

# **MEETING OF THE PARLIAMENT**

Thursday 28 February 2002

Session 1

£5.00

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2002.

Applications for reproduction should be made in writing to the Copyright Unit,  
Her Majesty's Stationery Office, St Clements House, 2-16 Colegate, Norwich NR3 1BQ  
Fax 01603 723000, which is administering the copyright on behalf of the Scottish Parliamentary Corporate  
Body.

Produced and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by The  
Stationery Office Ltd.

Her Majesty's Stationery Office is independent of and separate from the company now  
trading as The Stationery Office Ltd, which is responsible for printing and publishing  
Scottish Parliamentary Corporate Body publications.

---

# CONTENTS

Thursday 28 February 2002

## Debates

Col.

<b>SCOTTISH PARLIAMENTARY STANDARDS COMMISSIONER BILL: STAGE 1</b> .....	6765
<i>Motion moved—[Mr Mike Rumbles].</i>	
Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD) .....	6765
The Minister for Parliamentary Business (Patricia Ferguson) .....	6769
Kay Ullrich (West of Scotland) (SNP) .....	6770
Lord James Douglas-Hamilton (Lothians) (Con) .....	6771
Susan Deacon (Edinburgh East and Musselburgh) (Lab) .....	6773
Bill Butler (Glasgow Anniesland) (Lab) .....	6775
Des McNulty (Clydebank and Milngavie) (Lab) .....	6776
Alex Neil (Central Scotland) (SNP) .....	6778
Tricia Marwick (Mid Scotland and Fife) (SNP) .....	6781
<b>EUROPEAN UNION GOVERNANCE AND THE FUTURE OF EUROPE</b> .....	6785
<i>Motion moved—[Irene Oldfather].</i>	
Irene Oldfather (Cunninghame South) (Lab) .....	6785
The Deputy First Minister and Minister for Justice (Mr Jim Wallace) .....	6789
Richard Lochhead (North-East Scotland) (SNP) .....	6796
Ben Wallace (North-East Scotland) (Con) .....	6800
Sarah Boyack (Edinburgh Central) (Lab) .....	6804
Colin Campbell (West of Scotland) (SNP) .....	6806
David McLetchie (Lothians) (Con) .....	6808
Mr Lloyd Quinan (West of Scotland) (SNP) .....	6810
Phil Gallie (South of Scotland) (Con) .....	6812
Dr Winnie Ewing (Highlands and Islands) (SNP) .....	6813
Mr Duncan Hamilton (Highlands and Islands) (SNP) .....	6816
David Mundell (South of Scotland) (Con) .....	6818
Nora Radcliffe (Gordon) (LD) .....	6819
Irene McGugan (North-East Scotland) (SNP) .....	6821
The Deputy Minister for Finance and Public Services (Peter Peacock) .....	6824
Mr John Home Robertson (East Lothian) (Lab) .....	6826
<b>BUSINESS MOTION</b> .....	6829
<i>Motion moved—[Euan Robson]—and agreed to.</i>	
Stewart Stevenson (Banff and Buchan) (SNP) .....	6830
The Deputy Minister for Parliamentary Business (Euan Robson) .....	6831
<b>QUESTION TIME</b> .....	6832
<b>FIRST MINISTER'S QUESTION TIME</b> .....	6848
<b>EDUCATION (DISABILITY STRATEGIES AND PUPILS' RECORDS) (SCOTLAND) BILL: STAGE 1</b> .....	6857
<i>Motion moved—[Cathy Jamieson].</i>	
The Minister for Education and Young People (Cathy Jamieson) .....	6857
Irene McGugan (North-East Scotland) (SNP) .....	6861
Mr Brian Monteith (Mid Scotland and Fife) (Con) .....	6863
Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD) .....	6864
Jackie Baillie (Dumbarton) (Lab) .....	6866
Michael Matheson (Central Scotland) (SNP) .....	6867
Mr Kenneth Macintosh (Eastwood) (Lab) .....	6869
Kate Maclean (Dundee West) (Lab) .....	6871
Mr Frank McAveety (Glasgow Shettleston) (Lab) .....	6872
Murdo Fraser (Mid Scotland and Fife) (Con) .....	6874
Michael Russell (South of Scotland) (SNP) .....	6875
The Deputy Minister for Education and Young People (Nicol Stephen) .....	6877
<b>EDUCATION (DISABILITY STRATEGIES AND PUPILS' RECORDS) (SCOTLAND) BILL: FINANCIAL RESOLUTION</b> .....	6880
<i>Motion moved—[Mr Andy Kerr].</i>	
<b>PARLIAMENTARY BUREAU MOTIONS</b> .....	6881
<i>Motions moved—[Euan Robson].</i>	

<b>MOTION WITHOUT NOTICE .....</b>	<b>6881</b>
<i>Motions moved—[Euan Robson]—and agreed to.</i>	
<b>DECISION TIME .....</b>	<b>6882</b>
<b>EDINBURGH AIRPORT (RAIL LINK) .....</b>	<b>6884</b>
<i>Motion debated—[Lord James Douglas-Hamilton].</i>	
Lord James Douglas-Hamilton (Lothians) (Con) .....	6884
Mr Kenny MacAskill (Lothians) (SNP) .....	6886
Bristow Muldoon (Livingston) (Lab) .....	6888
Mrs Margaret Smith (Edinburgh West) (LD) .....	6889
Dorothy-Grace Elder (Glasgow) (SNP) .....	6891
Iain Smith (North-East Fife) (LD) .....	6892
Sarah Boyack (Edinburgh Central) (Lab) .....	6894
Robin Harper (Lothians) (Green) .....	6896
The Deputy Minister for Enterprise, Transport and Lifelong Learning (Lewis Macdonald) .....	6897

## **Oral Answers**

**Col.**

### **QUESTION TIME**

<b>SCOTTISH EXECUTIVE .....</b>	<b>6832</b>
Alcohol and Tobacco .....	6842
Convention of Scottish Local Authorities (Meetings) .....	6834
Council Tax .....	6836
Dental Services (Rural Areas) .....	6846
Employment (Transco) .....	6842
Higher Education (Science Courses) .....	6840
Homelessness .....	6834
National Health Service	
(Information Technology) .....	6838
New Edinburgh Royal Infirmary .....	6836
Postal Services .....	6844
Primary School Teaching .....	6845
Road Safety (Perth and Kinross) .....	6832
Schools (Closures) .....	6832

### **FIRST MINISTER'S QUESTION TIME**

Cabinet (Meetings) .....	6848
Curling .....	6854
Prime Minister (Meetings) .....	6850
Public-private Partnerships .....	6851
Smacking .....	6853

---

# Scottish Parliament

*Thursday 28 February 2002*

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

## Scottish Parliamentary Standards Commissioner Bill: Stage 1

**The Deputy Presiding Officer (Mr Murray Tosh):** Good morning. The first item of business is a debate on motion S1M-2702, in the name of Mr Mike Rumbles, on the general principles of the Scottish Parliamentary Standards Commissioner Bill. I invite members who wish to speak in the debate to press their request-to-speak buttons now. I call Mike Rumbles to speak to and move the motion.

09:30

**Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** I am pleased to be able to introduce this committee bill, which seeks to establish a Scottish parliamentary standards commissioner. Not only is this a milestone in that it is only the second committee bill to be introduced into Parliament, but it is an important step in ensuring that the Parliament maintains the highest possible standards of conduct.

The bill represents the culmination of a nine-month inquiry. I pay particular tribute to past and present Standards Committee members, including the Minister for Parliamentary Business—who will respond for the Executive today—and to the clerking team for their commitment and hard work, which helped to make the bill reality.

The ability of Scottish parliamentary committees to initiate legislation sets us apart from the Westminster parliament; it also differentiates us from many other legislative institutions. The bill has the unanimous support of Standards Committee members and is an excellent example of the effectiveness of the committee system in delivering legislation.

Recent debate at Westminster has underlined the bill's importance. The bill will enable a standards commissioner to investigate complaints against MSPs in a thorough, fair and impartial fashion. Unlike Westminster's, our commissioner will have statutory powers to summon witnesses and to compel production of evidence. We view that as being essential to guaranteeing the independence and authority of the post.

Before I discuss in detail the provisions of the bill, it might be helpful to take members through

the reasons for the Standards Committee's decision to introduce the bill. During the committee's inquiry, we considered four possible models for investigating complaints against members: first, retaining the then status quo of the Standards Committee's carrying out investigations, as we did in the so-called lobbygate affair; secondly, investigation by the standards commission, which was then being proposed under the Ethical Standards in Public Life (Scotland) Bill; thirdly, investigation by a standards adviser or officer; and finally, investigation by a standards commissioner.

We took evidence from a wide range of witnesses including academics, lawyers, and the parliamentary commissioner for standards at Westminster. The committee concluded that the injection of an independent element into the investigative process was vital if the public were to have confidence in the handling of misconduct complaints against members. It was clear that the Standards Committee's retention of responsibility for carrying out initial investigations would not provide that confidence. We also rejected any role for the standards commission, because we were convinced that it would be constitutionally inappropriate for individuals who were appointed by the Executive to have responsibility for the conduct of MSPs.

There would have been advantages in pursuing the standards officer route, not least because there would have been no need for enabling legislation; the appointment could therefore have been made speedily. However, the committee felt that the lack of statutory powers for a standards officer, who would have to rely on the committee's powers under the Scotland Act 1998 to summon witnesses, would impact adversely on the independence of the post.

The key proposal in the bill, therefore, is to provide the standards commissioner with adequate powers to carry out rigorous investigations into misconduct allegations against members, in relation to their parliamentary duties. Members might find it helpful if I clear up an area of confusion that has crept into media reports about the ministerial code and the parliamentary code of conduct. All MSPs, including ministers, are covered by the Parliament's code of conduct when acting in their parliamentary capacity. Ministers, when acting in their ministerial capacity, are subject to the ministerial code, which is the responsibility of the First Minister.

In relation to the Standards Committee's work on lobbying, for example, the Executive indicated that it would consider changes to the ministerial code in the light of the committee inquiry's recommendations. I will express briefly a personal view, which is that the First Minister might want to

consider the bill's approach as a possible blueprint for similar future arrangements for the ministerial code. However, I stress that that is a matter for the First Minister.

The Standards Committee is convinced that a standards commissioner who is appointed under an act of the Scottish Parliament and given specific statutory powers to compel the production of evidence is crucial to securing the independence and credibility of the parliamentary commissioner for standards. We hope that the commissioner will not need to draw on those powers, but they will exist and will help cement public confidence in the Parliament's ability to deal with complaints against members.

Adequate powers are only part of the story, where public confidence is concerned. The bill's procedures for appointing and removing the commissioner will be a bulwark that will ensure the post's independence. The bill proposes clear appointment procedures that are consistent with the core values of openness and transparency that underpin the Parliament. The commissioner may be appointed for up to five years, with the possibility of re-appointment for a similar period. The appointment will be made as a result of an open recruitment process. The best candidate will be recommended to the chamber on a Standards Committee motion and the appointment will be agreed by Parliament.

The Standards Committee is determined that the successful candidate will be appointed on merit, in accordance with the principles that are laid down by the committee on standards in public life and the current guidance that has been issued by the commissioner for public appointments.

The proposed removal procedures will also provide security of tenure, thus augmenting the commissioner's independence. The bill requires that the commissioner can be dismissed only if a motion to dismiss is put to the Parliament and receives a two-thirds majority of those voting.

The bill sets out a clear procedure for the submission of complaints against members and it lays down the process by which complaints will be investigated by the commissioner. The bill provides that investigations will be carried out in private and independently of the Standards Committee; it also proposes that the committee cannot direct how an investigation is carried out. The committee can direct the commissioner to consider complaints that do not meet the bill's procedural requirements; for example, if the complaints are not in writing. However, it is for the commissioner to consider whether a complaint warrants full investigation.

The bill provides only a snapshot of part of the complaints process, so colleagues might find it

helpful if I briefly revisit the four-stage investigative procedure that was endorsed by the Parliament in November 2000.

The first two stages of investigation are contained within the bill and will be the commissioner's responsibility. Stage 1 is an initial sift to determine whether a complaint is admissible. The commissioner will make an initial consideration of a complaint, usually by seeking clarification of the complaint from the complainer and a response from the MSP.

Stage 2 is a full investigation, which is carried out in private and independently of the Standards Committee. The bill gives the committee powers to make directions to the commissioner; for example, the committee will be able to issue guidance on investigative fundamentals that should apply to all stage 1 and 2 investigations that the commissioner undertakes. Those fundamentals could include, for example, a requirement on the commissioner to inform witnesses that they have the right to have a third party present at interview.

Stages 3 and 4 of the investigative process are outwith the remit of the bill. Stage 3 is the Standards Committee's consideration of the commissioner's report, which will be made at the conclusion of his or her investigation. I expect that the Standards Committee will decide in each case to undertake initial consideration of such reports in private. That will be necessary because the committee might decide to refer the report back to the commissioner for additional inquiries. Publicity could prejudice that. However, I emphasise that all subsequent elements of stage 3 will normally take place in public. For example, oral evidence and—most important—the committee's decision on whether a member has breached the code, will be in public. The committee's report, the commissioner's report and any relevant evidence will also be published.

The final stage of the process is stage 4, which is Parliament's consideration of the Standards Committee's recommendations for sanctions. That debate would be on a motion on behalf of the committee.

When the Standards Committee's proposals to introduce the bill were debated last May, they received full cross-party support. By supporting the introduction of a standards commissioner through the bill, we send a message that the Parliament is committed to ensuring the highest standards of probity. I commend the bill to members and call on them to support its general principles.

I move,

That the Parliament agrees to the general principles of the Scottish Parliamentary Standards Commissioner Bill.

09:40

**The Minister for Parliamentary Business (Patricia Ferguson):** On behalf of the Executive, I congratulate the Standards Committee on the thoughtful and careful work that has gone into the preparation of the bill. I say that having been party to some of that work. I was not present for the latter deliberations, but I have watched keenly as they have moved on. We welcome the committee's proposals and will give the bill our full support.

The present arrangements for the investigation of complaints against members of the Parliament are set out in the code of conduct, which is non-statutory. Following a detailed inquiry and an extensive consultation process, the Standards Committee concluded that those arrangements should be replaced by legislation. That is the purpose of the bill.

The key ingredients of the bill can be summarised briefly. The bill provides for the appointment of an independent standards commissioner who will have statutory security of tenure. The appointment process will be open and transparent and the commissioner may be re-appointed for another term of up to five years. The commissioner will investigate complaints independently and will have the same statutory powers to summon witnesses and compel production of evidence as the Parliament enjoys under section 23 of the Scotland Act 1998. The commissioner will, having carried out an investigation, report his or her findings to the Standards Committee in the first instance. It will then be for the committee and the Parliament to decide whether there has been a breach of the code and, if so, what action to take. Both the committee's report and the commissioner's findings will be published in full.

The proposals have been carefully formulated to establish an independent and credible commissioner who will have wide powers of investigation, while properly leaving the final decision on what action to take in the hands of the Parliament. Although there is scope for debate about the precise detail of the proposals—I look forward to engaging in that debate at stage 2—it seems to me that the committee's approach strikes the right balance.

I hope and believe that the bill will command support across the political spectrum. The establishment of an independent commissioner who will have clear and transparent powers of investigation will enhance the Parliament's reputation and public standing. The Standards Committee has in my view—although some might say that I am a little biased—carried out an exemplary inquiry that has resulted in a well thought through and workable bill. Once again, I

offer the Executive's warm support for the proposals in the bill and I wish it safe and speedy passage.

09:43

**Kay Ullrich (West of Scotland) (SNP):** Members will agree that, in terms of public opinion, we politicians rank somewhere below even lawyers and journalists.

**Gordon Jackson (Glasgow Govan) (Lab):** Steady on.

**Kay Ullrich:** Yes, there are two strikes against you, Gordon.

Although most people rate us somewhere below lawyers and journalists, some people probably rate us as being on a par with Jack the Ripper or the Boston Strangler. That might seem like an exaggeration but, as has been said, facts are chieftains that winna ding and the fact is that politicians are no longer trusted or respected by the people whom we are elected to serve. However, there can be no doubt that the Scottish Parliament has been unfairly tarnished by events in another place.

Of course, we are a new Parliament, set up to provide a new way to govern our nation. We do not want to be forever comparing ourselves with Westminster—as far as Scotland is concerned, Westminster is the past and the Scottish Parliament is the future. However, under the current situation, I am afraid that we must make the comparison. If we are to be the open, accountable and transparent Parliament that we aspire to be, we must ensure that we do not inherit the bad practice that has become such a feature of that other place.

Where will the bill make a difference? As Mike Rumbles said, the standards commissioner will be appointed by an open recruitment process. It is essential that the successful candidate is seen to have been appointed on merit and that he or she is not seen as a product of either cronyism or patronage. It is also essential that the standards commissioner have powers that are independent of both the Standards Committee and the Parliament.

Perhaps the most important feature of the bill is the fact that it will give the commissioner statutory powers to summon witnesses and compel evidence. Those are crucial powers that are not available at Westminster. The lack of those powers allowed MPs and ministers virtually to thumb their noses at the Parliamentary Commissioner for Standards's request for their co-operation in giving evidence. The bill will ensure that the Scottish Parliament has no truck with such behaviour.

We cannot repeat those words openness and accountability too often, so I applaud the decision that stages 3 and 4 of the complaints process will be held mainly in public. That will allow initial investigations to be held in private, which will protect the complainer and the member from what could be prejudicial publicity. At stage 3, when the commissioner's report is published, oral evidence and the committee's deliberations will be in public. In that way, the bill strikes the right balance between preventing trial by tabloid and ensuring that members of the Parliament are accountable to the electorate and that their integrity is seen to be above reproach.

I want to talk about something that could be perceived to be a weakness in the bill. The bill has been developed within the framework of the Scotland Act 1998 and the Scottish Parliament's standing orders. Therefore, the onus remains on the Standards Committee to recommend to Parliament whether sanctions should be imposed. If that recommendation is made, it is up to the Parliament to decide whether to accept the committee's recommendation. Given current public opinion, we must admit that that could be perceived to be a very big weakness. After all, the Standards Committee and the members of the Parliament could be seen to be politically weighted. This is where we elected members face our biggest challenge. As my party's chief whip, I say here and now that there will be no whipping of Scottish National Party members on any report from the commissioner or on any recommendation that the Standards Committee might put before the Parliament. Our challenge is simple: we must put the integrity of Parliament before any party-political interest. We cannot allow the Parliament to be put in the obscene position of having a member who, having been found guilty, escapes because of party politics without even a slapped wrist. Saving our pals cannot be an option.

Make no mistake—this is our opportunity to put clear blue water between this Parliament and that other place. This is our opportunity to say, "Vive la différence." We must be ruthless in our dedication to achievement of the highest possible standards for this new Parliament. When yet more sleaze is reported from that other place, I want the people of Scotland to be able to say, "The Scottish Parliament just isn't like that".

I urge members to support the bill.

09:48

**Lord James Douglas-Hamilton (Lothians) (Con):** I am glad to support what has been said. The bill is the end product of a nine-month inquiry that the Standards Committee carried out. The committee reviewed four possible approaches to investigating complaints against members and

took evidence from a considerable range of witnesses. I am convinced that the right policy decision was made. It is important that the bill will inject an independent element into the complaints process. During our inquiry, many witnesses emphasised the need for an independent commission. That became a central feature of our decision to propose a commissioner and we believe that it will increase public confidence in the Parliament and parliamentarians.

The statutory process and powers to compel the production of evidence are also key features that will enhance the commissioner's independence by ensuring that he or she need not rely on the Standards Committee's powers. They will also ensure that the commissioner is able to get to the heart of a complaint and provide a comprehensive report at the conclusion of his or her investigation.

In addition to the need for thoroughness, it is essential that investigations be carried out with all possible speed. It is important to complainers, members and the wider public that complaints are dealt with efficiently. It is envisaged that, in most cases, initial consideration of a complaint will take no more than two months and that any investigation that is required following that consideration will take no more than six months.

However, the Standards Committee acknowledged that some investigations might be complex. The time limits are therefore not absolute requirements under the bill. Instead, the bill requires the commissioner to report on the progress of an investigation if the initial investigation is not completed within two months and if the full investigation is not completed within six months. The Parliament can then be alerted to the reasons for the delay. The commissioner has the power to report at any time on the progress of an investigation and the Parliament can at any time require the commissioner to provide a progress report.

Transparency and openness characterise much of what we seek to achieve in the Parliament. Those principles underpin the approach not only of the bill but of the complaints process that has been developed. The bill proposes transparent appointment procedures and sets out clear rules on the submission of complaints.

Although the commissioner's investigations will be carried out in private and independently of the committee, much of stage 3 and all of stage 4 of the complaints process would, as Mike Rumbles rightly said, take place in public. The commissioner's and the committee's reports will become public documents. Justice will therefore not only be done, but be seen to be done.

As has been said, the bill has the unanimous backing of the Standards Committee's members.



When the committee's proposals for a commissioner came before the Parliament previously, they received all-party support. I hope that members will support the bill.

In view of Kay Ullrich's comments about the standing of politicians, perhaps I might say a brief word about politicians and the nature of their work. Churchill summed up their role:

"Politicians rise by toils and struggles; they expect to fall: they hope to rise again. Nearly always in or out of office, they are surrounded and sustained by great parties. They have many companions in misfortune. Their work with all its interest and variety continues. Politicians know they are but the creatures of the day. They hold no golden casket enshrining the treasure of centuries to be shattered irretrievably in their hands. They are ready to take the rough with the smooth along the path of life they have chosen for themselves. Yet even politicians suffer some pangs."

It is my contention that, if there are high standards, there will be many fewer pangs.

The historian F S Oliver said of the profession of politics:

"With all the temptations, dangers and degradations that beset it, politics is still, I think, the noblest career that any man—

or woman—"can choose." I believe that we are taking one small step towards making that a reality.

09:53

**Susan Deacon (Edinburgh East and Musselburgh) (Lab):** I fear that Lord James Douglas-Hamilton's philosophy and insights are a hard act to follow. Nonetheless, I am pleased to have the opportunity to speak in the debate and to open for the Labour party.

I am the newest arrival on the Standards Committee, but I have been pleased to be involved in the latter stages of development of the bill. I pay tribute to my Labour colleagues who have been involved for considerably longer and have played a central role in developing the bill. The Labour party is fully committed to the principles of the bill and to the maintenance of high standards in public life. We give our absolute and unqualified support to the principles of the bill.

It is important that, as well as considering the detail, we remind ourselves of the context of the bill. A great deal of debate and history has led us to the point at which we find ourselves. The bill is a significant milestone in the development of the Parliament, but is also part of a much bigger tapestry. That tapestry runs back to the debate before devolution, in which we heard people's high aspirations for the Parliament and what its politicians would do for them, and to the work of the cross-party consultative steering group, which shaped and developed many of the principles that

we have translated into practice in the Parliament. Since the Parliament was established, much more has been done to ensure that the aspirations of openness, accessibility, transparency and high standards of conduct have been translated into practice. It is important that we regard the bill as part of that bigger tapestry.

It is important—particularly in the context of the cynicism about politics and about politicians that we hear—to remind ourselves that a great deal has been done to ensure that, in our fledgling Scottish Parliament, the highest possible standards of conduct are maintained. The bill sets out a robust package that is right for Scotland. It is designed to meet the needs of the Scottish Parliament—a modern Parliament, a Parliament for a 21<sup>st</sup> century Scotland. As other members have said, it is important to acknowledge how much consideration and work have gone into developing the detailed provisions of the bill.

As the bill has been developed, examples from many other places have been considered, including a place a little south of here. It is right and proper that, where appropriate, practices from there and elsewhere have been replicated. Equally, the decision has been taken to differ where that has been felt to be right and appropriate. That is as it should be; the Scottish Parliament should draw on the very best practice.

Mike Rumbles eloquently and fully set out the details of the bill. However, like others, I will emphasise some of the key elements of which we can be particularly proud. We can be proud that the bill will give statutory powers to summon witnesses and to compel them to give evidence. We can also be proud that the bill will ensure the commissioner's independence. Not least among the provisions are those that will provide security of tenure. The commissioner can be removed only by the agreement of two thirds of members voting on a motion to dismiss the commissioner that comes before Parliament. Those are not small matters; they will make a difference.

I was struck at the press conference at which we launched the bill by a question that several journalists asked, which was whether the standards commissioner will be a full-time job. We chorused quickly that we hoped that it would not be. I do not say that flippantly. Although it is important that we put in place the most robust provisions possible for a standards commissioner and for high standards of conduct in the Parliament, it is for all of us to ensure that those high standards are maintained. We all hope that the commissioner will not be inundated with complaints. Equally, it is vital that the public knows that when complaints come forth, an independent person will uphold their interests and, where necessary, hold us responsible for our actions.

I hope that in the months to come members will become absorbed in the detailed technicalities of the bill; as with any bill, they are many. It is right and proper that we concentrate on that detail. However, I hope that in doing so we will not lose sight of the big picture. I am pleased that other members have touched on that big picture. The picture is the need to maintain—indeed, to rebuild—trust in politicians, parties and institutions and the need for us to ensure that the public can hold us to account and that independent mechanisms exist whereby they can do so.

High standards of probity and general good conduct will not of themselves restore politics to the standing that it once had and that we all aspire to its having again. However, such standards are an important step toward ensuring that that standing is restored. I hope that, just as we worked together to develop the bill and get it to this stage, we will continue to work within and across parties to make progress with the bill and get it on the statute book. More important, I hope that we will continue to work together to maintain, develop and enhance the Parliament's standards in order to demonstrate that we politicians have at heart the interests of the people whom we represent. I hope that, at all times and in all the ways that are within our powers, we will maintain the highest possible standards.

I am pleased to support the bill. I know that we on the Labour benches will give it our full support throughout its passage through the Parliament.

10:00

**Bill Butler (Glasgow Anniesland) (Lab):** I welcome the committee bill as the first step in the establishment of the post of an independent standards commissioner, who will have comprehensive powers to investigate complaints made against members of the Parliament. The independence of the commissioner is a necessary guarantee of impartiality and objectivity.

The upholding of proper standards in public life is important to all those who have the privilege of serving at any level of government. The vast majority of people in elected office, of all parties and none, meet the standards demanded by the public, and their probity is not in question. It has to be admitted, however, that a tiny proportion of members have, over the years, let down their parties and, more important, their constituents. That has had an adverse effect on the important business of politics. The behaviour of that minority has led to an increase in the level of scrutiny over the past decade or more, and to a growing, legitimate demand that standards in public life not only be high, but be seen to be high.

The consultative steering group built on the

Nolan committee's recommendations, and the Parliament and its Standards Committee have taken an appropriately robust approach. That is all to the good. The establishment of the post of Scottish parliamentary standards commissioner will lend itself to the attempts that are being made to restore public confidence in the serious business of politics. I hope that the cynicism with which a number of our fellow citizens regard politicians and the political process can be addressed successfully if we all—every one of us—pledge ourselves to a greater transparency and show our willingness to open up the process to disinterested scrutiny.

I welcome the open appointment process as detailed in the bill. It is indicative of the Parliament's desire to ensure that the Scottish parliamentary standards commissioner has security of tenure and that their independence is assured. Unlike his or her Westminster counterpart, the commissioner will have statutory powers both to summon witnesses and to compile evidence. That is positive; it is all to the good. I contend that the bill represents a more robust package than that available to our colleagues down south. We can show the way.

I register my appreciation for the work undertaken by the Standards Committee in its nine-month inquiry into the handling of complaints against MSPs. The Scottish Parliamentary Standards Commissioner Bill is the product of the committee's labour. I believe that the bill is a clear sign of the Parliament's willingness to invite independent, transparent scrutiny. The people of Scotland demand and deserve no less. I commend the general principles of the bill to the Parliament.

**The Deputy Presiding Officer:** We now move to closing speeches, and I make the observation in passing that we are 35 minutes ahead of schedule.

10:04

**Des McNulty (Clydebank and Milngavie) (Lab):** Like Patricia Ferguson, I was a member of the Standards Committee during the first year of the Parliament and I was involved in the discussions that gave rise to the four-stage process that Mike Rumbles described, and which we have now adopted as our proposal for dealing with complaints.

We were concerned to formulate a clear process that could be understood by the complainer, by the person complained about and by the wider public, and that could be applied in all circumstances. We were also particularly concerned to establish that, at each stage, the principles of natural justice should be properly observed in the interests of

MSPs, of the Parliament more generally and of the wider public. That is an important dimension, which has already been touched on in the debate.

It is not sufficient that justice is done; it is important in our context that the processes by which justice is done are clear and transparent and are open to appropriate scrutiny. After a long process of deliberation, we decided that we wanted to have an independent standards commissioner. I warmly endorse that decision and the fact that it has been carried forward into the bill. There is a broad measure of cross-party support for that role and for its being filled by an independent person.

As we all know, there has been much debate about the process of handling complaints down at Westminster. We should take some credit for the fact that we have not had a similar debate about the process of dealing with complaints here at Holyrood. That is partly because we have established clearer principles and a better procedure for dealing with complaints, whereby the person investigating the complaints will be clearly independent and the Parliament itself will transfer its statutory powers to allow that person to carry out their function. Those are good principles.

Lord James Douglas-Hamilton gave us a long quote from Churchill, which I must say was read out in a very Churchillian way. It was an appropriate point about the significance of standards in relation to the whole stature and credence of politics. The job of politician is often a difficult one, and one is always subjected to measures of critical scrutiny, whatever one does and whichever party one belongs to.

To do our job properly, we need a set of clear procedures and a clearly understood framework within which to operate, which provides us with protection and the public and the Parliament with safeguards. It is important to get the balance right, and I think that we have, overall, achieved that in the bill.

I want to highlight some issues that I am not clear about, having not been involved in the discussions on the subject over the past 18 months. One issue that was discussed extensively when I served on the Standards Committee was that of how anonymous complaints should be tackled. My firm view is that we should not really tolerate anonymous complaints. If people have a complaint against a politician or political process, it is important that they be required to make it themselves. I am not sure that the mechanisms covered by sections 4 and 5—

**Tricia Marwick (Mid Scotland and Fife) (SNP):** Will the member give way?

**Des McNulty:** Yes.

**Tricia Marwick:** Perhaps I can set Des McNulty's mind at ease. Anonymous complaints fail the second admissibility test, which deals with procedural defects, at stage 1 of the investigative process. The bill requires that complaints be made by an individual person, be signed by that person and that they provide their name and address. The commissioner must refer any procedurally defective complaints to the Standards Committee, and the committee can then direct the commissioner either to dismiss the complaint or to disregard that defect.

The committee will also have the power to make a class direction for anonymous complaints, which will require the commissioner to refer those immediately to the committee without considering the first or third tests at stage 1. In other words, it will determine whether the complaint is relevant and warrants a full investigation.

It is therefore not anticipated that anonymous complaints will be dealt with by the commissioner or by the committee.

**Des McNulty:** I am grateful for that clarification, although I am not entirely sure that the way in which the bill is framed necessarily makes that as clear as it ought to be.

Section 11 covers the withdrawal of complaints, and I draw members' attention to subsection (2) in particular. We need to be clear that, if a complaint is made and is then withdrawn, that carries the onus that the complaint is without foundation. I do not think that people should be in a position to submit complaints and then withdraw them part of the way through the process without the member concerned being explicitly exonerated as a result.

That protection is important for members, but it does not take anything away from the fact that we have achieved clarity and certainty through the way in which we have established the investigatory procedure. It is very positive that major problems have not arisen from the operation of the standards process. That means that we have got the process substantially right. I hope that, through the bill, we will put into legislation procedures that will consolidate the system completely. For that reason, I welcome the bill.

10:10

**Alex Neil (Central Scotland) (SNP):** As someone who is not a member of the Standards Committee, I congratulate the committee on the excellent work that it has done on the bill. No doubt it has many more hours of work to do.

Kay Ullrich was right to say that lawyers and journalists have an even worse reputation than politicians have. I exempt my trade of economist from that kind of reputation. All of us recognise

that there is an opinion abroad among the electorate that all politicians are the same. Many people automatically regard politicians as sleazebags who cannot be trusted. The onus is on politicians from all parties to prove that that is not the case.

