic-medium schools in Scotland and, in a few years' time, I want there to be another 60.

Michael Russell suggested that Gaelic did better under Westminster rule than it has done under the Scottish Parliament. That is not true. We have made great developments. Brian Wilson was the minister with responsibility for Gaelic and Calum Macdonald was giving assistance. I was the Scottish minister with responsibility for Gaelic and now my friend Elaine Murray is. Observe the members sitting here today. Peter Peacock spent years working on Gaelic in the Highlands. Allan Wilson and I have worked together on Gaelic. Another Gael, Lewis Macdonald, is not only supportive of the language but sends his daughter to a Gaelic-medium unit in Aberdeen. He will work with Highlands and Islands Enterprise on issues relating to the Gaidhealtachd. I wish him every success in his new post. Cathy Jamieson, the Minister for Education and Young People, is also supportive of Gaelic. If that list does not demonstrate that this party supports Gaelic, I do not know what does.

I invite Elaine Murray to the Western Isles to see the Gaelic community and schools there. She can also see a college that is working with the University of Strathclyde to develop a postgraduate Gaelic teaching course. The Executive will help that to develop and it will shortly operate as a full-time course. We hope that the course will spread to other colleges under the University of the Highlands and Islands.

The new minister will be working with other ministers, especially Peter Peacock, who is familiar with matters relevant to this debate. We are fortunate that he is the Deputy Minister for Finance and Public Services as any question of Government policy ultimately comes down to finance.

There is much support in the Scottish Parliament for Gaelic, but we have to ensure that that support is reflected in the Scottish Executive. I hope that that support will be apparent in the months and years ahead.

We have a big week ahead of us. Steps will be taken with regard to the Gaelic development agency before the end of the year. I am sure that Elaine Murray will make progress on that. I would like to hear her conclusions about that group. It is important that the group be set up in the way that has been suggested at previous meetings.

Gaelic education is fundamental for the Gaels. For any language, education in that language is fundamental. There are principles on which we must build. I know that there are ministers who are fully supportive. Even Michael Russell is fully supportive. It is not often that I agree with Michael Russell. I cannot think of one subject on which we agree, except on Gaelic.

I wish Elaine Murray every success. She now knows what work is ahead of her.

17:26

John Farquhar Munro (Ross, Skye and Inverness West) (LD): Tha mi fhèin a' cur fàilte air a' mhinistear ùr, Elaine Mhoireach, agus tha mi an dòchas gum bi i a' toirt taice dhan Ghàidhlig airson iomadach bliadhna.

Tha àite sònraichte aig a' Ghàidhlig ann an Alba. Bhathar ga labhairt an seo bho chaidh eachdraidh a chlàradh an toiseach. Tha beartas a dualchais agus a cultair air a bhith na mheadhan dealbhaidh air fèin-aithne na dùthcha an-diugh. Bu chòir do phoileasaidh air foghlam Gàidhlig seo a nochdadh cho math ris a' bhuidh a bha aig linntean a dh'fhalbh.

Bho chionn beagan bhliadhnachan tha ath-bheothachadh air tighinn air a' Ghàidhlig a tha na adhbhar misneachd dhan a h-uile duine. Tha bàidh phàrantan dhan chànan, taic phoileataigeach eadar na pàrtaidhean agus barrachd maoin o bhuidhnean poblach nan comharran air an seo. Is e an t-amas a tha aig "Innleachd airson Adhartais" togail air na leasachaidhean a rinneadh thuige seo agus structar a chruthachadh air ìre nàiseanta a bhios na chuideachadh airson a bhith cinnteach gun cùm a' chùis a' fàs.

Tha foghlam Gàidhlig agus foghlam tro

mheadhan na Gàidhlig cudthromach bhon ìre fo aois sgoile gu àrd ìre. Mar sin, bu chòir gum biodh e na phrìomh amas den phoileasaidh nàiseanta dèanamh cinnteach gu bheil raon farsaing de roghainnean rim faotainn ann am foghlaim Gàidhlig agus foghlam tro mheadhan na Gàidhlig.

