

MEETING OF THE PARLIAMENT

Thursday 14 March 2002

Session 1

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Scottish Parliament

Thursday 14 March 2002

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

Nuclear Power Stations

The Deputy Presiding Officer (Mr Murray Tosh): The first item of business is a debate on motion S1M-2883, in the name of Bruce Crawford, on nuclear power stations, and two amendments to that motion. Members who wish to speak in the debate should press their request-to-speak buttons now.

09:30

Bruce Crawford (Mid Scotland and Fife) (SNP): Let me make it clear at the outset of the debate that the motion in my name was drawn up in the hope that it would attract support from across the political spectrum in the Parliament. There has been much comment of late from various political personalities on whether the final decision on the construction of new nuclear power stations in Scotland lies with the Scottish Executive or with the UK Government. The purpose of the SNP motion is to provide the Parliament with the opportunity to state unequivocally that it believes that the final decision on the construction—or otherwise—of new power stations in Scotland lies with the Scottish Executive, which is accountable to the Scottish Parliament. I sincerely hope that we will be unanimous in that view at decision time.

Until recently, there seemed to exist an accepted consensus that the final decision lay with the Executive. That was certainly the view of the former First Minister when, in a letter to John Swinney of 23 August 2001, he said:

“The fact is that, under executively devolved powers, any application for a new power station in Scotland, whether nuclear or not, must be made to Scottish ministers; they have the power to call a public inquiry into the application if that is appropriate, and they have the power to grant consent or otherwise.”

Lewis Macdonald recently confirmed that view to me in an answer to a written parliamentary question on 7 March 2002, in which he said:

“powers conferred by section 36 of the Electricity Act 1989 have been executively devolved to Scottish ministers. Any application to build an electricity generating station in Scotland therefore requires the consent of the Scottish ministers”.—[*Official Report, Written Answers*, 7 March 2002; p 27.]

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): In the spirit of co-operation for which the member calls, I take it that he will accept the Executive amendment to his motion, which leaves out consent for all non-nuclear power stations.

Bruce Crawford: I recognise the development of the Executive's position in amendment S1M-2883.2, which is a technical amendment. I will make my mind up after I have listened with interest to the minister's speech.

The position that is outlined in the SNP motion reflects the views of both the former First Minister and the Deputy Minister for Enterprise, Transport and Lifelong Learning—everything seems to be clear from the Executive's perspective. Therefore, there must have been real regret over the intervention of the Scotland Office Minister of State, George Foulkes, when, during an interview with the BBC on 26 February, he said:

“it wouldn't be for a legislature which has powers devolved from Westminster to then thwart the policy of a UK Government”.

On which Government would make the final decision on the construction of new power stations, he said that the decision might ultimately lie with Westminster. The cat was out of the bag.

There are two schools of thought on George Foulkes's intervention: either he committed a careless blunder in the interview or, as he conceded during a debate on the issue in Westminster last week, it was all part of a “cunning plan”.

Phil Gallie (South of Scotland) (Con): Is the Minister of State at the Scotland Office not incompetent and arrogant? Has he not failed to understand what he voted for when he supported the spirit of devolution?

Bruce Crawford: That may be Phil Gallie's view, but I find it difficult to put the concepts of cunning and George Foulkes together.

George Foulkes's comment certainly elicited a swift response from his mate Brian Wilson—I am not sure whether Brian Wilson is his best mate—in a BBC interview the next morning. What is it about the Executive and the BBC? Brian Wilson said:

“The position is unambiguous. If anyone wants to build a power station of any kind in Scotland, it will be a matter for the Scottish Executive to determine. End of story.”

Unfortunately, that was not the end of the story. The confusion at the heart of the UK Labour Government was there for all to see—people have been fighting like ferrets in a sack and introducing a great deal of mud into previously pretty clear waters.

Last week, the SNP attempted to clear up that

confusion during the debate at Westminster. However, the Secretary of State for Scotland, in her usual crabbit style, made the waters even muddier. She refused eight times to answer the question, "Who will ultimately have the final decision on the construction of power stations in Scotland?"

The Liberal spokesperson, John Thurso, who supported last week's SNP motion at Westminster, said that Helen Liddell's contribution

"amounts to the longest 'don't know' in history."—[*Official Report, House of Commons*, 5 March 2002; Vol 381, c 241.]

There should be no impediment to Liberal support for the SNP motion today, given that the party voted with the SNP at Westminster last week.

The Tories abstained during last week's vote. Jacqui Lait said:

"the Scottish Executive would have the authority under the current planning structure to make a decision on a nuclear power station entirely on planning grounds."

The crabbit one responded immediately:

"There is a fundamental misunderstanding at the heart of what the hon. Lady is saying."—[*Official Report, House of Commons*, 5 March 2002; Vol 381, c 234.]

As clear as mud or what?

Today, the job of the Parliament is to send a loud and clear message to those in the UK Labour Government who want to bend their own rules. The final decision rests with Scottish ministers, who are accountable to the Scottish Parliament. If we choose to say no to nuclear power by using the powers that are available to us, that should be the end of the matter. I invite anyone who disagrees with me to rise from their seat now and tell me that the final decision should be taken elsewhere.

The motion is about the powers of the Parliament, but we all know that the underlying argument is about whether new nuclear power stations should be built in Scotland. It is well known that the SNP has a long history of opposition to and active campaigning against nuclear power—to be fair, so do the Liberals. The Labour party went into the 1997 general election with a policy position that was similar to that of the SNP and the Liberals. However, the most recent Labour manifesto made no mention of nuclear power. Perhaps the 1997 policy is still accepted by the majority of MSPs, but who knows what Labour's policy is now? Perhaps the minister will tell us what Labour's policy is, but I somehow doubt that.

I have no doubt that the Tories will tell us about the virtues of nuclear power. The news for them is that, if the Romans had invented nuclear power, we would still be living with the deadly radioactive consequences.

I want to achieve something else today. I want to bury the lie that Scotland is somehow nuclear dependent. It is true that nuclear power makes up 50 per cent of Scotland's market share of about 5,000 megawatts. That is only a small part of the picture because, at 2,500 megawatts capacity, nuclear power accounts for only 26 per cent of our overall generating capacity of 9,600 megawatts. Even without nuclear power, we could continue our existing level of exports with room to spare.

Scotland's future is inextricably linked with the massive potential for green, renewable power, mainly in the forms of wind, wave and tidal power. A recent report that was produced for the Executive described how Scotland could produce 75 per cent of the UK's electricity needs from renewable sources. The report said that, if we were to use every possible source of power, we could have a capacity of about 75,000 megawatts. Even if we took up only a tenth of that capacity, the opportunities would be massive. Ross Finnie said of that report:

"The scale of this potential is illustrated by one stunning statistic: there is enough potential energy from onshore wind power alone to meet Scotland's peak winter demand for electricity twice over."

Phil Gallie: I recognise the potential of wind power in the Western Isles. Can the member advise me of the costs involved in moving that power from the Western Isles to, say, the midlands of England?

Bruce Crawford: Brian Wilson recently gave a figure for the Celtic grid of about £400 million. However, that is a minimal sum in comparison with the amount of money that the Tories and the Labour party have put into subsidising nuclear power. That is the real problem that faces renewables in Scotland.

Scotland's future must lie in the massive potential of renewable energy, not in nuclear power, which discriminates against Scots customers. Because of the nuclear energy agreement, whereby Scottish Power and Scottish Hydro-Electric must buy all the output from Torness and Hunterston C, Scots have to pay way over the odds for their electricity. That is the result of privatisation, which is the fault of the Conservative party.

The Parliament has no real say on energy policy. Therefore, there is no cohesion or even a realistic hope of a strategic energy policy that is designed to best suit Scotland's specific needs. As everyone knows, the only way to ensure that is through independence. It is inevitable that we will not arrive at a common view on who should have control over energy policy.

The Deputy Minister for Environment and Rural Development (Allan Wilson): Bruce Crawford will put the lights out.

Bruce Crawford: The lights have been out in your head for a long time, sunshine.

The Deputy Presiding Officer: I do not think that that is an appropriate way to refer to the minister. The member is in his last minute, so I will not allow another intervention.

Bruce Crawford: I hope that a majority in the Parliament accept that there should be no new power stations in Scotland. I hope that we can agree that, as the motion states, the final decision about consent for nuclear power stations, now and in the future, must remain with the Scottish ministers who are accountable to the Scottish Parliament. Bluntly, it is time for Liddell and Foulkes to get bloody noses.

I move,

That the Parliament notes that consent for nuclear and other electricity power stations over 50 megawatts, under section 36 of the Electricity Act 1989, is a responsibility devolved to Scottish Executive Ministers and believes that the final decision over consent for nuclear power stations, now and in the future, must remain with Scottish Executive Ministers accountable to the Parliament.

09:41

The Deputy Minister for Enterprise, Transport and Lifelong Learning (Lewis Macdonald): I will take the opportunity to pay tribute to Professor Bert Whittington, who died tragically in a road accident this week. Bert Whittington was a distinguished scholar at the University of Edinburgh. Over the years he contributed greatly to the Scottish Executive's work on energy and the environment by making available to us his considerable knowledge of both subjects. He will be greatly missed by everybody who knew and worked with him.

On Bruce Crawford's motion, the position is, in most respects, a simple one. Brian Wilson, the Minister of State for Industry, Energy and the Environment at the Department of Trade and Industry made that clear, as Bruce Crawford knows. Consents for new power stations in Scotland are not an issue. Consent powers are devolved to the Executive. Scottish ministers are responsible for decisions on applications in Scotland to build new power stations of any kind, provided that the power stations in question would have a capacity that is greater than 50 megawatts or, in the case of hydro-electric power stations, a capacity that is greater than one megawatt. That is the case and it will remain the case—full stop.

Alex Neil (Central Scotland) (SNP): Although I accept that, at face value, giving consent is within the powers of the Scotland Act 1998, that act also allows Westminster to overrule, even on devolved matters. Will the minister give a guarantee that no such override will be exercised by Westminster

ministers?

Lewis Macdonald: Let us be absolutely clear about the position. In a moment, I will turn to Bruce Crawford's request for clarification on the purpose of our amendment. I have stated clearly that it remains the position that devolution applies in such cases. Before the position on that could be altered, approval from both Parliaments would be required. That remains the case for matters that are reserved or—as in the present case—matters that are devolved under an order in council. I will say more about that in a moment.

I will complete my clarification on the position on power station consents. Power stations that do not reach the level of capacity that I outlined are subject to determination under our land use planning system. Land use planning powers are a devolved matter. As a former planning minister, I have every confidence that our planning system is adequate to cope with the responsibility for taking those decisions. There is no reason to anticipate any change on that.

As Mike Rumbles pointed out, the motion would have the effect of committing us to accepting that only consents for nuclear power stations—as distinct from consents for other power stations, such as wind farms, wave power stations or coal-fired power stations—should be in the hands of the Scottish ministers. We do not accept that view. We take the clear view that all power station consents that are devolved under the existing provisions should remain devolved. We have lodged an amendment to clarify that position and to make clear our view that all those consents should remain in the hands of Scottish ministers. I do not expect Bruce Crawford to disagree with that. In the amendment, we also make clear that the basis for devolution of power on this matter is an order in council, which we refer to specifically. That helps to remove doubt about, and to clarify the nature of, devolution in relation to power station consents.

I will set the discussion on consents for electricity power stations in the context of our wider energy policy. As Bruce Crawford mentioned, we stand at a critical point in the development of our energy industries. The Renewables Obligation (Scotland) Order 2002 will soon implement a new mechanism that will give Scotland's renewables their greatest fillip ever.

Our policy is to look to the future. We welcome the recommendations of the energy review—in particular, the priority that it gives to renewables and energy efficiency. We will also address some of the wider, related issues that face the people of Scotland. We have already proposed the stretching of targets on fuel poverty and practical steps to implement that.

Mr John Swinney (North Tayside) (SNP): I take the minister back to his remarks in response to the point that was made by Alex Neil. If I understood the minister correctly, he said that for the powers of the Scottish Parliament to be overridden by a decision at Westminster, the Scottish Executive and the Westminster Government would have to give consent. Under what circumstances would that happen and what stance would the Executive take in any such discussions?

Lewis Macdonald: We do not anticipate such circumstances. I regard that as a hypothetical question, just as I regarded Alex Neil's question as such. In my view, there is no prospect of Westminster seeking to reclaim competence from the Scottish Parliament without our agreement. Any order to that effect would have to be placed in draft form before the Scottish Parliament as well as the Westminster Parliament. The position on our competence is very clear.

The point that George Foulkes was keen to make—and on which he was absolutely correct—is that legislative competence on power station consents remains at Westminster. As part of the Scotland Act 1998 and the devolution settlement, Westminster has chosen to devolve to Scottish ministers the executive power to grant consents under the Electricity Act 1989. That position is correct and it is not likely to change.

Bruce Crawford: Will the minister give way?

Lewis Macdonald: I am conscious that I am in my last minute, but with the Presiding Officer's indulgence—

The Deputy Presiding Officer: I will allow the intervention.

Bruce Crawford: If Westminster sought such agreement, would the Executive say yes or no?

Lewis Macdonald: Bruce Crawford is trying to create an imaginary constitutional conflict about an event that has not occurred. I will not encourage him to go down that line any further. There is no such question on the table.

With our renewables obligation, we are looking towards the development of many other sources of electrical power. We are continuing to invest in that. Rather than dancing on the head of a pin and discussing obscure constitutional issues that are unlikely to arise, it is far more useful and important for the Parliament to give its attention to how we develop our energy policy in the future.

The opening of the Vestas Wind Systems factory in Campbeltown is a significant symbol of the opportunities in renewable energy that lie ahead for Scotland. We must recognise that our mix of energy sources will carry us forward. Bruce Crawford described nuclear energy's 50 per cent

contribution to our overall output as a small part of the picture. If 50 per cent is a small part of the picture, I wonder what a large part might be.

However, this is not the appropriate time to discuss the broad principles of nuclear energy policy. It is clear that we will consider developments in that area only once we are satisfied that an acceptable solution for nuclear waste has been found. At that stage, we will examine our long-term options. Whatever we do, the decision will be taken in the Scottish Parliament. The market will no doubt bring forward proposals for new power stations that use various forms of generation. It will be for the Parliament and for Scottish ministers to decide on such proposals.

I move amendment S1M-2833.2, to leave out from "and believes" to "nuclear" and insert:

"under the Transfer of Functions Order 1999 (SI 1999/1750), and believes that the final decision over consent under the Electricity Act 1989 for such".

09:49

John Scott (Ayr) (Con): The Conservative party welcomes the fact that the SNP has lodged today's motion for debate. Although we do not agree with the motion, it is helpful in that it seeks to clarify an anomalous position. Indeed, the position is no clearer after the debate thus far. In speaking to the Executive amendment, the minister asserted that the position is clear under the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc) Order 1999. If the matter was that simple, why was that argument not cited in the House of Commons debate by Helen Liddell, the Secretary of State for Scotland?

Bruce Crawford: She was badly briefed.

John Scott: Perhaps.

As things stand, it is clear that the power that is given under section 36 of the Electricity Act 1989 to decide on planning consents for nuclear and other electricity power stations rests with the Scottish Executive. That is what the minister has said. It is also clear that control of energy policy is a reserved matter, which rests with Her Majesty's Government in London. The position needs to be clarified. After the debate in the House of Commons, the position was far from clear. Today's debate follows on logically from that debate in Westminster.

To demonstrate my point, let me outline a scenario. I know that this is an unlikely possibility but if, after the next election, the SNP were to form a Government in Scotland—which God forbid—the SNP would bring with it a strongly anti-nuclear policy. If Her Majesty's Government embarked on a programme of building new nuclear power stations in the UK—which seems likely—and

decided that one or two new nuclear power stations should be built in Scotland, the situation would arise in which an SNP Government in Scotland could refuse to implement UK energy policy by refusing planning permission for such projects. Indeed, Alex Salmond and Bruce Crawford are apparently on record as saying that they would support a campaign of civil disobedience on that. A constitutional crisis could occur and could even be provoked by the SNP in such a scenario.

Bruce Crawford: If Westminster said yes to nuclear power and this Parliament said no, would John Scott participate in a peaceful civil disobedience campaign?

John Scott: I would not. If Bruce Crawford would, that is up to him.

Our view is that such a scenario might need to be resolved in court and that our devolved Parliament would ultimately be required to implement UK energy policy, as defined by Westminster. Members may not agree with that, but that is the position as we see it. I find myself surprised to be in agreement with George Foulkes, who said that the Scottish Executive must implement Westminster energy policy. However, Brian Wilson has stated:

"The position is unambiguous. If anyone wants to build a power station of any kind in Scotland, it will be a matter for the Scottish Executive to determine. End of story."

That is simply not the end of the story. As it appears that the Scottish Executive has no power to decide on UK energy policy but has power to grant or withhold planning consent, the question must be resolved as soon as possible, so that we avoid a constitutional crisis.

Sarah Boyack (Edinburgh Central) (Lab): Can John Scott quote for us which planning acts back up his case? Individual planning applications are decided on their merits. There is nothing in statute that bears out what he has alleged.

John Scott: I understand that UK energy policy is superior to the position of this Parliament.

It is unreasonable for Governments to expect energy providers to resolve constitutional problems in advance of, or during, the planning process. At the very least, such constitutional problems are a deterrent to any company that might want to make planning proposals for the building of a new nuclear power station in Scotland. Indeed, that may be the SNP's intention in flagging up the issue. The SNP's tactic will discourage such investment, but the losers will be Scotland's nuclear work force of almost 4,000.

Mr Rumbles: Will the member take an intervention?

John Scott: No thanks, because I think that I

am well into my last minute.

The Deputy Presiding Officer: You are over your last minute.

John Scott: Our view is that Scotland must continue to create electricity for its own consumption and for export. We need to take sensible decisions as soon as possible.

If we are to achieve a balanced and sustainable energy policy, we must first acknowledge the existence of global warming and our obligations under Kyoto. In seeking balanced energy provision, we must also acknowledge that we must use all the sources of energy that are available to us. We must be realistic. In four years' time, we will need to start importing gas. Unless we want to be dependent on imported gas for up to 70 per cent of our energy needs by 2025, we need to nurture other market-driven, secure, low-cost energy providers. No one disputes that renewables have a great future and I would seek to encourage their development in every way possible. Coal and gas have an important role to play.

Our view is that nuclear energy must also be part of that mix, so that we can deliver a balanced and sustainable energy policy. To achieve that balanced mix, which would support employment throughout Scotland, decisions must be taken now because the planning and building times for nuclear power stations are so long. The planning procedures need to be reviewed to allow more consultation, but they must also be speeded up. The whole planning process needs to be addressed urgently, but that is a matter for another day. Today, we seek clarification from the Executive of an ambiguous situation. For that reason, I commend our amendment to the Parliament.

I move amendment S1M-2883.1, to leave out from first "consent" to end and insert:

"planning consent for nuclear and other electricity power stations over 50 megawatts under section 36 of the Electricity Act 1989, is a responsibility devolved to Scottish Executive Ministers, but further notes that responsibility for UK energy policy is a matter for Westminster to decide and calls on Her Majesty's Government and the Scottish Executive to clarify unresolved issues in relation to the division of responsibilities in pursuit of a balanced sustainable energy policy."

09:56

Nora Radcliffe (Gordon) (LD): The Liberal Democrats support the motion as intended. The unamended version of the motion could be read to mean that the Parliament intends to hand back to Westminster final decision-making powers on non-nuclear power stations. We will support the motion if it is amended to clarify what is, I am sure, its original intent.

Recently, the question whether nuclear power is devolved seems to have confused elected members in another place. I hope that the situation is now clear. The UK Government has overall control of energy policy, but planning decisions on new power stations are entirely a devolved matter. There is no reason to believe that anyone wishes to undevelop power over planning decisions, so the matter is closed.

John Scott: Does one power not contradict the other?

Nora Radcliffe: I think that Sarah Boyack answered that question.

Although the matter is closed, I still want to use the rest of my allotted time, as it would be a shame to waste it. A more interesting debate concerns what Scotland's energy mix should be in the future. We need to look at what is desirable, what is possible and how that can be achieved.

At present, the breakdown of Scotland's electricity generation is that about 55 per cent comes from nuclear energy, roughly 30 per cent from coal and gas, 11 to 13 per cent from hydro energy, and 2 to 3 per cent from renewables and waste.

Bruce Crawford: Does Nora Radcliffe accept that she has given the figures for market share? The figures for capacity are entirely different.

Nora Radcliffe: That is fair enough but, if we are to talk about what we should do in the future, we need to look at where things stand at present.

Our maximum domestic demand is 60 per cent of installed capacity, so Scotland is a net exporter of electricity. However, we cannot be complacent. On current expectations, all five of our major power stations—which are gas, coal and nuclear—will reach the end of their planned lifetimes in the next five to 30 years. Although it is not unlikely that it will be possible to extend the lifetimes of some stations, we need to think about and plan for the replacements that will be needed in the near to medium future.

Alex Neil: I want to ask a simple question. Do the Liberal Democrats think that energy policy in Scotland should be determined by Scotland's needs or do they think that it should be determined by the needs of the UK? In other words, should we continue to be the fall guy in terms of our share of nuclear power? Should we not start to base our energy decisions on what is good for Scotland, rather than on what is needed by England?

Nora Radcliffe: I do not believe that the interests of Scotland and England are necessarily different.

If a significant proportion of replacement capacity is to come from renewable energy

sources, a lot of planning will be required. We have much to do. First, renewables tend to be energy sources rather than fuels, which means that security of supply is a bit more difficult. One can depend on a fuel because it is available at any time of the day or season of the year. Wind, which is an energy source, will not generate electricity unless the wind is blowing.

Phil Gallie: Do the Liberal Democrats agree with the treaties that we signed up to at Rio de Janeiro and Kyoto? Do they identify with the UK targets for reducing gas emissions and so on?

Nora Radcliffe: There is no question but that we do.

Let me get back to where I left off. Time and tide wait for no man, so tidal energy is more dependable. However, the technology is still at the prototype stage. Investment in research and development is essential and we must be realistic about the time that will be necessary to allow us to develop the new technology. Wave energy in the north and in the Pentland and Moray firths has great potential—but it is still just potential. Those locations are a long way from the main concentrations of population.

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

The Deputy Presiding Officer: No—the member is in her last minute and she has been very generous.

Nora Radcliffe: Our renewable energy sources are nowhere near either the customer or the infrastructure. Demography has set the pattern of power stations and power lines and the electricity network has constraints and bottlenecks even now. If we plan to have major generation in wild and remote parts of Scotland, and if we want to build lots of smaller generators to harness wind or to develop biomass opportunities, there will have to be a radical redesign of the network. If we want to continue to export electricity, the interconnectors to England and elsewhere will have to be upgraded. Those problems can all be solved, but they will not solve themselves. We have to tackle them and we have to begin now.

Incidentally, it should not be overlooked that the solution to the coming energy gap is not wholly on the supply side; we are hugely wasteful of energy and much of the gap could be closed by reducing demand.

I suppose I should finish by getting back to the topic of the debate—nuclear power stations. They may not emit carbon, but that is about all that I can find to say in favour of them. The current consultation by the Department for Environment, Food and Rural Affairs on managing radioactive waste safely invites public debate on nuclear

waste storage. It cannot be sensible to create waste that remains dangerous for thousands of years, even if we think that we can store it safely. Any money to be spent on energy should be spent on new infrastructure, on reducing consumption and on developing renewables, and not on replacing nuclear power stations. For the price of a new nuclear power station we could buy an awful lot of much more sensible things.

The Deputy Presiding Officer: We now move to the open debate. Time is very tight so I ask members to restrict their comments to a maximum of four minutes.

10:02

Michael Russell (South of Scotland) (SNP): The debate so far has illustrated how tortuous it is and the level of mental gymnastics that is required to be a unionist. Unionists have to put all the impossibles together and, as Lewis Carroll said, believe them all at once.

Nora Radcliffe: Will the member give way?

Michael Russell: Not yet, Nora—I am just recovering from the past few minutes.

In reality, this is a very simple question with a very simple answer. The very simple question is, does Scotland have the power to say no to nuclear power? Members will remember the old symbols that used to be on 2CVs throughout Scotland, with the slogan “Say no to nuclear power” usually repeated in many languages.

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I used to have a 2CV.

Michael Russell: I can certainly believe that, and it probably ran on cheese.

Phil Gallie: Is that the SNP energy policy?

Michael Russell: Phil Gallie certainly speaks with enough energy. We could power a whole station with Phil alone.

The question is, can we say no to nuclear power? The question is very easy, but the tortuous answers that we hear in the chamber are quite remarkable and illustrate the problem with the devolved settlement. They illustrate the fact that the only clear and sensible settlement is independence. John Home Robertson finds the idea of independence very amusing, but he has not thought about it. He has not thought about it because it terrifies him. He is too frightened to think about it, and he is quite used to taking orders from elsewhere.

Rhona Brankin (Midlothian) (Lab): Will the member give way?

Michael Russell: Not just now, Rhona Brankin. No.

John Home Robertson is so used to taking orders from elsewhere, and so used to nodding all the time when he is told to do things, that he cannot think for himself. That is the problem in this debate.

We see clearly that the Tories want to wreck the Scottish Parliament. We saw that yesterday.

Rhona Brankin rose—

Michael Russell: I will come to Rhona Brankin's role in wrecking the Parliament in a moment.

We saw yesterday that the Tories want to cut the size of the Parliament, limit its powers and forget that there has been a constitutional change in politics in Scotland.

John Scott: Does Mr Russell not accept that we have committed ourselves totally to this Parliament? We have offered constructive solutions to make the Parliament more workable, to help the devolution settlement.

Michael Russell: No, I do not accept that at all. There has been no evidence of that whatever—and, if Mr Scott doubts that, he should read his speech from this morning.

The position of the Liberals is, as usual, fascinating. It, too, is tortuous. When this issue was debated at Westminster, every Liberal MP who voted voted for the SNP motion. It is clear that the Liberals simply must support our motion today, but they cannot do so and not support the Executive amendment, because to do that would be disloyal to their coalition colleagues.

Nora Radcliffe: Will the member give way?

Michael Russell: I will take an intervention in a second.

Coalition politics is destroying the clear thinking of the Liberal Democrats.

Nora Radcliffe: In my opening sentence, I said that Liberal Democrats support the motion as intended. We do.

Michael Russell: I do not know what “as intended” means. The motion is in the business bulletin—vote for it or do not vote for it.

The Labour position in the debate is the most interesting one. Labour members in Scotland must constantly look over their shoulders to ensure that they are allowed to say something and to ensure that we are allowed to implement the existing Scotland Act 1998. But there is no question about this: the power lies in Scotland. This Parliament has the power to say no to nuclear power.

Des McNulty (Clydebank and Milngavie) (Lab): Will the member give way?

Michael Russell: No thank you, Mr McNulty—

life is too short.

We can say no, and the powers of this Parliament are all that the debate is about. Anybody watching the debate would have to conclude that the simplest and clearest way to run Scotland is as an independent nation in which this chamber can make decisions for the people of Scotland. The debate has again illustrated that what we need is independence.

10:06

Mr John Home Robertson (East Lothian) (Lab): Mike Russell seems to have overlooked the fact that the Executive amendment actually strengthens the motion that his colleague moved.

Bruce Crawford has a bit of a reputation for generating hot air, but on this occasion he is generating only superfluous words. The nationalist motion takes 59 words to say what Brian Wilson said in half as many:

"If anyone wants to build a power station of any kind in Scotland, it will be a matter for the Scottish Executive to determine. End of story."

Alex Neil: Will the member give way?

Mr Home Robertson: I am sorry, Alex. I have only four minutes.

As the Presiding Officer knows, we have 2,500 megawatts of generating capacity at Torness and Cockenzie in East Lothian, plus some very useful wind turbines on our skyline in the Lammermuir hills. I want to stress the importance of the electricity supply industry to the Scottish economy—not only to generate power for Scottish industries and households but as a valuable export to other parts of the United Kingdom. Scottish electricity exports are worth £250 million a year. That is the equivalent of the capital cost of the Holyrood building being earned by exports down the wire through the UK national grid every year in life. Evidently, our little Scotlanders in the nationalist party would be content to scale down the electricity generating industry in Scotland so that it would not have the capacity to export electricity. That is the logic of their position and of what Alex Neil said a minute or two ago. The nationalists' position would have the effect of exporting hundreds of valuable jobs to other parts of the UK. East Lothian, with 650 jobs at Torness and Cockenzie, is a powerhouse for the whole of the United Kingdom.

Fiona McLeod rose—

Mr Home Robertson: I understand that the SNP wants to find ways to raise its core message of independence in general conversation and I can guarantee that this morning's particular manifestation of independence, which would destroy a lot of jobs in my constituency, will attract

quite a lot of attention in the coming year.

Michael Russell: Will the member give way?

Mr Home Robertson: I am sorry—I have only a couple of minutes and the matter is very important to my constituency.

I welcome the energy review that is being undertaken by my former colleagues at Westminster—not least because of the obvious need to begin the process of replacing power stations to provide secure supplies of electricity for future decades. A number of imperatives must be considered and delivered: we must increase energy efficiency and develop the use of renewables; we must control the depletion of fossil fuels; we must plan for adequate generating capacity for the whole of the United Kingdom; sooner or later we will have to construct a permanent repository for waste nuclear fuel—not for new waste but for waste that already exists; and we must minimise emissions of carbon dioxide in order to slow down the process of global warming. The last is the most important of all.

Those imperatives may lead to the conclusion that there is a strong environmental and economic case for replacing decommission capacity with new nuclear power stations. If there were proposals for a Hunterston C or a Torness B, I am sure that people in Ayrshire and East Lothian would judge them in the light of all relevant considerations, including their experience of the nuclear industry.

Let us have a rational debate about the serious white paper on energy when it is published later this year. I agree with what Lewis Macdonald said at the beginning of the debate: it is a tragedy that Professor Bert Whittington will not be with us to take part in that important debate. The issue is far too important to be trivialised by constitutional shenanigans, which is all that we have had from the Opposition today.

10:11

Kay Ullrich (West of Scotland) (SNP): The fragmented way in which our nation is governed means that there are two distinct elements in any debate on nuclear power stations in Scotland: energy policy and planning consents. Devolution means that the Scottish people and those elected to the Scottish Parliament are deemed to be incapable of deciding for themselves what Scotland's energy policy should be. Scotland, an exporter of energy—primarily to England—is told that its energy policy must be determined by a Parliament in England. It is for the members of the unionist parties to reconcile that perverse reality.

Lewis Macdonald: If Mrs Ullrich had read the recent energy review published by the UK Government, she would be aware that the UK

Government welcomes and supports the input of Scottish ministers to the formation of energy policy and is encouraging us to play an ever greater role in that process in the future.

Kay Ullrich: What the minister needs to explain is why Scottish energy policy is formulated outwith Scotland. Until Scotland becomes a normal nation and retakes its political independence, the Scottish Parliament will not be allowed to decide how Scotland produces the energy that powers our nation.

I will address the subject on which London has decided that we can have a say: planning consents. As we have heard, under section 36 of the Electricity Act 1989, the power to grant or refuse planning consent in respect of an application to build a new nuclear power station in Scotland lies with the ministers in the devolved Parliament. There is no equivocation. That point is so clear that even that arch anti-devolutionist, the UK Minister of State for Industry, Energy and the Environment, Brian Wilson, has confirmed that planning permission is a matter for the Scottish Parliament. That is the position and that should be the end of it. The unhelpful meddling and muddying of the waters by Helen Liddell and George Foulkes can serve only to increase the uncertainty over the whole direction and development of energy policy in Scotland.

As an MSP representing the West of Scotland, I have a special interest in the direction of our future energy policy. Hunterston B is the biggest private sector employer in North Ayrshire. As an elected representative of the people employed at Hunterston, my priority is to ensure that those jobs are secured. At present, about 400 people are employed at the Hunterston site. By taking the decision that no nuclear new build will be allowed in Scotland, but that the Hunterston site will be designated as a centre of excellence in the generation of energy from renewable sources, we could remove the uncertainty that hangs over the jobs of the Hunterston workers. Denmark already employs thousands of people producing energy from renewable sources. So, too, could Scotland. We can safeguard the Hunterston jobs and even increase employment in North Ayrshire—an area of high unemployment.

The uncertainty over the direction of energy policy in Scotland has come about only because the new Labour Government has been turning somersaults over the issue. Much of the uncertainty surrounding the jobs at Hunterston has come about because the Minister of State—the aforementioned Brian Wilson—has floated the idea of a new nuclear station at Hunterston. That is the same Brian Wilson who, when running for election in 1987, publicly supported a Labour party resolution calling for the immediate mothballing of

all nuclear power stations, including Hunterston.