I welcome the fact that the bill is a committee bill, which indicates that there is broad consensus on this matter in the committee. I also welcome the fact that in this debate there has been broad cross-party consensus. It is absolutely essential that every member of the Parliament signs up not only to the letter but to the spirit of what is intended under the bill.

Susan Deacon made a very valid point when she said that we should not automatically reject what Westminster or other Parliaments do, simply because they are other Parliaments. Similarly, we should learn from where they have made mistakes, so that we do not repeat those. The bill contains provisions that indicate that we have learned the lessons of what has happened at Westminster.

I welcome in particular the strenuous efforts that the bill makes to ensure that the commissioner is as independent as possible. However, I ask the Standards Committee at stage 2 to consider a couple of ways in which that independence could be reinforced.

First, it should be clear and unambiguous that the public appointments code that will be updated in the forthcoming public bodies bill should govern the appointment procedure for the new standards commissioner, from the interview process through to the appointment itself. That would reassure people that in relation to parliamentary appointments there was no cronyism of the sort that we have witnessed in relation to Executive or governmental appointments. Such a provision would be a useful addition to the bill.

My second point relates to the Standards Committee. I welcome the fact that statutory powers will be given to the commissioner, who will report to the Standards Committee. It will be up to the Standards Committee to decide whether to recommend to the full Parliament sanctions against a member or members. One problem that arose at Westminster was that the committee that decided whether to recommend sanctions was politically loaded one way. Allegedly, it took a political decision about whether to recommend sanctions.

My point may relate not so much to the bill as to the standing orders and procedures of the Parliament, but as a matter of principle we should ensure that the Standards Committee always has an independently minded convener. There is no doubt that we have one at present—sometimes

much to the chagrin of the party to which he belongs. Ideally, the convener of the Standards Committee should be a member of a non-Executive party—certainly, they should belong to a non-majority party.

It is also important that we consider the composition of the Standards Committee, to ensure that no one party can dominate the committee. In that way, I hope that we will be able to avoid a repetition of what has happened at Westminster.

**Mr Rumbles:** I want to take a moment to reassure Alex Neil about the operations of the Standards Committee. I hope that he is aware that there has never been a vote in the committee. We do not operate on party-political lines. On the occasions when we have dealt with complaints against members, members have never shown any party-political bias—at least, no such bias has been detectable.

**Alex Neil:** I recognise that as a fact and I welcome it as such. However, today we are discussing rules and procedures that will govern the issue of standards not just during this session of Parliament, but for a much longer period. I accept that the current Standards Committee has met the high standards to which members have referred. However, we want as far as possible to ensure that the rules make it very difficult—if not impossible—for us to repeat the mistakes of Westminster, where politicised decisions were taken by the Standards and Privileges Committee.

Another issue that I would like to raise is the issue of directions, in relation to which the Standards Committee has major powers. That fact underlines the need to reinforce the independence of the Standards Committee.

The main purpose of the bill is to catch those who have breached the code of conduct or who have brought Parliament into disrepute in some other way. However, we should not use the provisions of the bill to witch-hunt any member of the Parliament or to pursue petty complaints by one member against another. As the bill makes clear, its provisions should be restricted to serious allegations of misconduct. The bill should not be used to settle personal political scores, either within the Parliament or between individual citizens and members of the Parliament.

I hope that at stage 2 the Standards Committee will consider in detail some of the issues that I have raised. I reiterate my congratulations to the committee and repeat what Kay Ullrich has made clear—the SNP's whole-hearted support for the bill. I thank the Presiding Officer for giving me eight extra minutes.

**The Deputy Presiding Officer:** I would hate Alex Neil to draw the wrong conclusion. In fact, he

has spoken for six minutes and 39 seconds. There is an error on the clock, which has added the previous speaker's time to his.

10:17

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

When we entered the Parliament in May 1999, we were determined that it would not be sullied by sleaze or by a repeat of the scandals that took place at Westminster in the 1990s, which did great damage to the reputation of politics and politicians.

However, we were not driven just by the need to be different from Westminster. From the outset, members of this Parliament believed that it should be a model of probity. That belief has driven the members of the Standards Committee, past and present, not only to produce a bill that makes provision for the appointment of an independent standards commissioner, but in the other work that they have done, which is the cornerstone of the Parliament. I refer to the rigid code of conduct that has been drawn up, the possible registration of commercial lobby companies and the members' interests order. All those measures will be in place by 2003. By the end of the first session of the Scottish Parliament, structures will be in place that will enable the Scottish people to have confidence both in the procedures of the Parliament and in the politicians who are members of it.

In February 2000, the Standards Committee introduced a rigorous code of conduct, which was endorsed by the Parliament. Members will recall that at that time the Standards Committee made a commitment to put in place robust arrangements for enforcing the code. The Scottish Parliamentary Standards Commissioner Bill is the result of the committee's endeavours in that regard. We believe that the proposals contained in the bill, together with the exacting requirements of the code of conduct, will ensure the highest possible standards in the Parliament. They may also go some way towards dispelling public cynicism about politicians.

Under the Scotland Act 1998, the Standards Committee has the power to carry out investigations. It is to the credit of members of the Standards Committee that they wanted to ensure that there was some independence in that process. That is why we have come forward with the Scottish Parliamentary Standards Commissioner Bill today. The appointment of a commissioner would bring that independent element into the complaints procedure. He or she will consider complaints and carry out investigations in private and independently of the Standards Committee. Secondly, the bill will give the commissioner statutory powers, which will enable him or her to carry out those investigations effectively. That is an important distinction from

the arrangements at Westminster.

Refusal to co-operate with the Scottish Parliament's standards commissioner will not be tolerated, although we hope that the commissioner will not have to use their powers in that respect. The power to summon witnesses to give evidence will also enhance the independence of the post. The commissioner will not have to rely on the committee's powers under the Scotland Act 1998. When Elizabeth Filkin gave evidence to our inquiry, she was satisfied at that time that she had no powers independent of the Standards and Privileges Committee at Westminster. She felt that there was no need for her to have such powers, because she worked well with the committee at Westminster. I suspect that she does not think that now.

The next aspect of the bill that I highlight relates to the procedures for appointing and removing the commissioner. Those are transparent and will ensure that the appointment is made strictly on merit. We envisage an open recruitment process with the post being advertised. The commissioner can be removed only by a two-thirds majority of those voting, thus providing security of tenure. The appointment and removal provisions will also serve to underpin the independence of the post.

The committee has indicated that there will be an open and transparent recruitment process. The commissioner will be appointed by the Parliament on the recommendation of the Standards Committee. It is envisaged that that recommendation could be the subject of a debate in the chamber if need be.

Any evidence taken by the committee at stage 3 of the complaints process will be in public session, as will the committee's decision on the complaint. I emphasise that the commissioner and the committee's report into investigations will be published with relevant evidence.

Alex Neil's point about the make-up of the Standards Committee struck me. Mike Rumbles and the members of the Standards Committee have operated thus far in a strictly non-partisan manner. I pay tribute to all my colleagues on the committee, past and present, who have worked in that way. The Standards Committee is probably the one committee of the Parliament that has worked in such a way. I am struck by what Alex Neil said and I think that we could consider it in terms of the standing orders and procedures to ensure that an underpinning is there.

The Standards Committee is currently undertaking a review of the members' interests order, which has had a fair amount of publicity recently. The bill also covers breaches of the order, but makes it clear that the commissioner's power will apply to any legislation that replaces the order.

We will shortly publish our interim conclusions for consultation with a proposal for a further committee bill this year. I urge every member to get involved in that consultation process to ensure that we have legislation on members' interests that is transparent and proportionate.

I am happy to take interventions but, failing that, I will continue.

The reputation of the Parliament stands or falls on the integrity of its members. That is inextricably linked to confidence in the arrangements for handling complaints of misconduct. I believe that the bill will provide a strong foundation for such confidence in the probity of Parliament and its members.

I turn briefly to another point that Alex Neil made about petty complaints and the role of the commissioner. Some people have said that the bill is very complicated and perhaps it looks extremely complicated. The bill essentially defines relationships between the independent commissioner, the Standards Committee and the Parliament. It is inevitable that it has to be a fairly complicated-looking bill. I am sure that members of my party and other parties, who will consider the bill at stage 2, will find themselves working through that.

Alex Neil is right that the standards commissioner should not be used for petty fights between members.

**Alex Neil:** I am sure that my intervention is a relief to everybody—I am talking about the timing.

I refer to the specific point that Des McNulty raised about not having anonymous complainants. The quid pro quo for not having anonymous complainants—and I agree with that—is that where someone puts their name to a complaint, their rights are protected as well. They cannot be scapegoated by the member whom they have named.

**Tricia Marwick:** Alex Neil makes a good point. That is precisely why, at stages 1 and 2, the investigative process will be in private. That is to protect both the complainant and the person about whom a complaint has been made.

We are certainly not looking to appoint a witch-finder general as part of the bill. That would be entirely the wrong message for members. We do not anticipate having a Ken Starr who will consider one complaint, go on to another and another and try to unravel some sort of spaghetti. It is absolutely essential that the commissioner investigate specific complaints and not general complaints that would allow investigations to keep going and going. There has to be a beginning and end to that process. I believe that the bill will provide a strong foundation for confidence.

**Des McNulty:** One of the issues that it is important to understand, both at this stage and at stage 2 of the bill, is that the courts in Scotland can review the processes adopted by the Parliament. Therefore we are subject to the procedures of administrative law in the way in which we conduct the process. That has informed the discussions of the Standards Committee and has informed the way in which matters are handled. We have to operate in line with legal best practice, not just what we think is best practice, but the operating procedures of Scottish law. That is an important underpinning for the bill.

**Tricia Marwick:** I agree with Des McNulty's point. Any legislation that we pass can be subject to review by the courts. Indeed the Scottish Countryside Alliance took to judicial review a decision of the Standards Committee that cleared Mike Watson early on in our lifetime. That found that the Standards Committee's decisions had been entirely appropriate. We have already been subject to judicial review and I expect that any decisions of the Parliament would naturally be judicially reviewed.

In the absence of more interventions, I conclude that I believe that the bill will provide a strong foundation for confidence in the probity of the Parliament and its members. I call upon colleagues of all parties to endorse the general principles of the bill and to ensure that it has a safe passage. More important, we must give the independent commissioner our full support for the work that he may do, but I hope will not have to do.

## European Union Governance and the Future of Europe

**The Deputy Presiding Officer (Mr Murray Tosh):** Our next item of business is a debate on motion S1M-2752, in the name of Irene Oldfather, on the European Committee's ninth report 2001—"Report on the Governance of the European Union and the Future of Europe: What Role for Scotland?"

10:29

**Irene Oldfather (Cunninghame South) (Lab):** It is appropriate and fitting that today, as the convention to review the future of Europe begins, we in the Scottish Parliament should begin to debate our contribution to that future. I say "begin", because I hope that over the next two years the European Committee and the Parliament will continue to contribute to and develop that debate.

The European Committee began its deliberations on the issue almost a year ago and took seven months to conclude its inquiry. The resulting report has been well received throughout Europe. It is important that I place on record the fact that we appreciate the responses to our work from legislatures, academics and interested bodies across Europe. We look forward to promoting the report further in Brussels next week, when the committee will meet the European Commission.

Before I talk about the body of the report, I take this opportunity to thank committee members for the time that they spent on the inquiry. There were volumes of written evidence and hours of oral evidence—sometimes the oral evidence sessions lasted a day. Members deserve to have their work acknowledged.

I would be remiss if I did not mention the fact that we took evidence from regional representatives from throughout Europe. We made history in the chamber when we made use of simultaneous interpretation into and from several Community languages to take evidence from representatives of regions and authorities from throughout Europe. On behalf of the committee, I record our thanks to the clerks. I am sure that members agree that the clerks did a tremendous job in assimilating the substantial written and oral evidence to produce the final report.

The present structure of Europe was designed to accommodate the original six member states, but the new Europe will involve some 27 member states. The Europe of the 21<sup>st</sup> century will be radically different from the Europe of the 20<sup>th</sup> century. That is why we must take time to examine the question of reform. Member states and the

European Commission have recognised the need to connect with ordinary citizens as a necessary part of that reform. The European Committee believes that the process of engaging with our citizens is a priority.

It is astonishing and disturbing that almost the same number of people voted in ITV's recent "Pop Idol" competition as voted in the most recent European Parliament elections. In recent polls, the UK population is consistently the least well informed about the activities of the European Union in comparison with other nations. It is against that background that we seek to extend the debate on Europe from intellectual elites to ordinary people. The fact that that will not be easy is not a good enough reason for standing back. I acknowledge the role that was played last year by the Jean Monnet European centre of excellence when it organised, with the European Committee, a well-attended conference, the purpose of which was to extend the debate to ordinary people. However, I note that, last year, there were 13 such regional conferences in France.

Let me be clear. Contrary to popular belief—for which the media must take some responsibility—Europe is not over there and it is not about foreign affairs. We cannot afford to bury our heads in the sand. Europe is about the things that matter to ordinary people: sustainable jobs; economic development; improving our environment; high quality in our food safety; and enhancing our quality of life. The challenge of raising awareness of the issues should not be exclusive to politicians. We are all stakeholders when it comes to explaining how the European Union affects our lives. It is worth noting that the Scottish Parliament commands unprecedented attention from the fourth estate, yet there are no longer any Brussels-based correspondents who report directly to Scotland on EU matters. That is a matter of regret.

**Phil Gallie (South of Scotland) (Con):** Irene Oldfather made a relevant point when she referred to the effect of Europe on people's jobs. Does she agree that it is reasonable for different countries in Europe to have different workplace conditions, given the range of activities in, and cultures and habits of, the countries that make up Europe? Those differences will become clearer if we end up with 27 member states.

**Irene Oldfather:** I agree with Phil Gallie about the principle of cultural diversity. However, it is important that we set standards for employment conditions throughout Europe.

Better governance means opening up the debate on Europe to a wider audience. It also means greater participation, transparency and accountability. In order to improve participation and accountability, people must understand the

system. The principle of simplifying treaties was one of the committee's key recommendations, on which there was considerable consensus from those who gave evidence. In the run-up to previous intergovernmental conferences, I have often found agreement on that principle, but achieving change is not easy. The committee's view was that the next IGC must tackle the treaties. We will hamper the establishment of new ways of working in Europe and greater understanding by citizens if we do not deal with that principle this time. In order to illustrate the point, I have with me an old, outdated and abridged version of the treaties. We do not want to change the meaning of the treaties, but citizens should be able to read and understand information about who does what on Europe without growing old in the process.

I will say a few words about transparency, which the European Committee believes can play a part in redressing the democratic deficit. I begin by talking about transparency at the European Union level. When we took evidence, the committee returned time and again to the lack of transparency in meetings of the Council of Ministers. When the Minister of State for Europe, Peter Hain, gave evidence to the committee, he acknowledged the need for greater transparency when decisions were taken during Council meetings. Nowhere else within the democracies of the world do legislatures take decisions that affect citizens in that way. How on earth can we expect politicians, interest groups and citizens to have an interest in the machinations of EU decision making if decisions are made behind closed doors? If we had a clearer picture of what happens in Council meetings, there could be better scrutiny of the EU by national and regional Parliaments. That would help the process of transparency and scrutiny in the United Kingdom and would assist in placing matters in the public domain.

Allied to those steps is the need for greater scrutiny of the comitology process, in which officials often flesh out the important detail of measures. The European Committee, in common with MEPs who gave evidence, would like to open up that process and to make it accountable. In the committee's view, the way in which to do so is not to create a new institution over there, but to have much better scrutiny of the EU over here.

**Richard Lochhead (North-East Scotland) (SNP):** I welcome the member's comments on transparency, particularly in relation to the Scottish Parliament and the Scottish Executive. Does she agree that the joint ministerial committees that meet within the UK must be much more transparent? The Scottish Parliament is kept in the dark about what is discussed at those meetings.

**Irene Oldfather:** The committee's view was that

there should be greater transparency. In a minute, I will speak about how we could achieve that within the United Kingdom and within the Scottish Parliament.

The European Scrutiny Committee in the House of Commons and the European Union Committee in the House of Lords share the view of transparency that I expressed. I welcome the comment in the Executive's response to our report that it commits itself

"to developing better arrangements for reporting to Committee around meetings of the EU Council of Ministers."

The committee welcomes that step forward and we are developing procedures to ensure that that work is carried out efficiently.

I come now to an important point about liaison in the run-up to the IGC. The European Committee and the Scottish Parliament must continue to ensure that our voices are heard in the run-up to the IGC. The committee has written to the Executive and the UK Government about the issue and we will ensure that, in the coming months, we play an integral part in leading the debate in the UK on better decision making in Europe. The Scottish Parliament is well placed to do that because it is Europe's newest and youngest Parliament and it is committed to transparency, openness and accountability.

I note that, in its response to our report, the Executive suggested that a way forward on the IGC was to

"continue to champion an open and wideranging debate on the subject and to co-ordinate our efforts in Scotland with those of the UK Government".

Let me put down a marker that is consistent with the committee's principles, which I outlined earlier: the internal UK debate must not be between Executives only and it must not be held in private. The joint ministerial committees are a useful tool for discussions between Administrations, but to parliamentarians and the public at large they are a closed shop. There must be wider involvement and wider debates.

On the role of constitutional regions in the legislative process, we believe that such regions should have a strong role in early access to the Commission, which recognises the importance of Parliaments such as ours across Europe. I believe that that could improve law making in Europe, because it would influence how laws are made in the same way as we in the Parliament take evidence at stage 1 in committees. That would be a positive development. I hope that the Executive will support the committee by recognising the need for a new relationship with the Commission on the development of EC legislation. That could begin to produce better legislation, which would better



connect our citizens to the process.

The committee has begun to develop links with similar regions across Europe. There is a great deal of interest in our Parliament throughout Europe and beyond. It would not be possible to engage actively with every region that wants to enter into partnership with us. I recommend that we set ourselves guidelines for partnerships with other regions. The guiding principle should always be practical and demonstrable benefit to the people of Scotland. Next week in Brussels, the committee will meet representatives from the regions of Catalonia, Flanders and Saxony-Anhalt. I look forward to discussing areas of future co-operation that will offer real benefit to our peoples.

I have a couple of closing points to make. In the Executive's response to our report, the minister agreed with many of our recommendations, although he did not agree with those on the scrutiny reserve and access to the courts. I hope that the minister will keep an open mind on those matters in the months ahead, when decisions and debate will occur in the Parliament and across Europe.

Europe continues to enlarge and expand eastwards, incorporating new friends and offering new markets. In economic terms, an enlarged European Union could mean an extra £175 million for the Scottish economy. More important, it will help to create greater peace and stability for the people of Europe. Its relevance to the legislative work load of the Parliament will continue to be immense. Between now and 2004, the Parliament must continue to contribute to the debate at every possible level.

Only three years ago, a debate such as today's would not have been possible—there was no Scottish Parliament. Although there is a long way to go, let us never underestimate just how far we have come. I look forward to hearing the contribution of colleagues.

I move,

That the Parliament notes the 9<sup>th</sup> Report, 2001 of the European Committee, *Report on the Governance of the European Union and the Future of Europe: What Role for Scotland?* (SP Paper 466) and commends the recommendations to the Scottish Executive.

10:43

**The Deputy First Minister and Minister for Justice (Mr Jim Wallace):** On behalf of the Parliament, I congratulate Irene Oldfather and the European Committee on the production of the committee's ninth report of 2001. I commend the committee on the remarkable volume of evidence-taking work that it undertook in preparing the report. For a considerable part of that time, Hugh Henry was the committee's convener. I am sure

that he deserves the thanks of the Parliament for the contribution that he made.

The debate is timely, as the convention on the future of Europe meets for the first time today. We have the opportunity to discuss the relevant issues in the Parliament. We should reflect on Irene Oldfather's closing sentiments. Three years ago, we did not have a Parliament in which a particularly Scottish viewpoint could be expressed. We should value the fact that we have the opportunity to express such a viewpoint.

Although we await the contribution of the Conservative party, a debate on Europe in the Parliament proceeds on the basis of a reasonable degree of consensus about the importance of Scotland's relationship with the European Union, if not on the basis of unanimous agreement. I hope that we can have a healthy debate that allows proper discussion, rather than one in which people get totally bogged down in trenches and make no progress.

I have the opportunity to set out the Executive's position on the governance and the future of Europe, which are two of the most important issues that face the European Union. They are vital not only because they affect Governments and are the preserve of Parliaments, but because, as Irene Oldfather said, they have considerable significance for the Scottish people and their counterparts across Europe.

One of our key concerns should be the perceived failure of the European institutions to connect with the ordinary citizen. Irene Oldfather made the point that more people voted in the "Pop Idol" final than in the European elections. I think that I voted for Will. No, I voted for Gareth. I used that point until someone pointed out that, as far as we know, in the European elections people vote only once.

The debate is about devising a modified framework of governance that will enable the European Union to work more openly and effectively to achieve what individual citizens want—tangible things, such as greater prosperity through full employment, better electronic communication, cleaner water, cleaner air, the preservation of our natural heritage and safer streets and communities through a collective attack on organised crime. That is why the Executive takes the debate seriously and has offered its views on how the framework should be modified.

**Richard Lochhead:** I welcome the minister's comments. I am glad that he is taking the debate seriously. Given that the convention on the future of Europe has a key role in reforming Europe, what steps has the Executive taken to secure a place for the Scottish Parliament or the Scottish

Executive on the convention?

**Mr Wallace:** Later in my speech, I will say something substantive on how we ensure that a Scottish voice and Scottish viewpoints are expressed and channelled into the convention.

In many areas of policy, joint action across Europe will have a far greater impact than action that is taken in isolation by any individual country. For that reason, we attach considerable importance to the work of the European Union and are clear that we should and will make a meaningful contribution to it. We intend to play an active role in Europe and will continue to consolidate and extend that role, not least through our participation in the future of Europe debate. Therefore, we are delighted that the committee has devoted its time and energy to reporting on that subject. The report itself marks an important Scottish contribution to the debate.

The Executive's approach to the future of Europe debate is based on five key elements. We are pro-Europe, because of the significance of the EU to Scotland's prosperity and to improving the quality of people's lives. We are pro-United Kingdom, because our agreements with the UK Government give us more power than a small nation would otherwise have. Furthermore, the Executive and the UK benefit from access to an influential layer of European government, which was denied pre-devolution. We are pro-reform, because change is needed to give a greater democratic legitimacy to European decision making. We are pro-sub-member state Government involvement. If any member could come up with a better phrase than "pro-sub-member state Government", I would welcome their contribution. Such Administrations can play a vital role in restoring the democratic equilibrium and in linking the citizen with the European institutions. We are pro-debate, because we are convinced that openness is the best route for generating effective solutions and for bringing citizens on board.

In putting forward its views, the Executive has concentrated on a series of practical measures that it believes will realise a more open, effective and relevant European Union. There should be a statement of subsidiarity principles to ensure that the EU acts only when its action would be more effective than action at the member state or Scottish level. To ensure that subsidiarity is properly applied, we have proposed the introduction of an independent subsidiarity watchdog. Although we have an open mind on the form that that body will take, our preference is for a political body, as subsidiarity is a political concept. That body should have the power to act before legislation is finalised and should have the benefit of a direct link with democratic structures.

A system that is based on legal action would inevitably be retrospective and would almost certainly be much slower.

**Ben Wallace (North-East Scotland) (Con):** Have the Scottish Executive and the Convention of Scottish Local Authorities had a response from the UK Government to their joint position, just as the Executive responded to the committee on the ideas that it put forward?

**Mr Wallace:** There has been no specific response yet, but I indicated that the Commission has taken on board many of the points that the Scottish Executive and COSLA made to it. That is very much part of the debate.

The debate on subsidiarity is important because, when the European Union acts, it should do so proportionately and in a way that respects national and regional identities. There should be an assessment of how the potential financial impact of legislation compares to the benefits, so that we can be sure that the outcome justifies the effort.

We make the general point that the sub-member state Administration, which is closer to the people and is often responsible for implementing Commission proposals, should have a greater involvement in the EU decision-making process. Our suggestion does not seek to press member states to give up powers, but the European Union should recognise situations in which a member state has already devolved power.

When the Commission is developing policies, it should consult implementing authorities at the pre-legislative stage. That consultation should be based on a code of practice, which would ensure that the Commission is made aware of any fundamental problems at the formative stage. That would also enable those who are charged with achieving targets to be involved in setting them. To facilitate more comprehensive consultation, we believe that greater use can be made of information technology.

On implementation, we have proposed that the EU should look at a range of measures to achieve objectives instead of always resorting to detailed legislation. We suggest that there should be more framework proposals, which would provide implementing authorities such as the Scottish Executive with the scope for a flexible, decentralised approach. We also suggest that there should be more short, strategic laws. Such an approach would enable an Administration that is closer to the people to achieve the objectives in a way that is more sympathetic to local circumstances.

Finally, we believe that the whole legislative process—from the Commission to the European Parliament to the Council of Ministers—should be more transparent. Indeed, transparency was one

of the themes of the European Committee report. As Irene Oldfather pointed out, the Executive's response to the report indicated that we are in favour of a more transparent legislative process within the European Union so that interested bodies can know how draft legislation is modified.

Inevitably, some of the proposals in the European Committee's report go beyond our thinking at this stage and there are a few proposals with which we disagree. Irene Oldfather mentioned the scrutiny reserve. As she acknowledged, we have committed ourselves to working with the European Committee by reporting on meetings of the Council of Ministers. We will seek to ensure that arrangements are put in place so that, as far as possible, the committee is given the opportunity to feed its views to the Executive at a point at which those views can realistically be reflected in our discussions with the UK Government. At this stage, we favour that option rather than the formal scrutiny reserve. However, I give Irene Oldfather the reassurance that she sought that we are willing to revisit the issue once we have had some experience of the new arrangements in operation.

In passing, I think that it is worth mentioning that the work that went into the report is of some note. For the first time ever, during the committee's inquiry, a UK minister gave evidence to a committee of the Scottish Parliament. The fact that Peter Hain gave evidence to the committee is indicative of his commitment to encouraging the debate and of the ready willingness of Her Majesty's Government to listen to the Scottish viewpoint.

**David McLetchie (Lothians) (Con)** *rose—*

**Mr Wallace:** Before responding to Richard Lochhead's point, I will give way to David McLetchie

**David McLetchie:** The minister mentioned that Mr Hain's participation in the inquiry was welcome. Is not it somewhat ironic that Mr Hain will give evidence to the Parliament but the Secretary of State for Scotland will not?

**Mr Wallace:** I have many responsibilities, but they do not include answering on behalf of the Secretary of State for Scotland. I was delighted that Peter Hain came to the Parliament and I think that the committee responded well to him. I believe that Peter Hain has offered to return at some stage to engage once more with the committee in its debate on the European Union.

Today, the first meeting of the convention takes place in Brussels. If the convention is to be manageable, it must be of a reasonable size. Although several significant sub-member state Administrations—including Catalonia, Bavaria, Wallonia and ourselves—will not be directly

represented, they will be represented through their respective member states. In anticipation of views that may be expressed, let me be clear that it would be unrealistic for all sub-member state Administrations to be present. However, I am confident that all sub-member states will exert influence and get their views across. It is inconceivable that the Catalans and the Bavarians will not try to make their views known; the same principle applies for Scotland. It is essential that Scottish views are understood and that Scottish thinking contributes to the debate and feeds into EU deliberations.

The Executive has an active role in the debates on the governance and future of Europe. We have already participated in four future of Europe debates. The Executive and COSLA have submitted to the European Commission a joint paper on governance, from which several proposals have been taken up. The proposals that have been accepted include the recommendation that enhanced consultation should be based on a code of practice and that there should be greater flexibility of implementation. We also worked with our European partners to produce the Flanders declaration and the Liège resolution.

**Richard Lochhead** *rose—*

**Mr Wallace:** I may be tight for time, but I will give way to Richard Lochhead.

**Richard Lochhead:** I thank the minister for giving way once again.

When there is a matter that is particularly relevant to Scotland, one of the best ways of defending Scottish interests in Europe is to seek to take the lead role for the UK representation in the Council of Ministers. Since devolution, the Scottish Executive has led the UK delegation at three meetings of the Council of Ministers. Will the minister explain the criteria that are used to determine which meetings of the Council of Ministers the Scottish Executive seeks to lead?

**Mr Wallace:** The criterion is common sense. Perhaps that is as good an answer as any. A dialogue goes on between the Scottish Executive and the UK Government. Even when a Scottish minister may not be nominally in the lead, that does not mean that the Scottish minister cannot participate in the meetings of the Council of Ministers.

Last November, I attended the meeting for justice and home affairs, for which David Blunkett was in the lead. David Blunkett positively encouraged me to contribute at a point at which it was relevant for me to remind other member states that Scots law is different. I had an opportunity to make our view known. Likewise, it is widely recognised that Ross Finnie's contribution at December's fisheries council was greatly to the

benefit of the Scottish fishing industry. That pragmatic approach ensures that the Scottish viewpoint is fed in as part of the UK approach.

**Mr John McAllion (Dundee East) (Lab):** Will the minister give way?

**Mr Wallace:** I will give way to John McAllion, but I dare not give way after that.

**Mr McAllion:** The *Financial Times* reported that Scottish ministers have attended about 12 per cent of all ministerial meetings in Brussels, whereas representatives of the German Länder were present at about a third of all such meetings. Do the Germans attend too often or do Scottish ministers not attend often enough?

**Mr Wallace:** It is fair to say that there are more German Länder than the one Scottish Administration. It might be interesting to see the breakdown to discover how often individual German Länder are represented. It would not be appropriate for me to attend justice and home affairs council meetings that deal with reserved matters such as asylum. Our decision on whether we attend is based on the specific agenda of the meeting.

**Dr Winnie Ewing (Highlands and Islands) (SNP)** *rose—*

**Mr Wallace:** I have been generous in giving way and should move on, but I give way to Winnie Ewing.

**Dr Ewing:** The minister mentioned that he attended the November meeting of the Council of Ministers, at which he spoke about Scots law protection, which concerns me deeply. In the European Parliament, Neil MacCormick attempted to keep the protection of the 110-day rule, but all the Labour and Tory members abstained or voted against his amendment. That was not a good example of representation from our MEPs. Did the minister raise the issue of the 110-day rule at the November meeting?

**Mr Wallace:** I cannot remember the specific issue with the 110-day rule, but nothing has emerged that will compromise the 110-day rule.

**Dr Ewing:** The minister is wrong.

**Mr Wallace:** Dr Ewing says that I am wrong, but I believe that there are no plans to change the existing 110-day rule.

I assure the Parliament that our work continues. We will continue to work with COSLA to produce a Scottish Executive response to the Commission's white paper on governance. We will contribute to the formulation of the UK response on governance and we will continue to contribute to the formulation of UK policy positions that will be adopted at the convention. Next week, I shall attend a meeting of the joint ministerial committee

on Europe that is being held to discuss the work of the convention. We will continue to work with our European partners to feed the views of sub-member state Administrations to the convention. We shall use our membership of the constitutional affairs commission of the Committee of the Regions to air Scottish views.

Once the details of the forum and structured network are known, we shall encourage civil society in Scotland to participate. That is important. It is right to point out that the debate should not take place simply between Governments or between parliamentarians. Indeed, paragraph 67 of the committee's report states:

"we agree with Alex Orr who in his evidence to the Committee said:

"It is also important that the debate does not simply engage with the "intellectual elite", but embraces the whole of civil society. For this purpose, the holding of a limited number of public meetings, as well as a link from the Scottish Executive site to the "Future of Europe" site on the FCO website, will assist in engaging with the public".

The fact that Alex Orr is a private citizen who gave evidence to the committee makes his comments even more pertinent. We are looking into the possibility of the Scottish Executive website being helpful in that debate.

Given the extensive range of avenues available, I am confident that Scottish views will be known and reflected and that we will maintain our position as a serious player. The Executive will continue to be active in matters of governance and the future of Europe as debates unfold. We advocate an open and wide-ranging debate and therefore welcome and take note of the European Committee's report. We hope that the efforts to date of central Government and local government will, in the year ahead, be matched by participation and input from businesses, academics, the trade unions and, indeed, the citizens of Scotland and other member states, so that the Europe of the future—as we look forward to an enlarged Europe—better meets the needs of all its citizens.