Ged a tha a h-uile taobh de dh'fhoghlam Gàidhlig cudthromach, thathar a' gabhail ris gu bheil àite sònraichte aig foghlam tro mheadhan na Gàidhlig agus gum bu chòir am prìomh àite a bhith aig an seo. Bu chòir gum faicear e mar shiostam leantailach on ìre fo aois sgoile gu àrd ìre.

Tha cuid de cholaistean, de dh'ionadan luchd-teagaisg agus de roinnean Ceiltis oiltighean a' tairgsinn chlasaichean ann an Gàidhlig do luchd-ionnsachaidh agus do dh'fhileantaich. Tha an solar seo a' cur ris an àireamh de luchd-labhairt litearra na Gàidhlig aig a bheil comas air obair a ghabhail ann an Gàidhlig is ann am foghlam tro mheadhan na Gàidhlig agus bu chòir misneachd a thoirt airson a leudachadh.

Tha na h-ionadan sin cuideachd a' toirt trèanaidh a tha ag ullachadh nan oileanach, gu dìreach no gu neo-dhireach, airson obraichean ann an teagasg Gàidhlig agus tro mheadhan na Gàidhlig bho ìre fo aois sgoile gu àrd ìre, ann am foghlam coimhearsnachd, craoladh Gàidhlig agus airson na ministrealachd.

Tha an solar seo na phàirt chudthromach den bhun-structar airson leasachadh a leanas ann am foghlam Gàidhlig san fharsaingeachd agus bu chòir cumail a' toirt taice dha.

Tha trèanadh luchd-teagaisg a' cur feum air aire shònraichte. Gu h-àraidh, tha gainne luchd-teagaisg tro mheadhan na Gàidhlig a' cur luathas adhartais ann an cunnart agus feumar an àireamh a chothromachadh leis an iarrtas cho luath 's a ghabhas. A bharrachd air sin, feumaidh trèanadh luchd-teagaisg a bhith a rèir nam feumalachdan aig foghlam tro mheadhan na Gàidhlig. Bu chòir gun còmhdaicheadh seo teagasg ann an Gàidhlig agus na prìomh sgilean co-cheangailte ri teagasg tro mheadhan na Gàidhlig. Tha mise a' dèanamh dheth gu bheil uallach air buidhnean proifeiseanta mar an GTC a bhith ag aithneachadh chùrsaichean mar sin agus an cuid teisteanais.

Cha leig mi a leas innse do dhuine sam bith a-staigh an seo ach thathar a' moladh gur e comataidh nàiseanta air foghlam Gàidhlig, le taic on lagh a' toirt inbhe thèarainte dhan Ghàidhlig, an dòigh as fheàrr air seo a thoirt gu buil. Is e ceist eile a tha sin agus tha mi an dòchas gun tachair sin ann an ùine nach bi fada. Airson crìoch a chur air gnothach, bhithinn airson cantainn nach e strì a tha a dhith oirnn ach adhartas.

Following is the simultaneous interpretation:

I, too, welcome the new minister, Elaine Murray.

I hope that she will assist Gaelic for many years.

Gaelic has an important place in Scotland. The culture and heritage of Scotland are rich. A policy on Gaelic education is needed. The Gaelic renaissance that has begun in the past few years is encouraging for all of us. Parental and cross-party support exists for Gaelic-medium education. The support that we find in public bodies is also indicative of the renaissance.

We must build on the developments that have come our way and create a structure at a national level that will assist in ensuring that Gaelic continues to grow. We need a framework for growth. Gaelic-medium education is important at every level, from pre-school to secondary school. We wish there to be a national policy for Gaelic so that Gaelic-medium education is successful.

Every level of education is important and Gaelic-medium education is important. We believe that it should have a central place. It should continue from pre-school to secondary school. Some teacher-training colleges and Celtic departments offer Gaelic classes to learners and fluent speakers. That provision adds to the number of people who are able to do jobs in Gaelic. We should encourage the development of that sector.

We want not only Gaelic teaching posts; we also want Gaelic jobs in community education, the media and the church. Such provision is an important part of the structure for Gaelic and we should give every support to it. Teacher training needs close attention. The shortage of teachers puts Gaelic-medium education in a critical state.