Let us end the uncertainty. Let us use the limited powers that we have in the Parliament and ensure that the Executive ministers stand up to what will be considerable pressure from Westminster. I urge members to support the motion.

10:15

David Mundell (South of Scotland) (Con): It is unfortunate that when a similar debate took place in Westminster the UK Government did not take the opportunity to close the discussion down. In fact, the Government gave succour to the SNP in raising the issue. If one reads the *Official Report* of the debate, it is not clear where responsibilities lie. Indeed, during that debate, the Liberal Democrat MP Alan Reid made it quite clear that he does not know where the relevant powers lie.

It is important that the issue is resolved for people who are for nuclear energy in Scotland and who believe that the Executive and the UK Government should support further nuclear development. I have no problem with declaring myself to be one of those people. The arguments have not demonstrated that Scotland will not have a significant energy gap. Furthermore, we have not demonstrated the capacity for renewables to deliver in a climate where, although we have great provision for wind power for example, in large tracts of Scotland the Ministry of Defence will not allow it to be exploited. Until such issues are resolved, it is pie in the sky to talk about certain capacity.

I condemn unreservedly the SNP and the despicable way in which Bruce Crawford—smiling as he is—has taken every opportunity to denigrate the Chapelcross nuclear power station. He has spoken out for cheap headlines time and again, yet his colleague Mr Russell visited the plant and soft-soaped the workers. Mr Russell did not give the speech that he gave today. He also did not turn up to back Chapelcross workers when the Office of Gas and Electricity Markets issued a ruling that puts the plant in danger of immediate closure—Mr Russell was absolutely invisible.

The SNP councillors on Dumfries and Galloway Council, who are not bound by SNP policy on anything—they are pro-stock transfer and pro-nuclear—unanimously passed a motion backing the plant.

Bruce Crawford: Will the member give way?

David Mundell: No, I have heard all the drivel before.

One of the SNP councillors has constituents all the way down to the Solway. That councillor never mentions any of the issues on which Bruce Crawford comments in the Sunday papers. No

wonder people have no confidence in the SNP's energy policy. We could not have any confidence that an independent Scotland run by you would even deliver any energy. Someone said that if the SNP were in power in Scotland, the last person out would have to turn off the lights—there would not be any lights with your policy on nuclear power.

I would prefer the Parliament to debate the nuclear industry positively. I want the Executive to use the devolved powers that it has to support new development and tell us what it will do to help people who want to advance job-creating proposals.

The Chapelcross nuclear power station employs 450 people and is a key economic player in lower Annandale. The issues are the same as those that John Home Roberston mentioned. In her speech about North Ayrshire, Kay Ullrich did not mention that she is not standing in the next election—perhaps that is what gave her so much to say. The one thing that we did not hear about from the SNP today was Finland. That is because Finland is pro-nuclear and is implementing new nuclear energy policies.

Let us not hear any more rubbish. Let us concentrate on the real issues of developing new nuclear stations in Scotland.

The Deputy Presiding Officer: I remind members that, in the chamber, the word “you” refers to the Presiding Officer. I ask members to direct their remarks through the chair.

10:20

Rhona Brankin (Midlothian) (Lab): Here we are once again. Last week, the Tories debated an issue that is reserved to Westminster. This week, the SNP is cynically using the Scottish Parliament to unpick the edges of the Scotland Act 1998 as it has done so many times before.

The SNP is the party which, along with the Tories, did not participate in drawing up the blueprint for the Scottish Parliament in the Scottish Constitutional Convention and is now deliberately using the Parliament to put a wedge between Scotland and the rest of the UK. It is a sad old song.

Despite the position being made crystal clear last week in the House of Commons, the SNP is raising the same issue again in a desperate attempt to get publicity. Frankly, the debate is a complete waste of taxpayers' money.

Last week, Brian Wilson, the Minister of State for Industry, Energy and the Environment, said:

“The position is unambiguous. If anyone wants to build a power station of any kind in Scotland, it will be a matter for the Scottish Executive to determine. End of story.”

Of course, it is not the end of the story for SNP members. It gives them what they regard as another opportunity to unpick the Scotland Act 1998.

Let us consider the facts instead of the myths that have been peddled by the SNP. The Scottish Executive has responsibility for planning in Scotland, including powers of consent for all new power stations and overhead electricity lines. It also has responsibility for the environment and the promotion of renewable energy and energy efficiency. Therefore, the Executive has to take a close interest in the environmental and wider sustainable development dimensions of energy policy.

The Executive has contributed significantly to the UK review of energy. In Scotland, we have devolved environmental obligations under European Union legislation, under the Convention for the Protection of the Marine Environment of the North-East Atlantic—the OSPAR convention—and under the Executive's commitment to sustainable development. All of those have an important bearing on sustainable energy production.

Instead of bringing to the chamber a silly non-debate about some mythical new nuclear power station that is not being proposed, we should be talking about some of the crucial issues that are facing us. We should be talking about, for example, the long-term management of radioactive waste and spent fuel from existing nuclear power stations. More than 4,500 cu m of high and intermediate-level radioactive waste is currently stored in Scotland, some of which will remain radioactive for hundreds of thousands of years.

The issue is massive and, despite years of discussions and examination of the options, we are no nearer a solution to the problem, which is based on public acceptance, environmental protection and safety. That is why a vital consultation process has been in process with the Department for Environment, Food and Rural Affairs and the other devolved Administrations. We cannot make any decisions about nuclear power until we have resolved the issue of radioactive waste management. That is the Executive's position. In its submission to the UK energy review, the Executive said:

“no decisions on policy about the future of nuclear, and its necessary regulatory framework, can be taken before the results of that consultation process are available.”

We must work in partnership with the UK Parliament to develop energy policy. It is my firm belief that Scotland's devolved responsibilities for energy efficiency and the promotion of renewable energy will be critical in filling the gap left by the possible retiral of nuclear power stations. Scotland's potential for further renewable energy

development will be vital in the context of the 50-year horizon for the UK energy review.

We cannot afford to ignore the results of the research on renewable energy that was commissioned by the Executive. Scotland has the capacity to be self-sufficient in electricity from renewable energy and have plenty left over for the rest of the UK. There is enough potential energy from onshore wind power alone to meet Scotland's peak winter demand for electricity twice over. It is a huge challenge for Scotland and the UK, with implications for commercialisation and the Scottish economy.

I finish by saying to the SNP to get real. Let us not waste time. Let us behave like a grown-up Parliament. Let us have real debates about the management of radioactive waste, energy efficiency and Scotland's massive potential for renewable energy. Those are areas where we have an opportunity and a responsibility to make a contribution to the development of a sustainable energy policy for the 21st century and beyond. I support the Executive's amendment.

10:25

Alex Neil (Central Scotland) (SNP): It is interesting to see the usual unity in the new Labour party when one ex-minister is anti-nuclear and the other ex-minister is pro-nuclear. Maybe that explains why they are ex-ministers.

Because the debate is on energy, I will take a minute to comment on this morning's news about BP and the salary increases awarded to senior executives. The chief executive receives £7 million a year while he makes 700 people redundant at Grangemouth. It is an utter disgrace. The top six directors pay themselves a total of £20 million a year and I do not think that that is a defensible position.

The Deputy Presiding Officer: Will you address the motion?

Alex Neil: I am going to speak to the motion now.

The critical issue relates to the Scotland Act 1998. That is where the powers of the Parliament and the relationship between Westminster and Holyrood are defined. It does not matter what Brian Wilson or George Foulkes says on a particular day. The reality is that the powers are defined in statute, not in a press release from Government ministers.

The Scotland Act 1998 is absolutely clear. Schedule 5 to the act lists all the reserved matters, which include energy. Under section D1 of schedule 5, the

"Generation, transmission, distribution and supply of electricity"

including

"The subject-matter of Part II of the Electricity Act 1989"

are matters reserved to Westminster. Only

"The subject-matter of Part I of the Environmental Protection Act 1990"

is a devolved matter.

Rhona Brankin: Will the member take an intervention?

Alex Neil: No, I am sorry. Rhona Brankin would not take an intervention so I am not taking hers—fair is fair.

Lewis Macdonald: Will the member give way?

Alex Neil: I will take an intervention from Lewis Macdonald.

Lewis Macdonald: Alex Neil has quoted from schedule 5 to the Scotland Act 1998. I am sure that, having seen the Executive's amendment, he will also have checked the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc) Order 1999. Will he accept that that order makes it clear that the functions to which he referred are now by statute

"exercisable by the Scottish Ministers instead of by the Minister of the Crown"?

Alex Neil: They are indeed, but I refer the minister to sections 28 and 30 of the Scotland Act 1998, which totally negate the point that he has just made. Section 28 of the Scotland Act 1998, which defines the legislative powers of the Scottish Parliament, has a sting in the tail. Section 28(7) states:

"This section does not affect the power of the Parliament ... to make laws for Scotland."

That underlines my earlier points. No matter what Westminster says, it can override the decisions and powers of the Scottish Parliament at any time, and it is easily done.

Section 30 of the Scotland Act 1998 shows that it is not a speech from Brian Wilson or George Foulkes that is needed; it is an order in council. A simple order in council does not require primary legislation or a vote in the House of Commons; it requires only that four privy councillors see the Queen and then they can sweep away the powers of the Parliament in one go.

New Labour has come to the Parliament and promised that we will make the decision. I remember new Labour's pledge that there would be no referendum before the legislation on the Parliament, but we did have not just one referendum; in effect, we had two. We cannot believe a word that new Labour says. The reality is that if the interests of England are primary, new Labour will do what is necessary and, in one swipe, take away the power of the Parliament to stop the proliferation of civil nuclear power in Scotland.

10:30

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I congratulate David Mundell and Mike Russell on two highly entertaining speeches, which I enjoyed a great deal.

The Scottish Parliament information centre prepared for us an excellent document on Dounreay. It is a pity that nobody has mentioned Dounreay yet, so I shall. As members are aware, Dounreay is being decommissioned, which will be a bonanza for Caithness for generations to come. Hundreds of millions of pounds are being spent. In connection with that, I wish to make some points.

Mention was made of a centre of excellence. That is precisely what we should be thinking about as we decommission the reactors at Dounreay. Money is being poured in, and by taking young people and training them by working with colleges, universities and the Scottish Executive, we can create a skills pool for many years to come. We could have a dedicated skilled work force that could go to other parts of the world to decommission nuclear reactors. We should steal a lead in Scotland. We are going that way, and we should be proud of it and blow our trumpet loudly. I hope that Lewis Macdonald will take that message to Wendy Alexander.

Rhona Brankin: Does Jamie Stone agree that the £4 billion that it will cost to decommission Dounreay will be paid by the taxpayer? Does he agree that SNP members have in no way even begun to explain where, in an independent Scotland, they would get that money?

Mr Stone: Rhona Brankin raises an interesting subject. It is a nice tradition in Highland politics that the SNP candidate for the Caithness, Sutherland and Easter Ross constituency generally says something different from the rest of the SNP. We have seen that again and again. I am interested to hear what my good friend Rob Gibson will say on this matter in the forthcoming election. Rhona Brankin puts her finger on it. I am glad to hear the "independence" word being raised. That is great, because it shovels votes away from the SNP in Caithness and Sutherland.

Michael Russell: Jamie Stone has made an allegation that the SNP candidate in the constituency that he represents would change party policy and say something different. Could I have chapter and verse, please? I want quotes: when they were said, who said them and what the issue was.

Mr Stone: I certainly will provide them. The remarks of Mr Sandy MacKenzie—who was a candidate in 1997—which I heard repeated, were dramatically different from what the SNP was saying in the rest of Scotland.

Michael Russell: Give us the remarks.

The Deputy Presiding Officer (Mr George Reid): Mr Stone is sitting down, Mr Russell.

10:32

Sarah Boyack (Edinburgh Central) (Lab): Why are we discussing this issue today? Nuclear power stations clearly are an issue for us, but this debate is a chance for the SNP to raise the constitution in this chamber once again, to cast doubt over the constitution, to cast doubt over the powers of this Parliament and to cast doubt over our abilities to set out our long-term future in Scotland. The debate has been a complete waste of time from that perspective, because it is absolutely clear that decisions on nuclear power stations, and on all other power stations, are matters for Scottish Executive ministers, who are accountable to us in this chamber. Members would not think that if they listened to SNP speeches today.

Alasdair Morgan (Galloway and Upper Nithsdale) (SNP): Will the member give way?

Sarah Boyack: No thank you.

Alex Neil's speech in particular represented a fantasy world inhabited by nationalists that is divorced from the reality of politics today. It is absolutely clear that in this chamber, and with our colleagues at UK level, we take our environmental responsibilities seriously. We also take seriously the responsibility of thinking about not the next two minutes of an SNP soundbite, but the next 10, 20 and 50 years and getting our energy, renewables and environmental policies right. Michael Meacher's review of nuclear waste is critical and is about the long term: it is a seven-year consultation. That might seem like a long time in electoral politics, but it is not when we are dealing with an issue of the magnitude of nuclear waste.

The nationalists did not comment on, congratulate us on or even acknowledge the fact that action is taking place now and we are going in the right direction. The key issue of energy efficiency, for example, was not mentioned at all by Bruce Crawford. If we are to have a rational debate on energy and the environment, we need to discuss energy efficiency, on which the Executive has done a huge amount since we were all elected in 1999. There is also the issue of supply. Rhona Brankin talked authoritatively about renewables. Those are the priorities of the Labour-Lib Dem Administration in Scotland, and they are absolutely right. We have seen a turnaround away from the approach taken by the Tories, which does not take into account our long-term commitments and our long-term responsibility to the environment.

The submission by the Executive to the UK energy review was a reasoned, considered and radical document. It considered the huge potential of renewable energy and the importance to Scotland of our energy industries. That was not reflected in Bruce Crawford's speech, and it was certainly not reflected in Mike Russell's speech. We need to take seriously our environmental responsibilities, and we have to acknowledge that we have a lot of nuclear generation. What did the SNP have to say about decommissioning? Absolutely nothing. Who will pay the bill for dealing with our nuclear waste legacy? There was not a word on that from the nationalists. The reason we did not hear a word is that separation would bring a massive cost. We need to work together on those issues, and not dismiss them.

Bruce Crawford: Will the member give way?

Sarah Boyack: No thank you. I am in my last minute.

The Labour party is clear about the long term. In this Parliament in the past couple of years we have focused on the expansion of wind energy. There is a long-term agenda of wave energy and photovoltaics, which are being pursued in Germany to huge effect. Those are the real challenges. The Labour party's targets in Scotland are to produce 30 per cent of energy from renewable sources by 2020 and 50 per cent by 2040. That is a massive agenda and a great opportunity. Let us focus on that, not on the constitutional wrangling that the SNP wants to raise in this chamber in the coming year and a half. It is a waste of the SNP's time. We will take the opportunity on every occasion to tell the SNP what we are doing in Government. We have a good record and we will defend it.

10:36

Brian Adam (North-East Scotland) (SNP): I say to Sarah Boyack that the doubts have been raised not by us, but by Labour MPs at Westminster. The Minister of State for Industry, Energy and the Environment says one thing and the Minister of State at the Scotland Office says another. We have received no clarification today other than an acknowledgement from the Deputy Minister for Enterprise, Transport and Lifelong Learning that Westminster will have the final say.

We have not heard from any Labour member how the Executive will deal with any future applications for new nuclear power stations. The continuing energy review clearly indicates that we are likely to get some. The people of Scotland deserve to know how the Executive will deal with those applications. They want to know who will make the final decision. Will it be made here or will it be made at Westminster, according to the

wishes of someone else?

David Mundell's concluding remarks summed up the Conservative position. He talked about rubbish. It is a fact that nuclear power is not safe. We have not solved the problem of how to deal with nuclear waste.

Mr Stone: Will the member give way?

Brian Adam: No thank you.

That is precisely why it is not safe for us to proceed any further with nuclear power.

Rhona Brankin: Will the member give way?

Brian Adam: No thank you.

That is why the only sensible course of action in terms of the environment is to do nothing further. And how does nuclear waste relate to renewables? We cannot get rid of it; it will be here for generations. That is precisely why we need an answer now as to who will make the decision on planning matters and whether there will be an override. As Alex Neil indicated clearly, the potential for an override exists because of the Scotland Act 1998. There could be an override without any primary legislation. It would simply require an order in council.

We want to know where the Executive parties stand on the issue of new nuclear power stations and whether they will exercise their power. We want them to tell people now, in the run-up to the next election, whether they will agree to more nuclear power stations.

The Deputy Presiding Officer: We move to wind-up speeches. Speakers should stick to the time allocated. Mike Rumbles has four minutes.

10:39

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): The SNP has chosen the same topic for debate today that it chose for a debate in Westminster last week. That is the SNP's choice, but SNP members seem to want to exploit for their own political purposes the ridiculous spat between Brian Wilson and George Foulkes about who will make the final decision on the construction of any proposed new nuclear power stations.

The hypothetical situation—and it is a hypothetical situation—that the SNP is getting at is whether Westminster can force the Executive to give planning approval for new nuclear power stations. Not satisfied with wasting Westminster debating time, the SNP is now wasting the Scottish Parliament's time too. Bruce Crawford was in the last minute of his speech before he mentioned what the debate was all about—independence. Lewis Macdonald made it clear that the final decision on planning consent for

power stations remains with the Scottish Executive.

Alasdair Morgan: Will the member give way?

Mr Rumbles: In a moment.

I was amazed by the Tories' speeches. John Scott said that the Tories were content with and had accepted devolution, but he still could not and would not accept the consequences of devolution. He is uninterested in devolution. His deference to London was plain to see.

Alasdair Morgan rose—

John Scott: Will the member give way?

Mr Rumbles: In a moment. I was amused by John Scott's mischievous reference to a possible future Liberal Democrat-SNP coalition. Even his fantasies did not stretch to Tory participation in Government.

Mike Russell was even more entertaining.

John Scott: Does Mike Russell accept that he has misquoted me?

Mr Rumbles: Mike Russell might accept that, but I do not.

Mike Russell asked whether the Liberal Democrats would support the SNP's motion, and Nora Radcliffe made it clear that we would. The Liberal Democrats ask the SNP to support the Executive's technical amendment, which would strengthen the motion, as the deputy minister said.

Michael Russell: Will the member answer a question that was asked by Mr Alan Reid, a Liberal colleague of his, in a House of Commons debate? The member seems to want to have his cake and eat it. Mr Reid said:

"If an application to build a nuclear power station in Scotland was turned down by the Scottish Executive, but the Government promoted legislation in this House to overturn that decision"—

the Alex Neil point—

"and grant planning permission, would the hon. Gentleman support that legislation?"—[*Official Report, House of Commons*, 5 March 2002; Vol 381, c 239.]

Alan Reid asked that question of Mr Bill Tynan, who, as usual, had no answer. What is the Liberal answer in Scotland to that key point? On Alex Neil's question, do the Liberals support the Scottish Parliament or Westminster?

Mr Rumbles: That was a long intervention. I will deal with it in my conclusion.

Alex Neil said that he discovered that the Scottish Parliament is not a sovereign Parliament. What a surprise. What a discovery Alex has bumped into. I will deal with Mike Russell's point now. For practical purposes, the UK Government dare not overrule us on devolved matters. Alex

Neil and Mike Russell know that—it is clear.

Neither the SNP nor the Tories can live with home rule, which is why, for different reasons, both try to muddy the water. The debate has been a ridiculous waste of time. Energy policy is reserved; planning is devolved. The motion, as amended by the Executive's technical amendment, again makes that clear.

10:43

Phil Gallie (South of Scotland) (Con): I will break with the traditions of the debate by congratulating the nationalists, whose motion addresses two of their pet issues. The first is doing anything to wreck the Parliament's constitutional position and the second is spreading ridiculous ideas against nuclear energy. It is shameful that Scottish nationalists should take such a stand against nuclear power. Scotland has a proud record of generation. Almost 50 per cent of our generation is nuclear. That is safe and clean generation, and the SNP should take that on board.

The nationalists ask questions on constitutional issues. They should consider what we can achieve in the United Kingdom to meet their aims. The UK has signed up to Kyoto and to Rio. The SNP recognises the environmental advantages of working together. On that basis, it is natural that our energy policy should match that of the rest of the UK.

John Scott was right to draw attention to some confusion. He did that because ministers failed in their responsibility. It was irresponsible of Scotland Office minister George Foulkes to make such comments and induce a hurried statement from Brian Wilson. Ministers should stick together on such issues. I go along with Brian Wilson's interpretation.

Mr Neil's comments about the reality of the Scotland Act 1998 underline a factor that was built into the act. Ultimately, Westminster can take action, but it would be foolish of any Government, whether socialist, Tory, Liberal—God help us—or whatever, to override the wishes of people in Scotland on such issues. The siting of nuclear power stations is a planning issue that must be decided here.

The situation at Hunterston raises nuclear energy policy issues. John Home Robertson referred to Torness, which is not set to decommission before 2023. The situation at Hunterston is much more urgent, as it is to decommission in 2010 or 2011. We must consider energy requirements in 10 to 15 years. I support the move towards renewables, but to ensure that our economy and jobs stand firm and that we can develop in a modern world, we must have the

required energy resources.

We must consider Hunterston and take decisions relatively early, as Brian Wilson suggested, on whether a rebuild programme is adopted, perhaps for a Hunterston C. It takes 10 years to design, develop and produce a nuclear power station. We do not have time on our hands. The need is urgent. I wish that the nationalists' motion had addressed that important issue and allowed us to discuss it rationally.

I recognise everybody's right to express reservations, but we should not mask the issues. Kay Ullrich suggested that Hunterston could be used for another purpose. As a supporter of the nuclear industry, I accept that the Hunterston site will be contaminated for many years. Decommissioning of the very successful and safe Hunterston A station is under way. Jamie Stone was right to say that we can gain from our expertise in and knowledge of nuclear energy. They can and must be put to good use.

10:48

Lewis Macdonald: I welcome the opportunity to restate unequivocally the Parliament's competence to make decisions on proposals for new power stations that will generate more than 50 megawatts in Scotland. It is remarkable that although Brian Adam was present during my opening speech, he did not hear what I said.

I repeat that the Scottish Executive is the competent authority to grant consent to construct and operate a power station and to grant deemed planning consent for all power stations that will generate more than 50 megawatts in Scotland. That power cannot be revoked without an order in council. Contrary to Alex Neil's contention, such an order in council would require to be approved in draft by this Parliament and the House of Commons.

The consent powers are not a new development.

Brian Adam: Will the minister give way?

Lewis Macdonald: In a moment.

Decisions on consent for new power stations have always been taken in Scotland. The powers are executively devolved under the order that is mentioned in the Executive's amendment and are safeguarded by the Sewel convention. There is no question of Westminster's reclaiming those powers without this Parliament's consent.

Brian Adam: Will the minister confirm that this Parliament has a right of veto in a disagreement over an order in council to override a decision of this Parliament?

Lewis Macdonald: It is not a matter of a veto power. That is the language of the United Nations. The Parliament has the power to grant or not to grant consent for such developments. Such decisions will not be taken in isolation. Before proposals reach Scottish ministers, they will go through a wide-ranging consultation process. We will hear from planning authorities on the planning implications of any such development; we will hear from Scottish Natural Heritage about the implications for the environment; we will hear from Historic Scotland about the areas that are of interest to it; and we will hear from the Scottish Environment Protection Agency on the issues that are of interest to it. That is not an exhaustive list. We take seriously the comments that we receive from members of the public on such matters. Those representations remind us that, in exercising our powers of consent, we are directly accountable to the people of Scotland.

Alasdair Morgan: If a planning application for a nuclear power station were turned down not for specific reasons relating to that application but on the general presumption that the Scottish Executive is against nuclear power stations even though the UK Government has a presumption in favour of nuclear power, would that refusal of consent be open to challenge in the courts?

Lewis Macdonald: Consent to construct and operate a power station, as with planning consent, will be judged on a case-by-case basis. That has always been the case and it will continue to be the case. It is not a matter that is directly under the authority of energy policy, at UK level or any other level. The issues are distinct and I hope that that is now clear to all concerned.

The recent energy review outlined the options for meeting the demand for energy while safeguarding the environment. It recommended that priority be given to energy efficiency and renewable energy. There is no doubt that there is a tremendous untapped renewable resource in Scotland which will help us to meet our Kyoto commitment.

Mr Brian Monteith (Mid Scotland and Fife) (Con): Will the minister give way?

Lewis Macdonald: No, I am conscious of my time.

The energy review also recommended that the nuclear option be kept open and that it should be debated widely. We agree with that. We will support energy efficiency and renewable energy but we must deal with the issue of how we manage radioactive waste in the long term as well. It goes without saying that decisions on how we do that must have widespread public support. We have already started to involve the public by issuing a consultation paper, "Managing

Radioactive Waste Safely", which was produced jointly with the Department for Environment, Food and Rural Affairs and the other devolved Administrations. In Scotland, we are undertaking research into how best we can involve our people in making those decisions.

Coming to conclusions on our nuclear waste strategy will be a lengthy process. There will be difficult decisions to make, but it is vital that we openly engage with people and involve them in making those decisions. As Nora Radcliffe pointed out, it is also important that we continue to work with industry, the regulator and the Department of Trade and Industry on matters such as grid and network issues that affect energy in Scotland.

What we can say today is that all applications for new power stations of over 50 megawatts in Scotland will continue to come to Scottish ministers for consent. We will continue to exercise those powers in the full knowledge that we are accountable to the Scottish Parliament and to the Scottish people for the decisions that we make. That degree of accountability will also apply to decisions that we make about nuclear power, following the nuclear waste strategy conclusions.

In closing, I might do worse than echo the words of Brian Wilson on the matter:

"The position is unambiguous ... End of story."

10:53

Fiona McLeod (West of Scotland) (SNP): I want to talk about the reason why we are having this debate today. Energy policy is crucial to everyone in Scotland, as are the Government's powers in that area. At the end of today, the Scottish people have to be clear about who has the power to decide the future of nuclear build in Scotland and who is going to exercise that power. Even more important, we have to be sure about how they intend to exercise that power. That is the purpose of today's debate.

A non-nuclear future is demanded by the overwhelming majority of the people of Scotland. Why? Because nuclear energy is inefficient. If not for the nuclear energy arrangement, Torness and Hunterston would be providing uneconomic power to Scotland. Nuclear energy is deadly. It produces waste that we will have to live with for tens of thousands of generations. That is not a sustainable situation for us to pass on to a future Scotland.

Phil Gallie: Fiona McLeod referred to the subsidies to the nuclear industry. Would she accept that, without subsidies, wind farming, wave power and other forms of renewable energy would not be sustainable?

Fiona McLeod: I was talking about the nuclear

energy agreement whereby Scottish Power and Scottish and Southern Energy have to take non-economic energy from Torness and Hunterston. That is not the same as a subsidy. Producing nuclear energy costs Scottish consumers money.

Nuclear energy, as even Mr Gallie must know, is unnecessary. Scotland exports 26 per cent of the energy that we produce and we produce 26 per cent of our energy by nuclear power. Therefore, we do not need nuclear power. If we want to maintain an export market, which we do, we should keep in mind the Garrad Hassan report that showed that Scotland has the potential, through renewable energy, to provide for not only our own needs but 75 per cent of the UK's needs. If we do away with nuclear power and invest in renewable energy, we will make even more of a profit.

Allan Wilson: Bruce Crawford and Fiona McLeod have both said that Scotland can survive happily without nuclear output due to the excess in the current capacity and the potential of renewable energy. Perhaps they would care to explain how they would resolve the issues of grid stability that the current base load capacity provides.

Fiona McLeod: My understanding, from a meeting at Scottish Power's grid control centre two weeks ago in Kirkintilloch, is that that problem is not impossible to work out. We already have back-up in Cruachan, for example, that will ensure the stability of the grid. In 1990, the Government in Denmark secured grid stability by giving leadership and support to the upgrading of the grid. If Denmark can do that, so can we. Does not the minister wish that he had the power that the Danish Government has to ensure that we have a secure, renewable and sustainable future?

David Mundell: Will the member give way?

Fiona McLeod: I am sorry, but I am short of time.

Nora Radcliffe talked about upgrading the grid. That issue will be resolved when the Government gives leadership and gets the power to do that. In 1990, Denmark—a small country like Scotland—upgraded its grid and is reaping the benefits of that now.

John Home Robertson gave us Labour's old scare stories, saying that, if people vote for the SNP and independence, 600 jobs will be lost in Torness. However, in Denmark, 14,000 jobs have been created in the renewable energy market, which completely dwarfs the 600 jobs that John Home Robertson talked about.

Phil Gallie said that, when the 1,200 megawatts from Hunterston disappear in 10 years' time, the lights will go out. I am sorry, but that is not the case. Scottish Power is already looking at producing 450 megawatts from a wind farm in

Eaglesham and others are looking at producing 600 megawatts from wind farms in the Western Isles. That amount of energy almost meets the amount that Hunterston produces.

We have to get away from the continual scare stories. We are talking about a Scotland that can invest in and promote renewable energy. We are also talking about the powers of the Government. At the moment, the Scottish Government does not have the power to do more than promote renewable energy. I am delighted that the minister has confirmed that he has the power to say no to nuclear new build in Scotland. Will he confirm now that he will use that power and say no to nuclear new build in Scotland? The minister said that Westminster could overrule the Scottish Executive but that the Scottish Executive and the Scottish Parliament would have to approve any overrule of that derogation. Will the minister make it clear that, if Westminster makes such a move, the Scottish Government will refuse to allow that power to be taken away from the Scottish people?

Lewis Macdonald: I would be happy to confirm what Fiona McLeod would have heard had she listened to my contribution, which is that those powers lie with Scottish ministers and there is no expectation that that position will change.

Fiona McLeod: The minister should just say no. He should stand up for Scotland and say that those powers are ours and that we are keeping them, no matter what.

The other MSPs in the chamber have until 5 o'clock tonight to consider the motion and the amendment and to reach the conclusion that, if the minister cannot say that he will stand up for the Scottish people's rights on energy and non-nuclear build, they will stand up for them instead by voting for the SNP motion.

The Deputy Presiding Officer: That concludes the debate on nuclear power stations.

National Health Service

The Deputy Presiding Officer (Mr George Reid): The next item of business is a debate on motion S1M-2882, in the name of Nicola Sturgeon, on the national health service, and two amendments to that motion.

11:01

Nicola Sturgeon (Glasgow) (SNP): The purpose of the debate is not to criticise the Government's health record purely for the sake of it. My criticisms have a purpose. The debate stems from a belief that the problems in the health service will never be put right while we have a Government that sticks its head firmly in the sand or witters on about a patient-centred health service at a time when more than 100,000 people languish on waiting lists, unable to receive treatment. The Government seems to think that, as its amendment says, investing

"substantial real-term increases in ... resources"

makes everything fine, notwithstanding the fact that the resources are not delivering substantial improvements in patient care and seem destined to be lost forever in the bureaucracy that stifles our NHS.

Bill Butler (Glasgow Anniesland) (Lab): Will the member give way?

Nicola Sturgeon: I ask Bill Butler to wait a few minutes.

The problems in the NHS will not be put right until their principal underlying cause is acknowledged and addressed. That cause is declining capacity. No matter how much money goes into the NHS nor how much effort goes into redesigning services around the needs of patients, we will get out of the NHS only what it has the capacity to deliver.

On the evidence of the past three years, the NHS is delivering less. That is happening in spite of the very best efforts of the men and women who work in the service. They do a sterling job; however, they are not miracle workers. They cannot be expected constantly to do more with less, and to treat more patients more quickly when they have fewer staff and beds at their disposal.

Bill Butler: Will the member give way?

Nicola Sturgeon: Bill Butler is obviously keen this morning.

Bill Butler: Will Ms Sturgeon be good enough to tell us what additional moneys or resources an SNP Administration would direct to the NHS? From which other budget would those moneys be taken, or would the money be found through a combination of that and raising tax?

Nicola Sturgeon: It is always comforting to find out that Labour members have their briefing papers out in time for a debate. If Mr Butler will be patient, I will come to resources in a moment, because the Labour lot is completely incompetent on that issue.

In spite of the best efforts of those who work in the service, the NHS is not delivering, because it cannot. There are now more than 100 fewer whole-time equivalent nurses in our NHS than there were in 1999, and 250 fewer than there were in 1997. Scotland is the only part of the UK where nurse numbers are declining. In England, nurse numbers have increased by almost 30,000, while in Scotland they are down by more than 100. Furthermore, since 1999, when the Lib-Lab coalition came to power, there has been a reduction of nearly 700 staffed beds in the acute sector.