11:01

**Richard Lochhead (North-East Scotland) (SNP):** I congratulate the European Committee on what is certainly one of the most important and impressive reports to have come before the Parliament.

The SNP agrees with the committee's view on the need to reconnect our citizens to Europe and to address a glaring democratic deficit. As the report says, radical changes are necessary. Our democracy, our culture, our economic and social well-being will be influenced by the outcome of the convention's debate on the future of Europe.

Scotland cannot allow herself to be excluded from decisions on arrangements that may last for decades. There is perhaps no better illustration of the Executive's negligence than its failure to secure places for Scotland on the convention. We are debating this crucial issue here in Edinburgh, but our European neighbours are meeting elsewhere and this Parliament and Government will be posted missing.

It was left to the SNP to secure Scotland's only two representatives at the convention: Professor Sir Neil MacCormick MEP and Councillor Keith Brown will be present, ensuring that Scotland is represented. The European Committee will welcome that, because it supported full and active Scottish participation.

**Mr Jim Wallace:** I know that Richard Lochhead would not willingly mislead the Parliament, but he might acknowledge that Lord MacLennan was a Scottish Liberal Democrat MP—and, before that, a Labour MP—for a long time and that he, a Scot, is there at the convention. He is there as a substitute for a full member and not simply as an observer. Mr Lochhead might also acknowledge that Sir John Kerr, a Scot, is a key figure in the whole convention set-up. Therefore, to suggest that Scotland is dependent only on the SNP to have anyone anywhere near the scene is totally misleading.

**Richard Lochhead:** I assure the minister that he cannot pull the wool over the people of Scotland's eyes. The people he mentions are representing the Westminster Government but no one is representing the Scottish Government or the Scottish Parliament. That is a fact. I urge the minister to give a commitment today that he will work with Scotland's sole representatives on the convention to ensure that our views are taken on board.

Impending enlargement may be the catalyst for the current debate, but change is long overdue. We should never lose sight of the fact that the European Union has been successful in ensuring peace through economic co-operation. Europe has also brought people of different cultures together and has allowed neighbouring states to act together on issues of common interest. Much economic and social progress has been inspired by European co-operation. Indeed, in the dark days of Westminster rule, Europe was often the source of the few progressive social and environmental policies that made their way to Scotland.

Too many Scots now view European institutions as remote, power hungry and stuffed with highly paid and overly bureaucratic officials who dream up new regulations to keep themselves busy. If any MSP asks any farmer, fisherman or businessperson what Europe means to them, the

answer will be that it means inflexible and often damaging regulations, and endless paperwork. That situation has arisen for several reasons. One is the lack of influence that Scotland wields over European policy and the failure to use what limited influence is available to us to ensure that Scotland's views are taken into account. We are reminded of that every time ministers get to their feet at question time and explain that it is Europe that takes the decisions on genetically modified crops, export bans on Scottish meat, state subsidies and fishing and farming regulations. What little influence is available, the Scottish Executive fails to use. We need look no further than the coalition's atrocious record of attendance at the Council of Ministers.

In a parliamentary answer to a question of mine, the minister said that between March 2000 and December 2001, the Scottish Executive was represented at only 12.8 per cent of meetings of the Council of Ministers. That is an atrocious rate of attendance, which has already been referred to by Labour members. It is no wonder that the European Committee is calling for more involvement in such meetings and, indeed, for an automatic right to attend the Council of Ministers.

The Executive has led at only three meetings of the Council of Ministers since devolution—twice on education and once on health. Mr Wallace says that the criterion for leading is common sense; if common sense is the criterion, why on earth are we not leading the United Kingdom delegations on matters to do with agriculture and fisheries?

**Brian Fitzpatrick (Strathkelvin and Bearsden) (Lab):** Is Mr Lochhead seriously suggesting that all the useful work that is done at meetings of the Council of Ministers or elsewhere is actually agreed on the day during some kind of cosy chat among those who attend? Is it not the case—as Angus Robertson MP pointed out when giving evidence to the European Committee—that the SNP's ambition is for individual parliamentarians to do a lot of travelling to European institutions to find out what is going on?

**Richard Lochhead:** The member is displaying his ignorance. However, he is right to suggest that much of the work is done before meetings. If the member investigates the Scottish Executive's attendance at the thousands of working groups that take place every year prior to meetings of the Council of Ministers, he will find that its rate of attendance is 10 times worse than its rate of attendance at the Council of Ministers.

As the European Committee's report points out, the treaties enable member states to delegate their votes on the Council to sub-member state Governments, yet we have the ludicrous situation in Scotland that, even for a subject as predominantly Scottish as fisheries, Scottish

ministers are so weak that they will not stand up to London and demand the lead role in negotiations. Contrast that with the situation in Belgium, where the Flemish have taken the lead role for that member state as of right since the beginning of this year. Why can the same thing not happen in Scotland?

We know that we cannot rely on London ministers—even the National Farmers Union of Scotland now says so. Jim Walker of the NFUS appeared before the Rural Development Committee in September. He said:

“There is a fundamental weakness in the political set-up in this country, as we seem unable to influence—we cannot influence—at the highest level the negotiations that take place in Europe”.—[*Official Report, Rural Development Committee*, 18 September 2001; c 2147.]

Even Scottish industries are coming round to the SNP's viewpoint that the current arrangements simply do not work for Scotland.

**Phil Gallie:** The member surely ignores the fact that, at the very highest level, a number of representatives of Scotland operate on behalf of Scotland and the United Kingdom within Europe—for example, the Chancellor of the Exchequer and the former Foreign Secretary. The member must take such facts on board.

**Richard Lochhead:** I inform the member that what is required is for this Government and this Parliament to be represented in the decision-making processes, so that votes are cast on behalf of Scotland.

Scottish ministers prefer to rely on secretive and cosy little joint ministerial councils in a vain bid to influence London's European policies. There have been only two JMCs on Europe since devolution, and Labour's internal problems prevented it from attending one of those. Labour has actually attended only one JMC on Europe since devolution. The closer London gets to the negotiating table, the further Scotland is from its mind. Despite the opportunities offered by Scotland's new constitutional status, Scotland continues to be sidelined and silenced in Europe. Ministers are caught in the headlights. They are too timorous to stand up to London, but the people of Scotland rightly expect them to deliver.

Another reason for reform is that Europe does too much at the centre. If the Scottish public are to continue to support Europe, we should never take that support for granted. If this Parliament is to retain legitimacy, only decisions that have to be taken at European level should be taken there. Subsidiarity should be Europe's guiding principle rather than some airy-fairy academic concept. We need only look at the common fisheries policy to see what happens when subsidiarity is not put into practice.

The SNP believes that we should support a Europe that allows all its nations, regions and communities to have a say in the decision-making process. The EU exists for its citizens and not for political elites. We need a people's Europe where all communities are listened to and involved. It is therefore essential that the people of Scotland are at the heart of the forthcoming debate on the reform of Europe.

Scottish ministers should aim to maximise our influence in Europe. Under devolution, that means securing mechanisms that allow Administrations with considerable legislative powers, such as the Scottish Parliament, a direct role in decision making and, as the committee argued, access to institutions such as the European Court of Justice. If we do not ensure that Scotland's voice is heard, the report that we are debating today will be left to gather dust on the shelf. The SNP's objective is to place Scotland at the heart of decision making through independence in Europe. Real influence will be acquired only by securing a seat at the top table alongside other small independent European nations. Is it any wonder that Scotland is Europe's invisible nation, given the Scottish Executive's current policy?

The SNP wants Scots to grow up in a confident and vibrant Scotland that stands alongside our neighbours at the heart of EU decision making. We want to grow up in a Europe that recognises the need not only for co-operation but for diversity and democratic legitimacy at international, national, regional and local levels. Scotland is lumbered with a Government that does not know whether it is coming or going in Europe. Ministers are unclear about their role and unwilling to stand up to London. It is time for the Scottish Government and the Scottish Parliament to seek maximum influence in Brussels to ensure that we help to shape the future of Europe.

11:11

**Ben Wallace (North-East Scotland) (Con):** I welcome the publication of the report and the beginning of the debate on future European governance and how that will plug into an enlarged European Union. I would like to bring the debate back to the report and the discussions about the future of Europe, rather than talk about who did not turn up to what ministerial meeting—the usual fantasy politics of the SNP. That is obviously part of the SNP's repositioning to the bottom of the polls. The SNP is not going to get anywhere if it carries on like that.

**Richard Lochhead:** Will the member give way?

**Ben Wallace:** No, I will get into my speech, which deals with the report. Given that Mr Lochhead was not on the committee and so did

not turn up to many of its debates, it would be quite good for him to listen.

I spent last week's recess in Savoie in France. Savoie, much like parts of Scotland—

**Mr John Home Robertson (East Lothian) (Lab):** Mr Wallace was sliding downhill as usual.

**Ben Wallace:** I was not minister for tourism at the time, so it was all right.

Savoie is sandwiched between Italy and Switzerland. Like many regions in the EU, it feels alienated. As a result, there has been a surge in nationalism in that part of Europe. Savoie feels alienated from how decisions are made within France and within the European Union. That issue is at the heart of why we are beginning the debate on European governance.

Today, we have round one of the convention in Brussels. Unlike the SNP, I do not believe that every sub-nation state should have a place in that, as a convention of some 750 people would be pushed to come to a conclusion. I have faith that my colleagues in Westminster will put forward our views. I talk to them a lot, trying to ensure that we get a position and fight for the best that we can get. That is the best way to reach a practical framework.

The Scottish Executive and COSLA have produced a clear position—I do not agree with it, but at least they did it in advance. In contrast, Peter Hain is going to Europe with no clear position; he will discuss most things in secret and, as usual, the decisions will probably be made in secret. That is not the way to deal with the problem of people feeling alienated from Europe. It will be another step away. People will ask how the convention came up with the framework. France has held regional meetings. Ministers have gone out to discuss with people what they think the future European structure and institutions should be. It is a shame that we start day one by aggravating the problem that we are trying to solve.

**Irene Oldfather:** Does the member accept that the Minister of State for Europe has agreed to come to the committee and work with us to formulate a position on the convention?

**Ben Wallace:** The minister came to the committee and did not give any position. That is the point: we need to have a position from which to start the debate. The European Union produced the green paper in July 2001. That was the framework and we all discussed it. Nearly every member state has discussed that green paper and used it as its starting point. Mr Blair chose to go to Warsaw, where he stated that he wanted a second chamber, but was not very clear about the future of Europe. Mr Hain wrote a very good book on the

future of Europe, called "Ayes to the Left". According to his book, Mr Hain is an enemy of Europe—the book was very anti-EU and anti-euro. Clearly things have moved on since he got a ministerial position.

The questions were put out by the EU for us to discuss. The UK position is important because it is through that position that we in Scotland engage in the debate. Did Mr Hain answer the question as to whether he wanted a second chamber? He moved from Tony Blair's position to that of "Perhaps, maybe". Mr Hain said that he wanted greater transparency in Europe, but he was not prepared to open up the Council of Ministers. He did not discuss the number of commissioners or MEPs. He did not discuss many of the things into which we are trying to have an inquiry. That is not the way to go about things. If we do not have a position, we cannot have a debate and we cannot engage people in Scotland in deciding how the future should be shaped.

**Irene Oldfather:** Does the member accept that this is the beginning of the debate? The minister came to the committee and we invited him back—he is coming in a month or so. That visit will be an opportunity to engage in the debate further. The European Commission has not even closed its consultation yet. Today, we are engaging in the debate.

**Ben Wallace:** Irene Oldfather is slightly wrong. If the European Commission can produce a framework and if the Scottish Executive, COSLA, the Conservatives, the SNP and the Liberal Democrats can produce a position, why on earth can the UK Government not produce a basic position on which we can have a discussion? The positions that it has indicated have moved over the past 18 months—from second chamber to no second chamber and from no subsidiarity panel to a subsidiarity panel. That is the problem. We cannot engage with Peter Hain's views, because we are not allowed to be involved in the process.

Should we be so grateful that the minister might come to the European Committee after the agenda of the convention has been set? Why can we not be there in advance? I am not asking for a right of access to the convention, as the SNP is. I am asking to be treated with decency—the decency that my constituents deserve—and to be consulted on the position and to have a discussion. Every other member state in Europe talks to its citizens about the future of Europe. I do not think that the current position is good enough if we are to solve the problems of future governance.

**Richard Lochhead:** Ben Wallace says that he does not expect Scotland to be given a right to sit on the convention. Does he not think it strange that small European nations that are not in the EU

have a right to be in the convention, when Scotland, which is part of the EU, does not?

**Ben Wallace:** As the member knows, Scotland is part of the UK, which has a right to be in the convention. If Richard Lochhead is saying that every sub-nation state should have a position on the convention, there would be hundreds of positions. Let us ensure that whatever we engage in through the UK is subject to proper consultation and open discussion.

I said that the Scottish Executive and COSLA were up front in that. There is a remarkable similarity between the positions of COSLA and the Scottish Executive, and Richard Spring, the MP who came up to give the Conservative position. I welcome that. It is good news that we are working in sync on some issues.

Europe has to put its money where its mouth is—it must match words with actions. What does further integration mean? What does bringing Europe closer to the people mean? We cannot say that we are bringing people closer to decision making if we are taking powers away from member states or extending the qualified voting majority. That does not add up. If one believes in bringing decisions closer to the people of Europe, one should devolve more decisions downwards and have greater belief in a subsidiarity panel, to ensure that decisions are made at the right level for the right people.

Europe must decide where it wants to go. People have a genuine fear that more powers will go to the centre, leading to a state of Europe. Some will say that it is a federal state of Europe. If we decide to have a directly elected president—one of the options in the governance inquiry—and a constitution, we must recognise that those are elements of a federal system. There is a debate to be had. It is possible to bring people closer to decision making in Europe in a federal system. Conservatives do not think that that is the right way to go. Nevertheless, if we had a federal system like that of America, it would bring more decisions closer to the people. However, that would be at the expense of the powers of member states and even devolved institutions.

Europe has to decide—that is the challenge. It cannot say one thing, then do another. That is why we think that the best way forward is through many of the report's recommendations. I do not agree with the European charter of fundamental rights and dissented on that matter in the report. I had serious questions on direct access to the Court of Justice, as did the Scottish Executive. However, we must make clear what we want in respect of making decisions in Scotland and influencing Europe. We cannot have it both ways. If there is no open system of consultation with the UK Government in which we can engage with the

Minister of State for Europe and make our position clear on the Government's position, we will simply extend the alienation of people in this country from Europe and the European institutions. Whatever one's view of Europe is, that will not be good for the future and it will end up only compounding the problem.

Many recommendations in the report should be adopted and I hope that the UK Government listens to our concerns and engages with us fully.

**The Deputy Presiding Officer (Mr George Reid):** There will be open debate until noon, so members' speeches should be around five minutes.

11:21

**Sarah Boyack (Edinburgh Central) (Lab):** Not many members are in the chamber, although the debate is one of the most important that the Parliament will have. This is the start of a process. The debate is important to get into nitty-gritty issues that Irene Oldfather and Ben Wallace mentioned.

Changes in European governance affect every person in Scotland. We face a major challenge in communicating those changes and engaging the citizens of Scotland in dialogue about them. If we are to be successful in that debate, we must get back to first principles and think about why we are in Europe and what Europe should deliver.

After the second world war, the aim was to bring economic stability and peace to Europe. We should think about such fundamental issues and the development of a social Europe, which the Labour party has strongly supported. Latterly, Europe's aim has been to take collective action on global environmental problems. We are in Europe because of such reasons.

Enlargement will bring more nations into the European structures. It will require different ways of working and a model of interdependence between different states, with different powers at different levels. The real challenge is not to create a superstate, as Ben Wallace suggested, but to create a set of institutions with democratic and transparent decision-making processes that people feel have legitimacy.

The European Committee report is excellent. It gives marker points that we need to argue for with the Executive, within the UK and with many other voices throughout Europe that are arguing for exactly the same things.

Scotland has the best of both worlds. We are part of the UK, which is a key and powerful member state. With a Labour Government, the UK has built up more respect in Europe. The Government does not simply go along with



everything that is suggested, but engages constructively in dialogue and debate. It has real clout. Scotland also has input into Europe and can engage directly on issues that are of major significance to it.

There is also a challenge for MSPs, if we are to do our jobs properly. We should work and engage effectively with our MEP colleagues in all parties and with the UK Government to represent our interests in Brussels.

Members should think back over the past couple of years. We have had major successes in working together constructively on the CalMac tendering process, on getting the go-ahead for the Rosyth ferry with the freight facilities grant and on many fishing industry issues that have arisen in the past couple of years. Where we work together constructively and argue our case, we are successful. There should be co-operation.

**Richard Lochhead:** Will the member give way?

**Sarah Boyack:** No. I want to talk about the report. I might take an intervention later, but I want to proceed.

A key issue that the committee raised is the need to improve the Parliament's scrutiny of the Executive's work. I welcome Jim Wallace's constructive response on that. We cannot easily tackle the issue. If we are to get the right result in the UK and in Scotland, the Government must have some ability to engage in negotiations and dialogue without everything being open to discussion.

There are challenges running up to each Council meeting. Council meetings do not just drop from the sky—they are the result of years of discussion between member states and at the sub-member level. There are real opportunities for us, but we require to prioritise if we want to be effective. That also means making demands on the Commission. I agree strongly with Jim Wallace's and Irene Oldfather's comments on the importance of Europe engaging in pre-legislative discussion, as we have done in the Parliament. That can gear up Europe's citizens, businesses and stakeholder organisations to play a constructive part in the process.

We need to monitor what is happening in Europe and engage in dialogue at an early stage, so that we can prepare for opportunities that arise. For example, the proposed directive on waste electrical and electronic equipment is not the most exciting directive, but cleaning up Europe by dealing with electronic waste effectively is a major challenge. The challenge is to prepare and act now rather than wait until the directive reaches us. The Executive should take a lead and Scottish businesses should see opportunities. There is the unfortunate experience of the fridge mountain,

which is getting larger in Scotland. We must learn from that experience and engage effectively. The job of MSPs is to work with the Executive.

I welcome the proposal to make each presidency an opportunity for a debate in the Scottish Parliament or the European Committee so that, every six months, we take stock and prioritise the work of the Parliament to enable our constituents and key stakeholders in Scotland to take part in debates, as we take part in debates in Europe.

Devolution reflects a huge step forward from the old nation states of the 19<sup>th</sup> century. It reflects the interdependence of states in Europe. There is a complex mix of traditional nation states, constitutional regions and sub-national and regional alliances that are developing throughout Europe. There is also the elected European Parliament, which we have not reflected on much this morning.

The challenge for Scotland is to build alliances with like-minded nations and regions and to add our voice to the process in Europe for democratic, transparent and more accessible institutions. The European Committee's report gives us a good starting point for that debate.

11:27

**Colin Campbell (West of Scotland) (SNP):** I welcome the report and thank the European Committee clerk and his team for the prodigious effort that they put into it.

I want to consider blockages in the information flow between people and institutions of the European Union. I shall address blockages that impinge on MSPs because, if we cannot get things right, there is little chance of informing the population properly.

In the joint submission to the EU by the Scottish Executive and COSLA, the Executive said:

"We propose that the legislative process (from Commission to European Parliament and Council) should be more transparent to enable interested bodies to know how the draft legislation is being modified."

That recognises the obstacles that are faced by every agency that is trying to penetrate the inner workings of the Commission or the Council of Ministers. As long as there is unjustifiable secrecy, there will always be a suspicion in the public mind that politicians may be selling out the best interests of their domestic electorates. If such secrecy is widespread in Europe, it severely damages the EU and erodes the principles for which it stands.

I welcome the Scottish Executive's stated commitment to transparency in Europe, but it has not always applied the same principle in respect of

links between Scotland and the UK. This month, Malcolm Chisholm was asked which elected representatives had briefed the UK delegation on health prior to the EU health council in Brussels in November 2001. His reply was that the discussions are confidential. Last year, Jack McConnell gave the same response to a question about who had been involved in preparatory talks for the November 2000 IGC.

I do not know why there is such reluctance to part with even the bare bones of information about talks between Scotland and the UK, such as topics or names of the elected representatives. Is there an administrative blockage, a psychological blockage, or is it just that some people are stuck with the status quo? If devolution is a process and not a destination, the blockage must be cleared. To give no information at all can give the impression that no discussions took place. I know that that is not the case, but giving no information leaves the feeling that perhaps we were not as well represented as we might have been.

There are some healthy signs of change. When asked recently who had led UK delegations at the Council of Ministers, the Deputy First Minister provided three names. A question asking which Scottish Executive people had been present at Council of Ministers meetings produced the names and a list of 26 meetings at which they spoke when appropriate. I do not like the subordinate feel to that phrase, but they spoke when appropriate. Those responses hint at a more transparent way ahead. I welcome that.

The Scottish Executive response to the European Committee's report states:

"we believe arrangements can be developed which, while respecting the provisions of confidentiality, will provide the Committee with a greater opportunity to contribute to the Executive's discussions with the UK Government on EU matters."

The SNP welcomes that concurrence with the European Committee's report, and will do all that it can to promote transparency and positive dialogue. Given that the Deputy First Minister is prepared to announce publicly in the chamber the date and outline of meetings of joint ministerial committees, as part of that move to transparency, perhaps he will instruct his officials to provide the same information in advance of JMC meetings directly to the European Committee.

I am sure that unionist colleagues can logically understand—if they apply their logic to it, although their emotional attachment to the United Kingdom will prevent them from admitting it—that the removal of the United Kingdom tier, and the provision of direct Scottish representation in the European Community as a normal nation, would improve Scotland's negotiating position, and access to and information from the European Union.

11:31

**David McLetchie (Lothians) (Con):** I, too, welcome the European Committee's report on EU governance, which is a substantial and worthwhile contribution to the debate from a Scottish perspective.

Enlargement of the European Union is something for which we have long argued, as part of our Conservative vision of a wider and more flexible union of nation states. However, there is no doubt that enlargement has implications for the European Union's decision-making structures. The Scottish Conservatives want to make a positive and constructive contribution to the debate. That is one reason why we are hosting the conference of the European People's Party-European Democrats group in the European Parliament in Edinburgh in June.

Our constructive approach does not mean a blind or uncritical acceptance of policies that are not in this country's interest; that is why we oppose membership of the single currency. It is worth remembering that Sweden has remained outside the euro zone, and that the Danes rejected the euro in a referendum. Does anyone suggest that they are anti-Europe? It is, of course, a perfectly sane and rational position to be pro-Europe but anti-euro. Only crazy secretaries of state for Scotland who need lessons in logic more than they need lessons in French fail to understand that or wilfully choose to misrepresent it.

**Brian Fitzpatrick:** On the subject of being perfectly rational, is it rational to be opposed to the euro in principle, even if joining the euro is in this country's interests?

**David McLetchie:** It is inconceivable that joining the euro could be in this country's interests, because it has enormous constitutional significance—which relates to the debate about governance—as well as economic significance. One can converge economic and monetary policies without abandoning one's currency, as is the case with many other adjoining nation states in the world. One does not need to surrender all of one's sovereignty or power to a central bank to correlate economic policies between one member state and another. For example, the United States, Canada and Mexico, where such policies are closely co-ordinated, represent a far larger market than the European Union.

Equally, we do not believe that the present drift towards a more integrated and centralised European Union is in this country's interests. That is why we voted against the Treaty of Nice, along with our footballing friends in the Republic of Ireland. Such a drift is not sensible in an enlarged European Union, because decision making in a

union of 28 states cannot be the same as that in a union of 15. The differences between member states will be far more pronounced, which must be recognised in the structure of the European Union of the future.

**Richard Lochhead:** If the member is so opposed to centralisation, why did he oppose the establishment of the Scottish Parliament?

**David McLetchie:** That is a good question, but the situations are not comparable. I am in favour of Scotland being part of the United Kingdom. The arguments against the Scottish Parliament were well known and well rehearsed. The miserable performance of the Scottish Executive in the Scottish Parliament during the past three years has diminished confidence in this institution rather than improved it. The miserable performance of the SNP has not encouraged anybody either.

At the heart of this debate about the future of the European Union is the question of democracy and accountability, which is encapsulated in the arguments over the extension of qualified majority voting. Our position is that there should be no further extension of QMV on European legislation, as it transfers too much power from the electorates in member countries and their national Parliaments to European Union institutions. QMV will undermine, not enhance, democratic accountability. Unanimity means that no decision can be taken that is, in effect, against the wishes of a national Parliament.

When the power to make laws is moved to Brussels, it is not only centralised but moved from open discussion and debate in Parliaments to debate behind closed doors, where no one can follow the deliberations and the votes. In that respect, I welcome the recommendation in paragraph 223 of the European Committee's report that meetings of the Council of Ministers, when they are performing a legislative function, should take place in public. That would be a substantial improvement on the present position. I endorse that recommendation.

The threat that the integrationist mentality poses to democracy has been illustrated vividly by the treatment of the Republic of Ireland since it had the temerity to reject the Treaty of Nice in a referendum. The European Union seems intent on treating that vote as if it never took place and pressing on regardless, ignoring the inconvenient fact that the Irish people do not think that the treaty is in their national interest, and that legally the treaty must be ratified by all 15 member states. That does not bode well for democracy in Europe and should serve as a warning to all those who naively believe that an independent Scotland in the European Union would be in a stronger position than Scotland currently enjoys as part of the United Kingdom.

The Conservative approach is based on extending the democratic control of peoples in the member states over legislation coming out of Brussels. In short, that means putting into practice the principle of subsidiarity. Decisions should be taken at the most appropriate level. In many cases, that will mean devolving decisions to national Governments, which can then decide whether they need to be decentralised further to institutions within member states.

Our political opponents largely want to see Scotland submerged in a more closely integrated and centralised political and economic union, either within the United Kingdom or on our own, but they know that that is unpopular so they are engaged in a campaign of federalism by stealth. Our opponents talk repeatedly about incrementals and the next step; we talk about fundamental issues. It is time for all parties in this debate to put their cards on the table and talk about the endgame to which they aspire, not just the next trick.

11:38

**Mr Lloyd Quinan (West of Scotland) (SNP):** I thank the European Committee clerks, the Scottish Parliament information centre and the advisers to the committee for producing the report, which is a useful first step in our debate about developing democracy. I welcome the debate on the basis that today sees the first meeting of the convention that will discuss the future constitution of the European Union; it is a timely piece of history.

Unfortunately, we are a number of years behind the real debate in Europe that informs the IGC. The real debate in Europe is about whether we want a Europe that is an economic market or a Europe of political structures that suit the peoples of Europe and not the states. In Scotland, with the existence of this Parliament, we are living in a radically new political world. Wales and Northern Ireland have Assemblies. The nature of the United Kingdom has changed, and the United Kingdom, unionist parties and unionist voters must think seriously about their input to democracy through the sieve or censorship of Westminster and the UK Government.

A new world order is developing in Europe, but we are trapped in old order ideas of nation states, grasping at and holding desperately on to their power, competing and arguing with one another in the Council of Ministers. That is not the natural way to deal with democratic development.

After several years' debate about access to democracy in the European Union, Catalunya has established its own convention. Many of what unionist politicians call sub-nation states, and what

I call states-in-waiting or stateless nations, desire to put pressure on Brussels, not their own central Governments, to make Brussels recognise that subsidiarity must be applied. If powers have been granted to regions or nations, Brussels must recognise them. I firmly believe that that is how we should progress the debate. Our argument is not with a United Kingdom Government of any colour, but with the Commission and the European Parliament, which have failed to recognise their principle of subsidiarity.

The debate is merely a beginning. We must get away from the idea that giving away anything in the debate on the convention and on the future of democracy in Europe limits and demeans the nation state. The extension of democracy demeans no state and diminishes no power. It empowers the people—that is the basic principle of democracy.

In the 21<sup>st</sup> century and through the IGC, we have an opportunity to build the Europe that we want. The SNP supports the concept of a Europe of the peoples. Everyone in the unionist parties supports the concept of a Europe of the nation states. I say that that is an abdication of responsibility, but I believe that unionism is an abdication of responsibility for any Scot, Welshman or Irishman. We must take responsibility for ourselves, and, more important, for future generations.

Between now and 2004, the creation of a constitution will be discussed. That could affect our children and our children's children. I do not understand the desperate worry about giving up power. This country has entered into economic, military and political alliances throughout the past 1,000 years, and some of them have endured considerably longer than the union. We hope that the European Union will endure considerably longer than the UK union will.

We must take that long-term vision. What do we want Europe to be? Do we want it to be purely an open and free market, as many neo-liberalists in the Liberal party and the Labour party and the firm neo-liberalists in—

**Sarah Boyack:** Will the member give way?

**Mr Quinan:** I am more than happy to.

**Sarah Boyack:** This morning's debate has reflected the fact that we have moved on in the past couple of decades. Lloyd Quinan seems to be talking about people from the Labour party of 20 years ago. We recognise that the classic nation state of the 19<sup>th</sup> century has moved on. Europe is more complex. It has a mixture of nation states and cross-regional alliances. It would help if Lloyd Quinan debated the present position, rather than the past.

**Mr Quinan:** I do not accept that, and I am

unsure what point Sarah Boyack was trying to make. I do not accept that the nation state is purely a 19<sup>th</sup> century concept. That is a concept of British political historians and political scientists—

**Sarah Boyack:** It is what you guys want.

**Mr Quinan:** That is not the debate that political scientists in mainland Europe hold.

The importance of the debate is exemplified by what is happening in Spain between the Basque autonomous community and the Spanish Government. Because it lacks involvement in the convention, the Basque Government is retaining the taxation that it collects on behalf of the Spanish Government. It will refuse to hand that over until it has assurances about the democratic structures for which Spain will argue. We should be in the same position. We must recognise the importance of the debate in every country, and, most important, for every citizen.

11:44

**Phil Gallie (South of Scotland) (Con):** I congratulate the European Committee on compiling the report, which took six months' hard work. The report has much content and is worth reading, but I suspect that few people will read it with the attention that it deserves.

As Irene Oldfather said, the report is intended to stimulate further discussion. I take that on board, so I will find it slightly difficult to support Irene Oldfather's motion, which asks us to support all the report's recommendations. Many of the recommendations are good, but I disagree with many conclusions, which gives me difficulty. However, I suspect that I will support the motion later, as I recognise Irene Oldfather's good intentions.

I cannot deal in five minutes with six months' work on the report, but I will pick up on one or two recommendations. I am concerned about a recommendation by the committee's adviser, who seems to think that the Executive is undermanned on European affairs. She proposed considerable expansion of Scottish Executive officialdom's involvement in European issues. That would be a mistake and the recommendation is regrettable. As Sarah Boyack suggested, officials here and in Whitehall must work together on the key issues that will benefit the United Kingdom as a whole, Scottish citizens and citizens of the UK's other home countries.

The recommendation in paragraph 208 on simplification and rationalisation of European regulation and rulings should lie at the heart of the run-up to the IGC. We all face that problem. When we examine simplification, we must consider the way in which the United Kingdom treats European

regulation. Perhaps too often, I blame Europe for all our ailments, but the UK often faces problems because of the way in which European law has been implemented here. I believe that officials are sometimes over-enthusiastic about dotting the i's and crossing the t's. We must examine that.

The report recommends

"that serious consideration is made to the creation of 'partners of the Union status' for bodies such as the Scottish Parliament".

That goes over the top. Our partnership is with the UK Government. For the United Kingdom and people in Scotland, strength in Europe comes from a united voice in Europe.

**Irene Oldfather:** Does the member recognise that in some of the recommendations, including that which he quoted, the committee is talking about access to the European Commission? Having that access at a pre-legislative stage would give us the influence that Phil Gallie said that he wanted, to provide better legislation that connects with people.

**Phil Gallie:** I accept that. Irene Oldfather emphasised my initial point that the report is intended to stimulate debate and get minds moving. Such clarification is helpful. It is needed not only on paragraph 209, but on a raft of issues that the report raises.

The report has been produced in the run-up to the IGC. I am concerned about the reason for the establishment of the IGC. Other nations have other ideas. Just last night, the French Europe minister said that, with the introduction of a single currency and plans for a European arrest warrant, a common army and a unified legal system,

"we are building something which is profoundly federal or a true union of states".