We must get more teachers as soon as possible. In addition, the training of teachers must be in accordance with the needs of Gaelic-medium education. They should be taught the main teaching skills and the main skills needed for Gaelic-medium teaching. The General Teaching Council for Scotland should be involved in that. I do not have to tell anyone here that a national committee for Gaelic education with legal support for secure status for Gaelic has been proposed as the best way to bring that to fruition. That is another question, but I hope that that security for Gaelic will happen in the near future.

It is not that we need to keep campaigning; it is that we need to make progress.

The Deputy Presiding Officer: I have been very generous with times for the Gaelic speakers. I would be grateful if the three members who have still to speak could keep their speeches to about three or four minutes.

17:31

Mr Jamie McGrigor (Highlands and Islands) (Con): I commend Maureen Macmillan for bringing

this debate to the chamber. The Scottish Conservatives have always been supportive of Gaelic. The Conservatives inherited a situation in which Gaelic was dying, but they kick-started the recovery and an industry of broadcasting and information technology that has flourished. Alasdair Morrison said in Parliament in 2000:

"Eighteen years ago, a bright new sun shone on Gaelic education."—[*Official Report*, 2 March 2000; Vol 05, c 390.]

I took that as one of his rare compliments to the Tories.

The sky has now clouded over somewhat and further inspiration is vitally needed to reinvigorate Gaelic, which is a central plank of Scottish heritage and culture—that rich culture of poetry and music so ably demonstrated by Duncan Macintyre of old and Sorley MacLean more recently.

As I have said before, protecting and promoting Gaelic means protecting and promoting the people whence the language comes. The prediction that the population of the Western Isles will fall by 14 per cent over the next 10 years must ring alarm bells in the Gaelic camp. The Scottish Executive must do more to reinvigorate the primary industries of farming, fishing and tourism.

If the Gaelic language is to survive, the young must be taught; we will need more new teachers to ensure that that happens. Scottish parents should have the right to choose Gaelic-medium education for their children. Gone, thankfully, are the days at the turn of the previous century when children were banned for speaking Gaelic in the playground. We have made progress.

In 1993, there were only 60 teachers in primary Gaelic posts; now, there are 150—but that is still not enough. The figures for secondary schools, where only 54 teachers exist, are now really critical. That is borne out by the fact that the number of Gaelic-medium primary pupils in the 60 units that exist in 2001 is 1,860, while the number of secondary pupils in the 14 units that exist is a meagre 300.

On 7 February 2000, the Deputy Minister for Children and Education, Peter Peacock, acknowledged the need to increase the number of Gaelic-medium teachers by 150 in the next seven years. I hope that Mike Watson, or our new minister with responsibility for Gaelic—whoever he or she is, perhaps Elaine Murray—will agree with what Peter Peacock said then and do something about it.

Language experts say that if a language is spoken by fewer than 50,000 people it will die. We are perilously close to that figure now. Before the language dies, the major problem must be addressed. Gaelic teacher training must be made

more available in the areas where Gaelic is still spoken. At present, it is easy enough to do a course in Gaelic learning—at Sabhal Mòr Ostaig, Lews Castle College or other educational establishments in the Highlands and Islands—but if someone wants to get a teacher's training certificate, they must spend two to three years either at the Jordanhill campus of the University of Strathclyde in Glasgow or at Northern College in Aberdeen. I might add that such courses are not available in Edinburgh, Scotland's capital city, which seems absurd.

The lack of local facilities makes Gaelic teacher training extremely difficult for men and women with families and commitments at home. I call on the Scottish Executive to provide valid Gaelic teacher training courses in the Gaelic communities, based on existing further education centres such as Lews Castle College and Sabhal Mòr Ostaig, and perhaps on branches of the University of the Highlands and Islands such as Argyll College near Oban. I see no reason, with distance learning and online facilities becoming more prevalent and accessible, why the main language part of such courses could not be done at the UHI information technology outlets in such places as Barra and Tiree.

In the past, a great deal has been done through the scheme of specific grants for Gaelic, which was started by the Conservatives. That work must be built on to draw up a national strategy for Gaelic-medium education, in which the Executive, local authorities, parents and other interested groups would all have an input.