The result of those cuts in bed and nurse numbers is that fewer patients are being treated on the NHS. Five thousand fewer elective in-patients were treated in the last three months of last year than were treated in the first three months of 1999.

Of course, the Government will argue that that does not mean that patients were not being treated, but that it means simply that more were treated without having to stay overnight in hospitals and that the redesign of services meant that more patients were treated as day cases and as out-patients. Although that argument is persuasive, it has one major flaw: it is not true. Nearly 9,000 fewer patients were treated as day cases in the last quarter of 2001 than were treated in the first quarter of 1999. I repeat; the number of day cases is down by 9,000. I suppose, then, that all those people must have been treated as out-patients. Well, no. When we compare the same two periods, we find that the number of outpatients has fallen by 64,000. It is not that more patients are being treated in a more appropriate setting, but that more patients are not being treated at all. No amount of spin will disguise the fact that, under Labour, the NHS is treating nearly 80,000 fewer patients.

We have had much wringing of hands from the Government about waiting lists and waiting times; even the First Minister said last month that the figures remain "stubbornly high". Of course they are and there is really no mystery about it. If the service treats fewer patients, more patients will be waiting for treatment. Indeed, 16,000 more patients are waiting for treatment now than when the Government took office, and that is before we take account of its various fiddles to keep lists artificially low.

Nor is the increase in waiting times a mystery. They are now 10 days longer than they were in

1999 and fewer patients are being treated within the Government's target times. However, if there are fewer beds and nurses, it is no surprise that people wait for longer to be seen. This is not rocket science, but it seems to have outwitted the Scottish Executive.

However, to be fair—as I always am—one part of the NHS is expanding and treating more patients. It seems that more patients are being treated as emergency cases, which means that there has been expansion in the one part of the system that no Government can control—the number of patients who go through the doors of accident and emergency departments. I wonder how many of the extra patients who end up in accident and emergency do so only because they cannot get treatment in the parts of the system that the Government controls.

No matter what measure is used, we reach the same stark and simple conclusion: the NHS is shrinking under Labour. We know that the Tories are happy with that situation, because a smaller NHS will leave more room for the private sector in the delivery of health care. The Tory amendment reaffirms that they want to expand the private sector at the expense of the NHS. Indeed, they want to privatise the health service.

Ben Wallace (North-East Scotland) (Con): Will the member give way?

Nicola Sturgeon: Ben Wallace should just listen. Before he and the other Tories rise and start talking about bed reductions in the health service, they should reflect on a parliamentary answer that was given yesterday to one of Mary Scanlon's questions. The answer revealed that, in the last six years of the previous Tory Government, bed numbers in Scotland fell by 10,000. Labour is simply continuing the decline that the Tories began.

Mary Scanlon (Highlands and Islands) (Con): Will Nicola Sturgeon also compare the figures from that time with the rise in the number of patients and in-patients who were treated, the increase in the number of procedures that were carried out in the NHS and the reduction in waiting times that all happened under the Tories?

Nicola Sturgeon: I will leave to Mary Scanlon the impossible task of defending the Tory record on the issue.

We know the Tories' agenda; however, what is Labour's excuse? Is it simply following the Tory agenda—as it certainly is south of the border—of shrinking the NHS to make more room for the private sector, or is it just incompetent? Bill Butler should listen carefully to the point that I am going to make about resources. A Government that invests

"substantial real-term increases in health resources"

and yet gets fewer beds and nurses and treats fewer patients for its money is not a Government that is managing the country's health service well. Patients want to know where the money goes in the health service.

I hope that we can all agree that, whatever the reasons for the shrinking NHS, it cannot be allowed to continue. There must be a determination to halt and reverse the decline in capacity in the health service, and such a process should start with the number of acute beds in the system.

The decline in acute bed numbers has gone too far. Any room for reduction as a result of shorter stays in hospital has already been used up. On the figures that I mentioned earlier, there is no evidence of a shift from in-patients to day cases and out-patients that would justify the reduction. That is my firm view. I dare say that Malcolm Chisholm will stand up in a few moments and argue the opposite, although—given the statistics I have just cited—he will struggle. It is Labour's policy to oppose anything that is suggested by the Scottish National Party. If we said that free fruit for children was a good idea, Labour would say that it was not; in fact, it did so last year.

That is why I am calling for an end to the polarised debate between the SNP—which says that there are too few beds in the health service—and the Government, which says that there are too many. It is time for an independent assessment of how many beds will be needed in the health service in the medium to long term, taking account of all the developments and redesign of health care delivery that the Scottish Executive talks about.

We need a national beds review. That has already happened down south, when Alan Milburn recognised that

"the trend of the last decade or more of reductions in hospital beds cannot keep pace with changing"

needs.

The outcome of that national beds review south of the border was a commitment to 7,000 extra beds in the national health service—7,000 extra beds in England, while bed numbers in Scotland continue to fall, and fall further with every private finance initiative contract that is signed by the Government. The NHS cannot go on like that. We need that independent process here in Scotland because only when we have an educated assessment of how many beds patients in Scotland need can other resources be properly planned.

There is no doubt that the NHS is shrinking. The Minister for Health and Community Care should acknowledge that, halt it and plan to reverse it. It is not—and should not be—beyond us to design a

health service that works for a population of only 5 million. However, to begin doing so we need less rhetoric and more honest action.

I move,

That the Parliament notes that there are fewer nurses and fewer acute beds in the NHS now than in 1999, that the NHS is treating fewer out-patients, in-patients and day case patients now than in 1999, that fewer patients are being seen within the Scottish Executive's target times than was the case in 1999, that there are 16,000 more people on NHS waiting lists now than in 1999 and that median waiting times are 10 days longer than in 1999; is concerned that the NHS is shrinking, and calls upon the Scottish Executive to pursue policies that will reverse this reduction in capacity and deliver an NHS of the standard that patients in Scotland are entitled to expect.

11:12

The Minister for Health and Community Care (Malcolm Chisholm): Like Nicola Sturgeon, I like debates that have a purpose and would like an end to polarisation. However, for that to happen, we require a sophisticated and balanced analysis of the situation. We must acknowledge that there is complexity and we must recognise problems and progress.

For the 15 weeks during which I have been Minister for Health and Community Care, I have been prepared to be up-front about the difficulties that we face, whether in relation to unacceptable delays, staff recruitment and morale or any other issue. I am not, however, prepared to pretend that everything is bad and that no progress is being made. Such a pretence is insulting and demoralising for staff. It is contrary to the experience of patients and it is contradicted every week as I go around the country and see the superb service that is provided by staff, and the many different ways in which they are leading the redesign of services around the needs of patients.

I could mention many recent visits. For example, at Ayr hospital this week I saw many redesigned services involving urology, cataracts and nurse endoscopy services. The previous week, I saw information technology services in Fort William, where services for patients are being improved and time is being freed up for front-line staff. The week before that, I was in Dundee, where I saw the improved quality of care that has been brought about by a new linear accelerator. I also saw work with patients throughout the hospital to develop patient information and use patient feedback to improve the quality of care. Quality and patient focus are words that are absent from today's motion, but which are crucial for patients and are at the heart of our health agenda.

The motion talks of nurses, beds, waiting, activity and, most of all, 1999. On activity, I remind members that until now only consultant activity has been counted. The work of the nurse

endoscopist to whom I spoke on Monday has not hitherto been recorded. Work is now in hand to develop recording systems that will capture the full range of NHS activity. I also remind members of the many advances that might reduce headline activity figures. They include quality improvements, which might involve spending more time with patients or in preparing treatment; reductions in junior doctor hours, which is good for quality but also has an effect on activity; and the working time directive, which has benefited other staff groups.

Nicola Sturgeon: If all the figures can be explained away by improvements in the way in which patients are cared for, why do we have rising waiting lists and rising waiting times in Scotland?

Malcolm Chisholm: We actually have falling waiting lists and falling in-patient waiting times. However, I acknowledge that we have a problem with out-patient waiting times. We are the first Administration to focus on that and will take action on it.

Notwithstanding the issues that I mentioned before the intervention, I will select a few figures—it is important that Mary Scanlon should hear this. Compared with 1997, the NHS is treating 25,000 more emergency in-patients and 58,300 more day cases each year. It is dealing with 50,300 more in-patients and day-case episodes, 11,000 more first out-patient appointments and 60,000 more accident and emergency attendances each year. Compared with 1997, the NHS has 17 more adult intensive care unit beds, 220 more one-stop clinics, 450 more qualified nurses and 230 more consultants.

Ben Wallace: The minister is guilty of misleading the chamber. He says that there are 200 one-stop clinics more than in 1997, but a ministerial answer to me listed renamed departments in hospitals that had seen no change or reconfiguration. To claim that those 200 one-stop clinics are extra is to mislead the chamber.

Malcolm Chisholm: I have seen the list. I have visited quite a few of the clinics and hope to visit more. I have seen the excellent work that they do, and what the member has indicated is certainly not what they are telling me.

Similar and corresponding staff increases since 1999 can be recorded, although there are two issues in that. First, there is a very short time scale because the latest staff figures are for 2000. Secondly, the other fact that we must take into account is that, during the winter of 1998-99, there was a waiting list initiative that cleared a backlog of people who had been waiting for a long time for surgical procedures. That was an unrepresentative blip in activity rates—we must bear that in mind

when we make comparisons with 1999.

The other thing to bear in mind in relation to the trend since then is that, in many cases—if I had time I could quote figures to show it—the number of qualified acute nurses is increasing and the number of qualified nurses in the community is increasing. However, the number of learning disability nurses in hospitals is decreasing. That is quite right because we want people who have learning disabilities to be cared for in the community. Many of those nurses go on with their caring role as council employees and are no longer recorded in the nurse statistics.

I have only two minutes left, so I will not quote the array of statistics from 1999 until now that show that progress is being made in relation to staff numbers, intensive care beds, waiting times for heart bypass surgery—which have been halved—and so on. I do that not out of complacency, but in the interests of balance. The NHS is not shrinking, but it is rightly and most certainly changing.

More people are being treated closer to home in local primary care practices and health centres, with procedures that were previously performed only in hospitals. The number of local fast-track clinics in Scotland has increased since 1999. Given that nine out of 10 patient contacts with the NHS come through primary care teams, it is astonishing that primary care is not mentioned in the motion.

I have addressed waiting and I have only a short time left, so I will not say more about that. I have said how we are increasing the number of doctors and nurses—that will continue, not only because we want to do more to tackle waiting, but because we want to improve the quality of patient care.

Scotland has led the way in improving outcomes for patients in the NHS. The experience of the Bristol inquiry has made improving the quality, and not just the quantity, of care all the more critical. That is why we have provided funding for nearly 500 more junior doctors in Scotland, to reduce their hours and improve the quality of the care that they can provide to patients.

Richard Lochhead (North-East Scotland) (SNP): Will the minister give way?

Malcolm Chisholm: I have no time, I am afraid.

More progress has been made in improving junior doctors' hours and conditions since 1999 than was made in the previous decade—in quality and not just quantity. We are building up our nursing work force, so that it can spend more quality time with patients in aiding their recovery and rehabilitation. More qualified nurses are working in our hospitals compared with 1999 and earlier this month I announced new initiatives to

get more nurses into training, to get nurses back in the NHS through the return-to-practice courses, and to guarantee nurses a year's employment as soon as they qualify. There is a series of other initiatives, with £5 million attached to them, that are being driven forward by the implementation of the recruitment and retention of nurses policy. I am chairing the group that is doing that.

Many initiatives are under way to deal with some of the problems, which I acknowledge. I repeat that today's debate should be not only about quantity, but about quality. I have not had time to mention the work of the Clinical Standards Board for Scotland, whose important report on cancer services will be published next week. We are determined to improve the quality of care as well as the quantity of care. Both objectives are now being driven forward with determination.

I move amendment S1M-2882.2, to leave out from "notes" to end and insert:

"congratulates the staff of the NHS in Scotland on their commitment and dedication; welcomes their leadership role in redesigning services around the needs of patients; notes that this often leads to a different configuration of services and to some new activities that have not traditionally been counted; applauds the on-going and varied work to improve quality in health services, and acknowledges the substantial real-term increases in health resources since 1999, which are supporting the programme of patient-centred reform."

11:20

Mary Scanlon (Highlands and Islands) (Con):

Another week, another health debate. Last week we debated the shrinking provision of community care and this week we debate the shrinking provision of the NHS.

I challenge Nicola Sturgeon, because she concentrates far too much on the number of beds rather than on the number of procedures. Cataract surgery, for example, is now done in hours instead of five days. With advanced technology and shorter stays in hospital, we would expect lower waiting lists, but that is not happening.

Anyone who pledged their troth to Labour in 1999, given the promise of support in sickness and in health, would now have serious grounds for divorce on the basis of promises that were made but not kept. If we could have an open, honest and transparent debate, in which issues were addressed in an accountable manner, people would have the right to feel reassured about our national health service. Instead, despite all the failings over five years by Labour, and then by the Labour-Liberal coalition, we get an amendment from the health ministers that fails to acknowledge, let alone address, the problem. We would all congratulate NHS staff on their commitment and sheer hard work and their provision of quality care against all the odds. At least the ministers are

honest enough not to congratulate themselves; surely that is progress.

I hope that the ministers realise that the consultations, reviews, strategies and glossy brochures of the past are not translating themselves into improved levels of patient care. After three years of devolution and the ability to manage the health service in Scotland, instead of the progress that we expected, we are being left behind England in creating a modern, forward looking and patient-centred NHS that utilises all the health care resources in Scotland. The dogma against the independent and voluntary sectors is insulting to patients who want simply the best standards of treatment. We owe it to them to provide that service.

It is worth reminding the Labour party at the outset that it has now been in Government for five years. After five years, it is striving to cut waiting times to a maximum of nine months. Nine months was the maximum waiting time under the Conservatives; that was branded as scandalous by Malcolm Chisholm. In Labour's 1997 and 1999 manifestos, we saw promises to raise spending and to spend the money on patients and not on bureaucracy. We had no idea that that would mean an increase in the staff who are in charge of that bureaucracy. Yesterday, I received a written answer from the minister, which confirmed that there has been an increase of seven administrative staff per 100 NHS beds during Labour's five years in office. In this age of advancing technology, we now have two administration staff per NHS bed. If similar investment were to be made in infection control, we could save lives, reduce suffering and free up hospital beds.

Malcolm Chisholm: If Mary Scanlon revisits the question that I answered last week, she will see that the number of administrative staff rose to a peak at the height of the internal market in 1995, has reduced by more than 1,000 since then and will continue to reduce.

Mary Scanlon: It has not reduced in line with the number of hospital beds. That is what the question was about.

Malcolm Chisholm: It was a daft question.

Mary Scanlon: It was not a daft question. It was a daft answer, because the minister confirmed that there are now two admin staff per NHS bed, according to his own figures.

The increase in administrative staff has come on the back of the abolition of the internal market, which was hailed by previous health ministers as the cause of so much bureaucracy; however, the abolition of the internal market has created even more bureaucracy. Not only do the figures confirm the reduced capacity and longer waiting lists and

waiting times, but behind those figures are closed waiting lists and reclassification of figures. At a recent meeting of MSPs from all parties and Highland NHS Board, we were told that 300 names could instantly be wiped from the waiting list of 3,000 for Raigmore hospital through a reclassification process that has been recommended by the Executive. A cut of 10 per cent throughout Scotland would enable the Executive to claim a cut in waiting lists, but not one more patient would be treated.

The waiting times co-ordination unit is undoubtedly a step in the right direction, but the Executive is—with its action on delayed discharge—admitting its failure to improve the health care system. Scotland's independent hospitals have claimed that they can help to cut NHS waiting lists by up to 10,000. With the situation deteriorating to such a level, will the minister now take a leaf out of Alan Milburn's book and fully utilise that capacity by signing a concordat for a permanent agreement in Scotland to put patients first?

I move amendment S1M-2882.1, to insert at end:

"by signing a 'concordat' with the independent and voluntary sector in similar terms to that already established in England, and further calls upon the Executive to initiate a debate in Scotland about how to improve the delivery of health care to standards similar to the best European countries, whilst ensuring that access to high quality care is guaranteed for all."

11:26

Mrs Margaret Smith (Edinburgh West) (LD): Health remains the No 1 issue for the people of Scotland and the key spending priority for the Scottish Executive, with a third of the Executive budget being spent on it. We are committed to record levels of investment in the NHS and in Scotland's health generally, and we are making that investment against a background of growing demand, which was highlighted by the minister. There are 58,000 more day cases, 50,000 more in-patient cases and 60,000 more accident and emergency cases. In comparison to England, we have 20 per cent more spend per head of population and greater numbers of doctors, nurses and beds. While Mr Blair and Mr Brown may slug it out over whether or not to raise general taxation to bring England to a European average health spend, Scotland is already there.

The minister has made it clear in statements, today and in the past few weeks, that he appreciates the challenges that lie ahead and that there remains a mixed picture of problems and of progress in the NHS. For any health debate to be credible, it must acknowledge both sides of that picture. The No 1 concern for all our constituents

remains that of waiting times. The Liberal Democrats certainly welcome the Executive's recent shift to focusing on waiting times rather than on waiting lists, which was our policy prior to the 1999 election. That is what the people whom we represent are interested in.

We also welcome the minister's recent announcement of £20 million to tackle NHS waiting times. That much-needed investment includes £15 million for local NHS boards to make progress towards the Executive's 2003 target of reducing the maximum waiting time for an operation to nine months. Crucially, it also sets up a £5 million national flexible fund to allow the national waiting times unit to clear, from April onwards, certain bottlenecks, including tonsillectomies and angioplasty. That will allow targeted use of nurses and other staff in endoscopy and other tasks that have previously been done by doctors. Such approaches have already been developed in Fife and the Forth Valley area. In Fife, nurses undertaking endoscopies on patients with gastric problems has reduced the waiting time for the procedure from 16 weeks to four weeks and has freed up a significant amount of consultant time.

The major flaw in a very flawed SNP motion is that it does not highlight the fact that a major shift in service delivery is under way in our health service. Major changes are happening. If we look at selective activity figures and indicators, we may sometimes see evidence of a fall in the numbers of patients. If we look at other selective figures, we may see completely the opposite. However, such figures fail to show that, in many cases, a fall in numbers is due to advances in clinical practice and changes in service delivery. The fall in numbers began from a high point in 1999, when a major waiting list initiative got under way. That may also distort the figures.

Unfortunately, many innovative changes on the ground have not been recorded so far, because many of the data collected centrally reflect only consultant-led activity.

Shona Robison (North-East Scotland) (SNP): I agree that there are many innovative ways of treating patients in the NHS, and we all welcome that. However, if those innovations are delivering what the member claims, why are people waiting longer?

Mrs Smith: We are delivering more against growing demand. More people are making demands on the NHS and many procedures that are delivered at community level are not recorded and set against the figures that the SNP quotes from previous years.

I welcome the fact that the chief executive of the NHS in Scotland, Trevor Jones, has asked the

information and statistics division to put in place new recording procedures to capture the work that is undertaken outwith the acute hospital setting, whether in local health centres or in Scotland's 300 one-stop clinics, which have trebled in the past two years.

Nicola Sturgeon: Will the member give way?

Mrs Smith: No.

Mary Scanlon: Will the member take an intervention?

Mrs Smith: No. The fall in the number of in-patients reflects advances in practice and a shift from the acute sector to primary care—again, that is not mentioned in the motion—with more patients now being treated as day cases, out-patients or in the community. The percentage of elective admissions treated as day cases, for example, has risen from 25 per cent in 1986 to 62 per cent now.

That is good news for patients, as they are treated closer to home, and it is due to the hard work and flexibility of the 130,000 people who work in our health service. It is important that we treat patients in the best possible location for them and it is essential that we listen to what they want. The shift from long-stay institutional care for those with mental illness, learning disabilities and geriatric needs is continuing and is to be applauded.

I am sure that all MSPs know of examples from their own areas, but I would like to highlight the work that is being done in Edinburgh by assertive outreach mental health teams. Yesterday, with colleagues from other parties, I met and talked to staff to learn how their multidisciplinary, hands-on and holistic approach is keeping people out of the wards of the Royal Edinburgh hospital and in their own communities. Patients who would once upon a time have been seen as candidates for prolonged hospitalisation or institutionalisation can now remain in their own homes.

I am talking about trends.

Mary Scanlon: Will the member give way?

Mrs Smith: No, I am sorry.

The Deputy Presiding Officer: The member is in her final minute.

Mrs Smith: One trend is clear. For three years, we have had to sit and listen to SNP health motions and all we hear is criticism of the Executive and the people who deliver the health service in Scotland. Not once in three years have we heard anything positive, constructive or radical from the SNP—independence is all that it offers to the people of Scotland. We have yet to hear one positive suggestion as to how we can improve the health service in Scotland.

The Deputy Presiding Officer: We now move to open debate. If speeches are restricted to four minutes, all members who want to speak will be let in.

11:32

Richard Lochhead (North-East Scotland) (SNP): I want to begin by telling the chamber about Dr Donald Bissett, who is a cancer specialist in north-east Scotland. Nine months ago, he was involved in a tragic hill-climbing accident and was paralysed from the neck downwards. Only a few weeks ago, he returned to work in the north-east as a cancer specialist and now sees 50 patients a week with the help of full-time personal nurses and carers. We all associate bravery, determination, courage, dedication and professionalism with Donald Bissett and pay tribute to him.

We also associate dedication and professionalism with our NHS staff. The difficulty is that our professional and dedicated NHS staff are being undermined by the Executive's policies. NHS services in Grampian are in danger of shrinking—that is one reason why we are having this debate. In Grampian, the local trust carries out 10 per cent of NHS activity in Scotland with only 9 per cent of funding. As a result, hospitals in Grampian have cut their services to the bone in recent years. In fact, they are probably the most efficient hospitals in Scotland. Indeed, Alec Cumming, who gave evidence to the Audit Committee in February, said:

"Our cost-base—the average cost per patient—is very low. It is 10.6 per cent below the Scottish average. That is a major issue. In any speciality area, our costs of keeping patients in hospital are well below the Scottish average."—*[Official Report, Audit Committee, 5 February 2002; c 985.]*

Against that backdrop, Grampian NHS Board has brought forward reviews to make further cuts, as it faces a £6 million deficit. The first review proposed cutting £1.9 million of services as a result of duplication with the creation of Grampian NHS Board. I do not think that many members could argue with cutting some jobs and services; however, as a result of the deficit and the funding difficulties, it has brought forward a second review, which proposes cutting £4.3 million of non-clinical services. It would be a disaster for the NHS in Grampian if that proposal were implemented. It would mean that the non-clinical functions would be transferred to the front-line staff. That would have a tremendous impact on patient care.

Nicola Sturgeon and I visited a hospital in Grampian a couple of weeks ago.

Bill Butler: Richard Lochhead's colleague Nicola Sturgeon, the SNP's spokesperson, mentioned waiting until there is a national bed review. For the sake of argument, let us say that a national bed review concluded that we need more

beds. I want to ask about resources. If there was an SNP Administration, where would extra moneys come from? Would they come from additional tax, from another budget or from a combination of additional tax and reallocation?

Richard Lochhead: I get the point. Perhaps the member could make different interventions in future debates and contribute something positive.

A couple of weeks ago, Nicola Sturgeon and I visited a hospital in Grampian. We discovered a service that is underfunded, overstretched and understaffed. It cannot handle any more cuts. We met the staff—nurses, management and consultants. The situation in Grampian is serious. Some 12 per cent of beds are blocked and there are nursing vacancies—the area is short of 17 paediatric nurses. How will people be attracted to work in Grampian if there are even more cuts?

No one is denying that there are challenges ahead for the NHS. However, we are talking about Scotland's—and Europe's—oil capital. The NHS is struggling to cope. It is discriminated against in respect of Government funding. The situation is ludicrous. I urge the minister to visit Grampian to see the situation at first hand and to act. If he takes the trouble to visit the hospital, I hope that he will see that there is a strong case for a slice of the £200 million underspend to go to Grampian to improve patient care and help people such as Dr Donald Bissett and his colleagues to continue to deliver a first-class service for patients.

11:37

Bill Butler (Glasgow Anniesland) (Lab): It is not surprising that I rise to support the Executive's amendment to the SNP's motion on the NHS. I could say that I was disappointed, surprised and shocked by the tenor and content of the motion, but that would be disingenuous of me, to say the least. I am afraid that the motion is all too typical of the SNP's approach.

Miss Sturgeon's motion and how she presented it convey an almost surreal, strange world of peculiar ingredients—a mixture of "Dad's Army" and Voltaire. In that world, according to the SNP, we are all doomed, doomed, I tell ye. According to the SNP—pace "Candide"—this is a time and place where all is for the worst, in the worst of all possible worlds. Such unremitting pessimism is not supported in any way by people's experience. Things are much more complicated than that.

Nicola Sturgeon: Will the member give way?

Bill Butler: In a second.

That is not to pretend in any way that an organisation as large and complex as the NHS, which seeks to provide modern health care services to all communities throughout Scotland is

perfect. I gently suggest to the SNP that that would be as unreasonable as the logic of its motion, which suggests that the Executive has presided over a total collapse of the NHS.

Nicola Sturgeon: I think that the motion referred to "shrinking" rather than total collapse. As one of Mr Butler's constituents, I suggest to him that the experience of the NHS that I described is that of his constituents. If he does not know that as a constituency member, I respectfully suggest to him that he should get out more and see more of the people whom he professes to represent.

Bill Butler: I am glad about Nicola Sturgeon's consideration that I should get out more, but I do get about my constituency and see people.

The minister referred to the problem with out-patient waiting lists. There are problems and I do not for one minute deny that there are challenges—it would be foolish to do so. However, the picture that is painted by the SNP motion is of unremitting doom. Miss Sturgeon is a modern-day Cassandra, except that her prophecies do not have substance. The NHS is not a picture of doom—it is about people delivering.

Let us have a few facts in the debate. For instance, public expenditure on health, as a percentage of gross domestic product, is higher than in the majority of smaller nations in the European Union. That is incontrovertible. The number of acute in-patient beds per thousand of population is among the highest in the European Union and the number of general practitioners per 1,000 of population is the highest of all of the small nations in the European Union.

On the vexed question of waiting lists, I accept that there is much to be done. However, I say to Ms Sturgeon that the total number of people waiting has decreased by 4,631, or 5.4 per cent, since December 2000. That is according to a national statistics release from the information and statistics division Scotland.

Of course, all of us in the chamber want to make provision to accelerate treatment and cut lists. We are all agreed on that. I believe that it is clear that the Executive is tackling that complex challenge. It is not a simplistic challenge or a simplistic picture, as put forward by the SNP. It is complex because an increasingly sophisticated range of treatments is available and we are investing record resources to deliver the treatments that people demand.

I will end with a fact. The resources that the Executive has put into the NHS in Scotland will have risen from £4.9 billion in 1999-2000 to almost £7 billion by 2003. When SNP members are asked how they would invest additional moneys they are less than convincing, as is their party's motion. That question will be asked time and again by

Labour and Liberal members. Opposition is about criticism, but it is also about providing constructive alternatives and we have yet to hear those from the SNP. Therefore, I urge support for the Executive's amendment. It is realistic and it paints the real picture of the NHS in Scotland.

11:42

Roseanna Cunningham (Perth) (SNP): What an odd and entertaining performance that was from Bill Butler. When my constituents come to my surgeries to complain about the national health service, I will be sure to let them know that Bill Butler thinks that they live in a fantasy world. I am sure that they will be pleased with that response from the Labour party.

The truth is that the NHS is not only shrinking in terms of numbers—some of the numbers have been mentioned already—but it is contracting in terms of its physical presence. I know about that from Tayside. Following the interminable Tayside acute services review, I am convinced that the managers of the health services in Tayside are thirled to a centralising agenda. Across a wide spectrum of health care provision—from Perth royal infirmary's children's ward, kidney dialysis and maternity provision through to the helicopter ambulance service—that fear has been real and of great concern to my constituents and to many others throughout the health board area.

As the minister knows, the most active campaign has been to preserve maternity services at Perth royal infirmary. Last December, I expressed my concern about the lack of progress on the midwife-consultant partnership as a national demonstration project. The impression then was that the partnership was being set up to fail so that the centralisation option could be pushed ahead.

There are now rumours of an Executive ultimatum to Tayside NHS Board, which would result in the imposition of a midwife-led unit, but nobody involved in the maternity services in Perth—from the professionals through to the patients—wants that or believes that that is appropriate. Even more important, the people of Perthshire showed that they did not want that during the review. I hope that the Deputy Minister for Health and Community Care will take the opportunity today to disavow any such behind-the-scenes manoeuvring and to put people's minds at rest. The deputy minister could also advise of progress on the demonstration project in her closing speech, since neither she nor the Minister for Health and Community Care are leaping to their feet now.

If the midwife-consultant partnership is not to be, the only feasible option for maternity services at

PRI is the existing consultant-led unit, unless of course the Minister for Health and Community Care is intent on completely destroying public confidence in Perthshire.

This is not only about maternity services. Clinical nurse specialists who work in the field of psychotherapy have recently contacted me. The service that they have been providing has been curtailed and it is now clear that not all areas of Perthshire will be covered by the service. That is the shrinking NHS in Tayside. That is the answer to the Minister for Health and Community Care's comments at the beginning about how those services are being rolled out to offer greater provision. The reality is the opposite.

I have no doubt that, in summing up, the Deputy Minister for Health and Community Care will try to assert that the NHS is doing well under the Executive and that it is safe in their hands. Facts tell a different story. What matters to my constituents is the experience that they have and they are not satisfied.

I will copy the correspondence on a recent case to the Minister for Health and Community Care, but I think that outlining it will help the debate. One of my constituents attended his GP and was told that he would have to be referred to a specialist at PRI. He received a letter dated 22 February 2002 informing him that the out-patient appointment was on 4 March 2003. That is absolutely ludicrous. That is a waiting time of more than a year and that is the reality being experienced by my constituents.

The NHS is shrinking. The 1999 to 2001 activity statistics from Tayside University Hospitals NHS Trust show that: elective in-patients are down; day cases are down; the percentage admitted within three months is down; total out-patients are down; bed numbers are down throughout Tayside generally and in particular at PRI; and the median waiting time for in-patients is up. That is the answer to Bill Butler. Those are the realities that my constituents and people right across Tayside have to face. Fewer beds are available, fewer patients are treated and there are fewer nurses to care for them, and there is rampaging centralisation. The Executive has utterly failed the NHS, throughout Scotland and in Tayside in particular.

11:46

Mr Brian Monteith (Mid Scotland and Fife) (Con): Before I enter into the main body of my speech, it is worth picking up a couple of points that have been made.

First, Nicola Sturgeon suggested that the root of the difficulty faced by the health service is the lack of beds. If Nicola Sturgeon was the transport

spokesman for the SNP, she is the sort of person who would say, "the difficulty with public transport is that we do not have enough buses." I am sorry, we do not measure the success of public transport by the number of buses: we measure its success by the number of people who make their journeys on the buses. The problem with the NHS is not the number of beds, but the lack of operations—the falling number of operations and the lack of attentiveness to operations in the NHS. A beds review will not solve the problem. I will not take Nicola Sturgeon's intervention; I have only four minutes.

Nicola Sturgeon: I did not want to intervene.

Mr Monteith: For Margaret Smith to suggest that the problem for the NHS is greater demand is tantamount to saying, "People are more sick under Labour and the Liberal Democrats."

Mrs Smith: Will Mr Monteith take an intervention?

Mr Monteith: No. I will not take Margaret Smith's intervention either. We know that people are not more sick, but they are more sick of Labour and the Liberal Democrats being in power and failing to manage the NHS.

Last month, a constituent contacted me about his grandfather in Strathblane, who appeared to have suffered a stroke. It could not be anything but noticed that the GP was there to help out within three minutes, but that it was a further two hours before an ambulance came to Strathblane to take the grandfather to hospital. I appreciate that the incident occurred in rural west Stirlingshire and that that poor standard of service is a rarity. However, we subsequently found out that rare it may be, but it does happen from time to time in that part of Stirlingshire. Many Scots recognise that the standard of service has, in many areas, deteriorated rather than improved since Labour and the Liberals formed their coalition.