If the IGC goes down that line, it will be distanced from the devolved ideas that all in the Parliament are supposed to embrace.

We believe that people in the United Kingdom should be able to establish their own opinions and that we should be able to deal with the issues for our citizens in the way that we feel is most appropriate, but others in the IGC may have another agenda. That was underlined by Ben Wallace's comment that it is all-important for the UK Government to publish a white paper that states clearly the UK approach to the IGC. To do so would mean that no one in this country would have any doubts about the objectives that we seek.

11:50

**Dr Winnie Ewing (Highlands and Islands) (SNP):** I am a passionate European. That stems from my early days, when I was fortunate to study

in The Hague and met a generation of lawyers of my age who were passionately in favour of creating the European institutions.

In 24 years in Europe, my stance has not changed. I remember well that I met Irene Oldfather on many occasions in Europe. I am aware that the passion that I feel for Europe is shared throughout the chamber and that it crosses the party divide. I say that quite genuinely.

In my time, I found it odd that the Labour party was split on Europe before it became very pro-Europe, unlike the Tory party, which was very pro-Europe before it changed its stance. It is odd to have been in Europe for so long and to have seen so much change. I saw Parliaments gaining powers, but Parliaments always want more powers. That is also true of Europe—indeed, the European Parliament does not have enough powers.

I have questions for the minister who is to sum up for the Executive. In the run-up to the IGC, will the Executive press for better access to political units within member states? Will it press for the point that Irene Oldfather made in her opening speech about simplification of the treaties, which is vital? Will it press for the Council of Ministers meetings to be held in public when the council meets in a legislative capacity? Many people become disenchanted with Europe because such meetings are not held in public. Will the Executive press for the Scottish Parliament to have direct access to the European Court of Justice? We are not far from that position, but if local authorities have access to the court and the Scottish Parliament does not, surely that deficit should be corrected.

The European umbrella affects 80 per cent of our devolved powers, so it is vital that we have more access to Europe. I am pleased that the report admits that there is a lack of access and seeks ways to improve it. To that extent, I am happy to support the report.

As everyone knows, I want Scotland to be a normal country—one that sits at the top table. It is ironic that all the unionist parties in the chamber accept the right of Malta to be at the top table and the right of Luxembourg, which has not a single bit of coastline, to make decisions about fishing. The unionist parties believe sincerely that we are better off with the UK Government negotiating on our behalf.

I have so many examples of the UK not doing a good job for Scotland that I could take up all the time that is left in the debate with them. Fishing is a case in point. The UK Government supported Spain and not Scotland. Projects often fail because Britain is the worst in the EU at securing matching funds for projects. That often means the

failure of good projects that affect people in all parts of Scotland. When the Chunnel was built, the UK Government did not ask for any money for Scotland—or for the north of England. That shows how good a job the UK Government did in representing Scotland.

Not long before the Scottish Parliament was established, the legal affairs committee of the EU visited Edinburgh. Henry McLeish, the former First Minister, gave an assurance to the committee, which was composed of some of the most distinguished professors of law from across Europe. He said that, when Scottish interests dominated—fishing comes to mind—a Scottish minister would automatically undertake the negotiations. Sadly, that assurance has not been honoured. It seemed a good idea and, at the time, I believed him.

Irene Oldfather mentioned the need for early scrutiny. If we consider the absurdity of applying the working time directive to fishermen in fairly small crews, we can see that Scotland should have been in on those negotiations at an earlier stage. Instead, we are presented with the opportunity to scrutinise only when such directives are almost written in tablets of stone. That is a pity, but with the attitude that is expressed in the report, we could change that situation.

I find it sad that the unionist parties are happy that Scotland has eight MEPs when Denmark has 16 and Ireland has 15. Scotland has four members on the Committee of the Regions whereas Denmark has nine. The Committee of the Regions is an underestimated body. I did not believe that it would come so quickly into force. If members look at Scotland's representation on the committee, one could say that we need nine members to represent all the regions of Scotland including Shetland, the Borders, the Western Isles and the kingdom of Fife. It is sad that, when we could use nine seats, we are told that we have to be happy with four.

It is even sadder to see that the unionist parties are content with that sub-status. That is the saddest thing about the Scottish Parliament and many people outwith the Parliament agree about that. I remember well my personal friendship with Jo Grimmond and Johnnie Bannerman, who must be turning in their graves. They wanted the powers of Canada in a federal UK, but the Liberals are presently low in ambition.

It is often said that Scotland would have to apply for membership of the EU. The official new view of Lord Mackenzie-Stuart and of Dr Noe, the leader of the European Commission, is that that is not so. Under international law, when a state divides into two bits—Norway and Sweden are an example—the treaties that covered the original state automatically cover the bits. That has been proved

under international law in the case of Norway and Sweden and in the case of the Czechs and the Slovaks. It may come as a surprise, but that very independent state of Ireland remained in the Commonwealth for decades after it became independent.

**Ben Wallace:** Will the member give way?

**Dr Ewing:** No, I will not give way, as I am about to finish.

Any improvement is welcome. I support the hard work that has been done to create the report—it is an amazing volume. However, as everyone knows, I want Scotland to be as normal and as independent a country as other members of the European Union are.

11:57

**Mr Duncan Hamilton (Highlands and Islands)**

**(SNP):** I, too, support the report that is before us today. I will concentrate on the Scottish Executive's written and oral response to the report and, in particular, on the issues of direct access and transparency and one or two of the report's recommendations.

Before I do that, I want to reflect on the fact that even the Scottish Executive's introduction to its written response gives the game away on its position. Five key driving principles are given for the Scottish Executive strategy. Members will be delighted to hear that the Executive is pro-European—that is probably a reasonable start—and that it is pro-debate, which, given that we are having a European Committee debate on Europe, is good.

The language in the section of the driving key principles that explains why the Executive is pro-UK is interesting. Apparently, it is pro-UK not least because

“that allows decisions to be made in the right place.”

There is no explanation, simply an assertion that that is the case. That shows that the Executive takes more interest in—indeed, is obsessed with—where a decision is made than in whether the decision is right for Scotland. That would seem to be more of a justification for Westminster than a justification of a rationale on European thinking.

Comments have been made about whether the SNP is griping about lack of direct access—

**Brian Fitzpatrick:** Yup.

**Mr Hamilton:** Mr Fitzpatrick may say that from a sedentary position, but lack of access is not an SNP gripe. I assume that Jim Wallace will speak again in the debate—if not, I am happy to let him intervene. I refer him to a comment that one of his colleagues made at the beginning of January. The famous George Lyon was quoted in an interview

as having accused Ms Beckett of

"ignoring Scotland's needs in the EU council of farm ministers."

Mr Lyon also said that, if Scotland followed Ms Beckett's policy, we were heading for "disaster". That interesting article, which was published in *The Herald*, also noted:

"Mr Lyon's outspoken comments are understood to have been cleared with the party leadership."

That is an interesting point for Mr Wallace to clarify. Did Mr Lyon clear that statement and, if he was criticising Ms Beckett and her attitude on behalf of Scotland's farmers, where does that leave Mr Wallace's attitude to the SNP? How can he say that we are griping?

Mr Lyon also said:

"I know from my contacts in Brussels that Ms Beckett was posted missing from the Scottish interest in this. She simply did not support the Scottish position."

As I said, those comments, condemning Margaret Beckett and the absence of her support for Scotland, were cleared by the Liberal Democrat party leadership. The SNP did not make them.

I make no apologies for quoting again from Jim Walker of the NFUS, who believes that the lack of direct access is a systemic problem and who said that it was

"a fundamental weakness in the political set-up of this country".

He did not think that it was a question of the failure of Ross Finnie—another Liberal Democrat—but instead said:

"I do not believe that any rural development minister will be able to fulfil the functions that we believed they were to take on when agriculture was devolved to the Scottish Parliament"—[*Official Report, Rural Development Committee*, 18 September 2001; c 2147.]

In other words, the lack of direct access is impinging on the ability of a devolved Administration even to do its job properly, never mind to move on to debate the next stage in the process. Two Liberal Democrat members have been undermined by the minister's comments this morning. The absence of representation and the derisory turnouts at Council of Ministers meetings—Scottish ministers have attended one in eight—are not SNP gripes. We are simply identifying a systemic Scottish problem, which must be addressed.

It is argued that we do not need to attend Council of Ministers meetings because we are part of the process. I even heard former minister Sarah Boyack sort of sneer that we do not even need to be part of the working party groups for the same reason. However, the problem is that we do not know that we are part of the process. Ben Wallace was right to highlight the secrecy that surrounds

much of this issue. We do not know what policies will be discussed at the Council of Ministers meetings. We do not know the information that comes from the UK to Scotland—that is secret. We do not even know the details of the discussions about who will be allowed to attend. It is ludicrous that we do not know who can go or—more to the point—why people cannot go. If we want to examine transparency, we should start by examining our own attitude within the current set-up before we look at the future.

I will end with one specific point about the recommendation in paragraph 243, which concerns the automatic right to attend meetings. The committee recommended that the concordats be revisited. However, the Executive rejected that and said that it is

"entirely satisfied with how the Concordats have operated".

The Executive does not want to attend EU meetings, even though we have the right to do so under article 203 of the EC treaty. The rationale behind that decision is interesting, because it is ridiculous. Apparently, we cannot attend Council meetings or change the concordats, because the concordats are, by their nature, "non-binding". That argument is ludicrous. If the concordats are "non-binding", that holds true for everything in them, not just the bits that we do not fancy.

The Executive's second reason for rejecting the recommendation in paragraph 243 is that such a right could not be granted to all devolved Administrations because of "practical considerations". Are we to assume that there are not enough chairs or that the table is not big enough? What on earth does "practical considerations" mean? If it matters that Scotland is represented in Europe, surely we can do better than that. Frankly, that is not a sustainable answer to the question of why we cannot redraw the concordats.

The Executive should trust itself. It is in the unique position of having an Opposition that wants to give it more power and more of a say, but it seems far too timid, or too modest, to accept that responsibility on Scotland's behalf.

**The Deputy Presiding Officer:** We now move to wind-up speeches. As we are now exactly on schedule, speeches should be of the notified duration. I call David Mundell to wind up for the Conservatives. You have four minutes.

12:03

**David Mundell (South of Scotland) (Con):** Although I was a member of the European Committee when it decided to embark on this report, I regret that I was not able to play a part in much of the report's compilation. As members have said, the report is to be commended. I also

commend former committee convener, Hugh Henry, the new convener, Irene Oldfather, and the committee members and staff for putting so much work into the report.

The report offers a valid and serious contribution to the key issues surrounding the debate. Many points have been raised this morning; however, despite Duncan Hamilton's energetic speech, I was disappointed to hear nothing new or different from the SNP. Furthermore, apart from Sarah Boyack's thoughtful speech, I find it worthy of note that many Labour members have kept their light under a bushel instead of—as Ben Wallace pointed out—shedding some light on the Labour and UK Government position on many of the issues. Perhaps they do not want to have a fixed position because their position will need to change according to public opinion. No one can criticise the Conservatives for not clearly setting out our views on the matter.

**Brian Fitzpatrick:** Will Mr Mundell set out the Conservative position on the euro?

**David Mundell:** I did not agree to take that intervention, but I will respond to it. If Mr Fitzpatrick had been listening, he would have heard Mr Ben Wallace, Mr McLetchie and Mr Gallie clearly express our views on a number of issues.

**Brian Fitzpatrick** *rose—*

**David Mundell:** I must press on.

As Irene Oldfather said in her opening speech, we have not gripped the imagination of people in Scotland and the UK on European issues or secured the public debate that is needed. We must all address that situation. One of the most interesting recent statistics shows that 14 per cent of people in the UK thought that America was a member of the EU. Moreover, when people who claimed to have a clear understanding of the EU were pressed on their knowledge, it was discovered that they did not understand how the various mechanisms worked.

We can agree with the SNP on one point, however. In his evidence to the European Committee, Professor Neil MacCormick called for simplification of the treaties. That call is valid and we support the report's emphasis on transparency and accessibility. Indeed, we support the report's recommendations, because they underpin the Conservative view of a flexible and dynamic EU.

12:07

**Nora Radcliffe (Gordon) (LD):** As members have said, today is an auspicious day on which to hold a debate on the European Committee's "Report on the Governance of the European Union and the Future of Europe: What Role for

Scotland?". The convention that was set up after Laeken to prepare for treaty reforms at the IGC in 2004 meets today for the first time at the start of a process that will be fundamental to the future of Europe.

The institution that we refer to vaguely as "Europe" has been changing and evolving since the Treaty of Paris in 1951, which established the European Coal and Steel Community. Does not that seem very distant? In 1957, the Treaty of Rome created the European Economic Community, which had six members. The first enlargement happened in 1973—when the UK, Denmark and Ireland joined—and membership has gradually built up to the current 15 members.

There was a rationalisation and extension of policy areas at Maastricht in 1993, when the EEC became the EC. Another major shift came in 1997 with the Treaty of Amsterdam, which saw the strengthening of the European Parliament's role. With 10 central and eastern European countries preparing for membership and with pressure from sub-member state legislatures for more influence in policy making and the decision-making process, 2004 will see another major change in Europe's shape and *modus operandi*.

**Phil Gallie:** With respect to 1957 and historical events thereafter, does the member agree that the common agricultural policy has been a millstone around Europe's neck? Given the imminent entry of many eastern European countries to the EU, would not the IGC be far better to direct its attention to that issue?

**Nora Radcliffe:** The answer is yes and no. Although we must tackle that issue, the right mechanisms must be in place to enable us to do so. Both aspects are equally important.

If we want the Europe that emerges from the IGC to be to our liking, now is the time to think hard about what we want and to ensure that our voice is heard. That voice will be immeasurably stronger if we can show that it is genuinely the voice of the people and that we have managed to engage our people in the debate about the future shape of Europe and how it works. The report is a good start in that process—many people have put much work and thought into it. However, unless it is but a strand in a much wider and more extensive debate we—as the Scottish Parliament—will have failed the Scottish people.

Sadly, UK Governments have in many ways in the past failed the people they represent in matters European. That has happened not only because they did not do enough to involve themselves in the decision-making process in Europe, but because of the way in which they have failed in Britain. They have failed to inform the British people about what was happening in



Europe, they have failed to implement European legislation effectively—the recent fridge debacle is a case in point—and they have used Europe, often quite unfairly, as a convenient scapegoat and whipping-boy.

The blame should not rest solely on Governments, however. The media have not exactly been positive about Europe and have colluded in the scapegoating that I mentioned. Even in these more pro-European times, it is extremely disappointing that not one of our national papers has a correspondent in Brussels, when what happens there has such an impact on our lives. It is notable that today there is no mention in *The Herald* of the first meeting of such an important convention—its European pages were all about Euro 2008. That is fine in its place, but other more important things are happening.

If we are talking about blame, we must all, with a few honourable exceptions, admit to a share. How many of us have, as citizens of Europe, taken a close interest in what the Commission, the Council of Ministers, the Council of Europe, the Committee of the Regions and the European Parliament are doing? It is a waste of time and energy to dwell on or to apportion blame. It is more productive to accept that perhaps all our efforts to engage in Europe in the past have not been as effective as they could and should have been, and to bend our minds to how we engage ourselves and encourage others in shaping the Europe of the future.

The European institutions acknowledge that they have allowed themselves to become too remote from citizens. There is an honest desire among them to reconnect and to communicate better. The Scottish Parliament might be the youngest in the Union, but we can take pride in offering as a model the way in which we came into being and the way in which we try to operate in a real and inclusive partnership with our people.

The European Union allows us to work co-operatively with our nearest neighbours to our benefit, and to foster peace, prosperity, equity and environmental responsibility within and outwith our boundaries. I commend to the chamber the report and, more important, the wider campaign to involve the Scottish people in the development and success of the European Union of the future.

12:13

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

I am a relative newcomer to participation in the European forum and I am not a member of the European Committee. However, I am pleased to close on behalf of the Scottish National Party.

We commend the European Committee for the thoroughness of its report, for the relevance of its

recommendations and for providing the opportunity for the debate. The committee must be heartened by the widespread support here and in Europe for its findings. One of the most important issues now and in future is representation of Scotland in Europe. Members know that the SNP's view is that we suffer the worst of both worlds, because Scotland neither has independent representation, nor does it enjoy the benefits of sub-national government.

In respect of the EU Council of Ministers, for example, it is totally unacceptable that Scotland has no automatic right to be represented in UK delegations, even when devolved matters are being discussed and decided upon. I welcome the European Committee's acknowledgement of that deficit but, like others, I am disappointed by the Executive's response, which confirms its satisfaction with current concordats.

Governance—the topic of the report—is about the way in which the EU makes and implements decisions. It is increasingly recognised that good governance is about bringing decision making closer to citizens. A recurring theme in the debate—rightly so—has been the need to close the gap between European institutions and European citizens and to make the work of the EU more relevant, more comprehensible and more accessible to people.

The Committee of the Regions is the official voice of local and sub-national government in Europe. It was set up in 1994 and began its third mandate in February this year, which is when I became a member. It has a vital role as the protector of the principle of subsidiarity—another recurring theme in the report and the debate. I want to restate our position: it is entirely appropriate for Councillor Ken Bodfish, the leader of Brighton and Hove City Council, and others like him to be on that committee, but that is entirely inappropriate for MSPs. The removal of local government members runs counter to the legitimacy of the Committee of the Regions as the defender of local democracy. Despite our objections to that, I intend to advocate the cause of Scotland. Indeed, I was led to believe that putting Scotland's interests first was an aim that is shared by all members of the Scottish delegation. It would be very satisfying to have a "team Scotland" approach, but from my limited experience, we seem just to be fighting the same battles along the same party lines but in a European context.

My first introduction to the Committee of the Regions was a welcome letter from the leader of the UK delegation. It contained the phrase:

"I know that the contribution of Labour colleagues was of particular importance in ensuring that UK interests were well represented on the Committee of the Regions."

**Irene Oldfather:** Will the member take an intervention?

**Irene McGugan:** In a moment.

That was followed three days later by a second letter, drawing attention to the “deliberate” mistake:

“I mentioned the contribution of Labour colleagues, but of course this was a typo and should have read all colleagues.”

Indeed it should.

I have a word of advice for Nicol Stephen, a fellow member of the Committee of the Regions, who was unable to attend the first meeting of the UK delegation. Richard Lochhead might want to note that that is another meeting that Scottish ministers did not attend. Nicol Stephen gave his proxy vote to a Labour councillor. The first issue under discussion was a motion—proposed by a prominent English Liberal Democrat—that we cease to elect our office bearers under the old first-past-the-post system and bring ourselves into the 21<sup>st</sup> century by utilising a form of proportional representation. Although he had the support of the SNP, he lost the vote. The deputy minister might like to know that his proxy vote was cast against his own colleague and in opposition to one of the main principles of his party.

The convention on the future of Europe, which holds its inaugural meeting today, provides an historic opportunity to review the role and image of EU institutions that impact on the lives of our people. It offers an opportunity to debate proposals that will effectively modernise and democratise European Union institutions. It is important that the people of Scotland are fully involved in that process. We must promote such engagement. That was wholly recognised by the committee, but only to a degree by the Executive, which is a bit disappointing.

It is important that the views of Scotland are heard.

**Irene Oldfather:** Will the member take an intervention?

**Irene McGugan:** I think I am closing.

**The Deputy Presiding Officer:** Yes, you must close.

**Irene McGugan:** We have two Scottish representatives on the convention and, as Neil MacCormick said yesterday,

“The stateless nations in Europe—such as Scotland—will not be voiceless nations at the Convention. The SNP will be there to represent the needs of Scotland.”

I hope that the minister and the Executive will co-operate with all our representatives in Europe for the benefit of Scotland, and not allow Scotland to be sidelined and silenced in Europe.

12:18

**The Deputy Minister for Finance and Public Services (Peter Peacock):** When we discussed the structural funds at a recent debate, I made it clear that I am an unashamed Euro-enthusiast. I share the passion for Europe that Winnie Ewing, Irene Oldfather and others have described.

The development of the European Union over the past 40 to 50 years is one of the achievements not only of the previous century but of any century. Nation states across the globe have formed alliances over time and have seen those alliances shift, but the EU is one of the strongest alliances ever to have been created. Irene Oldfather was right to talk not only about how far the Scottish Parliament has come, but about how far Europe has come in the past 40 years.

I was always impressed in a previous job when I spoke to Winnie Ewing and others on my visits to the European Parliament and, when I was a member of the European Committee of the Regions for a number of years, to enter that hemicycle in Brussels and see up to 700 people discussing with each other matters that were common throughout Europe. As a council leader at that time, I dealt with matters with others who were doing similar jobs throughout Europe. Only 40 or 50 years earlier those nations were lobbing shells at each other and destroying Europe, but Europe now is strong.

As Sarah Boyack said, the European Union is fundamentally about a peace and security that is built on prosperity and strong trading links. The Executive strongly supports the process of enlargement. It is right to continue to build a base of prosperity and unity that will promote greater peace throughout Europe. However, the EU faces a major set of challenges from the enlargement process. It is clear that new or modified governance arrangements will be required. As many speakers in today's debate made clear, those new arrangements will need to be open, transparent and relevant—and seen to be relevant—to people throughout the EU and will need their consent.

The new arrangements will need to respect the value and the place of national Parliaments and recognise the diverse regions and the sub-member states that exist throughout the EU. In that context, Lloyd Quinan's analysis of the situation is fatally flawed. The debate is not only about nation states and the people. That reflects an overly simplistic view of where we are. Europe is a highly complex place and a directly elected European Parliament—

**Mr Quinan rose—**

**Peter Peacock:** Let me finish the point. A directly elected European Parliament in addition to

member states, which included member states and sub-member states, is not desirable. New institutions have been developed to reflect the regional diversity that exists throughout Europe. We have institutions such as the Economic and Social Committee—ECOSOC—which is part of that process, and a range of social partners and civic societies around that. The debate is about how one ensures that those intricate parts of Europe operate in future for the better governance of Europe and about recognising existing diversity.

We also need, in that process, to ensure that subsidiarity is recognised. Members have talked about that issue today. We must protect subsidiarity. As well as the European Committee's views on doing that, we have suggested a mechanism. We also recognise the need for the long period of debate that we are now entering. As Ben Wallace indicated, the Executive made its position clear on that in its initial joint submission with COSLA and in its response to the European Committee's good report on the range of issues that emerged.

We are pro-European, as I indicated, and we are pro-UK for the reasons that other members indicated in today's debate. The Scottish position is stronger by being part of the UK delegation—and having the strength of that nation state in all discussions—than it would be if it were apart from that. We are also pro-reform. We think that there is a need for reform to make Europe more relevant to people over time so that they respect the institutions and make progress. We also support sub-member states' involvement and want to see that expanded.

We are also pro-debate. It is sad that, despite the fact that many good points were made in today's debate, virtually none of them came from the SNP. Its display really was sad and pathetic. The SNP always focuses on whether there are seats at the table of the current convention, but does not focus on what it would say if it ever got to the top table. It was clear from today's debate that the SNP has nothing to say. Its position is simply about symbolism, not about substance. I am afraid that that reflected a small-minded and petty approach.

**Richard Lochhead:** Will the member give way?

**Peter Peacock:** No.

It is a strange logic that seeks to extract one from union with one's nearest neighbour and divide one from them so that one is unable to work with them, but somehow seeks also to unite one with other more distant neighbours. That does not make for strong logic.

Members of other parties made most of today's strong points. They expressed the need to look seriously at the European debate, to find ways

forward in a complex situation and to address particularly the points that Winnie Ewing made. She was the only SNP member who made serious points about the European debate. She asked what the Executive would do about better access to Europe for political units within a state, about treaty simplification and about the openness of council procedures while they were in their legislative mode. I can confirm that we will press on all those matters, because the Executive wants to see change in them. However, we have a different view about access to the court system.

As I indicated, the Executive wants this debate on Europe to take place. We are anxious for people in Scotland to be allowed to participate fully in the debate and we will help to facilitate that over time. The European Committee's report is a first-rate means of helping to stimulate that debate in Scotland and to take these serious matters forward. I look forward to all parties in the chamber taking a much more serious approach to the substance of the debate in future.

12:25

**Mr John Home Robertson (East Lothian) (Lab):** This report has been a major undertaking for the European Committee and, like other members, I would like to thank the two conveners who have been involved in the process: Hugh Henry, who started the work, and Irene Oldfather, who completed the operation. I also thank Stephen Imrie, the clerk, and his colleagues in the committee office.

The dictionary definition of governance is the exercise of authority. However, the debate that is being conducted throughout the European Union goes much further and is to do with clarifying the relationship between citizens and those who make decisions on their behalf at every level of government. Goodness knows, that is difficult. Most people are overwhelmingly indifferent about the process of government until something goes wrong. It is a sad commentary on all our democracies that there has to be a crisis before people take an interest in the process of government. However, we are all working to improve that situation.

It is worth remembering that the Scottish Parliament is the main feature of a seismic change in the governance of the UK that started in 1997. We have begun the process of making the governance of Scotland accountable to the people of Scotland but it will take a long time for our ministers to prevail over the ingrained habits of manipulation and secrecy among people who started their careers in Whitehall's Scottish Office. I see that that fact is being acknowledged by various people in the chamber.

It is difficult enough to achieve good governance in Scotland and the UK. Obviously, it is far more complicated in a multinational union of 15 member states that will soon take in 10 more countries. However, it is extremely important that we succeed in building up public confidence in the new European order.

You will recall that, yesterday, Presiding Officer, you and I were present at a ceremony in one of our committee rooms at which the Bosnian ambassador made a presentation to the family of a Scottish volunteer who was killed by a sniper in Sarajevo in 1993. The failure of governance in Yugoslavia, when citizens lost their respect for the institutions of their federal Government, when the economy and the social fabric of their state collapsed and when educated people who had lived together in a successful multinational state suddenly descended into the savagery of ethnic cleansing, demonstrates the sort of thing that can go wrong. If I had not seen it with my own eyes, I would not have believed that such horrors were possible.

I happen to be a member of the first generation of Scots in recorded history that has not been involved in some kind of European or colonial conflict. We do not know how lucky we are. We have an overriding duty to develop public support for the European Union, not only to protect Scotland's economic interests but, most important, to reduce the risk of conflict for future generations of Scots. We must be actively engaged in the development and enlargement of the EU. Many of us were encouraged by Peter Hain's comments last week about progress towards British participation in the euro currency, but I would not expect the Tories to agree with me on that subject. For the purposes of this debate, I hope that the Parliament will endorse the agreed conclusions of the report of the European Committee on the subject of governance.

The Scottish Parliament is already leading a constructive debate about the role of regions and nations within member states in the constitutional development of the EU. Subsidiarity might be an awful word, but it is an excellent principle and we must ensure that that principle is practised. To that end, the European Committee is actively promoting contacts with other regions with legislative competence in Germany, Spain and Belgium.

We must achieve far greater openness and accountability in the work of the EU to ensure that citizens can influence decisions. We have already started that task by developing better representation of Scottish interests in our dealings with the European Council of Ministers and the Commission and by co-ordinating our activities with Scottish members of the European

Parliament. As I was a minister representing Scottish interests, I have some experience of how the system works and can say that the line that was taken by the nationalists in this debate, that there is no input from the Scottish Executive and the Scottish Parliament on European issues, is plain nonsense. We have powerful influence in the UK, the European Council of Ministers and the Commission.

**Richard Lochhead:** Will the member give way?

**Mr Home Robertson:** I do not have time.

This debate about governance, following the Treaty of Nice, should pave the way for greater accountability at every level of Government throughout the EU. It is extremely important that Scotland should be fully engaged at every stage of that process. The European Committee has made a positive contribution to that debate and I hope that our report will be taken on board by the convention that started work today under the leadership of Valéry Giscard d'Estaing.

## Business Motion

**The Deputy Presiding Officer (Mr George Reid):** The next item of business is consideration of business motion S1M-2802, in the name of Patricia Ferguson, on behalf of the Parliamentary Bureau, setting out a business programme.

*Motion moved,*

That the Parliament agrees—

(a) the following programme of business—

Wednesday 6 March 2002

2.30 pm Time for Reflection – the Reverend Jack Holt, Minister of Birse and Feughside Church and Moderator of the Presbytery of Kincardine and Deeside

*followed by* Parliamentary Bureau Motions

*followed by* Stage 3 Debate on the Sexual Offences (Procedure and Evidence) (Scotland) (Bill)

*followed by* Committee of the Whole Parliament: Stage 2 Debate on the Fur Farming (Prohibition) (Scotland) Bill

*followed by* Stage 3 Debate on the Fur Farming (Prohibition) (Scotland) Bill

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business - debate on the subject of S1M-2784 Johann Lamont: International Women's Day – 8 March 2002

Thursday 7 March 2002

9.30 am Scottish Conservative and Unionist Party Debate on the Scotch Whisky Industry

*followed by* Scottish Conservative and Unionist Party Debate on Community Care

12.30 pm Business Motion

2.30 pm Question Time

3.10 pm First Minister's Question Time

3.30 pm Executive Debate on the Homelessness Task Force

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Wednesday 13 March 2002

2.30 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Ministerial Statement

*followed by* Justice 1 Committee Debate on the Legal Aid Inquiry

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Thursday 14 March 2002

9.30 am Scottish National Party Business

12.30 pm Business Motion

2.30 pm Question Time

3.10 pm First Minister's Question Time

3.30 pm Executive Business

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

and (b) that the Justice 1 Committee reports to the Justice 2 Committee by 5 March 2002 on the Damages (Personal Injury) (Scotland) Order 2002 (SSI 2002/46).—[*Euan Robson.*]

**The Deputy Presiding Officer:** I have an objection from Stewart Stevenson, so there will be speeches.

12:30

**Stewart Stevenson (Banff and Buchan) (SNP):** I bring to the attention of Parliament a matter that has arisen since the Parliamentary Bureau considered the business motion. It has arisen in relation to the plan for the stage 3 debate on the Sexual Offences (Procedure and Evidence) (Scotland) Bill on Wednesday next week. I think that the majority of members are strong supporters of that bill. I and my SNP colleagues certainly are.

At yesterday's meeting of the Justice 2 Committee, we took evidence on the Executive's stage 2 amendment 16. That amendment was substantial in size, complexity and possible implications for Scots law. The principles of the amendment will receive broad support from many members, as they do from me. However, the committee took evidence from the Law Society of Scotland and from Professor Gane of the University of Aberdeen on the amendment. The upshot of that was that they sounded a substantial note of caution about whether one part of the amendment would be operable.

I will not cover the substantive issue just now—the stage 3 debate is the proper forum for that. I will make a point about processes and the risks that may be associated with rushing legislation. We have not rushed the bill—we first voted on it at stage 1 many months ago—but the committee has found itself in a position in which there are only 48 hours to consider whether we wish to amend section 8B, which was introduced by the Executive's stage 2 amendment 16. Furthermore, we do not have the *Official Report* of the evidence taken yesterday. That creates difficulties.

I would have preferred that the debate be postponed for a week, but I do not think that that will be possible. I therefore take the opportunity to urge the Executive to look carefully at section 8B, to consider the evidence that was given to the committee yesterday and to determine whether, with the resources that are available to it, the Executive will be able to fine-tune the amendment to address the points that were raised in yesterday's evidence, preserve the integrity of the bill and support women throughout Scotland in their fight against the heinous crime of rape.

12:32

**The Deputy Minister for Parliamentary Business (Euan Robson):** The amendment to which Stewart Stevenson refers is the Executive's amendment on previous convictions, which was passed at stage 2. Ministers regretted having to lodge the amendment at stage 2, but the issue is complex and more time was needed to get it right. Ministers did not want to delay the introduction of the bill, which would have been a disappointment and a worry to victims groups.

The amendment was lodged on 5 December and considered during the second day of stage 2 on 18 December. It was passed with the committee reserving the right to take evidence on it prior to the stage 3 debate. The committee took evidence yesterday. Although that left only two days to lodge non-Executive amendments, committee members would have been aware of that when they scheduled the meeting. There have been 10 weeks in which the committee could have taken oral evidence or obtained written submissions. It is not appropriate to request postponement of stage 3 for the first time at a late hour.