I would like the Executive to consider what is done in the Basque country. The methods used to promote the minority language there have been very good.

Comunn na Gàidhlig's framework was drawn up four years ago. Why has there been no formal response to it by the Executive? That framework should now be updated to help produce a national policy for Gaelic. There is a great urgency for plans to be put in place now if there is to be any significant increase in the number of Gaelic speakers in the future.

17:35

Mr Kenneth Macintosh (Eastwood) (Lab): Bu toigh leam beagan a ràdh às leth na Gàidhlig—ach ann am Beurla, tha mi duilich.

Following is the simultaneous interpretation:

I would like to say one or two things about Gaelic, but I am afraid that it will be in English.

The member continued in English.

Before the interpreters go apoplectic, that was

my only sentence in Gaelic.

The Deputy Presiding Officer: Glè mhath!

Mr Macintosh: I was trying to say that I would like to say a little in support of Gaelic, but in English, I am sorry to say. Without making a habit of it, I join my colleague Alasdair Morrison in paying tribute to Michael Russell for having the courage to deliver at least three quarters of his speech in Gaelic, which I do not think I could do.

I sympathise with Maureen Macmillan's position. Like many Scots, I am a second-generation Gael, born in the Highlands but now living in the central belt, with no Gaelic to speak of. That is despite the fact that I am the son of a Gaelic speaker and my father is the chairman of Sabhal Mòr Ostaig, the Gaelic college on Skye.

I welcome the debate, because the key to the long-term success of the current revival of the language is education and, in particular, the expansion of Gaelic-medium provision. That cannot be achieved until we resolve the chronic shortage of Gaelic-medium teachers, which has resulted in a serious slowing down in the rate of growth of the number of Gaelic-medium schools or units within schools, which are necessary to change the age profile of Gaelic speakers and to ensure a self-sustaining state for the language.

Currently, about 2,000 children are in Gaelic-medium primary and secondary education. It has been estimated that we need to increase that number fivefold to maintain the current population of Gaelic speakers, let alone reverse the decline. That underlines the nature of the crisis and the need for urgent action to speed up the pace of development.

The first requirement is an immediate, intensified recruitment drive. The Scottish Executive's intention to train 150 Gaelic-medium teachers over the next seven years is very welcome, but almost certainly underestimates the need. The priority entry to teacher education courses of 30 to 35 Gaelic-speaking students a year until supply and demand are in balance would be nearer the mark.

Fundamental changes need to be made to the initial training arrangements, in student selection, course design, certification by the General Teaching Council for Scotland and the organisation of the provision offered. Those essential reforms are set out in the GTC's report, and must be implemented speedily as part of a realistic programme of teacher recruitment and training.

The most important and immediate requirement is the appointment of an individual to write and develop a course to meet the skills that are required in the Gaelic-medium classroom. That individual could work with a steering committee

representing the major interests in the Gaelic-medium education sector

As was also recommended in the GTC report, Sabhal Mòr Ostaig, as the only Gaelic-medium college, should have a central role to play in the programme. However, the stark fact is that the present system of formula funding, which is based on the number of students, does not do justice to the varied roles that a small college such as SMO plays. That poses a real threat to the college's continued existence. Today, the Enterprise and Lifelong Learning Committee heard evidence about that from the board of Highlands and Islands Enterprise. It is essential to address that and to devise a more appropriate funding mechanism to secure the college's long-term viability.

If we are to use current mechanisms, the best way forward is through recognising the college as a national centre of excellence, with integrated funding and taking into account its many functions. Such a step would build on our commitment in the programme for government, which noted the key role played by the college in maintaining Gaelic and Gaelic culture as an integral part of our national identity.

The Scottish Executive must reaffirm its commitment to the revitalisation of Gaelic by putting in place a national policy that brings together the essential elements of provision and funding. It must start by increasing investment in Gaelic-medium education.

17:39

Mr Brian Monteith (Mid Scotland and Fife) (Con): I welcome the new Deputy Minister for Tourism, Culture and Sport, Elaine Murray, to the chamber and I look forward to hearing her response to the debate. I also welcome the opportunity that Maureen Macmillan has given us today by securing the debate.