The motion mentions the shrinking NHS. I suspect that people in Dunfermline will identify with the shrinking of the NHS when they consider what might happen to the Queen Margaret hospital there, which is currently under review. The people in Stirling—which I am glad to believe might become a city today—and Falkirk will be concerned about the review of their royal infirmaries. The people in Perth, as Roseanna Cunningham has pointed out, are concerned about the provision for maternity care and services at Perth royal infirmary. Those people, who see the result of acute services reviews, are concerned about the shrinking of the NHS.

In the Forth valley, the length of time that people have to wait for treatment has shot up since the Scottish Executive assumed responsibility for health matters in 1999. Residents are now waiting

more than a week longer for treatment in hospital: it has gone up from an average 32-day wait almost three years ago to a 40-day wait now. The number admitted for treatment within three months has also declined, from about 82 per cent to 77 per cent, over the same period. Out-patients in the region are now waiting more than a week-and-a-half longer. They wait on average for 65 days for a hospital appointment, compared to 54 days in June 1999. The number of out-patients that are seen within nine months has also declined. The figure for the Forth valley, which is replicated in other parts of Scotland, is down from 57 per cent to 49 per cent.

Tangible improvements in the service require a change of policy from the Scottish Executive. All that has been delivered so far is yet another addition to the Government's ever expanding health team, this time in the shape of a ministerial parliamentary aide. The Executive does not seem to understand that the growing team is not the solution, but part of the problem. Unfortunately for residents in the Forth valley, Fife and elsewhere, there seems to be little prospect of ministers allowing the simple truth to sink in, that it is not inputs but outputs that matter.

I support the Conservative amendment.

11:50

Tavish Scott (Shetland) (LD): The Conservative's worst attack is that Mr Chisholm has a ministerial aide—that is pretty devastating stuff. In his opening speech, Mr Chisholm made some sensible remarks about the problems that face the NHS, which is a refreshingly honest approach from a ministerial team. He also illustrated what is being done about the problems by mentioning the resources and the philosophy that the Liberal Democrat and Labour Administration has introduced.

Some refreshing honesty from the other parties would not go amiss. Despite Mr Butler's efforts, he did not get an answer to his pretty straight question about resources. Perhaps the SNP will answer him in the winding-up speeches. The minister gave a precise answer to the Conservative spokesperson's question about administration, but the Conservatives did not appear to hear it.

Nicola Sturgeon: Will the member take an intervention?

Tavish Scott: No, I want to make some progress. We heard what Nicola Sturgeon had to say earlier on.

I will take the opposite tack from that of SNP members, who ducked the question of resources, and will illustrate where resources could be used more effectively. At present, NHS Shetland

spends £1.1 million on flying patients from Shetland to Aberdeen for various treatments and procedures. In the Western Isles and Orkney a comparable amount is spent on flying patients to the mainland. To be frank, £1.1 million spent on British Airways is a scandal. I would rather that the money was spent on front-line care in the Shetlands, such as doctors, nurses and treatments. I encourage ministers to consider closely—and to tackle constructively—the money that island health boards spend to fly patients to hospitals, such as those in Glasgow, Inverness or Aberdeen.

Mary Scanlon: Does Tavish Scott recognise that the expertise and specialism in Glasgow, Edinburgh, Inverness and Aberdeen hospitals does not exist in Shetland? Does not he wish that patients in Shetland should have access to that expertise?

Tavish Scott: I accept that, but Mary Scanlon completely misses the point. My concern is why my constituents who travel to Aberdeen for specialist treatment must pay £300 for the round trip on British Airways. That is the point; if Mary Scanlon knew anything about island life, she would understand it. I hope that ministers will consider alternatives in that area. I suggest that resources might be reallocated.

We must consider how we can best spend resources. Those who make the system work, such as staff nurses, doctors and ancillary staff, are a great resource. However, more needs to be done in supporting their work. That means supporting the physical infrastructure and providing new equipment, and also improving terms and conditions. This week, I received a letter from a GP in my constituency. He said:

“There is always more pressure to do things in GP that were done in hospitals, but there seems no transfer of money with the transfer of workload, so therefore there is more pressure on time for all staff.”

I hope that among the measures that will be introduced, initiatives for isolated rural GPs will be considered carefully.

Expectations are rising in the general population. New procedures are devised to meet those expectations, which will rise again as a result. Local staff gave me three examples of such procedures. They were dual energy X-ray absorptiometry—DEXA—scans to determine the need for protection against osteoporosis, new drug treatments such as statins to protect against heart disease by lowering blood fats and new procedures such as joint replacements and coronary artery bypass grafts.

The aging population and the change in the aspirations and requirements of the population lead to increased demand on the system. I do not

accept the utterly spurious argument that some members have put forward that demand is not rising—that is demonstrably not the case. Anyone who is closely involved in constituency work will know that and should try to find constructive ways around it. For example, if we tackle the moneys that are spent wastefully on British Airways flights, we could find more money for the delivery of health services in constituencies such as mine.

11:55

Janis Hughes (Glasgow Rutherglen) (Lab):

As Mary Scanlon said, another week, another health debate. Earlier this week, I wondered what topic the SNP would choose for today's debate. Health is a wide-ranging subject and I mused on which specific area the SNP would focus. When I saw Nicola Sturgeon's motion yesterday morning, I was not surprised that the SNP had not chosen one of the diverse areas of the health remit. Yet again, we have the usual moaning and groaning and doing down of the NHS, which helps only to demoralise staff and to frighten patients. How many times must we listen to that in the chamber? How many times must we emphasise the facts before they finally filter through?

As Bill Butler mentioned, it is a fact that health spending in Scotland increased from £4.9 billion in 1999 to nearly £7 billion in 2003. We must emphasise that.

Nicola Sturgeon: Will the member take an intervention?

Janis Hughes: No. Nicola Sturgeon had a good opportunity to say what she had to say. We have heard it all.

It is a fact that health spending will continue to increase at record levels year on year under this Government. It is a fact that six new hospitals have been built and that two more are on stream as part of the biggest hospital building programme in the history of the NHS in Scotland.

Ben Wallace: Will the member give way?

Janis Hughes: We do not need lessons from Ben Wallace on rebuilding the NHS.

I have given the facts, not the type of scaremongering that those in opposition—I use the term widely—put about. The SNP motion mentions

“fewer nurses and fewer acute beds”,

but 10,000 more nurses will qualify by 2005, which is 1,500 more than was planned.

As the minister mentioned, the Executive recognises that the recruitment and retention of nursing staff is vital. The many new initiatives, such as fully funded return-to-practice courses and

guaranteed employment for newly qualified nurses, go some way towards addressing the issue. However, as I have said on other occasions, we must go further by considering how we train our nurses and whether we can offer a less academic route into the profession. There is a vast, untapped resource of people who would prefer that type of career.

The fundamental point about bed numbers escapes some members. Working in the NHS is a continual learning curve. New technology, new surgical techniques and new research findings lead to continually changing protocols and ways of working. Minor surgery once necessitated a stay in hospital, but that is not now the case. Each month, more procedures become suitable for day treatment, which reduces the need for beds. Some members get hung up on reductions in bed numbers because they simply do not understand the issue.

The SNP motion claims that the NHS is shrinking, which shows a complete lack of understanding of the way in which the service works. The SNP members are laughing—I am glad that it is amusing to them because it is not amusing to me.

As I am a constituency MSP, it would be remiss of me to say that everything in the garden is rosy. I am the first to say that we have not yet got things right. Like that of other members, my postbag reflects the fact that some people wait too long for treatment. The minister acknowledged that outpatient waiting times are not as we would wish. However, for the first time in many years, work is under way to address the problem.

There is a good story to tell on health and it is time that we told it. I will never forget the 18 years of Tory rule. In opposition, it is easy to blame those in Government, which is what we hear from the SNP day in and day out. I speak from first-hand experience of those years. What would the SNP do if, heaven forbid, it had the chance? Nicola Sturgeon and her colleagues should put their money where their mouths are. They should show us their policies and tell us exactly how they would fund them. Independence tomorrow would immediately reduce Scotland's health budget by £1 billion. How many more patients would suffer then?

For every patient who has a complaint about the NHS, thousands more are delighted with the care that they receive. It is time that we started to focus on the positives. As the Executive amendment says, we commend the commitment and dedication of NHS staff. We owe it to them and to patients to look to the future in a positive light.

12:00

Dorothy-Grace Elder (Glasgow) (SNP): I am not sure what Janis Hughes—who is an excellent member of the Health and Community Care Committee—means when she says that she addresses us as a constituency MSP. She has one constituency, but she should try dealing with three in the east end of Glasgow. List MSPs have to hold surgeries and have a huge work load as well.

I want to address an issue on which I think all members agree. Postcode prescribing is one of the greatest injustices in the NHS. Imagine a battlefield casualty-receiving station and many soldiers with the same serious wounds. A doctor asks one, "Where do you come from?" "Edinburgh," the soldier replies. "Oh, you are all right," says the doctor. Others say, "Tayside," and they are okay. However, if anyone says, "Glasgow," the doctor says, "Sorry." That is what it is like. Certain drugs are not available to people if they live in the west of Scotland. Where a person lives is still where they die—and they die earlier, if they live in Glasgow. That happens not just for social reasons such as appalling housing, but because the funding is refused for certain drugs that are funded elsewhere.

The Executive set up the Health Technology Board for Scotland to try to end postcode prescribing and NICE blight—blight caused by the National Institute for Clinical Excellence in England, which has caused huge delays in the approval of drugs by health boards. NICE is being investigated by the House of Commons Select Committee on Health. However, what has been achieved in Scotland? The Health Technology Board for Scotland seems to be an exercise in putting a kilt on it, or making it seem Scottish. The board will report three months after NICE reports. That is ridiculous. I stress to the ministers the need to get on to the Health Technology Board for Scotland, to find out what on earth it is doing.

One patient in Glasgow, to whom I have referred before, has broken through where the Health Technology Board for Scotland, NICE and everyone else failed. She is a very brave woman from the Gorbals who has appealed to just about every MSP, pleading for her life, because she could not get the drug herceptin prescribed in Glasgow, because the health board would not fund it. After months of trying, she has succeeded. Yesterday came the very good news that Greater Glasgow NHS Board will fund herceptin, and that four other health boards in the west will comply. That determined, very ill woman teamed up with my assistant—Evelyn McKechnie, to whom I pay tribute—who is a breast cancer survivor. Those two formidable women did a massive amount of work over 17 months on campaigning to get

herceptin prescribed. Why should individuals have to try so hard? We cannot accept the continuation of postcode prescribing in any civilised society.

Turning to a consensual issue, I notice that Lord Palmer, at the House of Lords, is trying to abolish the Scottish Parliament. We all say to him, "Dream on." When we do what the public want us to do—when we try to do something sensible and obey public wishes—people approve. I am delighted to inform Parliament that there have been more than 100,000 hits on the Parliament webpage on the subject of chronic pain, which those of us on the cross-party group are trying to highlight as an issue. To find a way of restructuring the NHS, we must ask why people bother to use the NHS at all. The No 1 reason is that they are in pain, through some disorder or other. That is why surgeries are overcrowded. Back pain is the No 1 complaint at doctors' surgeries. Operations often do not work, and the queues for operations could be eased. We need proper specialist pain services to lift some of the 550,000 pain sufferers out of the operation queues. We should treat them properly and improve the NHS—it can be done.

I hope that we will get a positive response from the ministers. I am an incurable optimist and I believe that we will get a response that will enable us to progress down that road and do what the public are telling us to do.

12:05

George Lyon (Argyll and Bute) (LD): We have heard a lot of doom and gloom from the Opposition parties about the state of the national health service. As usual, no solutions have been offered and we have not been told what those parties would do differently.

Earlier this week, I attended an event in my constituency at which 22 NHS staff were honoured for 20 to 30 years' service to the NHS. Those men and women had entered the service in the 1960s and 1970s. Some of them had worked for almost 39 years in the service and had shown dedication and loyalty throughout that time. Several of them told me afterwards that they were sick and tired of the NHS being used as a political football. Most important, they did not recognise the description of the NHS that was given in the media—of a service that was falling apart, in meltdown and lurching from one crisis to another. That was certainly not their experience of the NHS. Those who portray the service as on the point of collapse would do well to remember that. We need balance in this debate and we must approach the issues in an even-handed manner.

There can be no doubt that there are problems in the national health service. Only a fool would deny that the service faces many difficulties.

However, judging from my constituency casework, waiting times seem to be the No 1 issue among service users. That is the main area of complaint from constituents. I am therefore delighted that the coalition has taken action on that issue. A waiting times unit has been set up and is beginning to produce solutions based on identifying spare capacity in the system and matching it with patients who are waiting. That is to be welcomed. Senior officials in Argyll and Clyde NHS Board believe that there is enough capacity in the NHS to deal with the backlog. However, there are massive questions about how beds, nurses, doctors, consultants and patients can be matched and brought together in the same place at the same time to ensure that the extra capacity can be used. The issue is not as simple as the number of acute beds—that is a simplified way of considering the problems in the NHS.

The fundamental problem facing the NHS is the lack of investment in it over the past 20 to 30 years, against a background of growing demand and an aging population. As the technology improves, people are living longer. The statistics show that clearly, although, disappointingly, because of the poor health record in Scotland, our statistics are much poorer than those south of the border. That creates extra demand on the NHS in Scotland. It is no coincidence that the United Kingdom sits at the bottom of the European league for health spending.

Mr David Davidson (North-East Scotland) (Con): I ask Mr Lyon to give us a definitive answer. Are the Liberal Democrats in favour of the continuation of the Arbutnott formula as it stands—yes or no?

George Lyon: I will come to that in a minute or two.

Currently, we spend only 6.8 per cent of gross domestic product on our health service, compared with an average of 8.4 per cent in the rest of Europe. The top spender is Germany, which spends 10.3 per cent of GDP on its health service. It is no coincidence that Germany has spare capacity in its health service and is accepting patients for treatment from other countries that have waiting lists. It is only in the past two years that the UK Government has, at last, woken up to the fact that, if we are to improve the NHS, more resources have to be found to bring us up to the European average—never mind trying to match the likes of Germany and France. Investment in the health service has started to be increased only over the past two to three years, and it will take time before that investment will begin to pay dividends. A service such as the NHS cannot be turned around in two to three years.

As a result of the UK Government's increase in spending and the Barnett formula, Scotland—

which is currently at the European average for NHS spending—will move towards the kind of spending that Germany and France enjoy. That must be welcomed. The increase means that the Executive can sustain increasing investment in the NHS in Scotland to deal with our poor health record. That gives the SNP a problem, because its answer to everything is separation. The SNP says that independence will cure all the health problems. Well, I think not. Separation would solve nothing, but would create only a financial black hole. Scotland currently spends £1,059 per capita, compared to £885 south of the border. I ask the SNP spokesperson to explain in her winding-up speech how the SNP would fill that financial black hole.

12:10

Ben Wallace (North-East Scotland) (Con): As was said earlier, it is another Thursday and we are having another health debate. I make that observation not with resentment, but to underline how important the health service and health provision is becoming in Scotland.

The Scottish Executive claims that only it knows the way forward on health and that only its vision will solve the problems. Anyone who suggests otherwise is accused of trying to privatise the NHS or of running down the service. I warn the Executive that if it continues on that course, which is an outmoded and stubborn view of how the NHS should shape up, the Labour party will eventually crash against the rocks. Anyone who lives in the real world, to which Bill Butler referred, knows that a survey commissioned by the Executive showed that nearly 70 per cent of people thought that the NHS was worse than, or at least the same as, it was under the Conservatives.

The amendment from the Lib-Lab Executive is an example of its blinkered attitude to the NHS. The amendment does not give a hint of the failings in the current system or of the fact that the regressive policies that Labour has followed since 1997 have produced worse, not better, results. It is amazing that no one questions the fact that after £6.1 billion extra has been spent, the outcomes for the patients have got worse. Malcolm Chisholm's amendment asks us to acknowledge the increase in health funding. The Conservative party recognises and welcomes that increase. However, given that the Executive has spent all that money but the problems are worse, we also think that the Executive's policies are wrong.

George Lyon: Surely if the Conservatives, during their 19 years of rule, had spent anywhere near the European average, the NHS would not be in its current poor position.

Ben Wallace: Mr Lyon said that he would come to the point about the Arbuthnott formula, but he

did not. Unlike him, I will come later to the point on European spending and gross domestic product.

The Executive amendment refers to patient-centred services. However, as Dorothy-Grace Elder alluded, it is obvious that the Executive does not recognise that we cannot be said to have patient-centred services when we have lost commissioning, which would have allowed more empowerment at the health service's front line. In fact, there has been an increase in postcode prescribing. I do not consider that to be patient centred; it is a consistent problem of the current system.

The SNP motion points out the facts since 1999. It is interesting that Nicola Sturgeon did not go back to 1997, perhaps because to do so might have vindicated many Conservative policies. Like last week's motion on bedblocking, the SNP motion does not contain an idea on health care. After years in this Parliament, the SNP has not made many suggestions that contribute to the debate for reforming the NHS and solving its problems.

Recently I looked at the SNP's 1999 manifesto. I have a copy of it in my hand. It has a photograph of Alex Salmond on the front, with a map of Scotland behind him. He should have had a photograph of Westminster behind him, as he was going to nip off there a few years later. The manifesto did not allude to that. Health is not included in the manifesto's top 13 priorities. I know that the SNP ditched independence as a top priority, but health priorities also disappeared further down the priority chart. We will waste no more time on the SNP motion, until the SNP comes up with solutions. That is how we should treat the SNP. Until the SNP produces solutions in the health debate, it is wasting the time of most of the people of Scotland.

Malcolm Chisholm made several points in his speech. His defence was that the NHS and health treatment formed a much more complex issue than the SNP suggests. I hope, therefore, that he will join us in condemning the 1997 Labour slogan, "48 hours to save the NHS". Malcolm Chisholm cannot claim that the issue is complex when his party produced a scandalous slogan that raised people's expectations. Let us restore the facts, as Malcolm Chisholm was selective about them. In 1997, Labour said that there would be 200 extra fast-track, one-stop out-patient clinics. I have with me the current list of those clinics. One example on that list is the diabetic and obstetric clinic in Bellshill hospital. Is that a new, extra, one-stop clinic? Bellshill has had a department doing that for decades. However, the Executive would like to reclassify that facility.

Bill Butler referred to GDP spending. Yes, Scotland has almost the European average of

GDP spend on health care. However, other European countries' GDP spend on health consists of a mix of public and private funding. Germany spends less public money than we do on health as a share of GDP. George Lyon quoted the benefits of the German system of social insurance. Would he support our having a similar system? Not even the richest countries in Europe contribute public spending only to health care. They mix health care spending to deliver better health care.

The Scottish Conservatives will look at many other health care systems. To produce a better solution for patients, we will do our best to ensure that we do not just use ideology. We will use all the facilities—voluntary, independent and public—to ensure that we have an optimum health care system in Scotland that will be for the benefit of the patients and not for the benefit of a dogma or a manifesto.

The Deputy Presiding Officer: Replying to the debate for the Executive is the Deputy Minister for Health and Community Care, Mrs Mary Mulligan. You have five minutes, minister.

12:16

The Deputy Minister for Health and Community Care (Mrs Mary Mulligan): Thank you, Presiding Officer.

I am pleased to hear that Ben Wallace thinks that we should be looking at the benefits for the patient, because my concern about a debate such as this morning's debate is that the argument becomes a sterile one in which we trade figures. I could say that the numbers of heart bypass operations, cataract operations, and patients attending accident and emergency departments have increased. However, as it is unreasonable to suggest that everything is rosy, so is it unreasonable to suggest that everything is bad, as the SNP motion does. We do the health service no favours, as Nicola Sturgeon accepted, by making claims such as have been made in the debate

The numbers of qualified nurses are increasing and a great deal of effort is going into recruiting, training and retraining nurses. Other members have outlined the proposals, so I will not repeat them. However, I will answer Janis Hughes's point about the less academic route into nursing by saying that we must consider that.

As far as acute beds are concerned, numbers are reducing in line with changing patterns of medical care. Patients are now more appropriately cared for in the community. An increasing proportion of cases is being dealt with as out-patient cases. Bed numbers are being used flexibly. For example, last winter an additional 400 acute beds were brought into service. It makes

sense to adjust bed numbers to reflect changing clinical practices.

Nicola Sturgeon: Does the minister accept that it is cold comfort that 400 temporary beds have replaced the 700 permanent beds that have been lost? Does she recognise that many of those beds—for example, at the Southern general hospital in Glasgow last winter—were not brought into use because nurses could not be attracted to staff the beds? That is the problem when one runs down the service and then tries to build it up again on a temporary basis. That just does not work.

Mrs Mulligan: The two claims must be brought together. We are reducing numbers of beds because of the reconfiguration of the service, but we are also leaving flexibility within the service to react to situations. That is the right way of taking the service forward.

As many members said, the waiting lists issue is a stubborn problem. I am pleased to hear that Nicola Sturgeon listens to the First Minister when he says that. However, we are trying to address the problem. We have set up the national waiting times unit, which will monitor waiting times and take appropriate action to identify and deal with outstanding issues. The unit has arranged for patients to move across NHS board boundaries to access shorter waiting times. Work on that will continue.

The view of the NHS in the SNP motion is far too narrow. Ninety per cent of patient contact is with primary care services. In a typical day, 60,000 people visit a general practitioner, pharmacists dispense 188,000 prescriptions, and 8,500 people visit a dentist. The SNP cannot concentrate only on the acute service and then claim that the NHS is shrinking.

Richard Lochhead: Will the member give way?

Mrs Mulligan: No, I am sorry. I must get through the points that members have made. That includes Richard Lochhead's point; if he sits down, I will answer it.

The motion does not look at the modernisation programme or the health improvement programme, which are huge issues that we need to address if we are to tackle the problems in the health service. The SNP bases its argument on crude statistics, which can show anything. We need a more detailed description.

Record resources of £6.9 billion by 2003-04 are being put into the NHS by the Labour-Liberal coalition. Where will the SNP find cash like that? Will it come out of Kenny MacAskill's roads budget or out of the schools budget? What is the cost of independence? The SNP has not yet answered those questions.

The NHS is not shrinking. It was totally unhelpful

of Nicola Sturgeon to use the example of Alan Milburn increasing bed numbers in England, where the ratio is 3.7 beds per 1,000 in comparison, with the position in Scotland, where the ratio is 6.2 beds per 1,000.

Richard Lochhead tried to intervene, so I will reply to his comments. Grampian NHS Board's budget is increasing. It increased by 5.6 per cent last year and 6.8 per cent this year, and an increase of 7.1 per cent is planned for next year. It is important that local health boards deal with their own budgets. It is not for the Parliament to tell them how to do that.

Roseanna Cunningham mentioned the maternity review. I chair the maternity review working party and I reassure her that no ultimatum has been delivered to Tayside NHS Board. We will concentrate our efforts on looking at the safest possible way for women to deliver their babies, which will be decided in discussion with a host of people.

Roseanna Cunningham: Will the minister take an intervention?

Mrs Mulligan: I am sorry but I cannot take Roseanna Cunningham's intervention on that point.

The NHS would not be safe in Tory hands. Once again, we heard the Tories trying to introduce private health care into the NHS. I say to Mary Scanlon that that approach is a marginal issue in Scotland and that it would not answer the problems that we must address. We will use private resources when it is necessary to do so, but we will not bolster the private sector by allowing it to use NHS staff and moneys. We believe in the NHS and we will support it.

Ben Wallace said that there were fewer one-stop clinics than we claimed that there were. A survey that was conducted in April 1999 showed that there were 80 one-stop clinics, whereas a survey that was conducted in the summer of 2001 showed that there were 300 such clinics. Therefore, Ben Wallace's figures are wrong. Mary Scanlon referred to Alan Milburn's concordat, but the point of the Scottish Parliament is to address Scottish problems.

The Executive and Labour and Liberal Democrat members will make a concerted effort to address all the problems in the NHS. We are not saying that there are no problems—we are saying that we should have a reasoned discussion on how to solve them. I did not hear suggestions from SNP members about how to do so.

12:23

Shona Robison (North-East Scotland) (SNP): Facts are facts, or so we thought. However, it

seems that the Labour-Liberal Executive wants to dispute the facts that are provided by its own departments. Perhaps the Executive should take a closer look at the facts, some of which I will remind members about in a minute.

It was interesting that the Minister for Health and Community Care rejected the use of 1999 figures as a baseline—he said that to do so would be to make an unfair comparison. However, he then moved swiftly on to use figures that were the same but for the fact that they were taken from a 1997 baseline. That was a little disingenuous of him.

Malcolm Chisholm: Actually, I quoted figures from both 1997 and 1999. I said that I could find good figures from 1999, but went on to explain some of the issues around the unusual activity that took place that winter.

Shona Robison: I am glad that the minister has confirmed that he uses figures selectively when he talks about the health service.

Let me remind members of the facts. In particular, I want to ensure that Margaret Smith is aware of them. There are more than 100 fewer nurses in the health service than there were in 1999. There are nearly 700 fewer acute beds than there were in 1999—not more, but fewer. It is a fact that the NHS is treating fewer people than in 1999. There are 64,000 fewer out-patients, 5,000 fewer in-patients and nearly 9,000 fewer day-case patients. Members cannot get away from the facts, but we must analyse what the facts tell us. The SNP believes that they tell us that the NHS is shrinking. The consequence of that is that people are waiting longer for treatment than they waited in 1999. More than 16,000 more people are on waiting lists and median waiting times have increased by 10 days. I am not clear about which of those facts the Executive disputes.

Margaret Smith mentioned that recording procedures are becoming more sophisticated and have expanded. That is true. However, the opposite is also true. Some recording procedures have contracted—people are being taken off waiting lists and put on to deferred waiting lists.

Mrs Margaret Smith: There has been a shift in the way in which services are delivered. Many more services that might previously have been dealt with in a hospital setting are being delivered in the community and in primary care. Those services are not being recorded. That shows up in the figures that Shona Robison is using selectively to show a fall in activity. The activity is still going on and in some cases it is being increased.

On acute beds, which the member challenged me about earlier—

The Deputy Presiding Officer: You have made your point.

Mrs Smith: Sometimes closing acute beds is the right thing for the service.

Shona Robison: It is interesting that the Liberal Democrats are advocating the closure of more acute beds. That will not be very popular among patients.

Mrs Smith: I meant in relation to the community services that we visited yesterday. I was referring to the specific case of long-term mental health beds.

Shona Robison: Excuse me—one singer, one song. As the member will know from speaking to mental health patients and carers, there is a need to preserve a level of psychiatric acute beds. The member should bear that in mind.

The overall picture is clear. The NHS has shrunk under the present Administration.

Bill Butler: Will the member take an intervention?

Shona Robison: Not at the moment.

Some members seemed to argue that the shrinking of the NHS was not a bad thing and that a reduction in acute beds was not a problem. I will return to that in a minute.

There are growing demands on the health service, which Tavish Scott recognised. Although I would not argue with that, greater demand for the NHS surely means that we need greater provision for the NHS. That means building up NHS capacity. We advocate precisely that. I am glad that the member has come round to our way of thinking on that.

Bill Butler's Shakespearean performances are quite enjoyable from a spectator's point of view, but no amount of such performances will change the facts of the matter.

Bill Butler: I thank the member for taking my intervention.

Before the member reaches her last minute—she is well within time—will she throw some light on an SNP Administration's way of adding extra resources? Will the member take the opportunity to do that specifically?

Shona Robison: I would be delighted to. First, we would get to grips with the way in which resources are being spent in the NHS. The Executive has not done that. We would use the resources more effectively; there would be better stewardship of the NHS under the SNP. We would not preside over a situation in which more money was put into a shrinking NHS. We would not inject resources at the same time as allowing the NHS to shrink, which the present Administration is doing. Quite frankly, that is incompetence and an SNP Administration would never allow it.

The first step in the reversal of the decline in NHS capacity should be an independent review of acute bed numbers. We must examine the reduction in acute bed numbers. Brian Monteith—who has left the chamber, unfortunately—argued that more patients need to be treated and that that would solve the problems. However, it was silly of him to suggest that the loss of acute beds is somehow unrelated. It is obvious that if the number of acute beds is reduced, the number of people who can be treated is reduced. That concept is not difficult to understand.

The Executive's response is the stock response of higher levels of investment. I have said to Bill Butler that we accept that there is more investment, but we do not accept what the Executive says that higher level of investment is delivering. People in Scotland are being told that more of their money is being invested in the NHS. They should expect something for that. With higher levels of investment, they should not have to wait longer for treatment.

Mrs Mulligan: Will the member give way?

Shona Robison: I am sorry, I do not have time.

Are some members seriously arguing that the capacity of the NHS is adequate to meet the health needs of our population? I detected that argument in the speeches of some members. I am extremely concerned that such things are being said.

Mary Scanlon: Will the member give way?

Shona Robison: No.

Given the fact that activity levels are increasing because we have an aging population that is placing growing demands on the health service, I am extremely concerned that members who have stewardship of the health service say that there is no problem with the NHS's present capacity. The SNP totally rejects such complacency.

Business Motion

12:30

The Deputy Presiding Officer (Mr George Reid): The last item of business this morning is business motion S1M-2890, in the name of Patricia Ferguson, on behalf of the Parliamentary Bureau.

Motion moved,

That the Parliament agrees—

(a) as a revision to the Business Programme agreed on 7 March 2002—

Thursday 14 March 2002

after “Stage 1 Debate on the Scottish Qualifications Authority Bill”, insert—

“followed by Financial Resolution in respect of the Scottish Qualifications Authority Bill”

(b) the following programme of business—

Wednesday 20 March 2002

1.45 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Ministerial Statement on the National Debate on Education

followed by Stage 1 Debate on the Land Reform (Scotland) Bill

followed by Financial Resolution in respect of the Land Reform (Scotland) Bill

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members’ Business – debate on the subject of S1M-2844 Robert Brown: Scottish Sub-Post Offices – “Your Guide”

Thursday 21 March 2002

9.30 am Ministerial Statement on the Transport Delivery Plan

followed by Parliamentary Bureau Motions

followed by Stage 3 Debate on the Scottish Public Services Ombudsman Bill

followed by Business Motion

followed by Ministerial Statement on the Prison Estates Review

2.30 pm Question Time

3.10 pm First Minister’s Question Time

3.30 pm Executive Debate on Civil Contingencies

followed by Scottish Parliamentary Corporate Body Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by

Members’ Business - debate on the subject of S1M-2637 Adam Ingram: Scottish Agricultural College, Auchincruive

Wednesday 27 March 2002

2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Executive Debate on Tourism

followed by Executive Business

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members’ Business

Thursday 28 March 2002

9.30 am Scottish Conservative and Unionist Party Business

followed by Business Motion

2.30 pm Question Time

3.10 pm First Minister’s Question Time

3.30 pm Executive Business

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members’ Business

(c) that Stage 2 of the Scottish Parliamentary Standards Commissioner Bill be completed by 14 May 2002;

(d) that the Justice 2 Committee reports to the Justice 1 Committee by 25 March 2002 on the Civil Legal Aid (Scotland) Amendment Regulations 2002 (SSI 2002/88), the Adults with Incapacity (Supervision of Welfare Guardians etc. by Local Authorities) (Scotland) Regulations 2002 (SSI 2002/95), the Adults with Incapacity (Reports in Relation to Guardianship and Intervention Orders) (Scotland) Regulations 2002 (SSI 2002/96), the Adults with Incapacity (Recall of Guardians’ Powers) (Scotland) Regulations 2002 (SSI 2002/97), and the Adults with Incapacity (Non-compliance with Decisions of Welfare Guardians) (Scotland) Regulations 2002 (SSI 2002/98); and

(e) that the Local Government Committee reports to the Transport and the Environment Committee by 16 April 2002 on the Financial Assistance for Environmental Purposes (Scotland) Order 2002 (SSI 2002/83).—[*Euan Robson.*]

Motion agreed to.

12:31

Meeting suspended until 14:30.

14:30

On resuming—

Question Time

SCOTTISH EXECUTIVE

Scottish Executive Budget 2000-01

1. Alasdair Morgan (Galloway and Upper Nithsdale) (SNP): To ask the Scottish Executive what its current estimate is of underspend in its 2000-01 budget. (S1O-4871)

The Minister for Finance and Public Services (Mr Andy Kerr): We estimate that the level of available resource will be less than 1 per cent of this year's budget by the end of the financial year.

Alasdair Morgan: I thank the minister for taking time off from briefing against his colleagues in order to be with us this afternoon.

Will the minister confirm that this year's underspend will be less than last year's record level? Will he indicate what level the underspend would have to reach before we could regard it as confirmation of the Executive's incompetence?

Mr Kerr: I have no idea to what Alasdair Morgan was referring in the opening part of his supplementary question—it deserves no further response.