Women's and victims' groups are anxious that the bill, which is important for the protection of complainers, be enacted as soon as possible. I assure Stewart Stevenson that the Executive will examine the detail of section 8B closely to ensure that it is proper.

*Motion agreed to.*

12:34

*Meeting suspended until 14:30.*

14:30

*On resuming—*

## Question Time

### SCOTTISH EXECUTIVE

#### Schools (Closures)

##### 1. Mr Lloyd Quinan (West of Scotland) (SNP):

To ask the Scottish Executive what guidance it has given to local authorities on the closure of secondary schools. (S10-4726)

**The Deputy Minister for Education and Young People (Nicol Stephen):** None.

**Mr Quinan:** I thank the minister for that somewhat short reply. Is he aware of Renfrewshire Council's plan to close St Brendan's High School in Linwood and St Cuthbert's High School in Johnstone and of the fact that 95 per cent of the members of the school boards have rejected the idea of the closure of the schools? Does he not agree that it would be appropriate for him to issue guidance on the closure of schools instead of taking the rather offhand attitude that he has taken so far in replying to the question?

**Nicol Stephen:** The member asked what guidance there is and I gave an accurate answer, but perhaps I could explain more fully what the statutory procedures are.

When an education authority wants to change the provision of education, including the amalgamation or closure of a school, there is a statutory requirement for it to engage in a formal consultation process. Under the statutory procedures, which Lloyd Quinan might care to know are set out in the Education (Publication and Consultation Etc) (Scotland) Regulations 1981, the authority would have to consult parents and the school boards. The authority must allow a minimum of 28 days for representations to be made to it before reaching a decision. There are also statutory requirements for a school closure proposal to be referred to Scottish ministers, but I will not go into detail about that at present.

**The Presiding Officer (Sir David Steel):** Thank you.

#### Road Safety (Perth and Kinross)

**2. Murdo Fraser (Mid Scotland and Fife) (Con):** To ask the Scottish Executive whether it will carry out a safety audit on junctions on the A9 trunk road in Perth and Kinross. (S10-4733)

**The Deputy Minister for Enterprise, Transport and Lifelong Learning (Lewis Macdonald):** The Executive reviews annually injuries and accidents

on all trunk roads, including the A9. In addition, a detailed accident analysis has been carried out on the A9 and its recommendations will be considered.

**Murdo Fraser:** The minister will be aware of my previous interest in the Ballinluig junction on the A9. I have in my hand a copy of the closed-circuit television surveillance report from BEAR Scotland, which was published today. It recommends that consideration be given to re-siting the camera to provide an improved view of through traffic and vehicle manoeuvres, which seems to vindicate local people's opinion that the CCTV camera was sited in the wrong place. Given that there seems to be an admission of inadequacy in the report and that the view of local representatives is that we need a grade-separated junction, will the minister now instruct a further report that is based on a re-sited camera?

**Lewis Macdonald:** We will use the evidence from the camera. We will also use the evidence from other studies that we have carried out at the junction. I am sure that Murdo Fraser is aware that we have announced our intention to hold an exhibition at Ballinluig in April this year to bring to the community's attention the favoured options and to elicit its comments on those.

We recognise the need for action at that spot. That is clear from the report that was published today. Before making final decisions, we will consider carefully the evidence and the responses of the Ballinluig community and the public to the exhibition in April.

**The Presiding Officer:** As the question is geographically specific, I will call Keith Raffan.

**Mr Keith Raffan (Mid Scotland and Fife) (LD):** Does the minister agree that although the Ballinluig junction is one of the worst examples on the A9, many other parts of the road are extremely dangerous? Does he also agree that one way in which we can improve safety on the A9 is by increasing the dualling of that road? Will the minister tell us when he expects the Executive to be able to propose plans for dualling other stretches of the A9?

**Lewis Macdonald:** Keith Raffan knows well the state of the roads programme on the A9. As for other trunk roads, we do not anticipate further major projects emerging now, as was explained in the chamber recently in reference to the strategic roads programme.

We are looking at a number of areas on the A9 where improvements can be made. We expect that, in addition to Ballinluig, there will be improvements to the junctions at Auchterarder and at Blackford in connection with developments in those areas. We expect the developers to bear a significant part of the cost of those improvements.

Road safety on the A9 remains one of our priorities. We will continue to examine the accident record and to consider the lessons to be learned from that in our attempts to target investments that will improve safety on the road.

### **Convention of Scottish Local Authorities (Meetings)**

**3. Mr Keith Harding (Mid Scotland and Fife) (Con):** To ask the Scottish Executive when it will next meet the Convention of Scottish Local Authorities and what issues will be discussed. (S1O-4735)

**The Deputy Minister for Finance and Public Services (Peter Peacock):** Scottish Executive representatives meet COSLA on a regular basis to discuss matters of mutual interest.

**Mr Harding:** At his next meeting, will the minister take the opportunity to question why, in view of the "substantial increase"—in the minister's own words—in funding to local government, most councils have increased council tax well above the rate of inflation while cutting services? Is this the Executive's new stealth tax?

**Peter Peacock:** As Mr Harding rightly pointed out, the Executive has been extremely generous in its grant settlement this year, as it has in the past two years, giving more than 10 per cent more additional resources. Most councils have brought in council taxes exactly on the targets that they predicted last year. In many cases, councils have brought in council taxes below that target. That is because of the generous grant that the Scottish Executive gives.

**Dennis Canavan (Falkirk West):** Instead of listening to the prophets of doom and gloom, will the Executive ask COSLA to encourage all Scottish local authorities to support the joint bid for Euro 2008, which would be of immense benefit to the whole of Scotland and to Scottish sport, tourism and the economy?

**Peter Peacock:** That matter would not normally be on the agenda for meetings with COSLA, but I am more than happy to raise it at my next meeting. I am sure that, as always, COSLA will act in the interests of Scotland.

### **Homelessness**

**4. Angus MacKay (Edinburgh South) (Lab):** To ask the Scottish Executive whether it intends to implement the recommendations in the homelessness task force report. (S1O-4755)

**The Minister for Social Justice (Iain Gray):** Yes. As I made clear in launching the report yesterday, the Executive fully endorses the recommendations contained in the task force's report. I also announced that the Executive has

allocated an extra £11 million over the next two financial years to support the task force's recommendations, which are a blueprint for preventing and alleviating homelessness. I was further pleased to announce that the Cabinet has agreed a legislative slot later this year to deliver the task force's recommendations in statute.

**Angus MacKay:** I am sure that the minister will join me in congratulating the housing and homelessness organisations and the individuals who have contributed successfully to the work of the task force.

When implementing the recommendations, will the minister undertake to confront directly perceptions about people who become homeless? In particular, will he undertake to promote recognition of some of the causes of homelessness, including unemployment, relationship breakdown, domestic abuse, illness and addiction, so that people who become homeless are recognised as being not different or failed but human beings of the same worth as anyone else in Scotland?

**Iain Gray:** Angus MacKay is right. That is not surprising, given his professional background as a campaigner for a homelessness charity. The involvement of such a wide range of experts in the task force gives it its strength.

The report includes firm recommendations to improve the provision of health care, employment opportunities and social support for the homeless. All too often, the problems that lead to homelessness are problems that could strike any of us or our families at any time. The monitoring group, which is the successor to the task force, will expect us to do work to ensure that there is wider understanding of that among the public. Addressing homelessness involves addressing a housing problem, but there is often an attitude problem that must be addressed as well.

**Mr Kenneth Gibson (Glasgow) (SNP):** To what extent does the minister believe that the withdrawal of housing benefit to 16 and 17-year-olds by the Tories in the 1980s impacted on homelessness among young people? What representations—if any—has the Scottish Executive made to Her Majesty's Government over the past three years to seek the restoration of those benefits?

**Iain Gray:** If Kenny Gibson reads the report, he will find that it makes recommendations on issues that it believes to be major contributors to homelessness. If it does not comment on the issue that he raises, that is perhaps because the experts feel that it is not the issue that has the greatest impact on homelessness. What he will find in the report are recommendations about areas of the benefits system in which the task force believed

changes could and should be made.

On the representations that have been made, a representative of the Department for Work and Pensions was a member of the task force, so the answer is that representations are made regularly. I have also discussed the issue directly with the UK ministers responsible. The monitoring group will certainly expect such representations to continue and I will ensure that they do.

**The Presiding Officer:** Question 5 is from Margo MacDonald.

**Ms Margo MacDonald (Lothians) (SNP):** Thank you, Presiding Officer. It is nice to see you.

**The Presiding Officer:** That will not get you an extra question.

**Ms MacDonald:** I did not mean it then.

### New Edinburgh Royal Infirmary

**5. Ms MacDonald (Lothians) (SNP):** To ask the Scottish Executive whether it will meet any costs incurred by Lothian University Hospitals NHS Trust's reappraisal of the managed equipment services public-private partnership for the new Edinburgh royal infirmary. (S10-4729)

**The Deputy Minister for Health and Community Care (Hugh Henry):** No. The trust is resourced for management costs and the appraisal of procurement options is a normal activity that falls within those costs.

**Ms MacDonald:** I thank the minister for that reply, but I inform him that the reappraisal was brought about because of the Executive's decision to reconfigure the hospital trusts. The expenditure anticipated by the original trust, which negotiated the new equipment, has been thrown out of kilter because of the Executive's decision. I think that the Executive has a moral duty and I hope that the minister agrees.

**Hugh Henry:** No. The hospital trust and Siemens were unable to reach an agreement that would provide the trust with the best value for money. The decision to pursue a review requires the approval of the trust's management board. That was given when the board met on 8 February. It is a local decision, which was taken in the best interests of the health service. I think that the Executive has acted properly at all stages.

### Council Tax

**6. Tommy Sheridan (Glasgow) (SSP):** To ask the Scottish Executive whether the increases in council tax bills next year are fairly distributed across local authorities. (S10-4764)

**The Deputy Minister for Finance and Public Services (Peter Peacock):** Decisions about council tax levels are a matter for each council.



**Tommy Sheridan:** I would have liked to thank the minister for his answer, but as it was not much of an answer, I will not bother.

Does the minister agree that the council tax is unfair, that the burden of council tax falls more on the low-paid and pensioners in Scotland and that council tax is higher in the poorest local authorities than it is in any other part of Scotland? Will the minister join me in supporting an income-based, progressive and fair tax instead of the ridiculously unfair council tax?

**Peter Peacock:** Tommy Sheridan knows very well that I will not support him in that move, as I set out in a recent debate. The council tax is a progressive tax. The value-of-property aspect is one indication of that. Secondly, when the benefit system is applied to the tax system there is a progressive element. Much council tax benefit is targeted at exactly the kind of communities that Tommy Sheridan mentioned.

Unlike the Scottish service tax that Tommy Sheridan advocates, the council tax is a local tax. His tax is a central tax, which would remove discretion from local authorities. Another effect of Tommy Sheridan's proposal would be to lose Scotland £300 million of council tax benefit, which directly helps the people whom he professes to be concerned about in Scotland. His tax proposals would increase the burden on below-average earners in Scotland.

**Phil Gallie (South of Scotland) (Con):** Does the minister recall that at the previous question time, the First Minister reported that Scottish Borders Council had the second-lowest council tax in Scotland? Does the allocation of the block grant take account of the fact that wage levels in the Borders are among the lowest in Scotland and that on a wage:council tax ratio, the level of council tax charge in the Borders is equivalent to that in Edinburgh?

**Peter Peacock:** The correct figure is that Scottish Borders Council has the lowest mainland council tax levels in Scotland for this year.

The allocation of resources to local authorities is based on a complex set of formulae, but fundamentally it is based on need. Of councils in Scotland, Scottish Borders Council receives the eighth-highest level of grant. In that sense, it is among the greater beneficiaries of the grant system.

**Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD):** Does the minister agree that when services are under threat, councils must consider all sources of funds, including raising council tax if necessary and deploying existing reserves to protect services that affect people's lives?

**Peter Peacock:** Such matters are essentially for Scottish Borders Council; it would be wrong for the Executive to be involved in the detailed management of them. Councils must decide whether to use the reserves at their disposal to protect services.

**Christine Grahame (South of Scotland) (SNP):** Given that Scottish Borders Council has increased council tax bills substantially to prevent cuts over and above the £5.9 million that is already on the books, will the minister reciprocate and encourage Councillor Tulley, who is the leader of the council, to apply for special borrowing?

**Peter Peacock:** No, I will not. Such matters are for the local council to resolve with its population. Even if there were an application for a loan of the sort that Christine Grahame mentioned, we would have to think carefully about giving such a loan to a council that has the eighth-highest level of grant, but the lowest level of council tax on the mainland. Other councils in Scotland have higher council tax levels and provide the same level of services. Scottish Borders Council also has balances at its disposal. In the circumstances, why should the Executive give special privileges to a council that has not managed its affairs as well as others?

### **National Health Service (Information Technology)**

**7. Pauline McNeill (Glasgow Kelvin) (Lab):** To ask the Scottish Executive what it is doing to ensure that the national health service makes full use of information technology systems. (S10-4761)

**The Minister for Health and Community Care (Malcolm Chisholm):** Plans and targets are set out in our information management and technology strategy. The £2 million boost announced this week will build on the substantial investment that is already committed and will enhance the basic infrastructure of personal computers and networks that NHS trusts and general practitioners need to underpin the strategy.

**Pauline McNeill:** Does the minister agree that patients' greatest anxieties about the NHS are about waiting, not only for surgery but for appointments, test results and treatment? Many patients will welcome this week's announcement, because it is about reducing bureaucracy and speeding up access to appointments and test results. Will the minister consider the plea that GPs should be the first to benefit, so that they can make hospital appointments for patients in surgeries? Such use of technology would ensure that the investment gives a more radical improvement for patients.

**Malcolm Chisholm:** Pauline McNeill is right that IT will improve the delivery of patient care in many ways and will free up staff time by reducing bureaucracy. I saw some of the advantages on Monday, when I visited the Belford hospital in Fort William and local GPs. I saw GPs and their patients who benefit from the big advances in IT that have been spearheaded in the Highlands and elsewhere.

One advance is the quick transmission of test results; another factor, which Pauline McNeill mentioned, is the electronic booking of appointments. That system means that before people leave their GP's surgery, they can see when their appointment will be. That is bound to reduce the proportion of people who do not show for out-patient appointments, which at present is 11 per cent of all out-patient appointments.

**Shona Robison (North-East Scotland) (SNP):** Will the minister confirm that most of the IT money to which he referred was for a rescue package for the instant appointments system? Will he confirm that, according to Labour's programme for government, the new appointments system was supposed to be in place by 2002? Will he acknowledge that the new system is likely to be at least one year late and will be significantly over budget?

**Malcolm Chisholm:** The money was by no means for a rescue package. Highland NHS Board was in the first tranche of health boards that were involved in the system. All the other boards have come on stream and the system has now started everywhere in Scotland. Highland NHS Board and four other health boards are in the vanguard. Shona Robison should welcome the many advantages for patient care in the measures that I have mentioned. When I had a recent meeting with nurses, they praised the initiative, because it means less time spent on bureaucracy and more time spent on direct front-line patient care.

**Mary Scanlon (Highlands and Islands) (Con):** Given that the Highlands is one of the lead sites for electronic clinical communications implementation—otherwise known as ECCI—is the minister concerned that only 30 per cent of GP practices are linked to the system for the electronic booking of appointments and transmission of patient test results? Is he concerned that immediate discharge letters are e-mailed to GP practices from only 18 wards in Raigmore hospital and two in Belford hospital?

Does the minister agree that, for the NHS to work efficiently and effectively, greater emphasis needs to be placed on linking acute and primary care GP practices and social services departments in councils, so that we can progress towards seamless patient care?

**Malcolm Chisholm:** We attach a great deal of importance to that, which is why we have invested in ECCI and in Scottish care information, known as SCI—everything is an acronym in the world of IT. We were keen to give the strategy a boost, which is why we announced an extra £2 million this week to accelerate the development of the system. Mary Scanlon should praise the fact that the system is being pioneered in the Highlands. It should not be too long before it is rolled out across the Highland area and the rest of Scotland.

**Tavish Scott (Shetland) (LD):** Does the minister accept that IT developments help to reduce the professional isolation of GPs and community nurses in isolated rural and island areas? Does he further accept that that benefit could be enhanced appreciably if the Government tackled the cost of data communication networks? What work is the Executive undertaking to tackle that crucial issue?

**Malcolm Chisholm:** There are many advantages in such networks, some of which I have highlighted. One advantage is the access to information that they provide. When I visited Fort William, the point was made that patient records are available as well as all the advice, for example about referral protocols—which are another issue when it comes to out-patient appointments. Every question this afternoon has highlighted a different aspect of this most important initiative.

### Higher Education (Science Courses)

**8. Brian Adam (North-East Scotland) (SNP):** To ask the Scottish Executive what measures it will take to reverse the decline in degree acceptances of 11 per cent for chemistry courses and 19 per cent for physics courses from Scottish-domiciled students as detailed in the recent Universities and Colleges Admissions Service for the UK report. (S10-4751)

**The Minister for Enterprise, Transport and Lifelong Learning (Ms Wendy Alexander):** One of the five key objectives identified in the science strategy is to ensure that enough people study science. We are taking a range of actions, including participating in the science year, which starts in September, and giving local authorities additional resources to support the teaching of science.

**Brian Adam:** I welcome the announcement earlier this week of additional cash for research. Does the minister agree that, unless we have a steady stream of well-qualified scientists, it will be difficult to maintain Scotland's growing reputation for high-quality science? What progress has careers Scotland made in developing good-quality information and advice as part of the science strategy for Scotland, and good-quality information and advice on education and career opportunities

in science?

**Ms Alexander:** The member is right. We are hopeful that careers Scotland will encourage pupils to take up science subjects. I offer the member some encouraging news. There has been an increase of 17 per cent in applications to chemistry courses for the forthcoming year. Acceptances in other science courses show an increase of 14 per cent in computer science in the past year and an increase of 11 per cent in the biological sciences over the past two years.

**Miss Annabel Goldie (West of Scotland) (Con):** Does the minister consider it important, in the allocation of resources to our higher education institutions, to try to match the existing deficiency of skills in the economic sector? Would she consider using funding to address the need to provide those courses at university level and improve co-ordination between universities and schools to answer the point that was rightly made by Mr Adam, that there is a lack of awareness among school pupils and a need for universities to be proactive in addressing that?

**Ms Alexander:** There is agreement throughout the Parliament that we must get better at informing our young people about the sorts of course choices that will give them opportunities in later life. We hope that careers Scotland will do that. As we distribute money for teaching in our higher education institutions, science courses should receive their share of the teaching resources as that increasing cake is distributed.

**Robin Harper (Lothians) (Green):** The minister will be aware that there is also a desperate shortage of engineering students being recruited from schools by universities and from universities by the engineering industries. Will the Executive take any steps to address that?

**Ms Alexander:** I will cite a couple of actions that we are taking. We are increasing the allocation of resources to local authorities for the teaching of science and we are pioneering "made in Scotland" roadshows.

The roadshows give young people the opportunity, during their secondary school career, of meeting those who work in manufacturing and engineering occupations. In particular parts of Scotland—I am thinking of the north-east—the Scottish Science and Technology Network, which is jointly funded by BP and the enterprise network, is encouraging 5 to 14-year-olds to think about taking advanced higher chemistry and physics.

**Maureen Macmillan (Highlands and Islands) (Lab):** What is the Executive doing to encourage young women to take up science as a career, to encourage girls to take science at school and to encourage those women who go to university to study science? Will the minister assure me that

she will consider how science departments in universities treat women scientists and ensure that women feel comfortable in a career in science at that level?

**Ms Alexander:** It is appropriate in the week before international women's day to consider what more we can do on the equality agenda. It is the case that within Scottish higher education we have taken a number of initiatives in the past year to promote equal opportunities not simply in pay, but in career and promotion prospects for women working in that sector.

### Employment (Transco)

**9. Mr Gil Paterson (Central Scotland) (SNP):** To ask the Scottish Executive what representations it has made to Transco and the Office of Gas and Electricity Markets regarding the recent announcement of job losses by Transco, and how many of those jobs will be lost in Scotland. (S1O-4727)

**The Deputy Minister for Enterprise, Transport and Lifelong Learning (Lewis Macdonald):** My officials have been in touch with Transco, the energy regulator Ofgem and the Department of Trade and Industry, which has responsibility for policy in this reserved area. We have received assurances that no job losses will affect public safety.

Transco has not indicated how many jobs will be lost in Scotland.

**Mr Paterson:** In the light of that answer, will the minister assure us that he will urge the UK Government to ensure that all regulators, in making a decision about price, must take into account the effect that that will have on public safety, customer service and staff and that companies are not able to make savings purely by sacking people?

**Lewis Macdonald:** Mr Paterson will be aware that public safety, customer service and staff are among the considerations that must be taken into account. Of course we have been particularly keen to ensure that there is no question of the changes being made in Transco compromising or jeopardising public safety. We have had assurances that that is the case. We have also had assurances that the reduction in staff that the company makes will include only a small element of operational staff and no repair or pipeline replacement staff and will therefore not affect the services bearing most directly on safety.

### Alcohol and Tobacco

**10. Donald Gorrie (Central Scotland) (LD):** To ask the Scottish Executive what action it is taking to curb the trade in bootleg alcohol and tobacco. (S1O-4752)

**The Deputy First Minister and Minister for Justice (Mr Jim Wallace):** The lead responsibility for dealing with excise fraud lies with HM Customs and Excise, which in Scotland works closely with the police forces and the criminal justice agencies in tackling this serious problem.

**Donald Gorrie:** I acknowledge that some aspects of the matter are reserved, but bootleg alcohol and tobacco is a serious issue. It has a marked effect on health, public disorder, underage drinking and the local economy by robbing legitimate outlets of the trade that they should have. We should perhaps persuade shopkeepers—

**The Presiding Officer:** That is all very interesting, but we must have a question.

**Donald Gorrie:** I was going to ask the minister what he is going to do about it.

**The Presiding Officer:** What are you going to do about it, minister?

**Mr Wallace:** I agree with Donald Gorrie's analysis of the problem. The fact that such fraud robs substantial revenue means that there is less to be shared and less to the block grant that we would get.

It is fair to give credit to the United Kingdom Government. Estimates show that its efforts to tackle cross-channel smuggling reduced the revenue lost in 2000-01 by 76 per cent compared to the revenue lost in 1999-2000. The Scottish Executive and the Scottish Parliament are able to resource our police forces and, not least, the Scottish Drug Enforcement Agency, because the problems of drug smuggling tie in with the kind of activities with cigarettes and alcohol to which Mr Gorrie referred.

Last night the House of Commons passed the Proceeds of Crime Bill, on which there has already been a Sewel motion in this Parliament. When that bill is passed through Westminster it will give us additional measures with which to tackle this serious problem.

**Alex Neil (Central Scotland) (SNP):** Has the minister made any representations to the UK Treasury about its proposal to introduce strip stamps as a counter-bootlegging measure? From the look on his face, perhaps I should ask him whether he knows what strip stamps are. If he does not, will he find out and do something about the situation? According to the Scotch Whisky Association, the introduction of strip stamps in their present format will devastate the whisky industry in Scotland.

**Mr Wallace:** Actually, I know what stick stamps are about because I have made representations—[MEMBERS: "Strip stamps."] Most stamps stick. [Laughter.] I made an individual representation to

the Treasury in support of my local MP and in support of the whisky industry in my constituency.

### Postal Services

**11. Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** To ask the Scottish Executive whether it will continue to use the Royal Mail service following the deregulation of postal services. (S1O-4724)

**The Deputy Minister for Environment and Rural Development (Allan Wilson):** The Office of Government Commerce concluded a service level agreement with Consignia last year. The Scottish Executive will participate in the development of that relationship and has no plans to review its arrangements with Consignia.

**Mr Rumbles:** What action will the Executive take to ensure that small businesses in rural Scotland, such as those located in my constituency, are given support in order to ensure that they are not adversely affected by the deregulation of postal services?

**Allan Wilson:** From the rural development perspective, there are two points in which we would be most interested when we have discussions with the Department of Trade and Industry. The first is the maintenance of Consignia's universal service obligation to provide at least one collection every working day. The second is to ensure the roll-out of the DTI pilot that I spoke of on the previous occasion on which this matter was discussed in the chamber. The project, which is known as "Your Guide", would give business consumers access to a one-stop-shop approach to a range of services, covering 80 per cent of commercial activity requirements.

**Mr Kenny MacAskill (Lothians) (SNP):** Is the minister aware that, following deregulation in Sweden, the cost of a stamp rose by 72 per cent, the number of post offices fell by half, the Saturday service was scrapped and door-to-door delivery in rural areas ceased? Will he ensure that the DTI and Postcomm are told in no uncertain terms that privatisation is unacceptable and that we want to improve our post office, not to privatise it?

**Allan Wilson:** We will, of course, follow a UK model, not a Swedish model—I assure members that I will not pursue any Swedish models. The member did not refer to the fact that, post liberalisation of the service, the Swedish postal service retained 94 per cent of the letter market, which is an important point. It does not follow that the doom and gloom to which the member referred is a direct product of liberalisation of the markets.

**Mr David Davidson (North-East Scotland) (Con):** What discussions has the minister had with Consignia to assist communities to take over

threatened sub-post offices and village stores?

**Allan Wilson:** Our officials are in contact with their counterparts in the south about the effect that the prospective liberalisation of the market will have on rural services. The UK Government is committed to maintaining the existing size of the rural post office network until 2006, except where closures are unavoidable.

### Primary School Teaching

**12. Mr Brian Monteith (Mid Scotland and Fife) (Con):** To ask the Scottish Executive what action it is taking to promote greater male participation in primary school teaching. (S1O-4734)

**The Deputy Minister for Education and Young People (Nicol Stephen):** The Scottish Executive's teacher recruitment campaign is designed to appeal to all sections of the community. To highlight the importance of encouraging more men in primary teaching, the 2001 teacher recruitment advertising campaign deliberately featured a male teacher working in a primary school.

**Mr Monteith:** I thank the minister for that initiative.

Given the growing number of single mums and the low number of male primary school teachers, does the minister agree that, if we are to have greater social cohesion—which some might call social inclusion—greater effort must be made to encourage more male teachers in primary schools? That would mean that more male role models were available to our children.

**Nicol Stephen:** We are very conscious of the issue, the scale of which is clear. The school census in the year 2000 indicated that around 7 per cent of primary teachers were male. The NFO System Three Social Research survey that followed up on the recruitment advertising campaign showed a small decrease, among those who had seen the advert, in the number of people who viewed primary teaching as "mainly for women".

I agree that a balance is appropriate and that it is vital that we provide the right role models—male or female—for our young people. If Brian Monteith or any other member has specific proposals, ministers would be prepared to consider them. The important point is that during the next few years we need to recruit many new teachers in Scotland—2,500 new teachers are required. We want to put out the message that teaching is a profession for many people in Scotland to get involved in.

**Johann Lamont (Glasgow Pollok) (Lab):** Does the minister agree that primary school teachers—the vast majority of whom are women—are doing

very important work? In spite of the problems that society faces, it is the fact that women are prepared to tackle the problems that gives us hope for the future.

Will the minister join me in congratulating those primary schools in Glasgow that have succeeded in shifting significantly the attainment figures for pupil literacy and numeracy? In any consideration of how to make primary teaching a more attractive career, will he note that the rate at which women secure promoted posts is not in proportion to their numbers in the work force and will he reflect on the message that that gives to women primary teachers and their pupils?

**Nicol Stephen:** I am happy to agree with and endorse those comments. All the evidence suggests that our primary schools are doing a very good job and that that job is improving—attainment is increasing across the board. We must not be complacent. My personal view is that we need a mix of male and female teachers, as well as a mix of younger and older, more mature teachers. That is important for Scottish society.

### Dental Services (Rural Areas)

**13. George Lyon (Argyll and Bute) (LD):** To ask the Scottish Executive what action it will take to ensure that there is adequate dental cover in rural areas. (S1O-4718)

**The Deputy Minister for Health and Community Care (Mrs Mary Mulligan):** I am aware of difficulties in the provision of NHS dental treatment in some parts of Scotland, including Argyll and Bute, which are due principally to staffing shortages. Work is under way nationally to improve the supply of dentists and, in conjunction with the profession, we are considering a number of proposals. To recognise the position of dentists in remote areas, we will introduce from 1 April 2002 remote areas allowance and will also increase continuing professional development allowances. Both initiatives are aimed at attracting dentists to remote areas.

**George Lyon:** I take it that the minister is aware of the acute shortage of dental cover to serve the Cowal and Bute area, which is the result of the retiral of the single-handed dental practitioner. Lomond and Argyll Primary Care NHS Trust put forward a bid for a salaried dentist to cover both communities in January of this year. Will the minister look favourably on that bid for funding for the new position? I hope that he will come to a speedy decision to plug the serious gap in dental service provision in my constituency.

**Mrs Mulligan:** My understanding is that there are 6.15 salaried dentists in Argyll and Bute. It has been the habit of the Executive to look favourably at any applications for salaried dentist positions

that have been made by health boards or trusts.

**Richard Lochhead (North-East Scotland) (SNP):** Is the minister aware that a shortage of dentists is not the only problem for rural communities in Grampian? People who live in those communities must wait for up to four years to see a dental surgeon at the local hospital. Will the minister tell the chamber what she is doing to reduce waiting times for such treatment at the local hospital?

**Mrs Mulligan:** As I said, we are considering a number of proposals to encourage provision in the area. The two proposals that I mentioned will make an impression on the waiting lists that the member refers to. We are also looking at encouraging dentists to return to practice, encouraging older dentists to stay on longer and increasing provision for the support of dentists by assistants. Each of those initiatives will improve waiting times.

**David Mundell (South of Scotland) (Con):** The minister and other members may be interested to know that an attempt by Dumfries and Galloway to recruit dentists from Sweden—models or otherwise—failed. Given the fact that Dumfries and Galloway has only half the number of dentists that is required, will the minister give an assurance that she will consider authorising the public funding of dentists so that they are employed directly by the local health trusts.

**Mrs Mulligan:** I repeat that the Executive will look favourably on any health boards or health trusts that apply for salaried dentists within their area. That is one of the ways in which we will tackle the shortages.

## First Minister's Question Time

### Cabinet (Meetings)

**1. Mr John Swinney (North Tayside) (SNP):** To ask the First Minister what issues will be discussed at the next meeting of the Scottish Executive's Cabinet. (S1F-1690)

**The First Minister (Mr Jack McConnell):** Our Cabinet discusses issues of importance to the people of Scotland. Next week, we shall discuss crime and transport. We shall certainly not discuss Mr Swinney's new priority of taking Scotland out of the United Kingdom. He may want to break up the national health service and separate off our railways, but I assure him that our priorities are not borders and politicians, but jobs, education, health, transport and crime.

**Mr Swinney:** The strategy has been a success already. On day one, we have got the First Minister talking independence. Let us start talking independence, then, because we will have a few more rounds of this debate in the next 14 months.

I want to ask the First Minister about the funding of the health service from general taxation. Ten days ago, the First Minister said:

"There is no need for us to raise taxes".

On Friday, the First Minister said that tax rises

"will be very good news"

for the health service in Scotland. Which one is it?

**The First Minister:** On Friday, I said that the extra expenditure that might be available as a result of the decisions of the Chancellor of the Exchequer and the Prime Minister would be very good news for the people of Scotland.

I am delighted to take on the challenge that Mr Swinney would like to set. This morning, he outlined his No 1 priority, which is to take Scotland out of the United Kingdom. One of the most immediate impacts of that would be to reduce Scotland's health budget by £1 billion. Scotland has a better health service not only because that service is part of the national health service, but as a result of the economic decisions of the UK Government.

**Mr Swinney:** The only problem with the First Minister's explanation of his comments on Friday is that it is not true. On Friday, the First Minister said:

"If Tony Blair and Gordon Brown are prepared to increase taxes ... then that will be very good news for doctors, nurses and most importantly for patients."

Now that the First Minister has identified that there is a need for more taxation to pay for the health service, will he leave the decision for London

ministers, or will he take the decision for himself?