I had intended to attend just to listen intently, in my capacity as Conservative spokesman on education, but I was moved to speak by what I heard Mike Russell say. After five minutes, I felt that he had made a lot of platitudes without saying what, fundamentally, he believes should be done.

Unlike Mike Russell, Ken Macintosh—with whom I rarely, if ever, agree—made an able contribution to the debate, because he offered options and actions, which is what the debate needs. For too long, we have talked about what needs to be done, but achieved little.

One does not have to be a Gaelic speaker to support the Gaelic language—we know that. A minister does not have to have the title “Minister for Gaelic” to support the Gaelic language. Those facts have been demonstrated, both during the

debate and in the past.

Mike Russell says that Westminster was better than the Scottish Parliament. I am sorry to disagree, but Westminster was partly responsible for the decline of the Gaelic language. If he does not believe that, I do not understand why he is a member of the SNP.

Michael Russell rose—

Mr Monteith: I will not take an intervention—I do not have enough time.

When it comes down to it, only one member—Michael Bruce Forsyth—provided additional spending and took additional action. He did not have the title “Minister for Gaelic”, nor did he have any relationship with Gaelic, but he believed that it was quite proper that more should be done to save the Gaelic language and he was right.

We need action, not words. I have looked at John Farquhar Munro's member's bill, which I applaud. I cannot yet support his bill, because I cannot see the detail that is necessary for my support. However, I would like to support the bill and I look forward to the debate that we will have on it, so that we can find a way to support it.

I know that we need more Gaelic teachers. We must find mechanisms to allow people who have Gaelic ability to get out and teach. We must remove the regulations that are in their way. That is what MSPs should be doing.

We find challenge funding and all kinds of funding all over the place. How can we find ways of funding Gaelic-medium education and Gaelic units? If we can fund community schools—and what is the Gaidhealtachd if it is not a community?—we can fund more places and more teaching in Gaelic. That is what we must do.

As a Conservative, I say that Gaelic-medium education is not a party-political issue. This debate is about saving a dear part of our culture. We need action, not platitudes or words. I applaud Ken Macintosh's speech and I look forward to the minister's speech. Let us move on from posturing or saying, “Gaelic is great. We all support it.” Let us have practical and workable proposals that can be costed. Then we will be truly able to support and save the Gaelic language.

17:43

The Deputy Minister for Tourism, Culture and Sport (Dr Elaine Murray): I thank members for their kind wishes.

I start with two apologies. First, I have been Deputy Minister for Tourism, Culture and Sport for less than 25 hours and may not yet be quite up to speed with the issues. Secondly, I am not able to contribute in what was undoubtedly the language

of some of my forebears. Like many Scots, I have lost that part of our culture, but the Executive is considering how people can regain it.

I welcome the debate, which was initiated by my colleague Maureen Macmillan. I am well aware of her hard work as chairman of the cross-party group on Gaelic. She has done a great deal to promote interest in the language. I also pay tribute to Alasdair Morrison's work as minister for Gaelic.

Education through the medium of Gaelic began as recently as 15 years ago, but it has been a success story and has helped the language's prospects. Maureen Macmillan's motion covered three main issues, which I will deal with in turn.

The first issue is teacher supply, which was referred to by a number of speakers, including Mike Russell, Maureen Macmillan and Ken Macintosh. I am happy to look into some of the suggestions made by members. For some years, the University of Strathclyde has taken five or six Gaelic-speaking candidates on to its post-graduate certificate in education course, and the total number of Gaelic-medium teachers who qualify in primary education has averaged at around 12.

However, when the Scottish Executive asked local authorities how many Gaelic-medium teachers they would need for primary schools over the next seven years, the answer was that they would probably need around 20 a year to replace retiring teachers. That is considered by some to be an underestimate and, from Ken Macintosh's comments, he is probably among them. The teacher work force planning exercise is conducted annually. Local authorities are once again being asked to identify their need for Gaelic-medium teachers.