I have indicated that I wish a debate on the matter of underspend. I have offered to attend the Finance Committee for that purpose. Yesterday, I was visited by a party of schoolchildren from Blacklaw Primary School who thought of six or seven good reasons why underspends may occur. Clearly, those reasons have yet to occur to Alasdair Morgan.

Andrew Wilson, who is also a member of the SNP, said:

"I praise the Executive for introducing that mechanism, whereby it moves money forward at the end of the year if it is underspent."

Brian Adam said:

"I want to put it on record that we support end-year flexibility."—[*Official Report*, 27 September 2001; c 2922, 2936.]

I am not sure where Alasdair Morgan is coming from, but we detected yesterday that he is a member of the party of fiscal irresponsibility and of the £4 billion black hole in our economy. The SNP has already spent the £200 million of EYF three times in less than a week. Christine Grahame spent it in the Borders on local government; on Sunday, Alasdair Morgan spent it in the *News of the World* on a variety of issues; and on Monday,

he spent it again on the health service.

The Presiding Officer (Sir David Steel): Order. I think that we have the point, minister.

Des McNulty (Clydebank and Milngavie) (Lab): Will the minister explain how the Executive used last year's EYF?

Mr Kerr: As we have said, EYF is designed to promote sensible spending. It ensures that we stay focused on our key objectives rather than spending it on low priorities simply to get the money out of the back door—the money is not lost to Scotland. Last year we spent our money on the McCrone settlement; delivering schools through public-private partnership projects; the coronary heart disease plan; care homes; training for nurses; police modernisation; capital money for courts; student support; the Vestas Wind Systems project; the careers service; and the fishing decommissioning scheme. I could go on and on, but the important point is that we decided what we would spend the money on. We thought matters through, rather than trying to rush the money out of the back door at year-end.

Mr David Davidson (North-East Scotland) (Con): Will the minister assure us that he will not plan to underspend in order to go on a spending spree just before the next election?

Mr Kerr: Of course, the Conservative party never took that approach in the past. We recollect that from the party of boom and bust. We also recollect the time before EYF, when money in Scotland went back to the Treasury. Those much-needed resources disappeared from Scotland. That was the system that the Conservatives operated.

Government spends a heck of a lot of money in Scotland. It is not always spent as planned, for example, because of planning difficulties with the roads programme or because of foot-and-mouth disease. We spend our money prudently and in accordance with the needs of the Scottish people.

Bus Transport (Aberdeenshire)

2. Stewart Stevenson (Banff and Buchan) (SNP): To ask the Scottish Executive what the average cost to passengers per mile is for a bus journey in Aberdeenshire in comparison with the average cost in the city of Edinburgh. (S1O-4891)

The Deputy Minister for Enterprise, Transport and Lifelong Learning (Lewis Macdonald): The information requested is not available centrally. However, the grant-aided expenditure, for which the Scottish Executive is responsible, for subsidised bus services amounts to £4.33 per head in Aberdeenshire and £4.32 per head in the city of Edinburgh.

Stewart Stevenson: I have a penny here, minister.

I thank the minister for his reply. Does he recall that, some time ago, the Executive's proposals for its integrated transport bill stated that it would take action on concessionary fares that would help pensioners stay in touch with family and friends? Is he aware that high fares in rural areas, limited services and his Executive's failure to exercise the full gamut of powers conferred by section 68 of the Transport (Scotland) Act 2001 leaves the Executive trailing far behind the SNP's commitment to achieve a national concessionary scheme? Is it not time that the Executive moved over and made way so that the people who would implement that commitment could take control?

Lewis Macdonald: I wonder whether Mr Stevenson is the only person in Scotland who is unaware of our commitment to introduce free local off-peak travel for pensioners and disabled people from October of this year.

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Will the minister confirm that local authorities have already received, as part of their allocations from the Executive, funds to provide the free concessionary transport for all senior citizens? Will he also confirm that councils such as Aberdeenshire Council have the mechanisms in place to implement the service when it is due to be implemented later this year?

Lewis Macdonald: I confirm both those points. I also confirm that Aberdeenshire Council is one of the councils that have taken further steps to take advantage of the powers under the Transport (Scotland) Act 2001. Those steps include a pilot scheme on through-ticketing, which is already in place in Aberdeenshire and will be extended to a community in Mr Stevenson's constituency in due course if it proves to be successful. I am also aware that Aberdeenshire Council has an existing non-statutory quality partnership with Aberdeen City Council and the two main local bus operators to provide bus services. Mr Rumbles is right to highlight that Aberdeenshire Council is one authority that has taken advantage of the provisions that we made in the Transport (Scotland) Act 2001.

Voluntary Sector (Child Care)

3. Pauline McNeill (Glasgow Kelvin) (Lab): To ask the Scottish Executive what assurances it will give to voluntary organisations awaiting registration decisions on child care workers under part V of the Police Act 1997 that such organisations will comply with the law on 1 April 2002. (S10-4892)

The Minister for Education and Young People (Cathy Jamieson): Local authorities currently

carry out fit-person checks on behalf of registered child care providers. Part V of the Police Act 1997 will be implemented on 29 April 2002. It provides for the new Scottish disclosure bureau—Disclosure Scotland—to issue criminal record certificates to child care workers among others. From 1 April 2002 to 29 April 2002, as a transitional arrangement, the Scottish Commission for the Regulation of Care will process applications for registration under the Regulation of Care (Scotland) Act 2001 using the existing Scottish Criminal Record Office disclosure system.

Pauline McNeill: Does the minister agree that voluntary organisations, such as the YWCA in my constituency, must be reassured that there is no cut-off date for registration as they have advised and that the good work that they undertake in child care should not be undermined while they await vetting outcomes?

Further, does the minister acknowledge the good work in child care that voluntary organisations undertake, such as that done by the YWCA in my constituency, which carries out vital child care services for asylum seekers and other parents in the community? Does she acknowledge that such organisations may need a bit of support and assistance to comply with the excellent high standards that will come into place under Disclosure Scotland?

Cathy Jamieson: I acknowledge the value of the voluntary sector in providing a range of services, including child care. Obviously, it is important that we have high-quality services and that the protection of children be given the utmost priority. As Pauline McNeill is aware, a number of safeguards are in place. Registration is one of those safeguards. Voluntary organisations—like public sector organisations and, indeed, the private sector—will have their own ways of ensuring that appropriate references are taken up for applications for people working with children.

I acknowledge the need to ensure that the voluntary sector is aware of the provisions of the Police Act 1997. We will seek to ensure that as much information as possible is made available to such organisations.

Phil Gallie (South of Scotland) (Con): What records are available on deportees who are returned to Scotland? Will those records, if they exist, fulfil the objectives of the registration schemes?

Cathy Jamieson: I am not aware whether Mr Gallie is referring to a particular set of circumstances. His question includes a number of matters, some of which relate to reserved matters. If Mr Gallie wishes us to follow up particular circumstances, I am sure that the Minister for Justice and I will take them on and consider them.

The protection of children and the appropriateness of people who work in child care organisations in Scotland are our priorities. We will seek to ensure those every step of the way.

Irene McGugan (North-East Scotland) (SNP): Is the minister aware that many youth organisations have real concerns about the burden to the voluntary sector of administration costs? Has the minister considered that? What assistance and reassurance can she give?

Cathy Jamieson: The member will be aware that a significant number of representations were made during the course of discussions on the setting-up of Disclosure Scotland. Those representations were taken on board, and it is our intention to try to make the system as straightforward as possible, so that people who wish to work with children and young people are able to obtain the appropriate certificates and so that the organisations involved in the process are able to administer things easily.

Education (Support for Deaf Children)

4. Miss Annabel Goldie (West of Scotland) (Con): To ask the Scottish Executive whether it is satisfied with the availability of special school support for deaf children. (S10-4848)

The Minister for Education and Young People (Cathy Jamieson): The Scottish Executive is satisfied that local authorities are meeting their legal duty to provide adequate and efficient school education for their areas, including provision for deaf pupils.

Miss Goldie: In the light of her response, would the minister be disappointed to learn that Renfrewshire Council has made a decision to close Gateside School for the deaf, a facility that has existed for nearly 40 years, without engaging in the full consultation procedures?

Cathy Jamieson: I am sure that the member will be aware—as I am, from conversations and other communications about the centre with the local MSP, Hugh Henry—that Gateside nursery school, which is a Renfrewshire Council centre, currently caters for three children with hearing impairments alongside other local children of nursery age. I understand that there is also one child with a visual impairment there.

I understand that the local council has taken a decision to move the children in that facility to a nearby facility, which I believe has an excellent reputation, and that the building which houses the nursery school also houses a peripatetic team of teachers who provide support to children with sensory impairments at a number of local pre-school centres, so services will be provided to those young people. I also understand that the appropriate mechanisms have been adopted in

discussion of the matter.

Brian Fitzpatrick (Strathkelvin and Bearsden) (Lab): Does the minister recognise the importance for young deaf people and others of disability of being able to access goods and services that hearing people can readily access? Will she, with ministerial colleagues, consider giving early priority in such services as NHS 24 to the Tynetalk service, which is the only national telephone service in the world that gives deaf people the ability to communicate with hearing people anywhere in the world? Will she consider including deaf youngsters in the improvement and development of such services?

Cathy Jamieson: I thank Brian Fitzpatrick for his information. Our priority is to ensure that every young person has the opportunity to participate fully in the educational opportunities that are available to them. I would want to consult my colleagues in the health department in particular to discuss how we can ensure that as many avenues as possible are explored to allow young people to reach their full potential. Initiatives such as that which Brian Fitzpatrick suggests are obviously worth considering.

Colin Campbell (West of Scotland) (SNP): Is the minister aware that an identical school, Garvel School for the Deaf, in Inverclyde, is in the same situation as Gateside School? It is a purpose-built school that is threatened with closure. Does the minister accept that the anticipated change gives parents of hearing-impaired children in Inverclyde real concerns about the potential disruption to their children's education? Does she accept that consultation has a long way to go before the anxiety and cynicism that are felt by parents are removed? Does she approve of the proposal whereby the specialist headship at Garvel may end?

Cathy Jamieson: As I have already outlined, our priority is to provide the best-quality services for children and young people. How to proceed with that is primarily a matter for local authorities. Consultation with parents is important to ensure that young people get access to the specialist support and help that they require. It is also important, where possible and in cases where it is in the child's best interests, that we seek to include the children and young people to whom Colin Campbell referred within the mainstream school setting.

On visits that I have made to various establishments, including nursery schools, primary schools and secondary schools, I have seen the value of that policy of inclusion at work, and I know that that is welcomed by a large number of parents, young people and school staff.

National Health Service (Nurses)

5. Helen Eadie (Dunfermline East) (Lab): To ask the Scottish Executive how it is working to attract nurses back into the NHS. (S1O-4836)

The Minister for Health and Community Care (Malcolm Chisholm): The Scottish Executive is committed to attracting nurses back into the national health service. On 26 February, at the first of six local nursing recruitment and retention conventions, I launched a national year of recruitment and retention, with investment in new initiatives this year amounting to £5 million. A key initiative is a return-to-practice programme to encourage experienced nurses to retrain and rejoin the NHS.

Helen Eadie: Does the minister agree that finding financial support for retraining can be a real problem for women who want to return to nursing? Does he agree that his new initiatives for funding those schemes will bring real benefit to the hundreds of women throughout Scotland who want to return to work in nursing?

Malcolm Chisholm: I am sure that the return-to-practice courses will be widely welcomed by women—and, indeed, by some men—who wish to return to nursing. Course costs, as well as the cost of travel, books and child care if required, will be paid. This is one of several initiatives that we are driving forward in order to start more nurses in training—250 nurses, over and above the existing increase, will begin training in October—and to get back nurses who used to be part of the work force but have left it.

Shona Robison (North-East Scotland) (SNP): We welcome any initiatives to tackle problems of recruitment and retention. However, does the minister agree that if we want a true picture of nurse numbers in the NHS, we should concentrate on the additional number of nurses practising in the NHS, rather than on the number of those who qualify as nurses? If so, does he accept that there are fewer whole-time-equivalent nurses working in the NHS now than there were when Labour and the Liberal Democrats came to power in 1999?

Malcolm Chisholm: That is not the case. In this morning's debate on the national health service we discussed the issue of nurse numbers. There are more qualified nurses now than in 1999 or in 1997. There are also significant variations. For example, there is a significantly greater number of nurses working in the acute sector and in the community. There are fewer nurses working in learning disability hospitals, but that is a good thing. We want people in learning disability hospitals to move out of those and to live in the community. When such people are transferred to the community, some of the nurses who work in learning disability hospitals are transferred to local

authorities and are no longer counted as nurses. Shona Robison should consider in detail the profile of nurses in different categories.

Donald Gorrie (Central Scotland) (LD): What the minister says is very welcome. Does he accept that there are still financial disincentives for some people to re-enter nursing because they lack support when seeking to requalify? Will he examine the small print of many schemes to ensure that they work in accordance with his excellent intentions?

Malcolm Chisholm: I am not sure whether Donald Gorrie is talking about the return-to-practice scheme, but the point that I made about that remains: course costs and additional costs are covered. Some people may want to enter nursing as mature students, and more places are available for that. All those students are included in the bursary system. We are also starting five nurse cadet schemes, which are an alternative route for people who may not have the educational qualifications to start the full nursing course.

Regulation of Care (Health Management Structures)

6. Trish Godman (West Renfrewshire) (Lab): To ask the Scottish Executive what recent discussions have taken place with the Scottish Commission for the Regulation of Care (the care commission) concerning the creation of new health management structures. (S1O-4853)

The Minister for Health and Community Care (Malcolm Chisholm): No discussions have yet taken place with the care commission on the creation of new health management structures. On 12 December last year, I announced plans for a comprehensive review of management and decision making in NHS Scotland. We fully intend to ensure that that important piece of work is taken forward in an open and inclusive manner that engages all the key stakeholders, including the social care sector.

Trish Godman: Does the minister agree that that the Scottish Commission for the Regulation of Care needs to include in its work a range of professional knowledge and expertise from nursing, medicine and teaching? Will he explain how the commission's senior management structure will reflect the diversity of input that is needed for the commission to address competently the issues for which it is responsible?

Malcolm Chisholm: I am sure that all members welcome this first-ever national system of care regulation, which will start in April and will implement the first-ever national care standards. I assure Trish Godman that those who previously worked for NHS boards on regulating nursing homes, for example, will transfer to the

commission. That means that nurses, pharmacists and other medical professionals will work for the commission. If the member is concerned about membership of the commission board, I can tell her that it includes a nurse and someone from the education sector.

Chronic Fatigue Syndrome/Myalgic Encephalomyelitis

7. Mr John McAllion (Dundee East) (Lab): To ask the Scottish Executive what steps were taken to consult representatives of patients and carers in relation to the membership and remit of its working group on the report by the chief medical officer at the Department of Health on chronic fatigue syndrome/ME. (S1O-4884)

The Deputy Minister for Health and Community Care (Hugh Henry): We have asked Helen McDade, the secretary of the cross-party group in the Scottish Parliament on ME, to help us to identify patient and carer representatives to serve on the short-life action group. She has been sent a copy of its proposed remit. The membership of the group, which will begin its work next month, will be announced shortly.

Mr McAllion: I thank the minister both for the way in which he has involved the cross-party group in choosing the patient representatives for the working group and for keeping the group informed of the remit of the working group.

Does the minister accept that one of the outstanding issues that remains to be addressed is the fact that only psychiatric research into the causes of ME is being funded? When can we expect the chief scientist office to begin to fund research into the physical and environmental causes of ME?

Hugh Henry: The chief scientist office of the Scottish Executive health department would be happy to consider good-quality proposals for research into all aspects of CFS or ME. Those would obviously be subject to committee review. In the longer term, the UK Medical Research Council's research strategy will address the new scientific advisory group.

Christine Grahame (South of Scotland) (SNP): What consideration has been given to the special difficulties for ME sufferers in accessing benefits?

Hugh Henry: The question of benefits is reserved, but a number of local authorities, supported by health agencies, conduct active welfare benefit take-up campaigns. I am sure that the good-quality advice throughout Scotland is as available to ME sufferers as it is to any other group. However, access to specific benefits is a reserved matter.

Alex Fergusson (South of Scotland) (Con): I hope that the minister is already aware of the considerable scientific and medical expertise that exists throughout Scotland in this field, in the form of such eminent practitioners as Dr Vance Spence, Dr Abhijit Chaudhuri and others. Will he ensure that those experts are included in his working group in their own right and not just as representative voices of wider organisations?

Hugh Henry: The representative nature of the group is under consideration and a number of people have been approached. We have sought to engage a cross-section of opinion and expertise that will give the group added weight. I note the comments that Alex Fergusson has made and I am sure that that will be reflected as much as is possible. However, it will not be possible to appoint every person with an expertise, or every person who is regarded as having a specific interest, to a group of this nature. It is unfortunate that some people will therefore be disappointed.

Youth Crime

8. Irene McGugan (North-East Scotland) (SNP): To ask the Scottish Executive, further to its recent announcement of an extra £2 million to support mediation and reparation projects, whether it has plans to commit any additional funding to tackling youth crime. (S1O-4866)

The Minister for Education and Young People (Cathy Jamieson): We have allocated £25.5 million over four years to tackle youth crime. There will be £3.5 million in 2000-01 and £5 million in 2001-02 and 2002-03, supplemented by an extra £2 million for restorative justice projects in 2002. We will double that investment to £10 million in 2003-04. Decisions on future investment levels will be taken forward as part of the forthcoming spending review.

Irene McGugan: Given that the results of the study that the Justice 1 Committee commissioned confirm that youth crime remains a serious problem, as do the contributing factors of poverty, lack of resources and the shortage of preventive measures, I thank the minister for that positive answer. I am pleased to hear the additional sum of £10 million for 2003-04 being mentioned, because investment to date has been sadly lacking due to the shortfall of £10 million.

Cathy Jamieson: There is not a lot that I can say to that, other than thank you.

The Presiding Officer: You are not obliged to say anything.

Elaine Smith (Coatbridge and Chryston) (Lab): Does the minister agree that tackling youth crime is not only about the justice system? It should also be about working with young people in our communities to help them to understand their

rights and responsibilities as citizens as well as providing them with the opportunities to realise their potential. A lot of the funding that the minister mentioned goes to local authorities. How can local authorities best use the funding from the Executive to assist in achieving those aims?

Cathy Jamieson: As Elaine Smith is well aware, a number of local authorities have begun to involve themselves in projects that consider reparation and mediation. A significant amount of money was given to Elaine Smith's local authority area. North Lanarkshire Council has already received £357,000 this year for the youth crime action plan and an additional £143,500 as a result of the £2 million distribution for the restorative justice grant.

I hope that local authorities and the voluntary sector will continue to work in partnership. I expect to see voluntary organisations and local authorities considering the issue further. As we have always outlined, the issue is one of our priorities. We intend to build on existing good practice and ensure that we tackle the problem of the disproportionate amount of crime caused by a relatively small number of young people in local communities.

Lord James Douglas-Hamilton (Lothians) (Con): On tackling youth crime, does the minister agree that extending the children's hearing system to take in 16 and 17-year-olds might mean that a husband who abuses his wife or even a drunk driver could be referred to the children's hearing system? Does she agree that that would make a mockery of the criminal justice system?

Cathy Jamieson: I am pleased to be able to reassure the member, who takes a genuine interest in children and young people's issues. I have just come from a meeting with the Scottish Children's Reporter Administration. At that meeting, I clarified the possibility of pilot projects for 16 and 17-year-olds. It is the case that many 16 and 17-year-olds could benefit from the measures available through the children's hearing system. It is also clear that there are many situations for which that system would not be appropriate. There is no intention to bring into the children's hearing system the offences to which the member refers, as they would not be appropriate.

Environmental Justice

9. Robin Harper (Lothians) (Green): To ask the Scottish Executive how it intends to promote the aim of environmental justice. (S10-4850)

The Minister for Environment and Rural Development (Ross Finnie): In his speech to the environmental resources management forum on 18 February, the First Minister set out our

commitment to environmental justice. That is a commitment on which the Scottish Executive will deliver. The member will agree that many of our existing programmes will contribute to delivering environmental justice. However, as the member is also aware, environmental justice covers a wide range of issues and we are currently considering how we can embrace and co-ordinate those to deliver that aim.

Robin Harper: I am prepared to agree that some of the minister's intentions might achieve his aims.

The Scottish Green Party welcomes the First Minister's recent speech on environmental justice. I will be watching with interest to see whether the Executive puts any of his warm words into practice.

Will the minister consider the appeal for environmental justice by the people of Munloch and Newport-on-Tay? They are currently having genetically modified crop trials imposed on their communities without any proper consultation. Is the minister prepared at least to delay the permission for the latest crop trial in Fife, which I understand is imminent, until the local community has had the opportunity to present its case in full?

Ross Finnie: I welcome Robin Harper's warm welcome for the First Minister's commitment to environmental justice. As Mr Harper will be aware, the current European Union regulation, 90/220/EEC, is seriously lacking in its failure to provide for adequate public consultation on crop trials. As the member will also be aware, a revised directive, 2001/18/EC, gives far more provision for that.

In its pursuit of environmental justice, the Executive has just completed a consultation on the subject. As a result of that, we will be in a position to introduce secondary legislation to address the problem.

Mr George Reid (Mid Scotland and Fife) (SNP): Does the minister agree that the report published last Thursday by the Transport and the Environment Committee on petition PE327 presents a strong case for environmental justice? Will the minister read what the report says about illness in the community of Blairingone and about the potentially toxic elements of waste in streams? To allay public anxiety, will the minister now publicly endorse the committee's recommendations that the Scottish Environment Protection Agency and the health authorities should carry out an investigation into illness in the area and that their conclusions should be made public?

Ross Finnie: I am grateful to the member for advance notice of that question. I am also well aware of his personal interest in the issue, largely

as a result of several unsavoury incidents in his constituency.

I have read the committee's report and, as Mr Reid is aware, the Executive will be obliged to respond formally to it. I hope that the member will forgive me if I do not anticipate that formal response. I assure him that we take seriously the issues that have been identified in the report. We acknowledge that both SEPA and the health authorities will require to be involved and that, as a consequence of the seriousness of the issue, they will require to respond as soon as possible.

Domestic Abuse

10. Jackie Baillie (Dumbarton) (Lab): To ask the Scottish Executive what further action it plans to take to tackle domestic abuse. (S1O-4876)

The Deputy Minister for Social Justice (Ms Margaret Curran): We are taking action on a number of fronts, including a second phase of funding projects through the domestic abuse development fund, and a further phase of the refuge development programme. The national group to address domestic abuse, which I chair, expects by this summer to receive three specific issue reports from working groups reviewing refuge accommodation, legislation and prevention.

Jackie Baillie: The minister will be aware—

The Presiding Officer: I am sorry, but your microphone does not seem to be working.

Jackie Baillie: Do you have difficulty hearing me, Presiding Officer?

The Presiding Officer: I think that it is my loudspeaker that is not working. On you go.

Jackie Baillie: I will start again.

The minister will be aware of the respect project, which was developed by the Zero Tolerance Trust, and which the Scottish Executive is piloting in four primary and secondary schools in Scotland. The project's materials are designed to promote mutual respect and to help to prevent domestic abuse from occurring in future generations. Has the pilot scheme been evaluated, and when will it be extended to all schools in Scotland?

Ms Curran: I am aware of the work to which Jackie Baillie referred, and to which she made and continues to make a significant contribution. The respect project pilot has been evaluated and we have received positive reports. I am about to consider recommendations on the roll-out of the project and to begin discussions with some of my colleagues in the Executive, notably the Minister for Education and Young People and the Minister for Finance and Public Services, to ensure that we roll out the project in Scottish schools.

The Presiding Officer: My apologies to Jackie Baillie. It was my machine that was not working.

Mr Gil Paterson (Central Scotland) (SNP): Will the Executive consider piloting a project similar to that implemented in West Yorkshire to tackle repeat victimisation in cases of domestic abuse? Not only does the project sound positive, it reduces the number of cases of repeat domestic abuse and victimisation.

Ms Curran: I thank the member for that information. I recognise his commitment in this field and the energy that he has given to tackling domestic abuse. We will happily consider any models of practice that address domestic abuse, because we take the issue seriously. As Gil Paterson knows, the Executive is determined not only to tackle the symptoms of domestic abuse through service provision, but to address its underlying causes and to stop repeat victimisation. We wish to tackle the fundamental causes of domestic abuse in Scotland and to make it completely unacceptable. I am happy to examine the project to which the member referred.

Housing Stock Transfer

11. Mr Lloyd Quinan (West of Scotland) (SNP): To ask the Scottish Executive what support it will give to local authorities that do not proceed with housing stock transfer. (S1O-4854)

The Minister for Social Justice (Iain Gray): Councils that do not wish to transfer their housing stock will continue to fund investment in council housing through a combination of new borrowing, usable capital receipts and capital funded from revenue.

Mr Quinan: In the event that tenants vote against the housing stock transfer, does the minister agree to plead with the Chancellor of the Exchequer to change the borrowing rules, because the manner in which the housing stock transfer is being carried out in Scotland is tantamount to blackmail?

Iain Gray: The key to how stock transfer proposals are being progressed in a number of local authorities in Scotland is, first, that the facts are laid before the tenants and, secondly, that the tenants are the people who are being given the choice. It is their decision. The rules that apply are the same rules that apply to transfers in other cities in the UK. The fact is that transfer—in particular in Glasgow, because I think that that is where Mr Quinan is thinking about—will allow housing debt to be lifted, will enable public resources to be freed up and will allow Glasgow City Council to access resources that are currently not available to it. The result is that in four years, we will have secure homes for tenants, in six years, we will have warm, dry homes for tenants,

and in 10 and a half years, we will have completely refurbished tenants' homes. All of that will happen with rent guarantees that will last for at least eight years and potentially for 30 years.

Bristow Muldoon (Livingston) (Lab): With regard to the powers that the minister has under the Housing (Scotland) Act 2001, which was passed by the Parliament, does he intend to make progress in devolving to local authorities the funding that is currently held by Communities Scotland? Does he agree that local authorities with a good record of managing large-scale housing investment, such as West Lothian Council, would be good councils with which to start?

Iain Gray: Unlike the housing policy of some opponents of transfer, the Executive's housing policy is driven not by ideology, but by tenants' requirements in different parts of Scotland. We must acknowledge that local authorities are in different circumstances. Some authorities do not have a high level of housing debt. They charge low rents and do not need investment as urgently as does Glasgow, for example. In all instances, the decision about how to develop housing is for councils and, as I said, for tenants.

Stock transfer is the surest route for local authorities to have transferred development funding that is with Communities Scotland and become a strategic housing authority. We have made it clear that when a case can be made, proper checks and balances are in place and stock is not to be transferred, we will consider the situation case by case.

Cancer Services

12. Bill Butler (Glasgow Anniesland) (Lab): To ask the Scottish Executive what action it is taking to improve services to cancer patients. (S1O-4875)

The Deputy Minister for Health and Community Care (Mrs Mary Mulligan): Supported by £60 million additional funding by 2003-04, more and better equipment and facilities and more staff in all professions and disciplines will be available to secure better access and ensure more rapid diagnosis and improved services for people with cancer.

Clinical standards for cancer services are being set and monitored by the Clinical Standards Board for Scotland. The first annual implementation plan from the Scottish cancer group was published in November 2001.

Bill Butler: The minister's reply chimes with Malcolm Chisholm's recent announcement of formal approval for the much-needed second phase of the Beatson oncology centre to be sited at Gartnavel, in the Glasgow Anniesland

constituency. Will the minister assure the chamber that mechanisms are in place to make patients' experience and the expertise of cancer specialists integral to the planning of cancer care provision?

Mrs Mulligan: The Scottish Executive takes the involvement of patients and clinical specialists in plans for cancer services seriously. Patients and cancer specialists are involved in regional cancer advisory groups. Each of the three regional groups is developing the most appropriate local ways forward to feed into the Scottish cancer group. Clinicians are part of the managed clinical networks and patients participate in local focus groups that are arranged around Scotland, so patients and clinical experts are involved.

Rhona Brankin (Midlothian) (Lab): The minister is aware of the Scottish Breast Cancer Campaign's questionnaire for women breast cancer patients. Does she agree that it is vital to hear about women's experience of breast cancer? Will she consider undertaking a larger-scale survey of women who are using breast cancer services to evaluate the quality of the service throughout Scotland?

Mrs Mulligan: Like many members, I am aware of Rhona Brankin's situation. She is a great example to many women throughout Scotland. As I said to Bill Butler, it is essential that we use the experience of those who have had to deal with cancer in planning the services of the future. Only by doing that can we ensure that we have a truly responsive service.

Ferry Services (Tendering Procedure)

13. Mr Duncan Hamilton (Highlands and Islands) (SNP): To ask the Scottish Executive whether the current tendering procedure for the west coast ferry network is compliant with both UK and European competition law. (S1O-4893)

The Deputy Minister for Enterprise, Transport and Lifelong Learning (Lewis Macdonald): The Executive believes that our provisional proposals for tendering those services comply with UK and European Community law. The European Commission has taken account of our case for the single-bundle approach and the way is now clear for us to tender the network as a whole.

Mr Hamilton: Doubtless, the minister will be aware that on the Gourock to Dunoon service, the public service obligation—the public subsidy—is for the passenger-only service. He will know that that has given rise to the suggestion that vehicle transportation might be removed from the route. Will the minister confirm that that would be economically daft, on the ground that where Caledonian MacBrayne can potentially make money would be on vehicle transportation, not on passengers? May I suggest that if such a move

were to come about, that would leave an effective monopoly on the route in the hands of another operator, Western Ferries, and that that might be contrary to chapter 1 of the Competition Act 1998 and, indeed, articles 81 and 87 of the Treaty on European Union?

Lewis Macdonald: As Duncan Hamilton indicated, the vehicle service provided on the Gourock to Dunoon route is an out-of-undertaking service. That means that it is for CalMac to make the judgments on the commercial profitability of the service and it is not open to ministers to instruct it to increase or decrease the provision of the vehicle service. The passenger service, on the other hand, is within the undertaking and we continue to support it.

On Mr Hamilton's point about competition law, I have already indicated that it is our view that there is no threat to the compliance of CalMac with the Competition Act 1998. It is for CalMac to make a judgment on the legal position, but the information that is available to us gives us no reason to believe that any of CalMac's proposals would be in breach of the 1998 act.

George Lyon (Argyll and Bute) (LD): The minister will be aware that there is great concern in the local community after recent press speculation on this issue. Will the minister confirm that the Executive is fully committed to providing financial support for the ferry route in the future? Can he also confirm that CalMac has no plans to withdraw the current service, as has been rumoured in the local community?

Lewis Macdonald: CalMac has not discussed with ministers any plans that would impact on the level of service. Because of his constituency interest, Mr Lyon will be aware that the Scottish Executive is considering responses to the consultation on the service specification. We will consult further on it soon.

Among the issues that I am considering in coming to conclusions on the matter is the position of out-of-undertaking services such as the vehicle service on the Gourock to Dunoon route. We will consider all those issues carefully and produce a service consultation in the course of the next few months, seeking the opinions of as many people as possible.

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-1742)

The First Minister (Mr Jack McConnell): Before I answer that question, I would like to welcome the delegates from the National Fire Protection Association of the United States and Canada who are with us today in the gallery. They are the first delegation from the NFPA to go abroad in the organisation's 106-year history. I am sure that, given the valiant efforts of many of its members in New York and Washington last September, the Parliament will want to wish the delegates well on their visit to Scotland.

In answer to Mr Swinney's question, our Cabinet will, of course, discuss improving public services and other such important matters.

Mr Swinney: I associate myself with the remarks of the First Minister in relation to our guests today.

The First Minister will be aware that, since 1995, Scotland's economy has grown by 9 per cent while the economy of London and the south of England has grown by 26 per cent. Can the First Minister explain that difference?

The First Minister: It is possible to select statistics from any combination of years to make political points. Since I became First Minister, I am on record as saying that the rate of growth in the Scottish economy is far too low. Because it needs to be higher, we have embarked on a long-term programme to ensure that we have the skills, finance and strategy that will take Scotland into the 21st century and ensure that Scottish businesses grow and provide the jobs that will be required in the future.

Mr Swinney: I am glad that the First Minister has admitted that the policies of the United Kingdom have failed to deliver economic growth for Scotland. That is a welcome contribution to the debate. Does he agree that Scotland needs the proper powers that will enable us to ensure that we can deliver a competitive advantage for the Scottish economy? With that competitive advantage, we would be able to deliver higher economic growth. Will he agree with me that generating more wealth in Scotland will give more resources to our public services and a competitive advantage to our companies, or will he decide to stick with relative economic decline in the United Kingdom?