**The First Minister:** I would be very happy to see increased money being available for the Scottish health service. I note that the Scottish nationalist party's current policy—although, like many others, it might change in the course of this week—is to increase taxation for ordinary families in Scotland but to reduce business taxation. That is what one or two of his members seem to be plugging around the boardrooms of Scotland. Mr Swinney might wish to reduce company taxation and increase personal taxation, but that is not the policy of the Labour party or of the partnership.

Mr Swinney might also want to address the fundamental issue. As a percentage of gross domestic product, spending on health in Scotland is significantly higher than in most of the other smaller European Union countries to which he regularly refers in the chamber. Will he admit today that an independent Scotland would spend less on health and have a poorer health service than a Scotland that is part of the UK?

**Mr Swinney:** The one statistic on health service funding that the First Minister failed to mention is that Scotland's share of UK health spending is falling year on year and it is falling under a Labour Government.

The First Minister still has not answered. He still has not explained whether he is prepared to allow other people to take the decisions. However, it seems pretty clear that he will wait for the chancellor to take his decisions. While we wait for the chancellor, Scottish patients are waiting for treatment. Is it not time that we had a Parliament that did not wait for others to take decisions, but that took its own decisions? Is it not time that we had a normal, independent Parliament?

**The First Minister:** Mr Swinney may want us to make that choice, but the reality is this: public expenditure on health in Scotland, as a percentage of GDP, is significantly higher than it is in the vast majority of the small nations in the European Union; the number of acute in-patient beds in Scotland per 1,000 population is among the highest of the small nations in the European Union; the number of general practitioners in Scotland per 1,000 population is, in fact, the highest of the small nations in the European Union; and the number of hospital beds in Scotland is almost double the number in England per head of population. Those are the benefits that Scotland has as part of the United Kingdom. Mr Swinney wants to break up the national health service; we do not. We want to build the national health service and put patients, nurses and doctors first. That is exactly what we will do.

## Prime Minister (Meetings)

**2. David McLetchie (Lothians) (Con):** To ask the First Minister when he will next meet the Prime Minister and what issues he intends to raise with him. (S1F-1688)

**The First Minister (Mr Jack McConnell):** The Prime Minister and I had a very successful meeting last week with Cyclacell in Dundee—an outstanding example of Scottish innovation and business pulling together. I am sure that our next meeting will be just as worth while.

**David McLetchie:** I am sure that the First Minister and the Prime Minister will not be discussing waiting lists, because I notice today that the First Minister has abandoned talking about that issue and has abandoned the very standard on which Labour said in the previous two elections that it would be judged. A clearer admission of failure would be hard to find.

If Labour members will not talk about waiting lists, will they talk about the problem of bedblocking, which is one of the main reasons for people having to wait longer for treatment? In Parliament last month, during the debate on Executive priorities, the First Minister promised us that the Scottish Executive would publish “an action plan” to tackle bedblocking by “early next month”. Those were his words. Here we are on 28 February and nothing has been announced. When can we expect some action on the action plan?

**The First Minister:** Mr McLetchie can expect some action within the next few days. I am sure that he will welcome it when it happens.

I am very happy to talk about waiting lists. There has been hard work by the new waiting list unit, which, if I am right, Mr McLetchie condemned, saying that it was inadequate. Last week, the unit announced that 100 patients would be taken from Tayside and operated on in Fife. The unit has consistently announced that people in Scotland would be treated in beds in health board areas other than their own and in the private sector, bringing down waiting lists and bringing down waiting times. The unit was described as inadequate and as a waste of time, but it is in fact making a difference to patients right across Scotland. I am happy to talk about that any time.

I am also happy to make it absolutely clear that the size of the waiting list in Scotland should not be our primary performance target in the health service—our primary performance target should be waiting times. Every nurse, every patient, every administrator and every doctor to whom I spoke in Edinburgh royal infirmary this morning confirmed that waiting times should be the primary indicator. That is exactly what we will now concentrate on.

**David McLetchie:** It has taken the First Minister a long time to waken up to that. He should perhaps apologise to people in this country for the deceptions practised by the Labour party in the elections of 1997 and 1999, when it said that waiting lists were the standard by which it would be judged.

I am pleased that we are finally to see the action plan, albeit belatedly. As everyone knows, over the past three years under the Executive, the problem of delayed discharges has been getting seriously worse and not better.

I wonder whether the First Minister heard the observations of his colleague down south last week. Mr Milburn said:

"The old Berlin Wall between health and social care really must go."

We believe that the unification of the health-related social work budget and the health budget is long overdue. There has been a Berlin wall in that area and we have been advocating unification for some time as the best means of ending bedblocking and delayed discharge in Scotland. Will the First Minister consider the adoption of that eminently sensible policy?

**The First Minister:** Mr McLetchie is well aware that we are working towards that sort of joint management of budgets. Although he might want to take responsibilities away from local authorities—I notice that Ms Sturgeon expressed a similar view last week, when she advocated ring fencing of budgets, in direct contradiction of the SNP local government spokesperson—that is not our view. We want joint management and performance targets. That is the system that will make a difference to our health and social work services and will ensure that they work better together. It will ensure not just that bedblocking is dealt with, but that the whole process of caring for our elderly is treated seriously and delivered effectively.

### Public-private Partnerships

**3. Alex Neil (Central Scotland) (SNP):** To ask the First Minister what plans the Scottish Executive has to change the rules and procedures governing public-private partnerships. (S1F-1697)

**The First Minister (Mr Jack McConnell):** The way in which we conduct partnerships with the private sector is constantly developing and ministers continue to make improvements to them.

**Alex Neil:** That is an interesting answer. Does the First Minister agree that one of the rules for public sector projects is that they should be financed at the lowest possible rate of interest, at the lowest possible cost to the public purse over the lifetime of the project and in an effective way,

which delivers the service, with the asset remaining in public hands? Does he agree that the time has come to change the rules and end the immorality whereby this generation is loading the next generation with a huge burden? Does he realise that, when Scotland becomes independent, we will get rid of profiteering on the back of public sector workers?

**The First Minister:** Alex Neil's leadership speech has come a day late, given John Swinney's announcement this morning. The time has come and gone—John is back on the independence trail.

No public project in Scotland should go ahead under any financing method that does not provide best value and value for money for the taxpayer. That is the bottom line for any decisions that we take. That is why in some circumstances we choose to use public-private partnerships, but in the vast majority of circumstances we use public capital procurement.

It is absolutely disingenuous of Alex Neil to say that services would in some way be better in Scotland if Scotland were ripped out of the United Kingdom. As Alex Neil knows, there would be less finance around and therefore our health service and other vital public services would automatically decline. In the general election back in 1999, he and his colleagues campaigned against the very projects that are making a real difference to the constituents that he is meant to represent. The constituents of Central Scotland have benefited from new schools in Falkirk, the Strathclyde police training centre and from Hairmyres and Wishaw hospitals—those projects would not have happened if he had had his way. Next year, the electorate will remember him for that.

**Mr John McAllion (Dundee East) (Lab):** Speaking as someone who never got the chance to make a leadership bid, never mind a leadership speech, may I ask whether the First Minister is aware that the new waste energy plant in my constituency was built under a public-private partnership and is largely financed by a combination of public investment and council contracts for waste disposal? Does he think it right in those circumstances that officials of the company that run the plant can refuse to provide me—the elected member for the constituency in which the plant is sited—with key information about the plant on the ground that the information is commercially confidential? Surely it is time to end the commercially confidential cop-out and to tell the private sector that, if it wants to become involved in public services, it has to play by public rules and standards of accountability, rather than by private ones.

**The First Minister:** One of the great benefits of public-private partnerships is the extent of the



control that they allow the public sector to have over the private sector. Since 1999, we have ensured that all public-private partnership projects that have been established—in education, health and other areas—have been delivered by the private sector on time, within budget and to high standards of design and maintenance. That control exists because the public sector and politicians in this chamber and in local authorities throughout Scotland take their responsibilities seriously and deliver such standards. The specific example that the member gave from Dundee involves the local authority, which I imagine would have had some control over the contractual position. However, I would be happy to look into the specific instance to find out whether there is anything that I can do.

**The Presiding Officer (Sir David Steel):** Question 4 has been withdrawn.

### Smacking

**5. Lord James Douglas-Hamilton (Lothians) (Con):** To ask the First Minister, following the publication of the Scottish Parent Teacher Council's survey on the Executive's proposals on smacking children, whether it will now reconsider its proposals in "Making Scotland Safer: Improving the Criminal Justice System". (S1F-1685)

**The First Minister (Mr Jack McConnell):** We welcome the survey's overwhelming support for the proposal to ban the use of implements against children. We have noted the narrow minority against the proposal to ban smacking children under the age of three. Jim Wallace has made it clear that we welcome a mature debate on the age at which the line should be drawn. I have no doubt that the Parliament will debate the matter when the proposed criminal justice bill is introduced.

**Lord James Douglas-Hamilton:** Does the First Minister appreciate that Scotland's parents have given a signal that the proposed legislation is unworkable, unnecessary, unwarranted and unenforceable? As the majority of Scotland's parents and the British Prime Minister take that view, is not it time that he did too?

**The First Minister:** A description of proposed legislation as unworkable and unenforceable by someone who voted for the poll tax is a bit rich. It is important that we set standards in our society for anything that relates to acts that might be portrayed as, or may in fact be, violent and dangerous. I fundamentally believe that we should have a strict rule against striking children with implements and I would be surprised if any member, even on the Conservative benches, disagreed with that. I also believe that a line should be drawn in respect of smacking young children. We have set out our proposals clearly on the issue and the Parliament will have a chance to

debate those proposals. I am sure that members will listen not just to the Scottish Parent Teacher Council, but to Save the Children and other organisations.

**Scott Barrie (Dunfermline West) (Lab):** Does the First Minister agree that the way in which a question is phrased is often crucial to the answers that are given? Does he agree that, since the publication of the report to which Lord James Douglas-Hamilton referred, two further questionnaires have been published that show that parents, carers and—this is particularly important—young people feel that limitations should be placed on parental physical chastisement?

**The First Minister:** This is a serious issue. There should be limitations that are carefully considered by the Parliament. The current proposals reflect the consultation that took place last year and the mature way in which many organisations and individuals responded to it. I am sure that, when the Parliament debates the issue, there will also be a mature response.

### Curling

**6. Karen Gillon (Clydesdale) (Lab):** To ask the First Minister what support the Scottish Executive is giving to curling and other winter sports. (S1F-1701)

**The First Minister (Mr Jack McConnell):** I am sure that members would want me not only to welcome the Presiding Officer back to the chamber this afternoon, but to congratulate Alain Baxter as well as the curling team on their successes in the winter Olympics in Salt Lake City. [*Applause.*] There were plans to recognise the contribution of all members of the team in respect of their appearance at the winter Olympics later in the spring. That will now be a special occasion for us in Edinburgh in recognising the achievement of the winners in particular.

Support for curling and other winter sports is provided through sportscotland and the Scottish Institute of Sport. Curling is one of the institute's nine core sports and all Scottish medallists from the winter Olympics were supported through our lottery sports fund programmes. Following that success, I want to encourage more participation in winter sports and to maximise the potential for increased tourism to Scotland.

**Karen Gillon:** I thank the First Minister for his answer and associate myself with his comments. Does he accept that the grass roots of a sport such as curling are particularly important and that it is essential that we ensure that support is available to curling and other sports at a grass-roots level, as well as at an excellence level? The provision of such support and the necessary

expertise enables Rhona Martin and her team, for example, to achieve in the way that they do.

**The First Minister:** I agree. It was interesting to learn in Perth last weekend of Perth and Kinross Council's programme to ensure that all primary-age children in the area have an opportunity to take part in a 12-week curling programme, so that they experience the sport at a young age. When I met representatives of the Royal Caledonian Curling Club on Tuesday, I was told that one of their main concerns for their sport, which is one of Scotland's great traditional sports, is that fewer young people are taking part. Our programmes—through sportscotland, the Scottish Institute of Sport, the talented athlete programme and the lottery sports fund—support not just curling, but the other nine priority sports in Scotland. They will continue to focus on improving the participation of young people by getting them involved in sport, which will at the same time boost those great Scottish sports.

**Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP):** Does the First Minister accept that Glenmore Lodge in my constituency, which is Scotland's national outdoor centre, should receive more support if we are to encourage the winter sports success that we have seen with Alain Baxter and others? If so, will he reverse the cuts in funding that that excellent institution has received in recent years?

**The First Minister:** It would be unfortunate to sully such a week of celebration in Scotland with that kind of cheap political point. It is important for us to recognise—[*Interruption.*] Members on the nationalist benches might not want to hear this, but now and again in Scotland we sometimes get things right. Those Scottish sportsmen and women got support through the lottery sports fund and Government programmes. They got sports psychologists, physiotherapists, training programmes, fitness programmes and competition programmes and they were supported when they travelled overseas. That boost to them, which was supported by the previous Conservative Government, the Labour Government and this Labour-Liberal Democrat coalition, has resulted in success for Scotland in the Olympics. That is something that all parties in the chamber should celebrate. To make cheap political points out of the situation does not do those athletes a service and it runs down the chamber.

**The Presiding Officer:** I take back what I said earlier. The last question is from Margo MacDonald.

**Ms Margo MacDonald (Lothians) (SNP):** I have a vested interest to declare: our eldest grandson has just got into the Scottish ice hockey squad at the age of 13, so we are not all girns on this side of the chamber.

I ask the First Minister to request a cost-benefit analysis of the investment in winter sports as opposed to summer sports. Not that I want to deprive summer sports of investment, but we have seen that winter sports probably have much more to offer than we previously thought in terms of input into the economy. Tourism is the first and foremost benefit. Will the First Minister make sure that VisitScotland gets off the mark, recruits those Scottish Olympians and gets them on top of an open-topped bus on tartan day?

**The First Minister:** I have to say—he hesitates for a moment—that, looking at Margo MacDonald, I did not think that she had a grandson. I agree with her on this occasion. This is not just about curling and it is not just about winter sports. I will provide another example. The world badminton championships, which took place in Glasgow two or three years ago, contributed £2 million to the local economy. Although the publicity around Euro 2008 and the importance of football to Scotland should be recognised, there is also a case for us to recognise that a number of other sports are played in communities throughout Scotland, by families and individuals, and that those sports are important, too. They are important in their own right, but they are important for Scotland's potential on the world stage and for Scotland's economy. We should do all that we can to boost all those sports, as well as talk about football in the chamber, which we seem to do rather a lot.

**The Presiding Officer:** Before I leave the chair, I thank the First Minister and the chamber for welcoming me back, but I would like the chamber to record its thanks to George Reid and Murray Tosh, who have borne a heavy burden during the past three weeks.

## Education (Disability Strategies and Pupils' Records) (Scotland) Bill: Stage 1

**The Deputy Presiding Officer (Mr Murray Tosh):** The next item of business is a debate on motion S1M-2563, in the name of Cathy Jamieson, on the general principles of the Education (Disability Strategies and Pupils' Records) (Scotland) Bill. I invite members who wish to speak to press their request-to-speak buttons. I call Cathy Jamieson to speak to and move the motion and trust that she will continue the precedent that she established of welcoming my former pupils in the public gallery.

15:35

**The Minister for Education and Young People (Cathy Jamieson):** I am glad to uphold that precedent with your permission, Presiding Officer. I would not otherwise have dared to say that I am glad to see pupils from Belmont Academy, which is in my constituency. I congratulate them on their work in producing the "Belmont Banner", the school's newspaper, of which I have many copies. All members are welcome to see me later and take one.

The debate is important, so I will take time to outline why we have introduced the bill. As many members know, the Disability Discrimination Act 1995 will apply from September to all areas of education. The Executive has introduced the bill to complement the DDA and to extend to Scotland duties that are similar to those that the DDA will apply to local education authorities in England and Wales. The bill will also secure parents' independent right to access their children's school records. We need to ensure that every child in Scotland can make the most of educational opportunities, realise his or her full potential and build on his or her talents and skills.

The DDA will make it unlawful throughout Britain for education providers to discriminate against pupils on the ground of disability. I am sure that everyone agrees that that change is welcome. It will mean that schools and education authorities must ensure that disabled pupils are not placed at a substantial disadvantage in relation to other pupils. Schools will need to consider how they can make reasonable adjustments to ensure that pupils can access education and associated services. At the same time as we maintain a focus on individual needs, we can make changes that will benefit many pupils who have disabilities. That is why we need the bill.

By requiring local authorities and independent and grant-aided schools to prepare accessibility strategies, we will encourage them to focus on

long-term strategic planning for improvements, to identify priorities in their areas and to promote inclusion. Their accessibility strategies will be intended, over time, to increase for pupils who have disabilities access to the curriculum, the school environment and school information. They will consider the need for changes in all schools, nursery schools and other pre-school education that local authorities provide directly.

The aim is not to start something new or to make changes overnight. Accessibility strategies will ensure that responsible bodies can build on and develop the planning that is in place for educating pupils who have disabilities. For instance, in their improvement plans under the national priorities and in their children's services plans, local authorities are planning for pupils who have disabilities.

The bill complements and supports other legislation and policies for children who have special educational needs. Such children do not necessarily have physical disabilities, but there is a large overlap between the groups. The inclusion programme, through the excellence fund, has provided significant funding to promote inclusion of children who have special educational needs. About 75 per cent of that funding also benefits children who have disabilities.

We want to ensure equality of opportunity for all pupils, especially those who have special educational needs and disabilities. That is a key part of the national priorities. We expect that local authorities' accessibility strategies will form part of their improvement plans. That will ensure that the Executive receives copies of strategies and can monitor how authorities are progressing. It also means that that is not a requirement for yet another plan. Responsible bodies can dovetail their accessibility strategies with the planning they already do, which will avoid duplication.

Many independent schools have experience of including pupils who have disabilities and see that as part of their regular business-planning cycles. We are not asking people to make sudden changes. The Disability Discrimination Act 1995 does not expect schools to be able to support children who have the most complex needs. The Executive is clear that, in terms of mainstreaming and as far as it is possible to undertake it, we want to promote the inclusion in mainstream schools of pupils who have disabilities and other additional support needs.

However, we acknowledge that there are still many children who have complex needs, but in whose best interests it might not be to place them in a mainstream school. Those children will continue to be educated in special schools, which can offer them the high level of support that they need. In determining where a child should be

placed, the views of the parents and the child should be taken into account to a large extent.

However, I believe that the great majority of children who have disabilities should be able to benefit from education in a mainstream school—in the local authority or the private sector, as is available at present—if they wish to do so. They should, wherever possible, be able to follow the same curriculum as their peers. They should be able to access the whole school and all its activities. They should also be able to learn using information that is provided for them in a format that is suitable for their needs.

We also acknowledge that supporting children who have an increasingly wide range of needs is a challenge for schools. That is why planning is so important. For inclusion to be successful, we must plan to remove from schools and nursery schools throughout Scotland the barriers to participation. Some of those barriers might be physical, but some are attitudinal.

Much good practice exists. Many schools are already successful in promoting inclusion. The Executive continues to encourage that by providing finance for staff training through the special educational needs specific grant and through other funding to support inclusion. We want accessibility strategies to enable local authorities and schools to identify what further improvements are needed and to plan to carry out those improvements.

Of course local authorities and schools will continue to have flexibility in developing their own approaches. They all start from different base points and all have different pupil populations and challenges to face. That means that their priorities will be different. It is not appropriate for the bill to prescribe exactly what must be done and when. The responsible bodies should work that out through consultation. They should consult closely those who might be affected by the strategy and those who have relevant expertise, including colleagues, school staff, pupils, parents, health professionals, social workers, voluntary organisations and others.

Accessibility is an area that is constantly developing and changing. It might be hard for some of us to imagine a time when every school in Scotland will be completely accessible to all pupils. Much as we would like that to be the case, there will always be room for improvement. Nonetheless, we hope that the bill will stimulate continual improvements over time.

It might take many years for all schools to become fully accessible to pupils who have physical disabilities, but other changes can be expected to happen more quickly. Although significant resources will be made available to

local authorities in grant-aided expenditure and in ring-fenced funds such as the inclusion programme, we recognise that that will not be enough to do everything that local authorities would like to do in the first three-year period.

However, in consulting on and developing strategies, responsible bodies will find that there are many changes that they can make quickly. Some of those might be in the delivery of on-going programmes. For example, some local authorities have strategies for rolling out training to school staff on issues such as supporting children who have autistic spectrum disorders. Some might be working with other agencies to promote awareness about disability and diversity to school pupils. Others might have negotiated contracts with specialist providers to allow information to be made available to pupils in a range of alternative formats. Clearly, such initiatives can benefit a wide range of people, not just school pupils and staff. I stress again that the bill is not just about buildings and physical access, but about providing a range of resources.

Some MSPs have expressed concerns about how we will ensure that the bill is effective and about how it will be publicised and monitored. In addition to consulting widely, responsible bodies will be encouraged to be proactive in promoting their strategies once they are in place. They might wish to provide a summary to interested parties, such as school staff, parents and pupils, or they might ask head teachers to make parents, staff and pupils aware of how the strategy will lead to improvements in their school.

Responsible bodies will also have to make copies of their strategy available to anyone who requests it. Many members will be pleased to hear that my colleague Nicol Stephen proposes to lodge an amendment at stage 2 to make it clear that strategies must also be made available in alternative formats if people request them.

Although I do not have much more time, I want to comment briefly on the monitoring role. I assure the Parliament that Her Majesty's Inspectorate of Education and the Scottish Commission for the Regulation of Care will be involved in that process. Furthermore, the Executive will ensure that it receives copies of accessibility strategies to find out whether progress is being made and to identify areas that need further improvements.

Finally, we must not forget that the bill has another important purpose. Until March 2000, parents in Scotland had an independent right to access their children's school records. However, that right was unintentionally removed when the Data Protection Act 1998 came into force in March 2000.

We want to take the opportunity in the second

part of the bill to create the necessary powers that will enable us to reinstate that right. In doing so, we want to ensure that, where appropriate, children's rights to confidentiality will be protected. In general, parents should be able to access information about their children that is held by schools and education authorities.

As a result, I am fully committed to the bill and the provision that it will make in two separate areas of access in education. I welcome today's debate and am sure that the Parliament will vote to accept the bill's general principles.

I move,

That the Parliament agrees to the general principles of the Education (Disability Strategies and Pupils' Records) (Scotland) Bill.

15:47

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

The SNP warmly welcomes the use of primary legislation to introduce education accessibility strategies, and fully supports the bill's general principles. However, there was general agreement within and outwith the Education, Culture and Sport Committee that, in order to provide a really robust process, the bill must be strengthened in certain areas. I want to highlight a few issues that need to be addressed.

Most important, we want to know how we will ensure that the strategies increase accessibility. Under the bill, responsible bodies could take a minimalist approach, but there is no point in introducing legislation if it can be largely ignored. As the minister said, monitoring and evaluation are crucial and there is a feeling that they should not be left to supplementary guidance, but require an amendment to the bill. Such an amendment might usefully clarify the priority that HMIE will place on inspecting strategies and their implementation and its role in that process, and might also include a requirement for accessibility strategies to be sent as a matter of routine to HMIE and the Scottish Executive.

There is an equally important question about what a child, young person or parent can do if duties are not being discharged. Because the bill makes no specific provision for complaint or redress, it requires amendment that will allow families the means to pursue that course of action with some expectation of satisfaction.

During evidence-taking meetings, the question was flagged up of how children, young people and their parents will know about the strategies. I note that the minister is not minded to require responsible bodies to publish their accessibility strategies and, in fact, the bill requires local authorities only to be reactive to requests to inspect the strategies. However, evidence to the

committee suggested strongly that a proactive approach to dissemination should be considered, and I acknowledge the minister's comments on that point. I would like her to consider how we might take such an approach, as it would parallel the requirements in the Standards in Scotland's Schools Act 2000 and could easily be achieved through existing requirements on local authorities to produce summary plans.

There was also an issue about how those plans would connect with other planning requirements. Incorporation of accessibility strategies with existing plans would be very much in line with joined-up government and joined-up policy and practice. I hope that the guidance will make a clear recommendation that local authorities and schools should link their accessibility strategies to their existing requirements to provide annual statements of improvement objectives and school development plans, both of which must already address equal opportunities requirements. It would also seem sensible, in the interests of integration, for those strategies to fit with children's services plans. All of that would in consequence help the monitoring and evaluation role that I highlighted.

Many local authorities expressed concerns about their role in supporting pre-school provision with partner providers, and the difficulties of meeting the costs of adapting their properties to the required standards. That was particularly the case where voluntary and private sector businesses were involved. In his oral evidence to the Education, Culture and Sport Committee, the deputy minister stated that private and voluntary sector providers of pre-school education that operate in partnership would not be required to prepare accessibility strategies because they are defined as service providers and are therefore subject to the Disability Discrimination Act 1995.

However, the Convention of Scottish Local Authorities and the committee were concerned that some implications of the bill might discourage local authorities from partnership with multiple small providers, and that they might in some way make it difficult for the private and voluntary sectors to continue to make provision, with the knock-on effect that there would be a lack of choice for families. That would be in no one's interests and I am sure that that is not the intention behind the bill. However, I trust that the minister's interpretation is correct and that there is no loophole that would lead to any reduction in pre-school provision—particularly on a partnership basis, which is very important—especially in rural areas.

The SNP urges support for the general principles of the bill and encourages the minister to note the concerns that were expressed by me and by others, and to note the suggestions that

have been offered. That would ensure a meaningful, robust and useful addition to disability legislation, which will be of real benefit to a number of children throughout Scotland.

15:52

**Mr Brian Monteith (Mid Scotland and Fife) (Con):** On behalf of the Conservatives, I am pleased to welcome the bill. We welcome it because it aims to improve access to school education for pupils who have disabilities and restores the right of parents to access their children's records. Those are both laudable aims. However, during early consideration we raised a number of issues that might be dealt with at the next stage by amendment, or might be considered by the Scottish Executive as being appropriate for guidance subsequent to the bill's enactment.

When the Education, Culture and Sport Committee took evidence, a concern that came up time and again was the question of resources. That has been touched on and I suspect that it will be mentioned continually throughout every stage of the bill's passage. Resources cannot be dealt with legislatively, but it is crucial that the issue is considered when planning for the act's application. I need only point to the application of the McCrone pay settlement and how there is now great concern being expressed by local authorities and other groups that the financial implications were not adequately thought through. Many groups, such as mature teacher-training entrants, music instructors, education advisers, educational psychologists and rural local authorities signalled that there could be problems. If we do not consider that while debating the impact of the bill—how it will be applied in regard to resources—I will be concerned that the good intention of the bill, which I have no doubt will be supported throughout the chamber, will not be met. We must listen to the points that have been made by the people who write to us and lobby us. My colleague Murdo Fraser will pick up some points on certain aspects of the bill in regard to disabilities.

I turn to pupils' records. The right of parents to access their children's records came about through Alex Fletcher's Education (Scotland) Act 1980 and the consequent School Pupil Records (Scotland) Regulations 1990. Unfortunately, as the minister said, the Data Protection Act 1998, which covers paper records, removed that right. It is notable that that issue was addressed in 2000 in the House of Commons, but we are progressing the issue two years later. I am pleased that the issue is at last being dealt with, but it is to be regretted that it has taken so long, because evidence shows that having lost the right of access to pupils' records, parents began to encounter difficulty from local authorities in

accessing the records. Local authorities would say that the right was lost and that they no longer had the duty to provide the information. Given that local authorities had been giving information that was requested by parents, it is highly regrettable that the authorities subsequently fell back on a bureaucratic attitude and decided that they should withhold that information.

**Michael Russell (South of Scotland) (SNP):** On pupils' records, which form a minor part of the bill, there are two key issues. One issue is confidentiality, which is important, and the other issue is to do with correcting yet another drafting mistake, of which there have been far too many. However, if Mr Monteith has evidence about local authorities that are refusing to give information, even during this interregnum, will he name them so that we can consider why they are doing that?

**Mr Monteith:** Certainly. I have no difficulty in saying that the authority in question was Fife Council. I do not want to go into more detail, because the matter is currently under consideration. However, I flag up the issue as one that bears further investigation. If that practice is found to be taking place in a number of authorities, rather than its being possibly only one case—which might be an isolated case within a local authority, rather than its being that authority's policy—we must frown upon that and draw it to people's attention.

We welcome the changes in greater access for pupils who have disabilities and in record of needs provision, but we think that they are overdue. We are pleased to support the bill.

15:57

**Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD):** The motion is easy to support. I cannot imagine that anyone would disagree with the bill's general principles, which seek to ensure that responsible authorities will produce and implement strategies to improve access to school education for pupils who have disabilities. The bill also makes provision for parents' access to their children's school records.

The provision about parents' access to records is uncontroversial. Brian Monteith introduced important evidence about that provision. There was no adverse comment during the consultation period and we support that provision without further comment.

The establishment of accessibility strategies is a more significant provision that should make a substantial difference to educational opportunities for pupils in Scotland who suffer from a wide range of disabilities and whose needs require more systematic and effective consideration than has previously been the case.

The minister outlined the requirements for strategies to improve the physical environments of the schools, the communication of information to pupils and their parents, and—which is important—not only physical access to schools, but access to the school curriculum. Those provisions also extend in various regards to children who are under school age.

As I said, no one would quarrel with the bill's principles. However, in the course of taking evidence, issues arose around those principles' implementation in practice. First, there is a genuine problem about financing of the bill's implementation. There is undoubtedly concern that the physical adaptation of school buildings and the additional human resources that will be required for the bill's implementation will be extraordinarily difficult to quantify and therefore difficult for the Executive and responsible bodies to resource.

The implementation of the strategies, for example, will involve substantial professional development in teacher training and giving disabled children access to the curriculum, and it will require facilities for health support services and so on inside schools.

In passing, I point to the particular problems of local authorities that have large numbers of small rural schools that serve discrete and sometimes isolated communities. Those authorities' cumulative total of adaptation costs is potentially substantial and they do not always have the critical mass that can draw together support.

**Michael Russell:** Mr Jenkins made a valid point about small rural schools. Some authorities might regard those rural schools as too expensive to continue in operation if the authorities cannot meet the bill's requirements. We must consider that matter.

There is also the issue of the large cost of adaptations for particular children. For example, if an old primary school—even one that has many pupils—needs a lift, that can sometimes be an enormous cost and can lead to a need to change the building. Consideration of that issue should make us realise that money is at the root of the issue.

**Ian Jenkins:** I agree.

In the long term, we do ourselves no favours if we gloss over those genuine concerns because they relate to complicated and sensitive issues that relate to the lives of individual pupils and families. We must be wary of raising expectations, only to frustrate the legitimate ambitions of young people. That is why monitoring of the strategies is important. HMIE and the Scottish Commission for the Regulation of Care will play an important role in that.

We have also addressed representations that the bill is unclear about how differences would be resolved in the event of parental or pupil dissatisfaction with a strategy or its implementation. We have heard that the bill would be improved by the inclusion of some appeals or mediation process. I hope that that can be examined later.

Criticism has been made of the lack of a time scale for implementation of the bill's provisions and the strategies that are produced. Again, we must strike a balance between idealism and realism. I welcome the open and realistic tone of the minister's remarks. We must recognise that the aspirations of the bill cannot be achieved overnight or in the short term. We must also seek to ensure that accessibility strategies are not nebulous documents that express vague commitments. It is important that they are working documents that move matters forward with a properly monitored, structured, progressive and achievable programme.

We are happy to endorse with enthusiasm the principles of the bill. It is an important bill that seeks to improve the lives of our children. In the long run, however, the bill's success will be judged on how we put those principles into practice.

16:02

**Jackie Baillie (Dumbarton) (Lab):** My colleagues in the Labour party and I have long held the belief that education is the key to unlocking opportunity in later life. It is not the privilege of the few but a fundamental and basic right for all our children and young people. Access to schools and to the school curriculum is critical if disabled children and young people are to be helped to reach their full potential.

The bill brings all those key principles together. It builds on the recommendations of the disability rights task force and at long last rectifies the glaring omission in the Disability Discrimination Act 1995, which specifically exempted education from its provisions.