The Executive has advised the Scottish Higher Education Funding Council that Gaelic-medium teaching should be regarded as a priority subject. As a result of that pressure, the funding council concluded that the guidance was not sufficient and allocated additional funding for 10 places at the University of Strathclyde for Gaelic-medium teaching. This year, the University of Strathclyde has taken 12 Gaelic-speaking candidates on to its PGCE course. Across Scotland, 24 Gaelic-medium primary teachers are expected to graduate at the end of the current academic year. That means that the number of Gaelic-medium teachers who come out of the system will have doubled.

The Executive has also provided funding for education authorities to enable Gaelic-speaking teachers to train for Gaelic-medium education. We have set up a website with important information that is available in Gaelic. I am confident that those measures will help to tackle the demand for

Gaelic-medium teachers. The measures will need to be maintained for a few years so that we can overcome the backlog to which several members referred.

On initial teacher education for Gaelic-medium teachers, it is not only the numbers of entrants but the quality of the education that is of concern. The GTC report "Teaching in Gaelic-medium Education—Recommendations for Change", to which Ken Macintosh referred, reviewed the training of Gaelic-medium teachers and made recommendations on courses, on student selection and on teacher qualifications. The report also identified a number of possible options for the teacher education institutions to implement developments in Gaelic-medium teacher education. The Executive welcomed the publication of the report. I am sure that the GTC and the teacher education institutes will push to put the recommendations into operation.

In 1997, the Gaelic education group saw a need to strengthen confidence in the future of Gaelic-medium education. Its report called for a national committee on Gaelic education to co-ordinate planning and, as has been mentioned, for a statutory right to Gaelic-medium education.

Michael Russell: I appreciate what the minister says, but the Parliament had an opportunity, through an amendment to the Standards in Scotland's Schools etc Bill that I lodged and which was supported by John Farquhar Munro, to establish in law the right to Gaelic-medium education. The amendment was voted down by the minister's colleagues. Also, the budget for Gaelic-medium education will be static for the next three years. I do not expect the minister to respond to that point, but will she make it her priority to find out whether that right can be provided in law? Without such a right, very little can be done.

Dr Murray: I recall that the matter was raised, but I think that there was an issue about the competence of the amendment. Indeed, local authorities' views on the issue would also need to be discussed.

Michael Russell said that the budget is now static, but the truth is that the budget has been increased by £200,000 a year for the past four years and now amounts to £2.8 million. That is thanks to the work of people such as Alasdair Morrison and Peter Peacock. The number of schools and the number of pupils in Gaelic-medium education have increased, although I admit that the rate of increase has slowed down and needs to be looked at.

Peter Peacock and Alasdair Morrison concluded that a better system that was more responsive to parents' wishes was needed. The Executive has

made provision for that through the Standards in Scotland's Schools etc Act 2000, to which Maureen Macmillan referred. Education authorities are now required to include in their annual statement of improvement objectives what they are doing in Gaelic-medium education and what they plan to do. That gives a clear opportunity to parents and parents' organisations to express their views on the service to the education authorities. The first annual statements of improvement objectives are due by the end of this year.

I hope that all who are interested in Gaelic-medium education will take the opportunity to make their views known to their education authorities. Requests for Gaelic-medium education should be made in writing to the authority—in each academic year if that is required—and copied to the Scottish Executive education department.

I agree with Brian Monteith that one need not be a Gaelic speaker to support Gaelic. Gaelic is crucial not only to the Gaelic-speaking community but to us all. Scottish Gaelic is part of the cultural wealth and diversity of Europe.

The Executive has already taken steps to develop Gaelic-medium education. Teacher supply is being expanded. New consultation arrangements are in place. I inform Mike Russell that Gaelic has a place in the education system, which is becoming more and more capable of meeting the demand from parents and pupils for Gaelic-medium education. I will be happy to continue to discuss Gaelic-medium education with my colleagues in the education department as, obviously, it is a joint responsibility.

The Deputy Presiding Officer: Tha sin a' toirt an deasbad gu crìch.

Following is the simultaneous interpretation:

That concludes the debate. I close this meeting of Parliament.

Meeting closed at 17:50.

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