The First Minister: I find it rich that someone who just yesterday proposed to reduce the amount of money that is available to the Government and the public sector in Scotland by cutting taxes in a willy-nilly, risk-taking way can say today that he wants wealth generation in Scotland. It is quite clear that Scotland has a choice in the years to come. It can choose to take a risk—a leap in the dark—by jumping into a programme for which Mr Swinney's economic spokesperson, who has made 30 presentations in different boardrooms across Scotland, was unable to say on television yesterday afternoon what level of taxation would be required.

I presume from what was said yesterday that Mr Swinney wishes to reduce business taxation in Scotland. However, at no time has he suggested how that gap or the existing gap might be filled and he has not made it absolutely clear what increase in personal taxation would be needed to fund that gap. He has never recognised or given any credit to the importance for Scottish companies and jobs of a stable fiscal environment such as we have at the moment, in which interest and mortgage rates, inflation and levels of unemployment are low, employment is at its highest for a generation and the right strategy is in place for Scotland's future.

Mr Swinney: The First Minister obviously wants to ask me a number of questions about the issue. I will happily change places with him and start delivering the answers. Indeed, that will happen in a matter of time. He gave me a litany of statistics. Let me give him some more. Compared with London, we have lower employment and growth levels, lower rates of business start-ups, higher rates of business failure and a falling share of UK public spending. Would not it be better if the First Minister just trusted himself, the Scottish people and the Parliament with normal powers to ensure that we can deliver a growing economy for Scotland?

The First Minister: No, it certainly would not. It is absolutely clear that Scotland's businesses and the people who work—and want to work—in Scotland want a stable Scottish economy that is growing and building on the success that exists in the country. That economy will be reliant not on inward investment, as Mr Wilson recently claimed, but on growing our own Scottish companies by taking the science in our universities and putting it into businesses to ensure that we develop the products of the future. That strategy will work for Scotland, unlike Mr Swinney's ill-costed, unprepared, risk-taking, leap-in-the-dark set of policies that do not add up and will not work.

We should compare that set of policies with ours, which will give us a higher-skilled economy; take the science out of our universities and put it

into our businesses; result in Scottish businesses that grow because the finances that are available for investment are here in Scotland; and mean a stable fiscal framework and a single market inside the UK. All those policies will work for Scotland. Mr Swinney needs to answer the following questions: who will set interest rates in Scotland? Who will set the level of the Scottish currency? Who will set the level of taxation? What will those different levels be? He cannot answer those questions and the Scottish economy would suffer as a result.

Prime Minister (Meetings)

2. David McLetchie (Lothians) (Con): I welcome the First Minister back to the chamber for question time after his absence last week. At the risk of finding out how rude his good health now is, I ask him when he will next meet the Prime Minister and what issues he intends to raise. (S1F-1744)

The First Minister (Mr Jack McConnell): I thank Mr McLetchie for that; I am delighted to be back. I will next meet the Prime Minister when it is appropriate for me to do so and I am absolutely certain that our discussions will be constructive.

David McLetchie: I hope that some of those constructive discussions will be about the problems that our rail system has experienced last week and this week and that might stretch into the future. Perhaps the First Minister and the Prime Minister will also discuss the comments that are reported today from the leader of the Associated Society of Locomotive Engineers and Firemen, Mick Rix, and his Scottish deputy, Mr Lindsay, who threaten an escalation of strike action by train drivers to up to two days a week or more for the rest of the year. The First Minister and the Scottish Executive cannot just wash their hands of the issue, because continued strike action threatens its whole transport strategy, which is based on getting people off the roads and on to the trains. How could that strategy work if our trains are not only not running on time but not running at all?

The First Minister: The fact that our trains are not running is indeed a concern and will be even more of a concern if the trains are not running on even more days in the months to come. I will be very clear on this, as I have been before.

I do not accept Mr McLetchie's point that the Executive has been silent on the matter. We have said from day one of the dispute that the parties to the dispute should get round the table and negotiate a solution. That should not need to involve the strike action that is planned; the parties involved should get round the table, conduct modern industrial relations and ensure that there is a bit of give and take on both sides and that, ultimately, the passengers on Scotland's railway system are put first.

David McLetchie: Is not it a fact, and should not the First Minister be saying, that the demands that the train drivers are making are, quite frankly, outrageous and totally unreasonable? The company should be getting the support that it deserves from the Executive. The First Minister and his Minister for Environment, Transport and Lifelong Learning should be giving it that support. Last week, the Scottish Executive made great play of saying that it had secured a deal offering an extra £34 million to ScotRail. That is a considerable sum of taxpayers' money. What I and all the frustrated commuters of Scotland would like to know is why, as we are paying so much money to the piper, our First Minister is not calling more of the tune.

The First Minister: It would be entirely wrong of me to tell the ScotRail management how to solve the dispute. That is their job and they should be doing it. The unions should be constructively discussing how to resolve the dispute. I hope that the discussions that are taking place today at the Advisory, Conciliation and Arbitration Service provide that resolution.

The Executive made a decision last week in conjunction with the Strategic Rail Authority, which is financed by our colleagues in the Westminster Government in the United Kingdom—something that Mr Swinney does not want us to have any more. The £70 million package is in the interests of Scottish passengers and will ensure that train services in Scotland continue to run and function in the interests of Scottish passengers. That is the most important factor. I welcome Mr McLetchie's support for that intervention and hope that he will agree that the management and the unions should resolve the dispute quickly and avoid any further strikes.

Rented Housing

3. Mr John McAllion (Dundee East) (Lab): To ask the First Minister what steps the Scottish Executive is taking to ensure that tenants are free to choose the form of renting their homes most appropriate to their individual circumstances and preferences. (S1F-1735)

The First Minister (Mr Jack McConnell): The Housing (Scotland) Act 2001, which was passed by the Parliament, provides a range of safeguards and enhancements to tenants' rights. Those include the requirement for tenants of local authorities and registered social landlords to be consulted and balloted about any proposal to transfer their homes to another landlord.

Mr McAllion: Does the First Minister accept that to frame the choice facing tenants in such a way that a vote against council housing triggers a massive debt write-off and huge additional investment, whereas a vote for council housing

blocks exactly that same debt write-off and additional investment, is to give no real choice at all? In fact, it disempowers tenants, discredits any notion of equality or a level playing field across the tenures and—almost in Mafia tradition—makes the tenants an offer that it is thought they cannot refuse.

The First Minister: No, I do not agree with that. There are two important points to make. First, the ballot that is under way is ultimately a matter for the tenants in Glasgow. It is right that they should have that vote and that choice—I believe that the choice before them is one that is well worth making. However, the issue is about more than the investment, the finance and the debt write-off. It is about tenants taking control over their lives. It is vital in the 21st century that we move away from monolithic provision and give tenants in Glasgow and elsewhere the opportunity to take control over their tenancies and their housing stock. I believe that housing associations are the way ahead to do that.

Dorothy-Grace Elder (Glasgow) (SNP): Why will the First Minister not admit that Glasgow Housing Association is not a housing association at all, but a front for private financiers? The Scottish Trades Union Congress and all the unions have called the deal political blackmail. Will he explain why Glasgow tenants have never been given the choice of a deal done by the council? How can there be choice when there is only one shabby deal on offer? What does the First Minister mean by "choice"?

The First Minister: What is on offer is not a shabby deal. It is a deal that, if accepted, will deliver investment in and refurbishment of Glasgow's housing stock to a high standard. That has been long overdue and is now desperately required in the 21st century.

Those of us who live either in Glasgow or not too far away are looking forward to hearing the various statements that those on the list of candidates that the SNP presents for next year's elections might make. In the past couple of weeks, we have heard Sandra White calling for absolutely no ring fencing in local government and Nicola Sturgeon calling for lots of it. We have also heard Kenny Gibson calling for a yes vote in the Glasgow housing ballot and Dorothy-Grace Elder calling for a no vote. Dorothy-Grace Elder described the housing stock transfer as a shabby deal and a threat to the principle of social housing, but Kenny Gibson said—

Mr Kenneth Gibson (Glasgow) (SNP): On a point of order, Presiding Officer.

The Presiding Officer (Sir David Steel): We cannot have a point of order on a point of argument.

The First Minister: Exactly.

Dorothy-Grace Elder said that the deal was shabby and a threat to the principle of social housing. Kenny Gibson said that it is irresponsible to vote no. It is time that the SNP worked out its position on the deal.

Robert Brown (Glasgow) (LD): Does the First Minister agree that people in Scotland are not interested in the ideologies of ownership? Does he accept that housing stock transfer is not just about the provision of resources but a step change to community ownership, where investment is properly managed in the long term in a manner decided by the tenants?

The First Minister: Yes. Both ownership and control are important, but we cannot stick with ideologies as the sole determinant of our policies. It is critical that we decide policies that are in the interests of those whom we are here to serve. I believe that housing associations that are driven locally by tenants, that are the choice of tenants and that are run by the tenants are the way forward.

Tommy Sheridan (Glasgow) (SSP): On Tuesday, David Comley, the director of housing services in Glasgow, sent us a letter explaining the resources that would be available to Glasgow City Council if it did not have to service its debt. The resources available, without a penny of new borrowing or any other money from the Scottish Executive, amount to £129.2 million a year or £1.3 billion over 10 years. Rather than trying to force the abolition of council housing in Glasgow, will the First Minister agree that the same debt write-off deal that is available to an unelected quango—the GHA—should be available to the elected council in Glasgow?

The First Minister: Dorothy-Grace Elder is applauding. I think that Tommy Sheridan might have a new recruit; he might have an ally in next year's elections after all.

I hope that the tenants of Glasgow will be able to make an honest choice in the ballot. I seriously object to some of the comments that I have heard from Mr Sheridan in the past week, which paint a distorted picture of the financing of council housing in Glasgow and make absolutely no reference to the fact that rents would rise under the plans that he consistently proposes in the chamber and elsewhere. I also object to the comments from those with whom he has been associated in the campaign for a no vote in Glasgow. I heard one of those people on the radio this morning saying that rents would go up, that benefits would be cut and that people would be in danger of losing their homes. What a load of absolute rubbish. The proposal that is before Glasgow tenants guarantees low rent rises for many years to come.

It guarantees a level of investment that will protect them in their housing and it guarantees their security as tenants. It is absolutely wrong, particularly for someone who calls himself a socialist, to scare old people in Glasgow in that way. That should stop and the people of Glasgow should make their own choice.

Johann Lamont (Glasgow Pollok) (Lab): Is the First Minister aware that, in my constituency of Glasgow Pollok, a significant number of people have already chosen to live in much-sought-after homes that are run by community-based housing associations and co-operatives? Does he agree that such community empowerment is a positive step forward and not a threat? Will he join me in condemning those who, while tenants in Glasgow are deciding what to do, equate housing associations and co-operatives with privatisation? That equation is wilful scaremongering, particularly among elderly people who remember what the private rented sector was like. It is a grave insult to all those in my constituency and elsewhere who have worked voluntarily to deliver real housing change in their communities and, as we are talking about ideology, it is a denial of the proud history of the co-operative movement and the potential of co-operative and community-based solutions to make a difference in our local areas.

The First Minister: As I said, part of the choice concerns finance. In Glasgow, for example, housing association rents are cheaper than rents in the council housing sector. That is one fact that Glasgow tenants will take into account in deciding. However, the issue is also about people taking more control over their lives. On housing associations—whether the Queens Cross Housing Association that I recently visited in Patricia Ferguson's constituency, the housing association in Adler in Dundee that I intend to visit before the summer, housing associations in my constituency or those in other members' constituencies—we all know that, where tenants have taken more control over their lives in respect of their housing, finances and repair and maintenance standards, not only have they obtained better housing, but communities feel better. There is less crime, more community safety and many other benefits. That is the goal that we are trying to achieve and it is worth fighting for.

The Presiding Officer: First Minister's question time started late, so I will take another question.

European Union Directives (Genetically Modified Crop Trials)

4. John Farquhar Munro (Ross, Skye and Inverness West) (LD): To ask the First Minister whether the Scottish Executive will make representations to the European Commission seeking an urgent review of European Union

directives governing genetically modified crop trials, in light of decisions by insurance companies not to provide insurance as reported in the *Sunday Herald* on 10 March 2002. (S1F-1743)

The First Minister (Mr Jack McConnell): The European directive that governs the release of GM organisms has recently been revised to improve procedures relating to the release of GM crops and informing local communities. The Executive is consulting on the implementation of the directive. Discussions are on-going at UK and EU levels on environmental liabilities and they include consideration of matters relating to insurance and financial security measures.

John Farquhar Munro: I thank the First Minister for his response. I am pleased to hear that there is an on-going debate. Does the First Minister agree that the Scottish Executive must play a leading part in the development of simple and straightforward liability regulations that can deliver compensation for those who may have suffered financial loss due to genetic contamination?

The First Minister: I would want to take as a starting point in discussions the fact that our objective is to stop and avoid genetic contamination. All trials, which follow other, stringent trials in laboratories elsewhere, will be designed to ensure that, if the crop is ever to be taken any further, it will not involve genetic contamination. Scotland will play a full part in the development of the new directive. We agree that we need clear and unambiguous rules.

Fiona McLeod (West of Scotland) (SNP): Is the First Minister aware that directive 90/220/EEC, which is in force in Scotland, gives Scottish ministers the power to stop trials of GM crops where there is known damage to the environment or public health? Is he aware of the evidence from around the world, including the UK, of the damage that those crops are doing to the environment? Is he prepared to use that power and tell the people of Munlochry that the field in question will be ploughed up now rather than fertilised, as it was on Tuesday?

The First Minister: It can be easy to score political points by scaremongering, but I think that that is wrong.

We hear a lot from the Opposition about the importance of committee reports. Earlier in question time, Mr Reid highlighted a committee report that was the result of considerable study; the Executive will consider that report's conclusions. The matter that Fiona McLeod has raised is another example of the Transport and the Environment Committee considering an issue, examining the controls and giving the Executive appropriate advice. None of that advice conflicts with the actions that we are undertaking.

It is right and proper that we ensure that whatever happens in Scotland does so in the context of safety and that there is no danger to local people. It is also important that we continue to make improvements. That is why I believe—I have said this before in the chamber—that we must improve consultation measures and the controls that exist. We must ensure that, if any crops are ever taken further, that is done only on the basis that they are absolutely safe in local communities and across Scotland. That is the basis on which we will make our decisions and that will not change.

Robin Harper (Lothians) (Green): On a point of order, Presiding Officer. Is it in order for the Executive not to release to the chamber information that is relevant to answers given to questions? I am thinking of question 9 in question time and question 4 in First Minister's question time.

The Presiding Officer: There is no requirement on the Executive to do so. As I understand it, the Executive has still to respond to the committee's report. Am I right on that?

The First Minister: May I respond to that point, Presiding Officer?

The Presiding Officer: Yes.

The First Minister: My guess is that Mr Harper may be referring to the answer to a question that was not taken today—from Mr Iain Smith, the member for North-East Fife—on the announcement about GM crop trials. Is that right?

Robin Harper indicated agreement.

The First Minister: I have no proof that this has happened, but I hope that it has: I guessed that Mr Smith's question would not be taken this afternoon, so I specifically requested at 9 o'clock this morning that his question be answered in advance of question time today, because I knew that question 4 at First Minister's question time would come up. I hope that his question was answered in advance today. If it was, the information was available to members.

Phil Gallie (South of Scotland) (Con): On a point of order, Presiding Officer. During question time, you said that you could not hear some members. At that point, the audio levels seemed to go up. Could you perhaps check with the operators of the sound system to find out whether we can have slightly higher sound levels?

The Presiding Officer: I have to confess that the problem was with the speaker under my desk. It is possibly loud enough for Mr Gallie to be able to hear it. It stopped functioning for a while, but it is now back in order.

Scottish Qualifications Authority Bill: Stage 1

The Deputy Presiding Officer (Mr Murray Tosh): The next item of business is a debate on motion S1M-2686, in the name of Cathy Jamieson, on the general principles of the Scottish Qualifications Authority Bill.

15:38

The Minister for Education and Young People (Cathy Jamieson): As members will be aware, the Scottish Qualifications Authority Bill will reform the governance arrangements of the SQA. We all know that the origins of the bill are clear. Members will recall the inquiries that were carried out by the Education, Culture and Sport Committee, and the Enterprise and Lifelong Learning Committee, as they will recall the Executive's review of the reasons behind the difficulties that were experienced in 2000. The provisions of the bill reflect many of the findings of those reports, particularly those of the Enterprise and Lifelong Learning Committee's report into the SQA's governance.

If the Parliament, the Executive and the SQA's stakeholders are to be confident that the SQA will continue to deliver the high-quality reliable service that it began to restore in 2001, one of the first steps must be to ensure that the organisation is effectively governed and accountable to all its stakeholders. The bill will do that in a number of ways: through reform of the SQA board; the creation of a new advisory council of stakeholders; and reinforced powers to enable ministers to monitor the organisation effectively.

The most significant change to the SQA board will be a reduction from its current maximum of 24 members to a membership of nine, including the chair plus the chief executive. The Enterprise and Lifelong Learning Committee report recommended the creation of a smaller board with members who are focused more on the governance and strategic direction of the organisation than on the representation of stakeholder interests. The Executive strongly concurs with that view. If board members want to represent outside interests ahead of the SQA's corporate priorities, that will lead ultimately to conflicts of interest within the board over areas of policy, which would be to the detriment of the organisation. The Executive intends to put in place a streamlined and focused board whose members' primary concern is effective governance of the SQA. The bill emphasises that board members must put the SQA's interests first.

At the end of last year, the Executive ran an open public appointments process, which resulted

in the appointment by ministers of a chair and eight members. Those appointments, which began on 1 January 2002, brought the SQA board up to strength in terms of the current legislation. When the bill comes into effect, the existing board appointments—excluding the chief executive—will cease and the nine members whom ministers appointed on 1 January 2002 will be reappointed to constitute the new board. Ministers will therefore have appointed all the new board members. That is in line with the bill, which requires that ministers should appoint all members of the SQA board.

The most recent appointments were carried out in line with the guidance of the commissioner for public appointments. Future appointments will be carried out in line with that guidance or with Scottish guidance that might be put in place in the future.

Michael Russell (South of Scotland) (SNP): The minister said that the Executive is minded to appoint existing board members to the new board. However, a substantial matter for debate during the stage 1 discussion was the possibility of having an employee of the organisation on the board. The Education, Culture and Sport Committee's stage 1 report states that, with the exception of Mr Monteith, the committee was unanimously of the view that that possibility should be considered seriously. Has the minister ruled that out in what she said? The committee would be disappointed if that were the case.

Cathy Jamieson: I will deal with that matter during my speech. If Michael Russell bears with me, we will get to that point.

In order to emphasise the board members' obligations to the SQA and to compensate them for the increased demands that are likely to be made on board members' time, the bill grants ministers the power to pay remuneration and certain allowances to board members.

During the consultation exercise that was carried out prior to the bill's introduction and the Education, Culture and Sport Committee's evidence taking, some stakeholders expressed concern that nine members might not be enough to ensure that the board operates effectively. In setting the membership of the board, the Executive was guided by the findings of the Enterprise and Lifelong Learning Committee report, which recommended a complement of between seven and nine, which is in line with practice in the private sector. The Executive is confident that a well-run and focused board of that size, which is committed to the future success of the SQA, will be more than able to manage its work effectively.

On the point to which Michael Russell referred,

in its discussions on the bill, the Education, Culture and Sport Committee expressed some support for measures to ensure the representation of SQA staff interests at board meetings. The Executive appreciates that all staff should be encouraged to have their say as the SQA moves forward. It is widely recognised that the tremendous efforts of the SQA's front-line staff, in conjunction with staff at the SQA's centres, were critical in turning the organisation around for 2001. I encourage the SQA board and chief executive to make every effort to involve staff wherever possible in the organisation's decision making. We have given thought to the points that the Education, Culture and Sport Committee made during its deliberations.

Rhona Brankin (Midlothian) (Lab): All members were pleased that, thanks to the efforts of the SQA staff, last year's diet of exams was completed successfully. I welcome the Scottish Executive's commitment to change and to maintaining stability at the SQA. Does the commitment to stability extend to the 216 permanent staff who are employed at the SQA's Dalkeith office, which is in my constituency?

Cathy Jamieson: I appreciate the fact that Rhona Brankin is concerned about the future of the staff in her constituency. The new SQA board will be responsible for ensuring that the organisation is fit to deliver on its purpose. I expect the board to give due consideration to whether the correct staff team is in place to do that most appropriately. That is primarily a matter for the board.

I return to the point that Mike Russell raised on whether there ought to be a staff representative on the board. The board appointments were made through an open process and most members have welcomed the fact that people had an opportunity to put their names forward in that process. I am not convinced that imposed representation by appointment to the board would have been the appropriate way forward. We must get the balance right regarding the best way in which to secure the staff's interests. I was reassured on that point by the SQA chief executive's evidence to the Education, Culture and Sport Committee, which emphasised his commitment to ensuring that all the SQA's staff are fully involved and that their views are taken into account in the organisation's future. However, some discussion is still required regarding the best way in which that can be done.

I move on to issues concerning the advisory council. To ensure that the SQA maintains close and effective links with its external stakeholders, the bill will create a new advisory council to provide advice to the board. That is important in the context of what happened previously. The bill contains provision for ministers to produce

subordinate legislation for the creation of an advisory council, and we will soon provide an indicative draft of the legislation that is envisaged for that. I am conscious that there have been some mixed perceptions of the advisory council's remit and the way in which it might operate, so I will try to clarify some of those issues.

The advisory council will have a remit to consider all matters relating to the SQA. The Executive anticipates that the council will focus primarily on the qualifications that are devised or awarded by the SQA—particularly on the way in which they are delivered—while considering the SQA's functions and procedures, as required. In order to ensure that the council is focused on the key issues that face the SQA, the board, the council and ministers will agree an annual work plan that will specify key considerations for the council. One priority that we have already identified is the understanding of standards in qualifications and awards.

The council will be able to provide advice to the SQA board and/or to Scottish ministers, either at the request of the SQA or ministers, or at the council's own initiative. That should take care of some of the perceived problems. The latter route—the council's initiative—is not intended to create a routine link between ministers and the council, but to ensure that direct communications are available as needed. That might be necessary, for instance, when ministers would benefit from discussions with an experienced group of stakeholders.

It will be for the board and council to decide how to ensure that their relationship is effective—for instance, the way in which the council might interact with the SQA's various committees and the other groups that the SQA currently consults on qualification issues. The core idea is that the advisory council will represent the interests of the full range of SQA stakeholders. Those stakeholders must be fully involved in consideration of relevant qualifications and awards issues.

Alex Neil (Central Scotland) (SNP): In the light of the Enterprise and Lifelong Learning Committee's report, will the minister seek to ensure that, if the convener of the advisory council is to be a member of the SQA board, that person has no other axe to grind and is not there as a stakeholder from another organisation? If that were the case, we would be back at square one.

Cathy Jamieson: We have made it clear that it will be board members' responsibility to put the governance of the SQA first. They will not be there as representatives solely of stakeholder organisations. When I say a bit more about the advisory council, such issues will become clear.

The bill imposes a requirement on the advisory council to consult and take account of the views of other stakeholders prior to providing its advice to the SQA or ministers. In order to ensure that there is a link between the board and the council, the convener of the council will be appointed from among the members of the SQA board. The SQA board will have regard to the advice of the council in its decision making.

Again, I know that members of the Enterprise and Lifelong Learning Committee expressed concerns about that provision's wording and suggested that the board should perhaps have a duty to respond to the council's advice. I sympathise with that view and I understand where members are coming from but, having taken further advice, I am confident that the existing provision imposes a clear obligation on the board to take into account the council's views when the board is reaching its decisions.

To put the matter on record, the Executive expects the board to discuss with the council the reasons for the board's decisions, particularly if the decisions do not reflect the council's advice on a given issue. We expect that communication to happen. We expect also that that communication will contribute to a good understanding by the board and the council of each other's perspectives. Members will probably want to make points on that matter during the debate.

It is important that we recognise that the membership of the advisory council and the terms and conditions of appointments will be specified in subordinate legislation. However, I should clarify that the advisory council members will not receive remuneration, but normal expenses and allowances only. The council will have the power to create committees or working groups and to co-opt non-members onto those groups to provide necessary expertise. The costs that are associated with that will be met from within the SQA's overall budget or, in particular instances, from specific additional funding.

The bill will grant ministers the power to produce subordinate legislation to regulate the procedures of the SQA board; for example, to impose a requirement for a particular frequency of meetings or to require the attendance of an Executive representative at board meetings. Again, many members wanted that safeguard. We are clear that we have no immediate need to introduce that subordinate legislation. However, we acknowledge the continuing concerns of Parliament and the SQA's stakeholders. We want the subordinate legislation power to be available if difficulties arise.

Alex Neil: Will the minister give way?

Cathy Jamieson: If I have time, Presiding Officer.

Alex Neil: I have a quick question for clarification. Will the council's secretariat be employed by the council and be independent of the SQA board? If not, will the secretariat be provided by the board? I hope that the answer is the former and not the latter.

The Deputy Presiding Officer: Mr Neil caught me out. That must be the last intervention.

Cathy Jamieson: Matters about the specific operation of the council remain to be dealt with. We will take Mr Neil's points on board and seek appropriate clarification. I am conscious of time, Presiding Officer. I wanted to say another couple of things, but I will move rapidly on.

I remind members that the bill's purpose is to provide a package of reform that will ensure that the board is a more open and accountable organisation, with clearer lines of communication to stakeholders and ministers. We want that measure to be reinforced by non-statutory measures and we have put those in place. With continued monitoring and the close contact that we envisage between the Executive and the SQA, the measures that we are introducing in the bill represent the next stage in the continuing recovery of the SQA.

I move,

That the Parliament agrees to the general principles of the Scottish Qualifications Authority Bill.

15:53

Michael Russell (South of Scotland) (SNP): The bill has a simple purpose, which is to recreate the confidence in the SQA that is necessary for it to operate effectively and deliver to young people in Scotland—and to a wider group of older people in Scotland who are exam clients of the SQA—the type of service that they have the right to expect. To use a term that I used in the chamber at the start of the debate on the SQA crisis, the bill's purpose is to restore the gold standard to Scottish education. That is a big task to undertake.

When the then Minister for Children and Education announced the options for consultation, I felt that, given the problems that existed and how they had been dealt with—direct intervention by the minister's representative and a drawing in of the SQA's functions to much more direct ministerial supervision and control—it would be more suitable to establish the SQA as an Executive agency. I made that point when the announcement was made.

Mr Brian Monteith (Mid Scotland and Fife) (Con): Will the member take an intervention?

Michael Russell: Can I just get started, Mr Monteith?

I also agreed to a shorter period of consultation—both Opposition parties were asked to agree to that—so that we could progress the matter.

As a result of that consultation, I was persuaded that the non-departmental public body route is probably the best one. I was not so persuaded by Mr McConnell, the former Minister for Education, Europe and External Affairs who, in his usual flippant manner, claimed that agencies would be subject to intervention and interference by ministers. In so saying, perhaps he was admitting to what he had been doing with Her Majesty's Inspectorate of Education for a long time. The reality is that the SQA and most of its clients do not want the major shifts that would be required to change that non-departmental public body into an agency because they believe that that would be too difficult at this stage. I pay tribute not to Jack McConnell but to John Ward, who persuaded me that that is the right approach.

We must recognise what the representative of the Association of Directors of Education in Scotland, Michael O'Neill, said in evidence at stage 1. Mr O'Neill said:

"until a body of evidence is available to demonstrate that the SQA operates effectively and efficiently and with stakeholder and public confidence, the Executive will require to be more involved with the SQA than it is with normal non-departmental public bodies."—[*Official Report, Education, Culture and Sport Committee*, 26 February 2002; c 3074-75.]

His evidence is quoted in our report because it was important and because it points to what we should realistically look forward to.

I rather regret that when the minister talked about the presence of a ministerial representative at board meetings, she did not say that that would be the norm until the SQA is up and running in such a way that there can be confidence in its operation, year on year. I hope that the minister will reflect on that point. The bill will give ministers the appropriate power; that power should be exercised—certainly in the first couple of years—to make it absolutely certain that the SQA is delivering.

The SQA is not an ordinary non-departmental public body. Members should think back to the events of two years ago, some of which were reflected in the evidence to the committee from young people from the Scottish youth parliament. What happened in the SQA came as a body blow to an entire generation of young people who were badly let down by a system that went badly wrong. The Parliament must restore confidence in a way that guarantees—as far as guarantees can be given in life—that the system will not go wrong again. We must build on that by establishing the right structures and we must ensure that suitable

finance is in place and that nothing that we do makes the organisation too inflexible. Many changes are coming to education and examinations, just as many changes come in life. We must join those steps together.

Some of the points that Alex Neil raised are germane to the debate. I am concerned that the advisory council is not yet well worked out. There are big issues about the way in which it will operate and, in particular, over the way in which the board of the SQA will respond to the advisory council. I suspect that Jackie Baillie will refer to that issue later in the debate, because she raised it in committee. A duty must be put on the board of the SQA to respond formally to the advisory council and a mechanism must be put in place to let us know, openly and accessibly, what advice the advisory council gives the board and what the board does about that advice. Those checks and balances are not usual for a non-departmental public body, but I return to the fact that, because of its history, the SQA is not a usual non-departmental public body.

We must address a number of other issues. We must be absolutely sure that the system that we establish does not set some of the present operating activities of the SQA in tablets of stone. I do not want to anticipate what the minister will say next week when she launches her great debate on education, in which the Education, Culture and Sport Committee will participate constructively. However, examinations will come up during that debate, as will the amount of assessment that young people must go through. We should not build those issues into the legislation—we should have in the SQA an organisation that is flexible enough to change.

The SQA has indicated that it wants to be free to be able to develop and change in two other areas. Rhona Brankin referred to the work that the SQA does in Dalkeith. That is good work, but no one would say that it is at the cutting edge of technology. Members of the Education, Culture and Sport Committee who have been to Dalkeith will recall the shed. It is the size of two football fields and is lined with shelves that have papers on them, which people have to run around to find.

Mr Monteith rose—

Michael Russell: I will let Brian Monteith in presently.

Both the SQA and I think that there is a great need to bring in information technology in order to reduce the danger of losing material; that is, in order not to lose the results, unlike the technology that was in place two years ago.

Mr Monteith: I thank Mr Russell for giving way. I hear what he says about the need for technology, but many people would be concerned about sitting

written examinations in school or college if no proper record—either a copy or an original document—was kept for later inspection. Such papers could be scanned and kept on computer file, but the level of credibility that that would have would be far lower than the paper copy. Although there is a need to continue to advance technology, I am concerned—I hope that Mike Russell shares my concern—that paper copies might disappear.

Michael Russell: The paper copies are destroyed some time after the exam diet—they do not stay for ever. I still think that we should examine the possibility of returning papers. I know that the minister is still considering that. It is an issue, but there are difficulties on both sides of the argument. However, information technology has advanced sufficiently for us not to be too afraid about not having a piece of paper to wave in our hands. The paperless office has not come to the Parliament, but it has arrived elsewhere.

I will make a final point on the SQA's role. A genuine debate is needed on what the SQA's function should be. That matter is part of the greater debate, as well as being part of the debate on the bill. Should the SQA physically provide an examination system, physically intervene to get the results of that system and physically mark every paper?

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD) *rose—*

Michael Russell: If Mr Stone wishes to intervene, I say no. If he wishes to go to the toilet, that is nothing to do with me.

There is a model of operating an examination system in which there is not the active intervention that I have mentioned. Under that model, an examination body would validate the work on examinations that is done in classrooms. It becomes a franchised business.

I see that Mr Jenkins is nervous about that. I am not saying that it should happen. However, we must be open to new possibilities. We know from the events of two years ago that the size of the system, the way in which it operates and the sheer volume of data that go through the system are very difficult to manage. One must ask whether we have to manage it in the way that we do.

The SNP supports and will vote for the bill, but many issues are still to be teased out. Some are in the Education, Culture and Sport Committee's report and some will emerge at stage 2. I will make one point to the ministers: I am disappointed that the committee's enthusiasm for a board member to be appointed from the SQA staff has already had cold water poured on it. That is regrettable. The Education, Culture and Sport Committee's recent experience is that good ideas that come from the committee tend to have cold

water poured on them, particularly in the drafting of bills. As I said the last time that we debated an Education, Culture and Sport Committee stage 1 report, I hope that the Executive will enter a genuine partnership with that committee in order to improve and develop the bill. I hope also that the Executive will not stand on its dignity and the fine print of its drafting, which often turns out to be defective. That would make it more difficult to come to an accommodation about the bill.