The central element of the bill is the duty it places on all education authorities, grant-aided schools and independent schools to produce and implement an accessibility strategy. Such strategies are to do with improving access for all disabled pupils not only to the school building but, of equal importance, to the school curriculum. We need to remember that, for many children with a learning disability or a sensory impairment, accessibility does not stop at the provision of physical access. Indeed, during the consultation at stage 1, concerns were expressed by the committee that using terms such as "in writing" might be too narrowly interpreted and would

exclude alternative formats such as Braille. I am therefore particularly pleased and reassured by the minister's response that an amendment will be lodged by the Executive at stage 2 to ensure that the bill will be truly inclusive and that the possibility of any misinterpretation will be avoided.

If we are to achieve the step change that we want in the experience of disabled children in their school years, it is essential that we have in place a robust mechanism of monitoring and evaluation. Accessibility strategies will only ever be as good as their implementation. We need to ensure that they are living, breathing documents rather than ones that simply gather dust on a shelf. One way to do that is to make an explicit linkage with schools' objectives for improvement and development plans and children's services plans. With HMIE routinely evaluating the quality of strategies and monitoring their implementation, I believe that we will see a difference. I ask ministers to consider that again before stage 2.

Another issue that I ask ministers to reflect on before stage 2 is the view that we need some form of appeals mechanism when an accessibility strategy fails to meet somebody's expectations or fails to address reasonable needs. I hasten to say that I am not attracted to a cumbersome and overly bureaucratic system, but I ask ministers to consider independent mediation, which has been used successfully in other areas and provides a swift and effective response in the interests of the child.

In conclusion, the principles of the bill have been warmly welcomed by the Education, Culture and Sport Committee and by a variety of statutory and voluntary organisations that have experience and interest in the sector. Much more important, the bill will be welcomed by parents and children as a critical step in ensuring equality in education. It provides the opportunity to help to unlock the potential in every child, irrespective of ability.

**The Deputy Presiding Officer:** I advise members that the prospect is that we may require to bring forward decision time and members' business today. I say that also for the benefit of business managers and people within the Parliament complex who may be watching on television.

16:06

**Michael Matheson (Central Scotland) (SNP):** I will continue the consensus by warmly welcoming the bill. However, it is important that what the bill can achieve is kept in context.

As Jackie Baillie said, we should all cherish the right for any child to have education. Sadly, over the years, many disabled children who have sought to go to their local primary or secondary

school have found themselves left at the school gate as the school was not suitable for them because of their disability. Anything that seeks to end such discrimination against young people is welcome.

I will refer to a couple of sections of the bill that require clarification. Section 1(2)(b) refers to "associated services". It appears that that term is a reference to extra-curricular activities that take place within the school campus. It is important to keep in mind that schools can undertake extra-curricular activities outwith the school campus, such as going to a museum. I am aware that museums and other service providers are covered by the Disability Discrimination Act 1995 and that it is difficult for the minister to address the issue. However, we may need to put something in guidance alongside the bill to ensure that when the section is being interpreted it is clear that extra-curricular activities outwith the school campus are also to be considered; when the children go to the museum or elsewhere, a child who has a disability should not be left behind because of a lack of suitable disabled facilities.

Like Jackie Baillie, I welcome the fact that the minister is seeking at stage 2 to lodge an amendment to section 1(3) on alternative formats for the provision of accessibility strategies.

Section 4 makes provision for obtaining records and for those who are providing the records to supply copies and

"to charge such fees as they think fit"

although it adds in brackets

"(not exceeding the cost of supply)".

The Justice 1 Committee has been debating a similar issue in relation to the Freedom of Information (Scotland) Bill. Concern has been expressed that it may be much more costly to obtain such records in an alternative format than it would be to get a photocopy of the records. It is essential that disabled people are not put off requesting the records in an alternative format. The minister might want to reflect on the issue and consult her colleagues who are dealing with the Freedom of Information (Scotland) Bill, because we are anxious to ensure that a charging mechanism that is introduced under that legislation also meets the needs of disabled people and does not discriminate against them in terms of cost.

I will mention a couple of wider issues. I welcome the fact that the bill deals with access to school buildings and the curriculum. Only yesterday, the Deputy Minister for Health and Community Care, Mary Mulligan, and I met an organisation called Playback, which works with young people who require equipment to access facilities such as schools. It is all very well for



schools to have disabled access provisions and to talk about access to the curriculum, but many young disabled people cannot get the wheelchair that they require to go to school. As an example, Playback mentioned a young girl who had to wait for more than a year to get the right wheelchair to go to school.

If we are to make school buildings and the curriculum accessible, we must ensure that service providers such as the national health service meet the needs of young disabled people by providing them with equipment that will allow them to use the facilities that the bill will make available.

I want to refer to the continuing problem that a number of local authorities experience in relation to children with special educational needs who are in facilities that are outwith their area. Local authorities cannot accommodate all children in their area. During a recent briefing by Falkirk Council, which a colleague attended, the director of education highlighted the fact that the cost of placing young people with special educational needs outwith the local authority area has increased by 50 per cent in the past year. That trend puts considerable pressure on local authorities that are trying to meet the needs of disabled people who require special educational establishments.

Although I welcome the bill, we must ensure that there is proper joined-up thinking and working in Government departments to ensure that there is a proper package for disabled children, irrespective of which school they attend or which local authority area the school is in. I hope that the minister will take this opportunity to ensure that there is a proper strategy for disabled children, not one that covers only the curriculum and school buildings.

16:12

**Mr Kenneth Macintosh (Eastwood) (Lab):** I welcome the bill. Although, considered in isolation, it addresses only one aspect of educational need, it should be seen as one plank in a raft of measures that are designed to improve equality of opportunity in schools. The bill complements the Disability Discrimination Act 1995 and stands alongside the presumption of mainstream education that is in the Standards in Scotland's Schools etc Act 2000 and the work that is under way to revise and reform our record of needs system.

The immediate benefits of the bill should not be underestimated. I want to consider the bill's impact on the needs of one community—dyslexic pupils. Dyslexia is often referred to as a hidden or invisible condition, but it is nonetheless disabling. I had the pleasure of meeting a dyslexia support

group in my constituency and of listening to a young man who spoke eloquently of his school experience. What that obviously bright and able pupil said challenged my preconceptions of how special educational needs are addressed in schools.

I had always thought that primary schools were better than secondary schools at offering a mainstream education to pupils with special needs. Certainly, I believe that in some ways primary schools offer a more inclusive and less disjointed educational environment to their pupils than larger and more regimented high schools, but the experience of the pupil whom I met contradicted my belief. Despite his abilities, he found himself behind his peers at reading, writing and spelling, which he found intensely frustrating. With other dyslexic pupils, such frustration often finds its outlet in disruptive behaviour, but in his case it led to low self-esteem, a lack of self-confidence and a miserable school life. When he moved to secondary school, his needs were recognised and, because teachers no longer picked him up constantly about his spelling, he flourished and excelled at his studies.

To address effectively the type of problem that that pupil faced, the importance of early diagnosis and assessment of need cannot be underestimated. Those measures must be backed up by the implementation of effective support. Most dyslexic pupils do not benefit from a record of needs, but I hope that the Executive's warmly welcomed consultation on that subject will tackle that gap.

The bill will address many of the difficulties and frustrations that are felt by dyslexic young people and their families in dealing with schools and education authorities. The bill will address both the powerlessness experienced by those families and the lack of information that is available to them. I welcome the minister's opening speech, which explicitly stated that the bill's provisions are not limited to children with physical disabilities. However, I ask the minister to confirm that the definition of disability that is used in the bill—

"a physical or mental impairment which has a substantial and long-term adverse effect on"

a person's

"ability to carry out normal day-to-day activities"—

will apply to children with dyslexia. It is my understanding that it will and that the bill therefore gives pupils and parents a new power and a new method by which to demand equal treatment at school.

Furthermore, the emphasis on local authorities consulting pupils and families when they draw up their disability strategies provides an avenue through which awareness of the needs of dyslexic

pupils can be raised. The details concerning the way in which parents will be involved and the complaints or appeals procedure to underpin those rights and responsibilities will have to be spelled out in more detail at stage 2. Nonetheless, those developments are very welcome.

Although the bill is important in its own right, it must be supported by other measures and not just by legislation. Training for teachers of young people with dyslexia and many other pupils with special needs who want to enjoy a mainstream education is a priority. The need for teacher training was highlighted by one of the two parents who responded to the consultation on the bill, and that chimes with my own experience.

I hope that the bill will mark a further step towards achieving our aim of increasing accessibility to our school system. It should help young people with a range of needs to develop to their full potential, enriching both their lives and the lives of those around them. I support the general principles of the bill.

16:17

**Kate Maclean (Dundee West) (Lab):** The Equal Opportunities Committee considered the bill and contributed to the Education, Culture and Sport Committee's stage 1 report. In an open letter to the Education, Culture and Sport Committee, the Deputy Minister for Education and Young People addressed several crucial issues in advance of the debate. I am sure that members found that very useful.

The Equal Opportunities Committee especially welcomes the commitment to include portable buildings—often referred to as Portakabins—in the accessibility provisions of the bill. We had intended to lodge a committee amendment at stage 2 because we felt that the failure to include portable buildings would discriminate against Gypsy Traveller children, who are already excluded from education, as we pointed out in an earlier report. It would also discriminate against children in the settled community, as some schools have portable buildings in use on their grounds for many years. We welcome the commitment to cover those buildings in the accessibility provisions.

We also welcome the move towards Executive guidance on accessible formats and the statement that “in writing” automatically encompasses provision in Braille, large print and other accessible formats. In evidence to the Equal Opportunities Committee, the Royal National Institute for the Blind offered to advise schools and authorities on the best ways in which to provide materials in preferred formats. I hope that the Executive will bear that offer in mind. I also hope

that the Executive's guidance is the first step towards a coherent strategy for accessible formats for the public sector in Scotland and something that will be automatically adopted in future legislation. We have had to amend recent legislation because that issue was not taken into account.

Nonetheless, there are some issues that I feel have not been addressed today or in the letter from the deputy minister and I would be grateful if he could address them in summing up. In section 3(1)(b), the consultation criterion remains “as they think fit”. The Equal Opportunities Committee felt that that should be deleted from the bill and that the Executive should set a minimum standard for adequate consultation. I would welcome the minister's comments on that in his summing up.

I ask the minister—as Jackie Baillie did—to address the concern that it is not clear how the Executive will ensure that responsible bodies will be pursued if they fail to develop and implement appropriate strategies. I also ask him to say why there seems to be no support from the Executive for a simplified appeals system to deal with both special educational needs and disabilities.

Finally, will the minister inform us of the Executive's intention to change current guidance on quality indicators in “How good is our school?” in the light of the bill, because changes will obviously have to be made?

I hope that I do not sound too negative about the bill, because I think that the Executive has gone a long way to addressing the concerns that the Equal Opportunities Committee and many organisations that campaign for rights for disabled children in Scotland raised. My comments are in no way meant to deflect from the laudable intent of the bill, which the Equal Opportunities Committee warmly welcomes.

**The Deputy Presiding Officer (Mr George Reid):** Before we go on to wrap-up speeches, I inform members that I anticipate that the debate will finish around 4.40 or 4.45. With the agreement of members, I will then bring decision time forward.

16:20

**Mr Frank McAveety (Glasgow Shettleston) (Lab):** I am filling in for Karen Gillon at short notice, so I ask members to bear with me.

Colleagues from the committee have already identified some of the key issues that we want the ministerial team to address. We welcome the development of legislation that ties up an uneven aspect of the Disability Discrimination Act 1995. We also acknowledge that pupil records issues need to be addressed. The bill combines two

issues that have been missed for a considerable time.

As Irene McGugan said, we would like responses on key issues that the committee identified. We specifically want responses on how we integrate accessibility with the general issue of planning and developing buildings in the first place. That is worth exploring.

The second big concern is how effective the complaints procedure will be, because there might be circumstances in which the parents also suffer from the disability of the children. Again, we should maximise the opportunity for information to be explained and for parents to be involved.

Michael Matheson identified the grey area of associated services and the links that need to be made within social work, health and education services to identify those that are exempt at present and how to bring them broadly within the framework.

There is still concern in the committee about how we proactively disseminate information. Further explanation for stage 2 would be welcome and would satisfy committee members and those who have written to us and to other MSPs about that issue. Children in Scotland has identified other issues that are worth exploring.

The process is continuing. We are having a debate about what we think are accessibility strategies. Such strategies are different from what they would have been two, three or 10 years ago and will be different three, five or 10 years from now. There is a lot of space for identifying how language is used within the framework of the legislation to make it more flexible. Jackie Baillie has had experience in the field and raised the question of how we continue to monitor, review and act on that. That is welcome.

I do not totally agree with Mike Russell and that might come as a shock to him, but we are on much safer ground here—at least this is not a Sewel motion, which we have been animated about in the chamber before. I welcome the fact that we sought legislation because, although the matter could have been addressed by a Sewel motion, it is more appropriately addressed by a bill, given the impact on devolved matters.

We have to have the resources to support the bill, but we also have to change mindsets, which we are continuing to challenge. We can have a spanking new investment, but if we have not consulted the users who experience it, we will not get the maximum benefit from it. We have to ensure that we engage in consultation with those who experience the difficulties—primarily young people.

Kate Maclean made positive contributions. She was as self-effacing as ever, but her contributions were critical and we have to be aware of the issues that matter.

I welcome the fact that Scottish education now has a regulatory power regarding pupil records, because that was missed before. If we pass the bill, people will have a more effective right to access to school records.

I hope that the ministers will take up the broad issues that I have raised and address them at stage 2.

16:25

**Murdo Fraser (Mid Scotland and Fife) (Con):** I reiterate Brian Monteith's comment that the Scottish Conservatives welcome the bill.

I will make two brief points on disability strategies, both of which relate to the question of costs. A number of members, including Ian Jenkins, referred to the costs involved in first drawing up and then implementing a strategy and to the burden that those costs would put on education authorities. I trust that the deputy minister will address that question when he winds up. Ian Jenkins also made a good point about the impact that such costs might have on small rural schools.

A related issue is that of the costs for independent schools. I have an interest in independent schools, not because I went to an independent school but because I believe in freedom of choice for parents. In an area such as Perth and Kinross, which falls within the Mid Scotland and Fife region, independent schools are an important part of the local economy. They directly employ around 700 people and indirectly support many other jobs in the community.

The Minister for Education and Young People is aware that I have been in correspondence with her on the subject of the impact of disability strategies on independent schools—in fact, this week she wrote to me on that very topic. Not so long ago, the Labour party had a policy of opposing independent schools, but I trust that we are in a new age and in more enlightened times.

I also want to mention the situation of independent schools that are grant aided, such as specialist schools for the deaf and the blind. Independent schools often find themselves in a difficult economic position. In Perth and Kinross over the past two years, Croftinloan School in Pitlochry has closed and Rannoch School has come under pressure. There is a misconception that independent schools are dripping in wealth. Extra burdens that are put upon them could threaten their future viability.

The briefing from the Scottish Parliament information centre refers to correspondence from the bursar of Fettes College—the alma mater of the Labour Prime Minister—in which concern was expressed about the

“potential financial consequences of adequately resourcing disability access strategies.”

The Executive estimates that the cost of drawing up a strategy will be £8,400. In itself, that is not a substantial sum, but it all adds up. The cost of implementing a strategy is of more concern. For example, the costs could be very high for a boarding school.

The bursar of Fettes College referred to the problems associated with listed buildings, which could involve substantial costs. For some listed buildings, such as Fettes College or George Heriot's School, the alterations that would be required to comply with a disability strategy would be extremely expensive, if not impossible to meet. There is concern in the independent school sector about those issues and I ask the deputy minister to respond to them when he winds up the debate.

I conclude by welcoming the bill, which will promote equal access to schools for pupils with disabilities.

16:28

**Michael Russell (South of Scotland) (SNP):** I also shall be brief. There is overwhelming unanimity in the chamber about the bill. We are now into discussions about the detail of how the bill will proceed through stages 2 and 3.

I am glad to have the support of Frank McAveety on the issue of Sewel motions. It was quite a relief to have his support, although that was an unusual event. The bill is an example of why Sewel motions should be used sparingly, although the subject matter could have been dealt with through the use of a Sewel motion. By introducing the bill, not only has the Executive given the chamber an opportunity to debate the issues and members an opportunity to lodge amendments, but it has given civic Scotland and individuals an opportunity to make representations and to be heard. That could not have happened if the matter had been dealt with through the use of a Sewel motion. The bill is a good example of legislation that should go through the parliamentary process, although that may take time and effort. The Executive should not deal with such matters by giving away our right to legislate.

Three key issues in the bill have clearly emerged during the debate: demand; will and intention to meet that demand; and resources to underpin the ability to meet that demand. I commend the minister on her speech, much of which I agree with. However, I believe that she

underestimates the demand that will exist. By definition, parents of children who have special educational needs are usually very involved in their children's education and acutely aware of the difficulties that their children have.

I suspect that the bill, which will be warmly welcomed, will also mean that parents have very high expectations from early on. Although it will be necessary to phase in the support that is available, let us not alienate parents by doing so in a way that appears to be penny-pinching. I am glad that the detail of the finance indicates that money that is additional to the £9 million is available. There will be significant financial demands on the public purse for schools. Mr Jenkins has indicated some of those.

A considerable amount of work is required to make a building or buildings suitable once a strategy has been produced. I mentioned a lift in a primary school that I know. Many other schools—perhaps those that have old buildings—will require considerable adaptation. I hope that when the deputy minister responds, he will take on board the fact that demand will be considerable.

Teachers and those who run the schools must have the will to make sure that the bill works. By and large, that will is there. The minister was absolutely right to say that mainstreaming cannot be imposed on schools. I was a member of the Education, Culture and Sport Committee that undertook a report on special educational needs. Mainstreaming is a hope, an encouragement and a way in which we want people to look at education. However, it cannot be a demand, because children are all different and schools are all different.

Teachers must be helped to understand how mainstreaming works. For some children it will never work; for others it will work very well. We must proselytise for the bill within schools, to persuade teachers to take the chances and make the extra effort that will enable children to go into schools, to mainstream and to have the facilities in those schools that they need.

If we can understand the demand, if we can recognise the need to create the will within schools and if we can provide the resources, the bill will make a huge difference over a period of time.

Unfortunately, the issue of pupil records represents another example of bad drafting somewhere else producing a problem that requires resolution by the Parliament. That has become something of a hobby-horse of mine, and the deputy minister has suffered as a result of that in committee. We must look seriously at drafting. The fact that we can legislate does not mean that we have to do so. When we legislate, we must do it properly.

In the primary legislation that we pass and, increasingly, in Scottish statutory instruments, problems are becoming legion. The case of a statutory instrument that the Education, Culture and Sport Committee recently considered has become almost farcical. We must examine drafting, which is not a party-political issue, but one of good governance. We must have the ability to draft bills properly.

The bill represents an ideal opportunity for the Parliament and its committees—Kate Maclean referred to her committee—to work together for the good of people in Scotland who have a real need. That has been the nature of the debate and I am sure that it will be the nature of the stage 2 proceedings. I ask the Executive to keep it that way. Let us be constructive about the bill and let us not stand on our dignity on the drafting of amendments. I support the bill.

16:33

**The Deputy Minister for Education and Young People (Nicol Stephen):** I would like to continue the constructive tone. I agree with Michael Russell's final remarks about the spirit in which the bill has been debated so far. We have already signalled important changes that we intend to bring forward at stage 2. I hope that, as a consequence of following up on some of the remarks that have been made in the debate, we might bring forward further amendments or be prepared to make commitments in relation to guidance or regulations.

I welcome the support of Irene McGugan on behalf of the SNP and of Brian Monteith on behalf of the Conservative party. I also welcome the enthusiastic support of Ian Jenkins. I agree with him and the other speakers who said that the accessibility strategies must be living, working, effective documents that make a difference.

Michael Matheson made a particularly worthwhile contribution. In relation to his comments on associated services and museums, I want to reiterate and develop the points that I made in committee. The phrase "associated services" covers planning for school trips and other activities outside school. However, school trips are normally planned by individual schools and, to comply with the DDA, they should take into account the needs that any individual child may have.

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

**Nicol Stephen:** I shall, but let me just finish.

Schools should take reasonable steps to ensure that such children can participate fully in school trips. For example, schools cannot force a

museum to be accessible, but as museums are already subject to the DDA, they should be accessible to all those with disabilities.

I am happy to give way now.

**Dr Ewing:** Should accessibility strategies always include deaf children who do not attend schools for the deaf?

**Nicol Stephen:** Yes, of course. To answer Dr Ewing's question, let me say that I was pleased that contributors to the debate—especially Jackie Baillie—stressed that the bill's purpose is to provide children who have physical disabilities not only with access to school buildings but with access to the curriculum. The bill also provides for children who have non-physical disabilities and for the wide range of disabilities that individuals might face in the course of their education. The bill is not only about installing lifts and ramps.

Irene McGugan, Jackie Baillie and Ian Jenkins asked about the power to complain and the power to appeal and about the opportunity for mediation. Parents can complain and will have access to the conciliation and mediation that is provided by the Disability Rights Commission under the DDA. Such mediation is also provided separately under the special educational needs framework, for which the Parliament is responsible. As members will know, we are examining whether we need to review the record of needs and whether there is a need for mediation. The bill's aim is not to set up a new or separate mediation or appeal framework but to ensure that a strategic approach is taken so that schools and authorities have a responsibility to plan for accessibility.

**Michael Russell:** The minister has highlighted the link between the bill and the record of needs legislation, of which he has acknowledged that radical reform is needed. Can he indicate the Executive's time scale for reforming the record of needs legislation?

**Nicol Stephen:** The short answer is no. I cannot give such an indication today. Announcements on legislative proposals are made as part of the full legislative programme that is announced by the First Minister. However, having conducted the review of the record of needs, we are keen that legislation should be introduced in due course. I am sure that those of us who take a close interest in such matters will continue to press to ensure that that takes place soon.

Kate Maclean remarked on the words "as they think fit", which appear in section 3(1)(b) of the bill. The people who should be consulted have not been listed in the bill because it is difficult to define who those people should be in a way that takes account of all the different circumstances that the bill might cover. In our view, to list those who should be consulted would be to constrain the

responsible bodies.

It is intended that guidance will specify which groups should be consulted as a minimum. Under the Standards in Scotland's Schools etc Act 2000, education authorities have a duty to take into account the views of children and young people. However, following on from today's debate, we will examine the issue closely and examine what words need to be in the guidance. We shall try to ensure that the committee is happy with our proposals.

**Irene McGugan:** Will the minister take an intervention?

**Nicol Stephen:** I would be happy to take one final intervention.

**Irene McGugan:** I very much appreciate the minister's giving way. Will he clarify what he said a moment ago about the avenues for redress that are available under different statutes? How will that work? How would someone who complains or seeks satisfaction under the terms of this bill obtain redress under the terms of another piece of legislation, such as the special educational needs legislation or the DDA? Is that viable and sensible?

**Nicol Stephen:** That is an issue that we debate often. All of us are anxious to ensure that there is as much consistency as possible between the disability legislation and the special educational needs legislation. Some may feel that, ideally, the two would be integrated. However, we have a large volume of disability legislation and a significant volume of special educational needs legislation. Different Parliaments are responsible for that legislation and there are complexities even within that. We have seen that today, with the disability legislation that was set by the UK Parliament having to be discussed in the context of the Scottish Parliament.

We all have to work together to make legislative proposals work effectively. As far as we can, we will, in the review of special educational needs legislation, work to ensure that the approach is more seamless. However, there will continue to be different acts of Parliament on these subjects on the statute book.

This bill is about planning for all pupils in Scotland who have a disability—whether it is a physical or a mental impairment and whether they need relatively minor additional support or whether they have complex needs and require 24-hour care. Whatever a person's disability, this bill is of importance to them.

Pupils do not need just to be able to get around their school or nursery school. They need to be able to learn in different ways, to receive extra support from school staff and to be able to use

information technology and computers or other alternative formats in order to access information. This bill is about challenging the ways in which education is delivered.

It is very important that we do not forget about attitudes. It does not cost anything—except perhaps people's time—to promote positive attitudes to diversity among staff and pupils. Such changes in culture may take time, but pupils will not benefit from their education if they do not feel welcome in a school, if they are bullied or if they are made to feel like outsiders. Legislation alone will not change that. Many schools and teachers are already doing good work on this and are teaching children about disability as part of the curriculum. However, we have to do more and we have to offer more encouragement. I believe that this Parliament and this bill will play an important role in that.

The mistake that has led to the pupils' records element of the bill has already been referred to. It dates back to the Data Protection Act—of 1998, Mr Russell. I agree that it is unfortunate whenever there is a legislative mistake. We are taking steps to remedy the problem. We all agree that the sooner those steps can be taken the better.

I feel that the chamber is united on this bill. Both parts of the bill are necessary and timely and I ask the Parliament to support it today.

## Education (Disability Strategies and Pupils' Records) (Scotland) Bill: Financial Resolution

16:42

**The Deputy Presiding Officer (Mr George Reid):** The next item of business is consideration of a financial resolution. I ask Andy Kerr to move motion S1M-2580 on the financial resolution in respect of the Education (Disability Strategies and Pupils' Records) (Scotland) Bill.

*Motion moved,*

That the Parliament for the purposes of any Act of the Scottish Parliament resulting from the Education (Disability Strategies and Pupils' Records) (Scotland) Bill, agrees to any increase in expenditure payable out of the Scottish Consolidated Fund in consequence of the Act.—[Mr Andy Kerr.]

## Parliamentary Bureau Motions

16:43

**The Deputy Presiding Officer (Mr George Reid):** The next item is consideration of two Parliamentary Bureau motions. I ask Euan Robson to move motion S1M-2800, on suspension of standing orders for the Fur Farming (Prohibition) (Scotland) Bill, and motion S1M-2799, on electronic voting for the Fur Farming (Prohibition) (Scotland) Bill.

*Motions moved,*

That the Parliament agrees that Rules 9.5.3B, 9.7.9 and 9.8.3 of the Standing Orders be suspended for the purposes of the Fur Farming (Prohibition) (Scotland) Bill.

That the Parliament directs that under Rule 11.8.3 of the Standing Orders any division at Stage 2 of the Fur Farming (Prohibition) (Scotland) Bill shall be conducted using the electronic voting system.—[*Euan Robson.*]

## Motion without Notice

16:43

**The Deputy Presiding Officer (Mr George Reid):** We have made good speed today. I have consulted the business managers and am prepared to consider a motion without notice to bring forward decision time to 4.44 pm. Do members agree to that?

**Members indicated agreement.**

*Motion moved,*

That S1M-2816 be taken at this meeting of the Parliament.—[*Euan Robson.*]

*Motion agreed to.*

*Motion moved,*

That the Parliament agrees under Rule 11.2.4 of the Standing Orders that Decision Time on Thursday 28 March be taken at 4.44 pm.—[*Euan Robson.*]

*Motion agreed to.*

## Decision Time

16:44

**The Deputy Presiding Officer (Mr George Reid):** There are six questions to be put as a result of today's business.

The first question is, that motion S1M-2702, in the name of Mike Rumbles, on behalf of the Standards Committee, on the general principles of the Scottish Parliamentary Standards Commissioner Bill, be agreed to.

*Motion agreed to.*

That the Parliament agrees to the general principles of the Scottish Parliamentary Standards Commissioner Bill.

**The Deputy Presiding Officer:** The second question is, that motion S1M-2752, in the name of Irene Oldfather, on behalf of the European Committee, on its report on the governance of the European Union and the future of Europe, be agreed to.

*Motion agreed to.*

That the Parliament notes the 9th Report, 2001 of the European Committee, *Report on the Governance of the European Union and the Future of Europe: What Role for Scotland?* (SP Paper 466) and commends the recommendations to the Scottish Executive.

**The Deputy Presiding Officer:** The third question is, that motion S1M-2563, in the name of Cathy Jamieson, on the general principles of the Education (Disability Strategies and Pupils' Records) (Scotland) Bill, be agreed to.

*Motion agreed to.*

That the Parliament agrees to the general principles of the Education (Disability Strategies and Pupils' Records) (Scotland) Bill.

**The Deputy Presiding Officer:** The fourth question is, that motion S1M-2580, in the name of Andy Kerr, on the financial resolution in respect of the Education (Disability Strategies and Pupils' Records) (Scotland) Bill, be agreed to.

*Motion agreed to.*

That the Parliament for the purposes of any Act of the Scottish Parliament resulting from the Education (Disability Strategies and Pupils' Records) (Scotland) Bill, agrees to any increase in expenditure payable out of the Scottish Consolidated Fund in consequence of the Act.

**The Deputy Presiding Officer:** The fifth question is, that motion S1M-2800, in the name of Patricia Ferguson, on the suspension of standing orders for the Fur Farming (Prohibition) (Scotland) Bill, be agreed to.

*Motion agreed to.*

That the Parliament agrees that Rules 9.5.3B, 9.7.9 and 9.8.3 of the Standing Orders be suspended for the purposes of the Fur Farming (Prohibition) (Scotland) Bill.

**The Deputy Presiding Officer:** The final question is, that motion S1M-2799, in the name of Patricia Ferguson, on electronic voting for the Fur Farming (Prohibition) (Scotland) Bill, be agreed to.

*Motion agreed to.*

That the Parliament directs that under Rule 11.8.3 of the Standing Orders any division at Stage 2 of the Fur Farming (Prohibition) (Scotland) Bill shall be conducted using the electronic voting system.

## Edinburgh Airport (Rail Link)

**The Deputy Presiding Officer (Mr Murray Tosh):** The final item of business is the members' business debate on motion S1M-2647, in the name of Lord James Douglas-Hamilton, on the rail link to Edinburgh airport. The debate will be concluded without any question being put.

*Motion debated,*

That the Parliament notes that the Strategic Rail Authority's 10-year plan includes a study into potential improvements in rail access to Scottish airports and that in Edinburgh options range from a new airport station on the nearby main rail route, with a shuttle into the airport, to a new tunnelled main line and station under the heart of the airport; further notes that either station could provide for further integration and stimulate economic activity, and, in the light of the recent decision by Her Majesty's Government to place Railtrack into administration which has cast considerable doubt and uncertainty on the willingness of the private sector to fund such investment, calls upon the Scottish Executive to outline how such a link could be financed in the best interests of Edinburgh and Scotland.

16:47

**Lord James Douglas-Hamilton (Lothians) (Con):** I am glad that both the Minister for Enterprise, Transport and Lifelong Learning and the Deputy Minister for Enterprise, Transport and Lifelong Learning are here for the debate. It is an indication of the high priority that the subject is given.

Edinburgh is one of the great capitals of Europe. Through its international festival, it attracts visitors from all over the world. As one of Europe's great cities, it makes sense that Edinburgh should have an effective, high-quality rail link to its airport. If I were an MSP for the West of Scotland, I would make exactly the same case for Glasgow—indeed that case is extremely persuasive.

In today's Glasgow *Evening Times*, Dr Malcolm Reed, the director general of Strathclyde Passenger Transport Executive, made a plea for the Glasgow link to be brought forward and Glasgow City Council transport supremo, Councillor Alistair Watson, was quoted as saying:

"I welcome support for a rail link ... a rail link to the airport is essential".

Tonight I speak as an unrepentant Edinburgh patriot. I lament the lack of a high-quality rail link to the capital's airport, especially when almost every other European centre of population appears to be better served than our own. Copenhagen, Zurich, Amsterdam, Barcelona and Munich all have superb public transport facilities to and from their airports—and so should Edinburgh. Support for the provision of a rail link is broadly based. The Confederation of British Industry and the



Edinburgh Chamber of Commerce support the principle. VisitScotland has said that such infrastructure fits with its

“core concern of value for money and quality of the experience.”

Edinburgh is one of the fastest-growing capitals in Europe, with a population approaching 500,000. The enlarged airport carries almost 7 million passengers per year. The increase in passenger numbers last year was not far off 10 per cent. First impressions can count and for many people, Edinburgh airport is their first experience of Scotland. Therefore, the airport is vital for our economy, inward investment, tourism and jobs. It will be a lasting memory for those who come for the first time and those who will return.

Recently, the airport underwent redevelopment worth more than £100 million. The facilities offered to passengers were expanded and improved. As I mentioned, that investment has led to a steady and sustained increase in passenger numbers in the past four years.

The growing importance of Edinburgh and its airport must be matched with the pursuit of excellence in establishing the best possible rail infrastructure from the airport to the city centre. A rail link would increase passenger choice and could allow a real reduction in car congestion on the western perimeter of Edinburgh. Indeed, a rail link could have a far greater influence on reducing traffic congestion in Edinburgh than any city entry tolls.

Current plans are insufficient. The west of Edinburgh guided busways scheme—WEBS—stops short at Edinburgh Park and does not offer a congestion-free alternative for access to the airport or for other employers in the west of Edinburgh. The Strategic Rail Authority's strategic plan promises no new funds in the short to medium term. The significant effort and expense put into the city of Edinburgh rapid transit scheme has ended in disappointment.

In February, the Executive claimed that it was too early to say how the abandonment of CERT would affect a link to the airport. However, in June 1998, I received a letter from Henry McLeish stating that CERT

“further reduces the viability of a rail link”.

Now that the CERT scheme will not proceed, the case for a rail link to the airport is much stronger. I request that the Executive should act as a catalyst to draw in the private sector, with a view to solving the problem. New funding possibilities undoubtedly exist.

The Heathrow express from London Heathrow to Paddington is an example of a rail link being provided and causing an immense uplift in land

value for companies, businesses, owners and others around railway lines and rail stations. Speed of access transformed in a substantially upward direction the value of employment and property in close proximity to the link—that is not to mention economies of scale. The uplift in value has been enormous. The uplift in land value around the 10 stations on the Jubilee line extension in London has been estimated at £13.5 billion, which is more than three times the capital value of the project.

I welcome the fact that the Minister for Enterprise, Transport and Lifelong Learning, Wendy Alexander, is reported in today's *Edinburgh Evening News* as saying that she regards links to Edinburgh and Glasgow as a high priority. I appeal to both ministers, as fair-minded people with a capacity to absorb radical, new ideas, to recognise the importance to our nation of the Administration's taking a lead in working with interested parties—including key transport users—to find a way forward for Edinburgh and Glasgow. That would be to the advantage of employment prospects in Scotland, business competitiveness and tourist convenience and would be of maximum assistance to employees in the public sector and the private sector.

I invite the minister, in a few minutes, to speak and act for Scotland.

16:53

**Mr Kenny MacAskill (Lothians) (SNP):** As is customary, I congratulate Lord James Douglas-Hamilton on securing the debate. The issue is fundamental, not just for the city of Edinburgh and the east of Scotland, but for all Scotland. Passenger statistics show that 12.5 per cent of passengers at Edinburgh airport come from Fife and 25 per cent of passengers come from north of the Forth. Everybody is aware that Glasgow airport is—unfortunately—situated on the wrong side of the city for many who seek to use it. Perhaps by accident rather than by design, Edinburgh is becoming Scotland's national airport. Cognisance must be taken of that.

Lord James Douglas-Hamilton is right to say that we need less sympathy and more action and that, although we have had an indication of movement from the minister, we need to know when, how and by whom. Investment in a rail link to the airport would not just add to the airport's position as an international gateway, but would help to take business from the north of England.

Only 10 years ago, Stansted had a rail link built at public expense—it was paid for in the old British Rail days. When the link was built, Stansted had fewer passengers than Edinburgh or Glasgow. Now, Stansted airport almost has more

passengers than Edinburgh and Glasgow airports put together. That shows what can be achieved by building a rail link.

A rail link is fundamental to boosting the airport, but it is also about infrastructure investment for the whole of Scotland. As I mentioned, it is not just about Edinburgh or the east of Scotland; it is about what else can be done. If we take the visionary view that has been proposed by some within ScotRail and others to loop the current Edinburgh to Glasgow line through Dalmeny and into the Fife line, not only would there be the opportunity—albeit with the requirement to build a tunnel—to link the airport terminal to the line, but there would be other knock-on effects. It would prevent the perennial difficulties that ScotRail and Railtrack have at the Winchburgh tunnel and the Newbridge viaduct, where there is either perpetual flooding or a speed restriction. By looping the line we would open up access to the airport not simply from the east, but from the north, west and south. There would be an add-on benefit for the existing Edinburgh to Bathgate line, because if the line was looped in that way, more trains and more capacity would be available for the Bathgate to Edinburgh line, and the service could go from two trains an hour to four trains an hour. We must consider that visionary loop.

It should also be made clear that building a rail link to Edinburgh airport would not necessarily be at the cost of building a rail link to Glasgow airport. Both must go together. If, as a society, we seek to be considerably visionary, we should build both links. Building both links should not mean that we cannot have a direct connection from Edinburgh airport to Glasgow airport. If a rail link was built, and if the relevant steps were taken to make cross-Glasgow traffic possible, it should be possible to go from Glasgow airport to Edinburgh airport without requiring to change train. That would benefit not just Edinburgh airport but Glasgow airport. Indeed, it could be argued that coming into Glasgow airport on an intercontinental flight then going on an outbound flight, whether to Scandinavia or elsewhere, from Edinburgh airport, would be no more difficult—and may be quicker and less hassle—than going from Heathrow terminal 1 to Heathrow terminal 4.

Lord James Douglas-Hamilton is quite correct to raise this issue, but at the end of the day we need less spin and sympathy from the Executive. We need a commitment to build the rail link, which would be a fundamental factor not just in growing Edinburgh airport and the economy of the city of Edinburgh, but in boosting the economy of the whole of Scotland in the 21<sup>st</sup> century.

16:57

**Bristow Muldoon (Livingston) (Lab):** There is much that I agree with in Lord James Douglas-Hamilton's motion. I congratulate him on bringing the issue before the Parliament today. There was also much in Kenny MacAskill's speech with which I agree. The one issue in the motion on which I do not agree with Lord James Douglas-Hamilton—I note that he did not address it in his speech—is the reference to Railtrack. I suspect that that reference has more to do with satisfying some of the ideologues in his group—such as David McLetchie, Murdo Fraser and Brian Monteith, who were surrounding him when he delivered his speech—than with representing what Lord James really believes.

The common ground is that the development of a rail link to Edinburgh airport would be welcome and would assist not only the economy of Edinburgh, but the economies of West Lothian and many other parts of Scotland, as Lord James Douglas-Hamilton and Kenny MacAskill mentioned. The link would ease congestion in and out of Edinburgh, in particular around the Gyle and Maybury areas.

Before I expand on that point, I will address the part of the motion that Lord James did not address, and that is the question of Railtrack. If Railtrack had continued to operate in the manner in which it was operating, there would have been no possibility of developing a rail link to Edinburgh airport unless the Government had been prepared to provide a blank cheque to Railtrack. In future rail debates, it would be helpful if Conservative members acknowledged what a complete failure Railtrack was, whether we are talking about investment to expand the industry, investment in maintenance and safety, or Railtrack's operation as a financially sound organisation.

I will now address the rail link. A rail link is back on the agenda because of the Strategic Rail Authority, which was established by the UK Labour Government, and the work that the Scottish Executive is doing in partnership with the SRA to develop the proposal. I give credit to the Minister for Enterprise, Transport and Lifelong Learning, Wendy Alexander, for the role that she has played in placing the issue high up the political agenda. I am sure that Lewis Macdonald, when he responds to the debate, will reiterate that fact.

As many members have acknowledged, the proposal would have many benefits. It would reduce congestion in and around Edinburgh, give an economic boost to the airport and many of the communities that surround it and contribute to the Executive's environmental aims by reducing reliance on private cars for travel to and from Edinburgh. We must recognise—as Kenny MacAskill did—that Edinburgh airport has made

considerable investments in recent years and has increased flight options. Its importance to central Scotland's economy has increased and the link would boost the airport's role further.

We must look beyond links with Edinburgh and consider the whole of central Scotland's transport network. If I may be so bold, I suggest that we should consider ensuring a rail link between Livingston and the airport, as well as between Edinburgh and the airport. That would ease Livingston Football Club's transport arrangements for the European adventures on which I hope it will embark next season.

We should take full advantage of the proximity of Edinburgh airport to the main Glasgow to Edinburgh rail line. Developments involving that could link Edinburgh airport by rail to Fife, Glasgow, Falkirk and West Lothian, as well as Edinburgh, by the construction of a loop that links with the main line or by the establishment of a station on the current line, which would be linked to the terminal through a shuttle service similar to those that operate at other airports, such as that linking Gatwick airport's terminals.

I give my full and unequivocal support to the proposal to provide a rail link between Edinburgh airport and the city of Edinburgh. I congratulate the Executive on the work that it has done and I hope that the project will come to fruition in due course.

17:02

**Mrs Margaret Smith (Edinburgh West) (LD):** I apologise to my colleagues for entering the debate late.

I welcome the debate and the Executive's recent announcement of a feasibility study into airport links, following the publication of the Strategic Rail Authority's 10-year plan. The study, led by the Executive in partnership with Scottish Enterprise, BAA and the SRA, will investigate options for direct rail links and is due in September.

That approach highlights the fact that links to Edinburgh airport and to Glasgow airport are strategic matters that are of interest to the whole of Scotland. Statistics show that 66 per cent of passengers who leave Edinburgh airport do not travel to central Edinburgh. They travel elsewhere in Scotland, which stresses the city's gateway status.

It is worth noting that Edinburgh airport has enjoyed a 50 per cent growth in passenger numbers in the past five years. Edinburgh—particularly its western edge—is enjoying a period of great economic growth. We could be said to be victims of that success, because traffic congestion and the level of car ownership have increased greatly. It is essential that several approaches are

taken to reduce that congestion and to give my constituents and others choices between modern public transport systems. That would encourage a shift from the private car.

Any discussion about support for a heavy rail option is premature in advance of the feasibility study, which will be published in September, but we can scope out the options that should be covered. I raised the matter several times with Sarah Boyack when she was the minister responsible for transport and I will meet Lewis Macdonald soon to discuss it and a range of transport issues that affect Edinburgh. I have also discussed the issue with the City of Edinburgh Council, Edinburgh airport's management, BAA and the Edinburgh and Lothians Tourist Board. Everyone supports the general principle, particularly as we are all keen on the continued expansion of routes into Edinburgh airport and on the city's economic growth.

Until recently, it was planned that the CERT light rail option would have a terminus at the airport, and people's comments were partly based on that plan. The fall of those proposals means that other options must be considered. Several options exist, but the status quo is not one of them. The motion covers two other options. An underground station at the airport would be the most attractive for integration into the existing network and would take passengers into the heart of the airport, but it could cost up to £300 million and would involve tunnelling under runways. Taking a spur from the east coast main line to Turnhouse for a bus link would be less expensive and is also possible. The reopening of Ratho station, which was closed in the 1960s, has also been suggested. Bristow Muldoon covered the loop suggestion.

I am delighted that we will shortly have a new station at Edinburgh Park, which is successful but highly congested. I have called for ScotRail to stop some Edinburgh-Glasgow trains there, to ease congestion and to serve the 15,000 people who work there and the thousands who drive to Glasgow each day from the west of Edinburgh.

Another option that should be examined is some kind of high-speed, light-rail link to Edinburgh Park. That would form a link to the new station and to the proposed west of Edinburgh guided busways scheme, or WEBS, which has just been given £6.5 million from the Executive's public transport fund.

It is essential that the study examine the engineering feasibility of all of those and other options as well as the financial viability and the opportunity costs of any scheme. If a scheme were to be funded by the Executive, the SRA or other sources, we would have to be sure that it represented the best use of scarce public resources in a way that improved the economic,

environmental and transport situation for Edinburgh. Benefits of that nature could come from other potential schemes, including the electrification of the east coast line and the Borders rail link. All those options need to be examined to find the best-value option. Some of the suggestions that I have heard this evening need to be examined.

I am sure that, having had experience of Government, Lord James Douglas-Hamilton cannot expect the Executive to declare its intent tonight. That brings me to my final point, which is a question to Lord James Douglas-Hamilton, who has been the local MP for Edinburgh West for more than two decades, in which we have had 18 years of Tory Government. If he is so supportive of the issue, and he believes that the option is the best use of anything up to £200 million of taxpayers' money, will he explain why Edinburgh has no rail link to its airport and why the city has no integrated transport system?

17:06

**Dorothy-Grace Elder (Glasgow) (SNP):** I thank Lord James Douglas-Hamilton for raising such an important issue. I also want to thank him on a personal level. In view of the fact that the chronic pain patients could not attend a debate on a Thursday evening, Lord James swapped with me. That was a gracious, consensual gesture on his part, for which I thank him.

In Edinburgh, and indeed in Glasgow, passengers arrive on the latest jets. They see the airport strewn with other beautiful jet-liners. They enter modern terminal buildings, of which we are proud. Suddenly, they emerge from the terminal buildings and it is as if they have left behind the jet set and find themselves back in the days of the Tiger Moth set. They search for a bus or they queue, very often in the rain and in very long queues, for a taxi. That is utterly and completely unacceptable, given that other small, regional airports in countries such as Canada and Ireland are well served by rail links. Everyone sees that the one essential link is a rail link and that without one we do down our tourist and business trade.

The subject of tonight's debate is one on which my colleague Sandra White has worked hard. She would have loved to be in the chamber for the debate, but could not, as she has a prior engagement.

From comments that I read in this afternoon's papers, I am glad that Lord James Douglas-Hamilton supports the case that is made by Glasgow for a rail link. Both cities need such a link, and they need it quite desperately. In Glasgow, we are trying to implement the north-south crossrail link. However, that scheme is

approaching its 23<sup>rd</sup> anniversary—not an anniversary to celebrate—since it was first proposed in the greater Glasgow transportation study of the late 1960s. We are tired of talking—something should be implemented.

The Association of European Airlines study of 1997 agreed that rail links should be planned when an airport reached 2 million passengers and that one should be in operation by the time that an airport reached 3 million passengers. Glasgow airport has 6.84 million passengers—more than double the agreed figure, but still no rail link. When Stansted airport opened in 1991 it had 1.1 million passengers and Glasgow airport had over 4 million passengers. Over the past year or so, Stansted's passenger numbers have increased by 17 per cent, whereas Glasgow airport's figures have increased by only 2.2 per cent. We are shutting people out of our two major cities because of a lack of modern, town-to-airport transportation.

The £200 million for the Edinburgh rail link is peanuts in the railways business, particularly when we remember that billions, not millions, were spent to extend the rail link out to Greenwich so that people could go and admire that greater example of waste of taxpayers' money—the dome. Towards the end of construction, electricians were being paid £30 an hour to get it finished. I am afraid that the whole pattern shows, as usual, that the south is spoilt and that the north suffers unnecessary deprivation.

17:10

**Iain Smith (North-East Fife) (LD):** I congratulate Lord James Douglas-Hamilton on securing the debate. It would be a little churlish to follow Margaret Smith's example and wonder why he did not secure the rail link when he was the minister with responsibility for transport all those years ago.

I am slightly surprised to find that I am the only Fife member present for the debate, because the rail link has been the subject of discussion in Fife for many years and would be considerably important to the area. A direct rail link to the airport would have incredible economic benefits for Fife.

I find the absence of a station at the airport incomprehensible. I cannot think of any other country in the world that would allow a rail line to run past the end of a runway without building a station to let people get off and get on the planes. I pass that runway three or four times a week in both directions and find the situation amazing. Although I sometimes feel that I could touch the planes as they come down over the top of the trains, still the trains will not stop and let us off to use the planes.

It is absolute nonsense that, in order to get to the airport, people from Fife and other parts of the furth have to come all the way into Edinburgh and go all the way back out again. Moreover, that approach is not environmentally sensible, as it forces many people to drive to the airport instead of using public transport. For example, in a few weeks' time, I will be travelling to Dublin to represent the Parliament at a meeting of the British-Irish Interparliamentary Body—indeed, you will be doing the same, Presiding Officer. As I will probably get an 8.50 am flight, I could leave my home and catch a train at Ladybank at about 7 o'clock. I might pass the airport at half-past 7 or a quarter to 8, but by the time I reach Haymarket and catch a bus back to the airport, I will be too late to check in. As a result, I will have to drive through—or someone will have to drive me through—from Fife that morning in order to catch an 8.50 am flight. That is absolute nonsense in this day and age. Why on earth does the train not simply stop at the airport to let me get off and catch my flight, which I would have plenty of time to do if there were a station? Environmentally, it makes more sense to have rail halts. I make a very strong plea that that halt should be on the Fife line, as it would benefit the east coast of Scotland, which does not have such a link.

Fife Regional Council called for a rail link for many years, and now Fife Council is doing the same. As I said, it would have strong economic benefits for us. Our growing financial sector needs those links to the international business sectors, and direct access to those links would greatly benefit Fife. For example, the electronics industry is based in the area, but has an international element that would benefit from access to those links.

Furthermore, tourism is very important to the Fife economy, particularly to my constituency, which is the home of golf. Many people want to fly to Scotland to play golf at St Andrews, and quite rightly so; however, they have to hire cars at the airport or travel into Edinburgh to travel back out to Fife. The St Andrews Bay golf resort and spa is a fabulous new facility that caters to the international conference market. It wants to attract people from all over the world to Scotland to hold their conferences. However, the lack of straightforward rail transport links from Edinburgh airport to St Andrews does not assist that process.

Of course, we must consider other issues. It is not a simple matter of building a platform at the end of the runway and saying, "That's our rail link". I accept that we have to bear in mind issues such as the routing of the service, the possible need for loops, line capacity and new signalling. However, surely in this day and age we can have a rail halt at the end of a runway and allow people to get to the airport.

There is increased availability of budget flights from Edinburgh airport—that is a growing market. Ryanair, easyJet and others are considering increasing the number of budget flights to a larger number of international destinations. Surely that should be backed by having good, cheap, efficient public transport links to the airport, so that all of us can take advantage of those budget flights, and not just those who have the time and money either to drive to the airport or to go into Edinburgh and out again. Let us get on with this—we have been waiting for many years for a rail link and it is time that one was in place.

17:15

**Sarah Boyack (Edinburgh Central) (Lab):** I congratulate Lord James Douglas-Hamilton on securing the debate. He has lobbied weekly to ensure that members attended and I wanted to support him. Like Margaret Smith and Iain Smith, I find that when I listen to Lord James not only do I forget that he was transport minister and part of the Government in Scotland, I sometimes forget that he is a Tory party member. Perhaps David McLetchie will balance up the Tory benches tonight and remind us of the true face of the Conservative party in Scotland.

I agree with Bristow Muldoon that the motion is a good one. However, like other members on the Labour benches, I disagree with what it says about Railtrack. I watched the progress of the west coast main line project, and as every month went by we could add another billion pounds to the price tag. Something had to be done to ensure that we sorted out the problem of rail investment in the UK. The Government was committed to ploughing billions into the railways. We needed to ensure that we got value for money. I have that minor disagreement with the motion, but I strongly agree with its sentiment and spirit.

A mix of public and private investment is critical. I would disagree with ruling out the possibility of funding from the City of Edinburgh Council's plans for congestion charging. It is early days yet, and politicians throughout Edinburgh must consider and debate that when the city council introduces congestion charging. It is premature to rule out such funding at this stage. We are playing catch-up on railway investment in Scotland. We have moved a long way from a Government that avoided investment, kept the railway ticking over and invested solely in roads. When we travel around the rest of Europe, we are supremely jealous because both national capitals and regional areas have superb airport and railway infrastructures. We have to catch up, which is why we need to ensure that this project is on the list of the Government's objectives.

I was disappointed to hear Kenny MacAskill's

comments. His was a bit of recycled speech—we have heard it previously in the chamber. However, I would agree with his saying that Edinburgh airport is a driver of the Edinburgh economy. The problem, as Margaret Smith said, is that without the proper public transport infrastructure, we set back economic development to the west of the city. We must ensure that we have high-quality public transport that provides people with a real alternative to taking their cars and parking them in the airport car park for days on end. It is important for the economy and the environment of our area.

Bristow Muldoon was right that we must make possible maximum access to the airport. It is tantalising that, when the railway passes the airport, the line goes just past the edge of the runway. Getting the right route will be critical. I ask ministers to update us on the progress that they have made with the research on railway access to the airport, which was commissioned by the previous transport minister in Scotland. It must be about time that we had the outcome of that study. I cannot remember exactly when it was due, but it must be pretty soon.

It is important that we do not think only about airport access. We must consider the regional context: the east of Scotland and the Lothians area will need a mix of light and heavy rail and Edinburgh will need a package. As a constituency MSP, I strongly believe that investment in Waverley and Haymarket is critical. We must upgrade access to the whole railway network in the east. There has already been great progress in Edinburgh, and the work with the council and the Executive should be applauded. Crossrail will open shortly, as will the new stations at Brunstane, Newcraighall in Susan Deacon's constituency, and the Gyle. The next stage will be a requirement for significant expenditure, not only by the public sector—there are major opportunities for the private sector. From that point of view, I strongly agree with Lord James Douglas-Hamilton's motion, which refers to the critical imperative of having public-private partnerships to get us much-needed investment.

I ask the ministers to give us a reassurance that they will prioritise the airport link. If we are going to get railways moving in Scotland, it will need ministerial action and the ministers' commitment to develop the link as part of a wider, radical package of investment in railways in the Lothians and the east of Scotland. We can see the opportunities that are close to us. However, we need to ensure that we get to the stage of having an agreed plan and an agreed opportunity for private investors to put money into what would be an exciting and radical investment, not only for the next few years, but for the next couple of decades. We desperately need that in the east of Scotland and I hope that the ministers will give us their broad

support for that. I do not expect an announcement at an end-of-day debate, but an indication of how we are moving ahead would be most welcome.

17:20

**Robin Harper (Lothians) (Green):** I am glad that Iain Smith was in the chamber to speak up for Fife and that Dorothy-Grace Elder was here to speak up for the west coast. I see no Borders MSP here today, so, as a life member of the Campaign for Borders Rail, I feel that I should put in a word about that issue in a minute.

Dorothy-Grace Elder said that £200 million was peanuts for the rail system, but a huge amount could be achieved with such a sum, including—if the figures that I have are correct—putting in the Borders rail link and the Edinburgh loop. There would be money left over to extend the Borders rail a little bit further towards Carlisle. I remember once saying "Carlisle or bust" in the chamber. Some money would also be left over for the Edinburgh link.

I have listened carefully to the debate. I am sorry that I missed Lord James Douglas-Hamilton's speech. I was working in my office and was unaware that the previous debate finished early. However, from other members' reflections on what Lord James said, I am clear—I agree with Ms Sarah Boyack on this—that we cannot turn down on a point of principle any income stream for developing our rail network. We must not forget that we built the world's first big rail network. That was done entirely on private finance by such rail companies as the old Great Northern Railway and the London and North Eastern Railway. The railways were privately run until they were nationalised.

The airport links must be viewed in the context of an overall rail strategy for all Scotland and not just for Edinburgh, Glasgow, Aberdeen and Inverness. They must be based on economic growth and on the tourism principles that have been enunciated. There are huge possibilities for train tourism, if only we committed ourselves to the idea of developing it.

I regularly travel up to Inverness and Aberdeen by train. There is one consolation for the length of the journey, which is that if one travels at weekends one can go into business class for £1.50 and do some work. That is a pleasant experience, if one can get into business class.

We have such a beautiful country that there are tourism possibilities through the airport rail links and through an overall development of and investment in the Borders rail and the upgrading of the Inverness and west Highlands lines. That development must be part of a package that includes the airport links. As well as the more

apparent and necessary gains that would accrue for people such as Iain Smith from such links, there would be gains for people from Fife and for people closer to the airports in terms of their access to business trips and to holidays. Let us have the airport links within an integrated rail strategy for Scotland.

**The Deputy Presiding Officer:** Thank you. I am not sure how many times Robin Harper has spent that £200 million. I now call the minister to respond to the debate.

17:25

**The Deputy Minister for Enterprise, Transport and Lifelong Learning (Lewis Macdonald):** I start by thanking Lord James Douglas-Hamilton for raising the issue in his usual constructive way. The debate has been useful. It is clear that there is broad agreement across the chamber, if not on the precise detail of everything in the motion, certainly on the essential objectives, which I think we share.

Robin Harper spoke about setting a context. The context is clearly that the Executive is committed to developing an integrated transport strategy that includes rail. We want a railway network that is safe, accessible and larger—it should serve more people than it currently does. We want a railway system that supports economic development, meets social needs and meets the environmental objectives that we have set ourselves and those that we have agreed to under the Kyoto agreement and other international agreements. Developing rail links to Glasgow and Edinburgh airports can be an important part of that. That is why we, along with other stakeholders, have commissioned a major study to look at what might be done at each airport.

That is part of a much wider process that will address the continuing and anticipated growth in the demand for air transport across the UK over the next 30 years. Edinburgh airport is growing faster than any other UK airport, with the exception of Stansted, which has been mentioned a couple of times today. In 2001, Edinburgh handled more than 6 million passengers. If that growth is to be sustained, effective surface access links will be required. The study that we have commissioned is a central part of that process. Glasgow airport is growing as well. It handles more than 7 million passengers every year and remains Scotland's largest airport. It is also the main airport serving the North American and leisure markets.

In relation to both airports, the case for the construction of rail links is not only about promoting public transport and tackling congestion, but part of the wider approach to air transport that the Scottish Executive and the

Department of Transport, Local Government and the Regions are taking in order to achieve an aviation strategy for the next 20 to 30 years.

It is vital that access to our airports is improved to ensure better accessibility to and from airports not only for passengers but for employees, who can occasionally be overlooked in this debate. Improved access would also promote employment opportunities through the continued growth of airports, which would bring economic benefits for the airport and the wider community and would reduce road congestion, accidents and the environmental impacts of road traffic. Those objectives are all part of our wider transport priorities.

That is why the consultants are undertaking a detailed economic and engineering study into rail links to both airports. They will examine options for linking Glasgow and Edinburgh airports to the Scottish rail network and to each other. The study will establish the likely demand for such links and the costs of putting rail links in place. It will also include recommendations about funding and procurement options.

We are at a detailed and practical stage in the advancement of the potential projects. Sarah Boyack asked how the plans fitted in with the wider progress of study in these areas. The scoping study that was undertaken at the end of 2000 produced a set of proposals that have formed the basis of the current study. The consultants have identified a large number of options for each airport. They will consider light rail as well as heavy rail options.

The consultants' final report is expected in the autumn. It will examine in detail the two best options for each airport, which we will measure against our five objectives for transport investment: the environment; safety; economy; integration; and accessibility. The report will also include the issue that was raised by Iain Smith, Sarah Boyack and a number of other members about the best stops on the line and the best links into local networks and the national network.

I know that recent press reports have suggested that the Executive has already decided to express a preference for the construction of a link to Edinburgh airport rather than to Glasgow airport. I will take the opportunity that this debate offers me to say that that is not the case. Our consultants have been asked to identify preferred options for a rail link to each airport. It is too early to say what will emerge from the study. I stress that we have no preconceived view on what the outcome should be.

The press have also speculated that we have funding in place for the Edinburgh link. That is premature speculation. We have yet to establish a

reliable and robust estimate of the likely costs of the projects. That part of the study will not be concluded until the middle of 2002. It is too early at this stage to say what the global costs are likely to be or to specify how those costs should be met.

The reassurance on funding at this stage is to remind members that, as Bristow Muldoon said, the SRA is a key partner. It has identified three major priorities within the Scottish rail network; rail links to airports are one of those priorities. Indeed, last month Wendy Alexander met Richard Bowker, the chairman of the SRA, and agreed those priorities. As has been said, Glasgow and Edinburgh airports are the two largest airports in the United Kingdom that do not have such a dedicated link. The SRA recognised that matter as a priority and it is clearly also a priority for us.

However, new rail schemes do not appear overnight, whether the ones that we are discussing or others to which reference has been made in the debate. A great deal of forethought and planning has to go into taking forward such projects. Our consultants have much to do before they can give us a final and informed view on the best way forward.

In response to the points that Lord James Douglas-Hamilton made, it is important to say that the Executive and the SRA will take a lead in the public funding aspects of the project. However, we will also look to private sector partners—BAA Scottish Airports clearly has an interest as the owner of the airports. There are also other potential private sector partners.

Local government also has an interest and a role to play. The City of Edinburgh Council and Renfrewshire Council, as the planning authorities for the respective airports, will have a vital role in the delivery of the projects. There will be a requirement for parliamentary powers, for example; those will be sought by the sponsors of the project rather than necessarily by Scottish ministers. The railway companies, Strathclyde Passenger Transport in the west of Scotland and local government have a role. We have sought to engage all those stakeholders in a number of consultation workshops; indeed, a number of workshops are planned over the next three or four months to assess demand and to make the economic case.

Although it is too early to say definitively which options will be taken forward or to be specific about the likely cost and sources of funding, we recognise that, as many members have said, it is important that we maintain our present momentum and the drive to take those projects to completion.

I hope that local authorities will be in a position to respond positively to the outcome of the study with a view to seeking parliamentary powers from

the chamber at the earliest opportunity. Members will be aware that, over the next few months, we intend to complete the devolution settlement with regard to railways and to bring to this Parliament the power to initiate the construction and development of railways within Scotland.

Assuming that local authorities will be in a position to respond to the study and to come to the Parliament to obtain the parliamentary powers, we could be in a position to move forward to design and construction as early as 2005. We recognise that that is an ambitious timetable, but it is achievable if all else falls into place, as we hope it will. We will certainly play our part in taking forward that timetable. I look forward to the contribution that those projects can make to achieving a bigger, better and safer transport network for Scotland and I look forward to the continuing support of all sides in achieving that objective.

*Meeting closed at 17:33.*



Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice at the Document Supply Centre.

No proofs of the *Official Report* can be supplied. Members who want to suggest corrections for the archive edition should mark them clearly in the daily edition, and send it to the Official Report, 375 High Street, Edinburgh EH99 1SP. Suggested corrections in any other form cannot be accepted.

The deadline for corrections to this edition is:

**Thursday 7 March 2002**

Members who want reprints of their speeches (within one month of the date of publication) may obtain request forms and further details from the Central Distribution Office, the Document Supply Centre or the Official Report.

#### PRICES AND SUBSCRIPTION RATES

##### DAILY EDITIONS

*Single copies: £5*

*Meetings of the Parliament annual subscriptions: £350.00*

The archive edition of the *Official Report* of meetings of the Parliament, written answers and public meetings of committees will be published on CD-ROM.

WHAT'S HAPPENING IN THE SCOTTISH PARLIAMENT, compiled by the Scottish Parliament Information Centre, contains details of past and forthcoming business and of the work of committees and gives general information on legislation and other parliamentary activity.

*Single copies: £3.75*

*Special issue price: £5*

*Annual subscriptions: £150.00*

WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

*Single copies: £3.75*

*Annual subscriptions: £150.00*

Standing orders will be accepted at the Document Supply Centre.

Published in Edinburgh by The Stationery Office Limited and available from:

**The Stationery Office Bookshop**  
**71 Lothian Road**  
**Edinburgh EH3 9AZ**  
**0131 228 4181 Fax 0131 622 7017**

**The Stationery Office Bookshops at:**  
123 Kingsway, London WC2B 6PQ  
Tel 020 7242 6393 Fax 020 7242 6394  
68-69 Bull Street, Birmingham B4 6AD  
Tel 0121 236 9696 Fax 0121 236 9699  
33 Wine Street, Bristol BS1 2BQ  
Tel 01179 264306 Fax 01179 294515  
9-21 Princess Street, Manchester M60 8AS  
Tel 0161 834 7201 Fax 0161 833 0634  
16 Arthur Street, Belfast BT1 4GD  
Tel 028 9023 8451 Fax 028 9023 5401  
The Stationery Office Oriel Bookshop,  
18-19 High Street, Cardiff CF12BZ  
Tel 029 2039 5548 Fax 029 2038 4347

**The Stationery Office Scottish Parliament Documentation**  
**Helpline may be able to assist with additional information**  
**on publications of or about the Scottish Parliament,**  
**their availability and cost:**

**Telephone orders and inquiries**  
**0870 606 5566**

**Fax orders**  
**0870 606 5588**

**The Scottish Parliament Shop**  
**George IV Bridge**  
**EH99 1SP**  
**Telephone orders 0131 348 5412**

[sp.info@scottish.parliament.uk](mailto:sp.info@scottish.parliament.uk)

[www.scottish.parliament.uk](http://www.scottish.parliament.uk)

**Accredited Agents**  
(see Yellow Pages)

and through good booksellers