There is a willingness among members to work together to help the SQA into the final stages of its recovery. That will have existed from the beginning. As a member who was involved in the Education, Culture and Sport Committee's inquiry into the SQA, I know how much we worked together on that matter. Let us hope that that partnership will continue through stage 2 into stage 3 of the bill and that it will not be turned off by an approach from ministers or civil servants that is too picky or stands too much on their dignity. It would be nice to think that we could all make the bill a bit better than it is.

16:03

Mr Brian Monteith (Mid Scotland and Fife) (Con): The Scottish Conservative and Unionist group welcomes—*[Interruption.]*

The Deputy Presiding Officer: I am not sure whether I will allow extra time for Mr Jenkins's microphone falling off.

Mr Monteith: I am not sure that I will need it. The Conservatives welcome the Scottish Qualifications Authority Bill. It was to the great relief of not only the pupils, but of the then Minister for Education, Europe and External Affairs and of the First Minister of the time that the exam diet of 2001 was completed successfully. However, some unfinished business remained: governance. It is therefore appropriate that the bill has been introduced to tidy up the organisation of the SQA.

It is worth recalling that the Education, Culture and Sport Committee and the Enterprise and Lifelong Learning Committee both recommended in their inquiries that the organisation's governance model should not be altered radically.

Moreover, the Enterprise and Lifelong Learning Committee specifically rejected the adoption of agency status because of the impact that that would have on the independence of exams and the potential political interference that might result from it. The convener of that committee might wish to comment on that later.

Mike Russell was quite right to say that the gold standard of Scottish education and its exam process must be retained. I would be concerned by the prospect of ministers—of whatever party, at

whatever time in the future—undermining that gold standard by their own actions, so I am pleased to hear of Mike Russell's conversion on the issue thanks to the SQA chairman, Professor John Ward.

We welcome the changes to the set-up of the SQA board. It is proper that the board will be an organisation that draws on experience, that seeks to provide good management and that is not a representative body, as the old board was. It is clear that the old SQA board had a number of difficulties. In particular, there was a question about where the loyalties of a number of board members might lie. That is not to demean the work that those board members did or to disparage their contributions. However, it is invidious to place a conflict of interests upon people if they are seen, at least by such groups' members, to represent trade unions or interest groups—in other words, the stakeholders of the SQA—while acting as board members who properly perform the duty and function of putting the SQA's interests first. We must avoid such conflicts of interests in setting up such public bodies.

By having a representative council, we will ensure that all the organisations that are represented on it—including employers, school boards, teachers, head teachers, the General Teaching Council for Scotland, lecturers and college principals—are freer to speak, because they will not be acting also as board representatives, with the responsibilities that that carries. I therefore welcome the structure that is proposed in the bill.

It has been said that there might be a place on the new board for a member of staff, almost as a staff representative. There, again, lies the difficulty that we would be asking somebody to be a staff representative, but also to fulfil the functions of their role as board member, and to be responsible in doing so. At times, that person might not even be able to report back to fellow staff because of the confidentiality that might be involved in being a board member. That would place such a member of staff in great difficulty.

I think that the proper place for staff representation outside the trade unions—which exist to represent teachers and other organisations—is in the advisory council. I therefore welcome the minister's saying that she is not yet convinced of the proposals in that connection.

Mr Stone: On the confidentiality aspect of staff members' being on boards, there are examples of other organisations where that does work. I wish to press Mr Monteith on that. Why does he think that a staff member would find it difficult to observe rules of confidentiality? It happens in other walks of life.

Mr Monteith: The member says, "It happens in other walks of life." That does not necessarily mean that such arrangements work efficiently and well, nor does it mean that the organisations concerned have at any time confronted issues where confidentiality has been a problem. However, it is undoubtedly the case that it could be. I think it proper and better that, in public bodies, we remove such an area of doubt. As long as the channels are in place, we can be satisfied. We should also draw a slight distinction.

Michael Russell rose—

Mr Monteith: I will carry on if Mike Russell does not mind. We have discussed in the Education, Culture and Sport Committee such organisations as Scottish Opera and Scottish Ballet, and how they might benefit from having artists' representation on their respective boards. There are two subtle distinctions to be drawn. The first is the fact that the SQA board is smaller and tighter; the second is the fact that, in this case, we are debating legislation. Organisations or companies should be free to determine for themselves what courses of action they take; I do not believe that it is for us to lay down in legislation how those courses of action are taken. That is where it is more appropriate for the minister to take a view.

We regard the bill as timely. It is well structured and should provide what is required to ensure that the SQA is properly run and progresses—not just for schools, but for colleges. The SQA must respond to the demands not just of exams but of serving new clients. We hope that it will export expertise and knowledge abroad to England and other places. We see the bill as representing a new beginning for the SQA and we are happy to support it.

16:10

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): I thank Mr Monteith for his assistance with my lectern. On the previous occasion when I tried to lift a lectern, I jammed Jamie Stone's finger in it.

Michael Russell: Well done.

Mr Stone: That is a disgraceful remark.

Ian Jenkins: In future, I will let other people put my lectern in position for me.

My colleagues are sympathetic people and I know that they will be saddened to learn that on Saturday night I broke a tooth while eating a curry. I do not know how I did it, but I suffered hugely for about two and a half days, before being treated by the dentist on Tuesday morning. Within a few hours, something that had dominated my life for 48 hours was forgotten altogether, and it is now difficult for me to recall how badly I felt about it. I

cite that incident in an attempt to help us remember how traumatic the events of August 2000 were at the time and to caution against allowing those memories to fade into the distance.

The dramatic events of August 2000 affected thousands of our young people at a crucial moment in their lives. They affected not only youngsters whose results were missing, but—as Michael Russell said—everyone who was involved in this area of Scottish education. They threatened to call into question the value of the awards and the reliability of the whole awards system. Nothing could have been more damaging if remedial action had not been taken to stabilise the situation by the time that results were issued in 2001.

The Education, Culture and Sport Committee discovered, during its consideration of the crisis, that many contributory factors came together to cause a sort of paralysis or corporate denial in the administration of the SQA. Those factors included the difficult merger between the Scottish Examination Board and the Scottish Vocational Education Council, with their split sites and different cultures; the incompatibility of information technology systems; and the massive task of administering a hugely bureaucratic, controversial and—I still believe—rather unsatisfactory higher still examination regime. There came a point at which SQA officials seemed genuinely unaware of the extent of the problems or unable to face up to the truth of the situation.

That brings me to the bill. The Enterprise and Lifelong Learning Committee indicated that it did not believe that the system of governance of the SQA was the prime reason for the crisis, but it is certainly true that the governance structures that were in place seemed unable to influence events or to respond to warning signs adequately and effectively. The board was unwieldy, it met only a few times a year and, although it was peopled by legitimate stakeholders, in some ways it was not a sharply focused organisation. Furthermore, at the time of the crisis there was uncertainty about the relationship between ministers and the SQA, which meant that until very close to the examination diet assurances that came from the chief executive and other officers were accepted at face value, both by ministers and by members of the board.

The bill seeks, very sensibly, to create a more focused and responsive structure of governance for the SQA. There will be a smaller, leaner, more professional board that will meet more frequently, that will have expertise in management and that will have a close working relationship with the chief executive and his team. The new board will have to take account of the views of the newly formed advisory council, which will be chaired by a member of the SQA board. The structure should

provide focus, informed discussion and the ability to respond to issues and concerns that are raised. The whole organisation should provide a network of cross-checking and accountability in the work of the SQA.

As Cathy Jamieson said, under the new regime ministers will have direct powers to make regulations in relation to the SQA's procedures—for example, the procedures for meetings. Ministers will be able to make provisions that would allow a representative of Scottish ministers to participate in meetings of the SQA or its committees.

Properly implemented, those provisions should ensure that the lines of communication are clear and effective. Problems such as those that we experienced in 2000 should never again be allowed to develop beyond remedy before they are attended to. For that reason, I am happy to give the Liberal Democrats' full support to the principles of the bill at stage 1.

In the meantime, I will raise one or two matters for consideration. The first is a point of interest. I wonder whether Cathy Jamieson's presence here indicates that she will be the lead minister in the Executive's contact with the SQA, given that the SQA's business goes much wider than school education and impacts on the remit of other ministers.

Michael Russell: My colleague Alex Neil will confirm—as will the minister—that responsibility for the SQA was taken away from the Minister for Enterprise and Lifelong Learning shortly after the crisis broke. Therefore, Cathy Jamieson is responsible, as was her predecessor and even his predecessor—education ministers come and go more often than Edinburgh buses.

Ian Jenkins: As a teacher, I think of the SQA—as I thought of the SEB—as the group that runs the school exams, but it is clearly a much wider organisation with many more branches and activities than that. I simply wonder whether “Scottish ministers” refers to several Scottish ministers or to Cathy Jamieson on her own.

I will not spend time on the composition of the board or on a discussion of numbers or staff representation. We have covered all that well enough.

A more substantial point is that the bill is not specific about the size and composition of the advisory council. I agree that such details need not be included in the bill—I would not want them to be there—but I raise the matter in the context of the size and complexity of the SQA and all its works. I have residual worries about the difficulties that arose in resolving the cultural differences between the SEB and SCOTVEC. I am still worried about the bureaucratic nature of the higher

still assessment regime among other things. The SQA is a large and complex organisation.

I was reassured by the evidence that the committee heard about the management and mechanisms that the SQA is putting in place. We must acknowledge the wide variety of different interests among all those who consider themselves to be stakeholders in the work of the SQA. The advisory council will be a crucial element in the new governance structure, but it will not be easy to avoid the formation of another large council. There are potential difficulties in having a large amorphous group that is made up of representatives of many special interests, each of which is important. Potential stakeholders are the director of education and the local authorities involved, as well as the others that Brian Monteith mentioned. I worry that we might recreate another board of that sort. I do not know the answer to that potential problem; there are so many potential stakeholders, that the organisation might end up being very big. I raise the matter for consideration.

In my view, it will be important for the advisory council to have good lines of communication with the internal advisory boards and sectoral interests within the SQA. As the bill requires, it will be important for the advisory council to consult a wide range of interests and to have regard to representations that are made to it. The advisory council is crucial to the good working of the bill.

Having made those minor points, I reaffirm my support for the aims and principles of the bill.

The Deputy Presiding Officer (Mr George Reid): We will get everyone in if speeches are kept to four minutes.

16:18

Alex Neil (Central Scotland) (SNP): The bill is a good example of the Executive taking up and implementing, almost word for word, the work of a committee. That gives the lie to those who say that the committees have no influence on the Executive or the Parliament. I commend the Executive for taking our work and putting it into legislation.

I suspect that the problems that we found in the SQA are fairly common in agencies of its kind. I hope that the new structure will become an exemplar for the kind of constitution that future boards will adopt, with the management function divided from the stakeholder function. One of the central problems of the SQA board was that it did not see itself primarily as a management board that was there to run the organisation efficiently and effectively. The board saw itself primarily as a representative organisation—albeit that it met only once a quarter—with people round the table representing the interests of their organisations

rather than giving primacy to the interests of the SQA.

Directors of boards of organisations in the private sector have a statutory obligation to put the interests of that organisation first when they are sitting round the table. I suspect that we are reaching the stage at which that statutory obligation might have to be extended to the public sector.

I mention in passing that I think that Learning and Teaching Scotland, which was formed from a merger between the Scottish Council for Educational Technology and the Scottish Consultative Council on the Curriculum, falls into the same problem area as the SQA. I hope that the minister will consider the constitution of that body and make similar proposals to those that she has made for the SQA.

I welcome the fact that the SQA will have a much smaller board. I hope that the board, unlike the last one, will meet regularly—at least monthly—and that the chair will hold management meetings between the board meetings to ensure that the decisions of the board are implemented properly.

The role of the chair is critical and it needs to be made clear that, although the chair might be part-time, he or she has an executive responsibility to the board and to the minister. The key issue is the management expertise and experience of the members of the board. It is not necessary for the members to have come from the education sector. Indeed, I argue that a substantial share of the board members should come from other sectors and bring the best of management experience and expertise to the SQA.

There are three issues about the advisory council that I would like the minister and the committee to consider at stage 2. First, too much detail about the advisory council will be dealt with in secondary legislation. There is a need for more detail in the bill, particularly on the constitution and membership of the advisory council. Secondly, I question the wisdom of the convener of the advisory council being a member of the board. The danger is that he or she will go to the board to represent the advisory council rather than remaining totally independent. That issue needs to be explored at stage 2. Thirdly, the advisory council should have an independent secretariat and should not rely on the board for its secretariat. That should be built into the bill. I raised that point with the minister earlier.

I hope that my suggestions are useful and that they will be taken on board.

16:22

Marilyn Livingstone (Kirkcaldy) (Lab): I am pleased to have the opportunity to speak in today's debate. As a member of the Enterprise and Lifelong Learning Committee, I was involved with the original report into the governance of the Scottish Qualifications Authority and I welcome the bill.

I say in response to my colleague Alex Neil that the committee believed that the governance of the SQA

"was not the primary factor in the failure of that organisation, rather it was a failure of management."

The committee also believed that improvements could be made

"in the governance arrangements to help avert a repetition of the difficulties experienced"

and everyone has been alluding to what happened in the summer of 2000.

The Enterprise and Lifelong Learning Committee concentrated, rightly, on the governance of the SQA. The committee concluded, as have other members, that the SQA board was too big and unwieldy. The board had over 20 members, it met far too infrequently, and it contained too many stakeholders as opposed to those with relevant management and government capabilities.

One of the big issues that I noted was that the structures below board level were too complex. The Enterprise and Lifelong Learning Committee found that, despite the fact that the SQA had such an elaborate—even byzantine—structure below board level, it failed ultimately to assist in diverting the difficulties that were encountered in the summer of 2000. Too many people were involved and there were too many layers and too many levels. The recommendation to set up an advisory council will go a long way towards clarifying that position.

The Enterprise and Lifelong Learning Committee is pleased to note that the bill addresses the issues that it raised. The proposal to move to a board that is made up of between seven and nine members is in line with the committee's recommendations. We believe that the board's size should be reduced, in line with current management thinking.

When Esther Robertson from the Scottish Further Education Funding Council gave evidence to the committee, she said that she was struck by the difference between, on the one hand, the SQA and, on the other hand, SFEFC and Chris Masters's organisation, the Scottish Higher Education Funding Council. The latter two organisations had small councils that were appointed by ministers and a strong sense of corporate collective governance emerged quickly.

Deloitte & Touche also recommended a reduction in the size of the board to facilitate more effective management.

The bill proposes that all board members be appointed by ministers. That pleases me, because the Enterprise and Lifelong Learning Committee found that stronger monitoring by ministers was necessary.

The Enterprise and Lifelong Learning Committee recommended that the SQA board should meet monthly rather than quarterly. I am happy to see that that recommendation is mentioned in the bill's policy memorandum. We made that recommendation because we saw that there were failures in having quarterly meetings, but we have to allow the board flexibility. I welcome the proposal in the bill.

I welcome the introduction of the advisory council to advise the SQA. The council will remove a lot of the complexities and failures that we saw previously. We need a strong, appropriate and co-ordinated mechanism to enable stakeholders to participate and offer advice. It is important that the SQA maintains close links with stakeholders, that it is focused and that stakeholders have appropriate representation.

The bill recognises the need to maintain stability and improve the governance and management of the SQA. Thanks to the efforts of the many staff who were involved, last year's exam results were delivered successfully. The SQA must build on that performance in future years. The bill sets out that requirement.

16:26

Linda Fabiani (Central Scotland) (SNP): I am not a member of the Education, Culture and Sport Committee or the Enterprise and Lifelong Learning Committee, both of which dealt with this bill, but I was pleasantly surprised when I read the bill, because it was good to see that ministers will now take some responsibility for the SQA. That should be welcomed by everyone. I feel strongly that one of the major factors in the problems that arose previously was the lack of willingness on the part of ministers to shoulder responsibility when the extent of the corporate denial, to which Ian Jenkins referred, eventually came to light. I hope that the sudden realisation of the duties of government will be infectious, and that we will see a bit more of it from time to time in the chamber. Who knows, perhaps we may even hear an admission from the Government that independence is the best way for Scotland to go.

I welcome the bill. I hope that in changing the structure of the SQA we can also change the culture of that organisation, to ensure that its focus is entirely on the students who are waiting for their

results. I wish to mention a group of people who were not mentioned much at the time of the trouble in the SQA. It was not just higher and standard grade students who had problems; in my constituency, many youngsters at further education colleges, who were waiting for the validation of their higher national certificates and higher national diplomas, were also traumatised by the trouble that the SQA was going through. We should remember that the SQA deals with more than just schools. I cannot remember who it was, but a member spoke about the expansion of expertise if we start on the right basis.

The Education, Culture and Sport Committee will scrutinise the bill carefully at stage 2 and I am confident that various concerns that have been raised will be examined. The SQA has a long way to go to restore public confidence and credibility. Much of that work will have to be done by the SQA, but politicians from all parties will play their part in setting up the important regeneration framework. The SNP is broadly in favour of the bill—that is not in doubt—and we will support it today. Our members on the Education, Culture and Sport Committee—Irene McGugan and Mike Russell—will ensure, along with other members, that the bill is scrutinised properly and that the Executive's plans are examined.

One or two issues need to be examined, and I ask the Education, Culture and Sport Committee to examine them in detail. One of those issues, which was mentioned by Alex Neil, concerns the advisory council. It looks as if the advisory council will be governed largely by secondary legislation, and that concerns me. I tend to go on about secondary legislation all the time, because we end up dealing with a lot of secondary legislation from the legislation that is passed by this Parliament. I have heard it said by ministers and their advisers that that is normal. Well, what is normal? We have been here for three years, and we should determine what is normal. Let us consider having more primary legislation, because if we leave too much power in the hands of ministers with regard to secondary legislation, we must be aware that there is no guarantee that the ministers who are here today will be the ones who introduce the secondary legislation.

Whom does the minister have in mind to be members of the advisory council? That is important. I assume that we are talking about people such as university and teaching profession representatives. There may be an argument for enshrining one or two such appointments in the bill. We should know the ministerial intent.

I have other concerns, but my time is running out. I am sure that those matters will be addressed at stage 2. I reiterate that the SNP is broadly in favour of the bill. I look forward to its progression through the Parliament.

16:30

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): Along with Ian Jenkins—the lectern collapse who is sitting on my right—I was a member of the Education, Culture and Sport Committee when the SQA events happened. I remember well how awful the situation was. The current consensus in the chamber is good. The bill is workmanlike and shows how the Parliament can do things rather better.

I agree very much with Mike Russell's suggestion of having an SQA staff member on the SQA's board. I am sorry that Mike Russell is not in the chamber at present. Despite what Brian Monteith said, I say to the minister that some models could make that proposal workable.

When Ian Jenkins, Mike Russell, Nicola Sturgeon and I, among others, went to the SQA's premises in Dalkeith, morale was dire. People told us up front that the situation was desperate and that they were gutted. The bill will rebuild much of that morale, but one way of underpinning our intention would be to put a staff member on the SQA's board. I ask the minister to consider that.

I am also taken by what Mike Russell said about information technology. He was right to say that when we went to the premises in Dalkeith, there were stacks of papers in pigeonholes—more than I could have believed possible. Curiously enough, many organisations are moving towards being paperless, and even the Parliament might be paperless one day. When the way to get ahead in the world is to use IT to maximum effect, we should keep the idea at the back of our minds that, one day, work could be done on screens and saved to disks, for example. That would get rid of that damn paper. Members can imagine the dangers from fire or something else going wrong at present. Information technology exists and is shifting fast. Mike Russell is right that we should think about that.

I am taken by what Alex Neil said about whether the convener of the advisory council should be a member of the SQA's board. He said that the convener could be the advisory council's representative on the board. More dangerous still, he could be the board's representative on the advisory council. That could undermine the council's independence.

I mentioned the morale of SQA staff. We all know that our teaching profession, too, was in a dire state at that time. We must raise its morale again. Last year's diet was a success, and good work has been done, but I am taken by Linda Fabiani's request to hear more about the structure of the advisory council. The litmus test that I will apply is whether the teaching profession, whose people are at the chalkface, is well represented.

Mike Russell mentioned flexibility, which must be supplied. In essence, the bill is a worthwhile piece of work. I am no longer involved in the Education, Culture and Sport Committee, but once upon a time I was, and I will continue to take an interest in the bill at stage 2. What we have done so far is good. Improvements can be made. It behoves all of us to talk to the minister reasonably, as we have done today, to polish further this good piece of work.

16:34

Stewart Stevenson (Banff and Buchan) (SNP): I will make just a few brief comments on the subject, as we are near the end of the debate. We heard several references to paper in the SQA. Jamie Stone, Mike Russell and Brian Monteith referred to the potential role of IT systems. After 30 years in computer systems, I still spend much time advising considerable caution, particularly with such systems.

We can successfully convert to IT the kind of system that we are talking about only if we put in place responsible, accountable, trained and qualified IT people to do it. One of the problems that the SQA encountered was that it did not have such people in place. A consequence of that—and I would not say that it was the fault of the SQA or the minister—was that the people who were running the IT department were not senior enough and did not have enough confidence to say that their part of the merging of the Scottish Examination Board and the Scottish Vocational Education Council was not working as it should have.

Mr Stone: Does Mr Stevenson accept that what he is saying about the IT in the SQA is different from what Mike Russell and I are talking about, which is to do with using IT in the examination process?

Stewart Stevenson: I am happy to accept that. I am merely sounding a note of caution.

When we are undertaking major programmes of change, we should bring someone in from outside the system to run the programmes. Speaking with hindsight, at the core of many of the difficulties that were experienced in the SQA was the fact that there was no one who was clearly identified to run the change programme.

Mike Russell and Brian Monteith talked about the destruction of papers. I have a constituent who was unable to conclude an appeal on behalf of his daughter because the papers had been destroyed. It is certainly worth revisiting the issue of returning people's scripts, microfilming them or preserving them by some other mechanism, although I admit that the problem affects only a small number of people.

As the "Register of Interests of Members of the Scottish Parliament" shows, I spend a little bit of my time lecturing postgraduate and honours-year students at Heriot-Watt University on management information systems. I am grateful to the Scottish Parliament for the intense and professional way in which it has examined the SQA. That has provided a rich seam of material for my students. It is a tribute to the Scottish Parliament, the parties in it and the Executive that we have been able to deal with this difficult issue thoroughly and professionally and achieve an outcome that will be welcomed by everyone in Scotland.

The Deputy Presiding Officer: We are absolutely on time so we will have no slack during the winding-up speeches. I call Jackie Baillie.

16:37

Jackie Baillie (Dumbarton) (Lab): I will start by abusing the goodwill of the Presiding Officer by suggesting that we should send our best wishes to Karen Gillon, the convener of the Education, Culture and Sport Committee, who will, in the next week, deliver a new member of the Gillon family.

Linda Fabiani: Can the member guarantee that time scale?

Jackie Baillie: I think that that is a safe prophecy.

I welcome the Scottish Qualifications Authority Bill, which will enhance the qualifications system for schools, colleges, employers and, most importantly, for our young people and older students. Its purpose is also to provide some much-needed stability, which is welcome.

We have all recognised the difficulties that were experienced during the examination diet of 2000, particularly the chaotic consequences for students and their subsequent further and higher education applications. We need to restore public confidence in the SQA, whose critical function for Scottish education has been significantly undermined.

What were the causes of the failure? Elaborate and over-complicated systems of governance that inhibited the SQA's ability to react to crisis; excessive board size, which did not help to provide a coherent or collective response; and a communications failure caused, in part, by the fact that meetings were infrequent and irregular. While stakeholder interests deserve to be represented, they were perhaps misplaced on the board of the SQA, where specific skills and experience are required for competent management.

There was a very welcome improvement in the 2001 diet, which demonstrates the future scope for success in the SQA.

There is much to be welcomed in the bill, not

least because it builds on the lessons that have been learned. The provision for coherent SQA governance structures and the power for ministers to regulate its proceedings have received general support. Directives for board appointments are also very valuable, as they can promote the representation of financial, legal, classroom and IT experience and human resource skills as useful factors in SQA governance.

As the minister has already heard, the committee also felt strongly—and I suspect continues to feel strongly—that there should be an employee representative on the board, which would ensure that employees' views are considered directly and without any filtering. Without the staff's time and commitment, the 2001 diet would not have been a success. They can make a valuable contribution that should not be lost. It is also worth noting that many of the less senior staff at the SQA were reporting problems prior to the 2000 diet; however, that message did not get through. I am sure that the minister will want to reflect further on the matter before we reach stage 2.

I want to turn quickly to the advisory council. The system of checks and balances will promote accountability and transparency and I welcome the fact that the council's meetings will be open to public scrutiny. The council's function in bringing together all the stakeholders will directly uphold and maintain standards within the SQA.

The committee had no difficulty in supporting the bill's general principles. However, a few issues were raised at stage 1 that I am sure the ministers will reflect on before stage 2 commences. I have already mentioned employee representation. I should also mention the apparent confusion about who does what, and that some clarification of the advisory council's role in relation to the SQA board or the Executive would be helpful. A further question is whether the SQA should simply have regard to the advisory council's advice. The committee clearly felt that there should be a duty to respond, although it recognised that the ultimate responsibility for governance must and should remain with the SQA board.

Although I acknowledge some of the assurances that the minister has given, it was communication—or the lack of it—that underpinned the problems in the past. We cannot afford to take any chances with communication in the future. I welcome the bill's principles, but look forward to our stage 2 discussions.

16:42

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

Perhaps I had too large a lunch, but there is a rather soporific atmosphere in the chamber this

afternoon. Although the debate has been worthy, the subject is perhaps not the most exciting. Indeed, we seem to have had a recent run of fairly uncontroversial education bills on Thursday afternoons.

Like Linda Fabiani, I am not a member of either the Enterprise and Lifelong Learning Committee or the Education, Culture and Sport Committee. However, I commend the work of both committees in making representations to the ministers on the bill. As my colleague Brian Monteith said, we consider this to be a timely and necessary bill and welcome it, especially given the recent, troubled history of the SQA. Ian Jenkins and other members have referred to the debacle of the 2000 diet in the SQA, and we join Ian in hoping that the new structure will help to ensure that such a situation does not happen again.

I will make one or two brief points. As Alex Neil said, one of the key points is the frequency of meetings. The evidence shows that the lack of frequent meetings led to the previous problems. Although I understand the need for flexibility, it might make sense to have more regular meetings. The Enterprise and Lifelong Learning Committee recommended that they should be held monthly. I certainly think that some sort of regular pattern must be specified.

Jamie Stone, Stewart Stevenson and others talked about moving towards a paperless office. I have to declare a small interest in the matter. Before I became an MSP, I was a solicitor, and one of my jobs was to negotiate with the SQA a lease on behalf of landlords of storage space in Dalkeith so that the agency could store all its paperwork. So having too much paper is not always a bad thing, especially if one is a landlord. In this case, it was the Scottish Mining Museum at Newtongrange that was glad of the extra income.

By all means, let us move towards paperless offices, but we should bear it in mind that paper is not always a bad thing. The related question of the returning of marked scripts must be considered. That happens in England—not all ideas that come out of England are bad—and it is something that we should consider doing here too.

The issue of the advisory council should be fleshed out a little—other speakers referred to that. Ian Jenkins mentioned that more information is required on the composition of the council. There is a statutory duty for the SQA and the advisory council to consult each other—I would like to hear from the ministers how they see that relationship developing. Is the advisory council to be in effect a watchdog? It is important that the relationship is one of mutual co-operation.

I welcome the fact that part-privatisation in future has not been ruled out in the policy memorandum.

Contracting out and the market testing of individual functions have not been ruled out either.

Michael Russell: Privatisation was ruled out by the minister.

Murdo Fraser: It has not been ruled out in the policy memorandum. We have streaming one day and privatisation the next—who knows where we will end up?

I endorse what Brian Monteith said earlier. The Conservatives welcome the bill.

16:46

Irene McGugan (North-East Scotland) (SNP): There has been fairly general agreement this afternoon that the changes promoted will bring about the improvements that are necessary in the structure of the SQA, with a board that focuses on governance and management issues and an advisory council as a mechanism for participation.

If the SQA is to restore credibility in the immediate delivery of its core processes, and develop confidence beyond that, it is important that the legislation is effective. Many of those who gave evidence to the committee underlined the fact that the experiences of 2001 did not mean that the SQA's reputation was restored or that confidence had returned to the level that existed prior to 2000. Some of that was eloquently expressed by members of the youth parliament in its submission to the committee. We should not forget that everything that we do today is about ensuring that the exam process is as robust as it can be in future for the sake of all those people— young and not so young—whose future depends to a large extent on its efficiency.

I welcome the fact that the chair of the advisory council will be a member of the board. That was my interpretation. I noted that Ian Jenkins thought that a member of the board would become the head of the advisory council. I wonder which way round it will be. I hope that it is the former, because that would give a greater role to the council and greater priority to its work. Perhaps the minister could clarify that.

At a later stage it will be important to address the extent to which the advisory council can influence decisions. The establishment of the council is intended to ensure that stakeholders' views and advice are available to inform the SQA's decisions. However, as has been highlighted previously, there is no duty on the board to respond to such advice. As Jackie Baillie said, we recognise that governance remains with the board, but the committee felt strongly that there should be a requirement on it to respond to advice from the council.

I would like to underline one more issue, which

is that, with one exception, members of the committee supported the notion that there should be an SQA staff representative on the board. That seemed to fit well with the genuine attempt to involve staff, since real issues of communication were identified in the inquiries that followed the events of 2000. That mechanism would not only improve communication but promote involvement in decision-making structures. That is important, and I hope that the minister will give some consideration to that, prior to stage 2.

With those provisos, the SNP supports the general principles of the bill.

The Deputy Presiding Officer: I call Nicol Stephen to wind up the debate for the Executive. You have until 16:59, minister.

16:50

The Deputy Minister for Education and Young People (Nicol Stephen): I welcome the Opposition front-bench contributions to the debate, which have all been broadly supportive of the core elements of the bill. Some relatively minor but important issues were raised, and I will address them during my speech.

Mike Russell started by talking about a return to the gold standard. I reflected on those comments during the debate, and I wonder whether it was that view that was at the heart of our initial problems with the SQA. We somehow believed that we had the gold standard, but the gold standard, as we all know, became outdated and is now no longer used in international financial dealings. We have realised that not only do we want to restore an organisation that can deliver an effective exam system, but we must go beyond that, stretching for a new, modern standard of excellence, because the old system ultimately failed. Our objective is to achieve a modern, efficient, high-quality organisation. We realise that that will not be done through legislation alone, and that a great number of people will have to make a huge effort to continue to drive forward many of the issues that members have mentioned, in the management of resources and in the use of new technologies.

When we began to consider the matter, Mike Russell and some of his colleagues objected to the proposals for the future of the SQA and wanted it to be brought closer to ministers through the creation of an Executive agency. It would be wrong to go into the details of that debate now, but I welcome his considered change of heart on the issue.

Mr Russell referred to Michael O'Neill, who said that the Executive should be more involved in the SQA than in the average NDPB. We take those remarks on board. Indeed, we live those remarks

daily, weekly and monthly. We have regular meetings at officer level, and officials from the Executive are meeting the SQA this afternoon. We also continue to have regular meetings at ministerial level with John Ward and with David Fraser, the new chief executive. That hands-on approach will continue for a time, and will ensure that the SQA makes the changes that are needed to allow it to become—in due course and at the appropriate time—more like a normal NDPB. That will be part of its development process.

Everyone in the chamber must be committed to playing their role in helping to create the efficient exams organisation that we want for Scotland.

Michael Russell: I am grateful for that remark, as it moves the debate to a position where supervision of what is, at this stage, a slightly hybrid body can return to normal over time. Part of the essential nature of that process is the operation of the SQA as a public sector organisation. The minister will recall that I raised the matter in the Education, Culture and Sport Committee with him and with Professor John Ward. I told Professor Ward:

“The service should be delivered by a public sector organisation.”

He replied:

“Absolutely.”—[*Official Report, Education, Culture and Sport Committee*, 26 February 2002; c 3089.]

In the light of Murdo Fraser's comments—Murdo Fraser was not at any of those meetings—will the minister confirm that privatisation is not on the agenda?

Nicol Stephen: I am happy to confirm that. As I recall, I confirmed that to the committee and I am happy to repeat that confirmation now.

I turn now to the role of the proposed advisory council. I recognise that there are issues relating to the advisory council that still have to be resolved. I am grateful for the guidance and suggestions that I have had from members. However, I should point out that we have a role model for the advisory council in the ministerial review group on the SQA, which I have been chairing. That is not the case with many of the new organisations that we establish through legislation. The ministerial group has been sitting since the end of 2000 and has been working well.

As Mike Russell said, it is crucial that we create a flexible structure that is able to develop and innovate, that will remain effectively managed with rigorous standards and quality control and that can move forward into the sort of agenda that many members have touched on this afternoon.

One of the strong views of the ministerial review group, which foreshadows the advisory council, was on the importance of the simplification of

assessment. That is still a big challenge for the SQA and other aspects of the exam system.

I welcome Brian Monteith's remarks and his support for the bill. More robustly than any other member, he defended the Executive's current position on staff representation on the board. In case he single-handedly tilted the balance of the argument a bit too far, I want to make the position clear. At the committee stage, I said that we would consider the issue further. A precedent was put to me in respect of the Water Industry (Scotland) Bill. We are considering the whole issue. We have not shifted our position, but we are keen to encourage staff involvement in the SQA's future. I think that Brian Monteith would align himself with that view. We are not yet convinced that formal appointment to the board is the best way ahead, but we will continue to consider the issue.

For those members who are arriving in the chamber, Ian Jenkins made an interesting analogy involving curry houses and dentists. He spoke about the SQA's responsibilities and the fact that it straddles various Executive departments. I want to make it clear that lead responsibility for the SQA now rests—and will continue to rest—with the Minister for Education and Young People. I understand some of Ian Jenkins's other concerns. The SQA must address many issues in the coming months.

I repeat: the ministerial review group has played a crucial role in representing the views of stakeholders and has covered the further education sector, the schools sector and indeed the views of young people and students. I am convinced that the advisory council, with the right people, will reflect the interests of those key stakeholders and will work well. I compliment the efforts of Alex Neil and the Enterprise and Lifelong Learning Committee in paving the way for the bill. The right people, with good expertise and good experience, are on the board.

The issue of the chairmanship of the advisory council is important, but I do not think that separating the advisory council and the board is a good idea. Of course, there will be constructive tension from time to time, but there must always be a bridge and a link—that was reflected in what Irene McGugan said. Close co-operation, partnership and a genuine understanding between those two organisations is important.

Alex Neil: I accept what the minister says. However, will he give serious consideration to the points that Irene McGugan made? It is important that a convener is appointed as convener of the advisory council, and then is appointed to the board, rather than the other way round.

Nicol Stephen: I am happy to consider that suggestion further. We will return to it and

others—such as the secretariat of the advisory council—at stage 2. I have no doubt that we will be challenged and probed on such matters through amendments. We will bring forward draft regulations before stage 2 so that the committee is aware of the detail of our proposals.

A final, substantive point was made by Jackie Baillie—I am sure that all members share her good wishes to Karen Gillon, who cannot be present today for the best of reasons. Jackie Baillie's point was about the words "have regard to". She wanted that phrase strengthened so that the SQA board has a duty to respond to advice from the advisory council. Again, we will return to that issue. At the committee stage, John Ward said that he had no problem with Jackie Baillie's suggestions and I indicated a similar view. We want the most effective way of responding to and dealing with the issue.

I conclude by running through the bill's key policy objectives. If the Parliament, the Executive and stakeholders in Scottish education are to be reassured that the SQA is capable of delivering its functions, the organisation must be accountable and open to all of its stakeholders. The bill will ensure that openness and accountability are at the heart of the SQA's governance. I commend the bill to Parliament.

Scottish Qualifications Authority Bill: Financial Resolution

17:00

The Presiding Officer (Sir David Steel): The next item of business is consideration of motion S1M-2884, on the financial resolution in respect of the Scottish Qualifications Authority Bill.

Motion moved,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Scottish Qualifications Authority Bill, agrees to the following expenditure out of the Scottish Consolidated Fund—

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

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

Point of Order

17:01

Linda Fabiani (Central Scotland) (SNP): On a point of order, Presiding Officer. In the light of previous rulings, will the Presiding Officer comment on the fact that this Executive has once again handed an Executive study—"Social Focus on Women and Men 2002"—over to the press without bringing it before the Parliament? Furthermore, the Executive has embargoed the study until one minute into tomorrow morning, so that it can be published in the press tomorrow without the Opposition parties being able to comment on the Executive's continuing inability to address inequality issues.

The Presiding Officer (Sir David Steel): I am sorry. The Presiding Officers have no knowledge of this. Not every announcement has to be made to this Parliament. I do not know whether this is one that should be. It sounds like a matter to take up with the Executive rather than with me.

Decision Time

17:02

The Presiding Officer (Sir David Steel): We now come to decision time. There are eight questions to put to the chamber as a result of today's business. The first question is, that amendment S1M-2883.2, in the name of Wendy Alexander, which seeks to amend motion S1M-2883, in the name of Bruce Crawford, on nuclear power stations, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North-East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 McAllion, Mr John (Dundee East) (Lab)
 MacAskill, Mr Kenny (Lothians) (SNP)
 McCabe, Mr Tom (Hamilton South) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Ms Margo (Lothians) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 McLeod, Fiona (West of Scotland) (SNP)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)

Macmillan, Maureen (Highlands and Islands) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Thomson, Elaine (Aberdeen North) (Lab)
 Ullrich, Kay (West of Scotland) (SNP)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Sheridan, Tommy (Glasgow) (SSP)

ABSTENTIONS

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

The Presiding Officer: The result of the division is: For 91, Against 1, Abstentions 16.

Amendment agreed to.

The Presiding Officer: The second question is, that amendment S1M-2883.1, in the name of John

Scott, seeking to amend motion S1M-2883, in the name of Bruce Crawford, on nuclear power stations, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

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

AGAINST

Adam, Brian (North-East Scotland) (SNP)
Baillie, Jackie (Dumbarton) (Lab)
Barrie, Scott (Dunfermline West) (Lab)
Boyack, Sarah (Edinburgh Central) (Lab)
Brankin, Rhona (Midlothian) (Lab)
Brown, Robert (Glasgow) (LD)
Butler, Bill (Glasgow Anniesland) (Lab)
Campbell, Colin (West of Scotland) (SNP)
Canavan, Dennis (Falkirk West)
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Crawford, Bruce (Mid Scotland and Fife) (SNP)
Curran, Ms Margaret (Glasgow Baillieston) (Lab)
Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
Eadie, Helen (Dunfermline East) (Lab)
Ewing, Mrs Margaret (Moray) (SNP)
Fabiani, Linda (Central Scotland) (SNP)
Ferguson, Patricia (Glasgow Maryhill) (Lab)
Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
Gibson, Mr Kenneth (Glasgow) (SNP)
Godman, Trish (West Renfrewshire) (Lab)
Gorrie, Donald (Central Scotland) (LD)
Grahame, Christine (South of Scotland) (SNP)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Iain (Edinburgh Pentlands) (Lab)
Hamilton, Mr Duncan (Highlands and Islands) (SNP)
Harper, Robin (Lothians) (Green)
Henry, Hugh (Paisley South) (Lab)
Home Robertson, Mr John (East Lothian) (Lab)
Hughes, Janis (Glasgow Rutherglen) (Lab)
Ingram, Mr Adam (South of Scotland) (SNP)
Jackson, Gordon (Glasgow Govan) (Lab)
Jackson, Dr Sylvia (Stirling) (Lab)
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
Kerr, Mr Andy (East Kilbride) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Livingstone, Marilyn (Kirkcaldy) (Lab)
Lochhead, Richard (North-East Scotland) (SNP)
Lyon, George (Argyll and Bute) (LD)
McAllion, Mr John (Dundee East) (Lab)
MacAskill, Mr Kenny (Lothians) (SNP)
McCabe, Mr Tom (Hamilton South) (Lab)
Macdonald, Lewis (Aberdeen Central) (Lab)
MacDonald, Ms Margo (Lothians) (SNP)
McGugan, Irene (North-East Scotland) (SNP)

Macintosh, Mr Kenneth (Eastwood) (Lab)
MacKay, Angus (Edinburgh South) (Lab)
Maclean, Kate (Dundee West) (Lab)
McLeod, Fiona (West of Scotland) (SNP)
McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
Macmillan, Maureen (Highlands and Islands) (Lab)
McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
McNeill, Pauline (Glasgow Kelvin) (Lab)
McNulty, Des (Clydebank and Milngavie) (Lab)
Martin, Paul (Glasgow Springburn) (Lab)
Marwick, Tricia (Mid Scotland and Fife) (SNP)
Matheson, Michael (Central Scotland) (SNP)
Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
Muldoon, Bristow (Livingston) (Lab)
Mulligan, Mrs Mary (Linlithgow) (Lab)
Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
Murray, Dr Elaine (Dumfries) (Lab)
Neil, Alex (Central Scotland) (SNP)
Paterson, Mr Gil (Central Scotland) (SNP)
Peacock, Peter (Highlands and Islands) (Lab)
Peattie, Cathy (Falkirk East) (Lab)
Radcliffe, Nora (Gordon) (LD)
Raffan, Mr Keith (Mid Scotland and Fife) (LD)
Reid, Mr George (Mid Scotland and Fife) (SNP)
Robison, Shona (North-East Scotland) (SNP)
Robson, Euan (Roxburgh and Berwickshire) (LD)
Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
Russell, Michael (South of Scotland) (SNP)
Scott, Tavish (Shetland) (LD)
Sheridan, Tommy (Glasgow) (SSP)
Simpson, Dr Richard (Ochil) (Lab)
Smith, Elaine (Coatbridge and Chryston) (Lab)
Smith, Iain (North-East Fife) (LD)
Smith, Mrs Margaret (Edinburgh West) (LD)
Stephen, Nicol (Aberdeen South) (LD)
Stevenson, Stewart (Banff and Buchan) (SNP)
Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
Sturgeon, Nicola (Glasgow) (SNP)
Swinney, Mr John (North Tayside) (SNP)
Thomson, Elaine (Aberdeen North) (Lab)
Ullrich, Kay (West of Scotland) (SNP)
Wallace, Mr Jim (Orkney) (LD)
Watson, Mike (Glasgow Cathcart) (Lab)
Welsh, Mr Andrew (Angus) (SNP)
Whitefield, Karen (Airdrie and Shotts) (Lab)
Wilson, Allan (Cunninghame North) (Lab)

The Presiding Officer: The result of the division is: For 13, Against 93, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The third question is, that motion S1M-2883, in the name of Bruce Crawford, on nuclear power stations, as amended, be agreed to.

Motion, as amended, agreed to.

Resolved,

That the Parliament notes that consent for nuclear and other electricity power stations over 50 megawatts, under section 36 of the Electricity Act 1989, is a responsibility devolved to Scottish Executive Ministers under the Transfer of Functions Order 1999 (SI 1999/1750), and believes that the final decision over consent under the Electricity Act 1989 for such power stations, now and in the future, must remain with Scottish Executive Ministers accountable to the Parliament.

The Presiding Officer: The fourth question is, that amendment S1M-2882.2, in the name of Malcolm Chisholm, which seeks to amend motion S1M-2882, in the name of Nicola Sturgeon, on the national health service, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

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

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

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Green)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North-East Scotland) (Con)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeod, Fiona (West of Scotland) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 Young, John (West of Scotland) (Con)

ABSTENTIONS

Peattie, Cathy (Falkirk East) (Lab)

The Presiding Officer: The result of the division is: For 62, Against 44, Abstentions 1.

Amendment agreed to.

The Presiding Officer: Amendment S1M-2882.1, in the name of Mary Scanlon, is preempted and falls.

The next question is, that motion S1M-2882, in the name of Nicola Sturgeon, on the national health service, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Canavan, Dennis (Falkirk West)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

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

The Presiding Officer: The result of the division is: For 64, Against 44, Abstentions 0.

Motion, as amended, agreed to.

Resolved,

That the Parliament congratulates the staff of the NHS in Scotland on their commitment and dedication; welcomes their leadership role in redesigning services around the needs of patients; notes that this often leads to a different configuration of services and to some new activities that have not traditionally been counted; applauds the on-going and varied work to improve quality in health services, and acknowledges the substantial real-term increases in health resources since 1999, which are supporting the programme of patient-centred reform.

The Presiding Officer: The next question is, that motion S1M-2686, in the name of Cathy Jamieson, on the general principles of the Scottish Qualifications Authority Bill, be agreed to.

Motion agreed to.

That the Parliament agrees to the general principles of the Scottish Qualifications Authority Bill.

The Presiding Officer: The final question is, that motion S1M-2884, in the name of Andy Kerr, on the financial resolution in respect of the Scottish Qualifications Authority Bill, be agreed to.

Motion agreed to.

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Scottish Qualifications Authority Bill, agrees to the following expenditure out of the Scottish Consolidated Fund—

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

(b) increases attributable to the Act in the sums payable out of that Fund under any other enactment.

BSE and New Variant CJD

The Deputy Presiding Officer (Mr Murray Tosh): The final item of business is the members' business debate on motion S1M-2592, in the name of Kenneth Macintosh, on the continuing presence of bovine spongiform encephalopathy and new variant Creutzfeldt-Jakob disease.

Motion debated,

That the Parliament notes the continuing presence of Bovine Spongiform Encephalopathy (BSE) in Scotland and the growing numbers of cases of new variant Creutzfeldt-Jakob Disease (CJD), including at least two cases in the parliamentary constituency of Eastwood; welcomes the setting up of a National Care Co-ordinator and CJD advice network, but acknowledges the devastating effects this disease can have on victims and their families and believes that the Scottish Executive should give its continuing support to those families affected by this terrible disease.

17:08

Mr Kenneth Macintosh (Eastwood) (Lab): The purpose of the debate is simply to draw the Parliament's and the public's attention to the number of people in our community who die from variant CJD. For many of us, it is easy to assume that that most devastating of diseases has gone away, that that most tragic of episodes has been dealt with and that we can get on with normal life. However, we cannot and should not be complacent about variant CJD.

I welcome two of my constituents, Malcolm Tibbert and Graham Steel, who are in the public galleries. They have had to face up to the dreadful consequences of variant CJD. In Graham's case, the disease led to the death of his brother, Richard, and in Malcolm's case, it led to the death of his wife, Margaret. Malcolm Tibbert was the driving force behind today's debate. He convinced me of the need to remind all of us about the facts that surround variant CJD.

Malcolm Tibbert and his family were let down by the Government, the authorities and the system. They were let down by the agriculture system, which put economic confidence before public safety; they were let down by the health system, which failed to recognise and to respond effectively and appropriately to the family's needs; and they were let down by the justice system, which failed to bring the guilty to account and to prosecute those responsible for Margaret Tibbert's death.

I want to tell members the story in Malcolm's words. Margaret Tibbert first started to feel pins and needles in her hands and feet in March 1994. She started to lose her confidence and, upset and crying, she would call her husband at work. She developed a slight difficulty in walking distances and she was eventually admitted to the neurology

department at Glasgow Southern general hospital. All the tests were inconclusive and she was sent home.

By the summer of 1994, Mrs Tibbert began to lose weight and feel increasingly tired. She was referred to a dietician and suspected of a psychological rather than a neurological illness. As her fatigue increased, she would often fall asleep after her evening meal and she began to have difficulty in writing. By the end of 1994, her speech started to become slurred and her short-term memory was impaired. She could no longer work and was prone to falls when left unattended.

Between January and April 1995, all those symptoms became worse and Margaret Tibbert went from using a walking stick to using a walking frame and, eventually, a wheelchair. The strain on the family was overwhelming. Malcolm Tibbert still believed that a diagnosis would be made and treatment started to restore his wife to fitness. However, at the end of two very demanding weeks of tests on Margaret, the neurologist first mentioned the possibility of CJD, although reserving judgment due to her age. It should be remembered that the first confirmed death from variant CJD had not occurred at that time, and sporadic CJD was an illness that affected older people. Nonetheless, the doctors confirmed to Malcolm that his wife had dementia and he faced the additional burden of coming to terms with the fact that she was terminally ill.

Margaret required 24-hour nursing care. Her memory continued to deteriorate, her speech became even more affected and she found it increasingly difficult to express herself. She once commented that she knew what she wanted to say but could not find the words. At that time she started to experience problems in swallowing her food and her husband was pressured into a decision concerning where her future care would be conducted. In July 1995, he took Margaret home. However, he soon found the strain of caring for somebody with a high-dependency illness, coupled with looking after their four-year-old son, too great. At the end of August 1995, Margaret was admitted to the local hospice for respite care.

In September 1995, a feeding tube was inserted into Margaret's stomach, as she was unable to swallow food and a liquid diet was recommended. By the end of the same month, she could no longer recognise her husband and was unable to communicate in any way. She suffered from chest infections that were slowly making her weaker and, eventually, on the morning of 5 January 1996, she died. She was 29 years old.

Margaret Tibbert's death was both avoidable and unnecessary. The majority of evidence supports the belief that Margaret Tibbert's death was caused by BSE-infected material entering the

human food chain. Variant CJD stripped her of her dignity, and even now her family have to live with the trauma and distress of her death. Nevertheless, like the Tibbert family, we have moved on since 1996. Rigorous procedures for food handling and meat hygiene have been introduced and are overseen by the newly created Food Standards Agency Scotland, which is accountable to the Scottish Parliament. The Phillips inquiry, which reported in October 2000, exposed the errors of the past and focused our concern on the care of patients with variant CJD and support for their families.

National care co-ordinators have been established at the CJD surveillance unit in Edinburgh. They are assisted by an advice network that is available to support local services. Those moves have been welcomed, but more needs to be done. For example, further assistance is needed in the area of palliative care to sit alongside the help that is available from the national CJD surveillance unit. The Human BSE Foundation has established a scholarship for research into complementary palliative care, but more could be done. Health care workers also need support if they are to make the vital early diagnosis of the disease. Guidance for doctors and other professionals on identifying symptoms is crucial, as is training, so that they may assist families that are coping with variant CJD.

BSE also continues to be found in cattle in this country although, thankfully, it is becoming less frequent as a result of the control mechanisms that were put in place. There are expected to be around 200 cases this year, declining to around 100 in 2003. The over-30-months rule prevents older animals from entering the human food chain, which greatly reduces the risks. However, I would welcome an assurance from the minister that resources, which may have been diverted because of the foot-and-mouth outbreak, will now be redirected to the over-30-months cattle cull and other BSE control measures.

Another source of concern is the risk of person-to-person infection. That has been addressed through substantial investment in our health service to improve decontamination procedures. For example, tonsillectomies are now carried out with single-use surgical instruments. That should be welcomed in its own right and as part of a wider drive to reduce health care-associated infection.

However, it is perhaps most important to be reminded that this horrific disease is still with us. No one wants to cause alarm or panic, but we should not be complacent about the dangers to human health. To date, variant CJD has caused more than 100 deaths in Scotland and people are continuing to develop the disease.

Parliament is founded on the principles of

openness and transparency. If the public can be kept aware of the facts about BSE and variant CJD, they will develop a greater understanding of the disease and its effect on families. I thank all my colleagues for supporting the motion.

The Deputy Presiding Officer: Five members want to speak in the debate, so speeches should be about four to five minutes long. I call first Shona Robison, who will be followed by Mary Scanlon.

17:15

Shona Robison (North-East Scotland) (SNP): I begin by congratulating Kenneth Macintosh on securing the debate. I agree with him that the debate will remind Scotland about this devastating disease and its continuing presence. The debate's timing is good.

First, I want to comment on the setting-up of the national care co-ordinator and the CJD advice network. On the diagnosis of such a devastating illness, patients and carers require good information and advice and the necessary support. I understand that a part-time neurologist in the network team is available by telephone and provides a good level of medical advice to those who require it. A care package can be put in place for people with CJD. As Kenneth Macintosh outlined, the condition progresses, so the care that the person requires also progresses. It is important that the patient and carers get the required intensive care, particularly as the disease reaches its final stages. The CJD care team provides essential help to improve sufferers' quality of life. Nothing can take away the devastating effects of the illness, but we must be vigilant in ensuring that care is provided throughout Scotland, no matter where the sufferer lives.

The impact of the disease is all the more devastating given that, as we have heard, the illness was avoidable and unnecessary. The unacceptable practices of the past have left their legacy for the many affected people, many of whom are young and have been cut down in the prime of their life by CJD. I hope that we have learned the lessons of the past. Public health should never again be treated so recklessly. The legacy of BSE and CJD has had a major impact on trust in government. Governments are often no longer believed when they give assurances about public health issues. It will take a long time to re-establish that trust.

17:18

Mary Scanlon (Highlands and Islands) (Con): I am grateful to Kenneth Macintosh for raising the issue. Like many members in the past year, my attention has focused on foot-and-mouth disease.

The debate is a worthy reminder of BSE and CJD.

That it has taken so long for so few cases to present with variant CJD might suggest that it is not likely that there will be as many sufferers as was feared at the outbreak's height, when incredible figures were quoted. I hesitate to say that, because the disease apparently has a long incubation period and young people are particularly vulnerable to the disease. In preparing for the debate, I found that it was difficult to be categorical about anything. We have a right to be concerned, because enormous uncertainty still exists and, as a Parliament, we must be well prepared.

New variant CJD was first defined in the UK in 1996 and it is widely assumed that eating BSE-infected food causes the disease. It is not clear whether the 100 or so cases that have been observed to date merely represent the tip of the iceberg or whether the number of people infected has peaked already and is likely to fall—I sincerely hope that the latter is the case.

In 1990, the national CJD surveillance unit was set up at the University of Edinburgh to monitor CJD in the UK. It was there that the new form of CJD was discovered in 1995. There are specific concerns in Scotland because the unit recently highlighted a possible north-south divide in the incidence of variant CJD. It has been noted that the number of cases per million people is nearly twice as high in northern England and Scotland. A possible, but unproven, explanation for that divide is that the northern diet includes more of the food products that are assumed to be of higher risk, such as the mechanically recovered meat in sausages and burgers. I hope that the FSA will closely monitor practice in the production of those goods.

There are also concerns about imported meat and the means by which that meat is recovered. I have asked several parliamentary questions about that issue and I am aware that in the past few months BSE has been found in meat imported from Germany and other European Union countries. I take this opportunity to raise an issue that Ian Jenkins often raises. We should ensure that councils have adequately staffed their environmental health departments with sufficient numbers of environmental health officers to scrutinise both meat production and imported meat.

I would like to believe that all EU abattoirs and the meat that is produced in other countries are of the standard that we expect in Scotland. Although I have asked a number of questions on that subject, it seems to be difficult to get answers. Our representatives in Europe should ensure that meat that is imported into the EU reaches that standard.

I turn to a point made by Kenneth Macintosh about treatment of the underlying disease process and the need for more research. Any finding that may lead to effective treatment must be welcomed but, in the light of the experience of Kenneth Macintosh's constituent, we must do further work to establish whether drugs can provide effective treatment and to develop better assessment and diagnosis. That work must be carried out in the context of well-designed clinical trials.

The 1999 report on care and treatment recommended that all patients with a clinical diagnosis should be allocated a key worker to co-ordinate care for both the patient and the family. Assessments should be constantly and more rigorously updated to ensure that the care package suits the needs of patients who have a dramatically deteriorating condition.

I hope that the minister will respond to those points and that she will assure us that those steps are being taken in Scotland.

17:24

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I, too, offer Kenneth Macintosh my congratulations on securing the debate and on his speech, which I found very moving. One cannot tell such a story well—well is the wrong word—but he told a terrible, true story with dignity.

Variant CJD is sinister and terrifying. I am a layman in health matters—Mary Scanlon is a health spokesman, but I am not. From everything that I read and am told about variant CJD, I know that it is absolutely terrifying. As we know, something called a prion, which is an abnormal protein, gets into nerve cells, particularly in the brain, and manages to kill those cells and create holes in the brain.

What is so scary about the disease is the inevitability of a sufferer's fate. The point has been made that we must pursue research. How true that is. It does not matter whether one person or 100 die of variant CJD; it is an awful way to go.

Mention has been made of the carers and what it can be like to be in that seemingly no-hope situation. It is not as if they are combating a germ or a virus. What they are combating is worse as science does not know how to get at it.

Kenneth Macintosh spoke about the failure of putting economic confidence before public safety, which is what happened. The tale is an awful one of greed, profit and speed. It is a tale of casting safety to the winds and saying, "What does it matter?"

Mary Scanlon has rightly drawn out the fact that there is a north-south divide in the number of

variant CJD cases. Perhaps people who eat pies and burgers are more likely to get the disease.

We still do not quite know where we are with the disease. We know how many people have died of it so far, but we do not know how many people have it. We do not know how many old people may be dying of variant CJD. There are more facts to be found out.

As has so rightly been pointed out, variant CJD strikes down people in the prime of their lives with so much of a beautiful life ahead of them. When they get it, that is it—they are looking over the cliff and there is no escape.

I hope that what I say is stronger than tea and sympathy. Let us do anything that we can do. We have done good work with the FSA. That is a huge move in the right direction. However, there is much more to be done. The minister has been asked whether, with foot-and-mouth disease having occupied our attention, we are still keeping an eye on BSE and CJD. Are we doing all we can? I am sure that we are, but we need the minister to confirm that.

I hope to God that we have learned a lesson about public health and that in Scotland, the United Kingdom and the world we will not again make the damned mistake of letting BSE get into the human food chain and into humans themselves, through bad practice in agriculture and slaughterhouses.

17:28

Elaine Smith (Coatbridge and Chryston) (Lab): Like others, I congratulate Ken Macintosh on securing the debate.

In Scotland, 1999 was a year of celebration with the establishment of our Parliament. It was a year of new hopes and aspirations for Scotland's future. However, for one family in my constituency, it was a year of grief and tragedy: 1999 was the year that Marie and James McGivern lost their daughter, Donna Marie, who was one of the youngest victims of variant CJD. The family want me to mention Donna Marie and some of their experiences in the debate.

Before she became ill, Donna Marie was a bright, caring young girl who loved music. She had won a number of medals for athletics and for Irish dancing. In the summer of 1996, at the age of just 14, Donna Marie began to experience health problems. She complained first of double vision, followed a few months later by pains in her legs and headaches. Her family also noticed that she seemed to be undergoing a personality change, with, for example, uncharacteristic violent outbursts.

As Donna Marie's health deteriorated, her

parents gave up their jobs and dedicated their time to caring for her. Looking after a young person whose condition will not improve, but will in fact deteriorate, is heartbreaking for any parent. It is also physically and emotionally straining on carers. It is crucial that support services exist to help people in such circumstances. The BSE inquiry noted that standards of care and support for sufferers of CJD and their carers varied widely and that improvements were needed in diagnosis and in advice and assistance for carers, including a co-ordinated care package.

In the hope of responding more quickly to the needs of people with CJD, the Government provided a much welcomed sum of money to help improve care. I understand that that package is accessed via the national care co-ordinator for CJD and health authorities, but much more emphasis needs to be placed on partnership working and opening up the channels of communication between the health service, social services and the CJD care package.

I hope that the Government's measures prevent anyone else from having to go through the frustration experienced by the McGivern family when, for example, they tried to access a wheelchair for Donna Marie. They went to their general practitioner, who told them that there was a waiting list, which they could join. The Red Cross supplied a wheelchair but, unfortunately, it was too small. A local special-needs school then gave Donna Marie a wheelchair, but it fell apart because it was simply not suitable for anyone suffering from sporadic limb movements. Eventually, a suitable wheelchair was found, but by that time Donna Marie was far too ill to use it.

CJD is a devastating disease, not only for those who suffer from it but for their relatives and carers. Research into its cause, diagnosis and treatment goes on, but people continue to suffer from it, as we have heard from other members. According to an article in the "British Medical Journal" of September last year, the rate of contracting variant CJD has been found to be twice as high in Scotland and the north of England as elsewhere in Britain.

It is vital that a high quality of care is provided for all the people who are affected by this fatal and debilitating disease so that some of the burden placed on their families and carers can be relieved. A co-ordinated care package is fundamental to ensuring that other families do not have to go through the experiences of my constituents, the McGivern family.

I am very pleased to associate myself with Ken Macintosh's motion.

17:32

Stewart Stevenson (Banff and Buchan) (SNP): First, I apologise on behalf of Shona Robison, who has had to leave to chair another meeting. She intends no discourtesy by her absence.

I assure Graham and Malcolm, who are in the public gallery, that I am quite certain that all members of the Parliament will read this debate and take on board the messages from it, and that the debate and the *Official Report* of it will be referred to and read with interest well beyond the Scottish Parliament. I warmly congratulate Ken Macintosh on giving us the opportunity to throw a little further light into some of the dark corners of a horrendous disease.

I want to speak, relatively briefly, about two areas: agriculture, from which, essentially, the disease sprang; and, for slightly longer, about the very real human impact that such diseases have, not just on the sufferer, but on the families of sufferers.

Science let down agriculture, which let down the wider community. An unjustified enthusiasm for new ways of feeding our beasts and an unjustified optimism about the consequences of scientific advances led us into a trap. We can understand it to some extent: the related disease in sheep, scrapie—which is very much akin to BSE—had been with us for hundreds of years. Many people had eaten scrapie-infected animals without apparent consequence. I stress "apparent consequence"—our diagnostic skills were not as great a hundred years ago as they are now, and we cannot be certain. It is precisely that lack of certainty that lies at the root of much of the distress of the families of sufferers, or of people who fear that they may be sufferers. We must exercise considerable caution in future.

We note that although the incidence of BSE in our herds is declining—which is good—the disease is not yet eliminated. We must also note that its incidence in France and other countries from which we import meat is rising. There is also considerable concern in many people's minds that the control of food imports is inadequate, and that much meat is bypassing the system. I would be interested to hear what can be done about that.

Between school and university, I worked for less than a year—although very usefully—in a psychiatric hospital. A number of the patients whom I, along with others, looked after suffered from similarly debilitating conditions that isolated them from their families and the reality of the world. There is nothing more moving than approaching a patient who is left with a single reflex. Placing a spoon on their bottom lip would cause their mouth to open to allow them to be fed.

There was nothing left: the body was simply a hulk that contained a physical manifestation of a previously loved and valued member of a family.

That is the experience of our friends in the gallery and of others elsewhere. It is an experience that we would in no circumstances wish to inflict on anyone else. We inflicted such an experience on these people accidentally, but it was avoidable. That is the hurt that families feel particularly strongly. If there is one thing that we can take out of what has happened, it is this. I hope that every sufferer has increased medical understanding of this condition and that measures to treat and prevent it will improve in future as a result. I have some confidence that that is the case. Our sympathy extends to all who will be affected in future and to those who have been affected in the past. Once again, I congratulate Ken Macintosh on giving us the opportunity to discuss this issue.

17:36

The Deputy Minister for Health and Community Care (Mrs Mary Mulligan): I, too, congratulate Ken Macintosh on his success in securing today's debate.

As we have heard, variant CJD is an especially distressing condition. No one can fail to be moved by the deterioration in mind and body of those who suffer from it. Neither can anyone fail to appreciate the grief of families and carers at seeing a loved one, often in their prime, being afflicted in such a way. It is therefore fitting that at the outset I pay tribute to all those who have cared so feelingly and diligently for sons, daughters, other family members or friends who have suffered from this appalling disease.

We also applaud the work of organisations such as the Human BSE Foundation, which were born out of adversity and real experience and seek energetically to secure the standards of care and support that sufferers fully deserve.

Bearing in mind the time available, I will try to describe as best I can the point that we have reached in tackling the spread of the disease and what is being done to respond to the needs of sufferers. I hope that Kenneth Macintosh will recognise that I will not comment on individual cases.

There have been 116 cases of variant CJD in the UK, of which 18 have been in Scotland. We hope that there will be no more, but realistically we must expect more. The exact number of cases cannot be predicted, so I will not speculate about that, but as Mary Scanlon said, we must be prepared.

Although there are various recognised forms of CJD, variant CJD has caused the greatest public

concern because scientific evidence to date suggests that the most probable reason for the appearance of this new disease is transmission to humans of the agent that causes BSE through the consumption of contaminated meat.

Extensive controls are now in place to eradicate BSE from the Scottish cattle herd and the disease is in sharp decline. Last year there were 24 confirmed clinical cases, compared with 36 cases in 2000, 37 in 1999 and 85 in 1998. So far this year, there has been one reported clinical case of BSE in Scotland. The peak year for BSE in Scotland was 1993, when 2,208 clinical cases were confirmed. Because of the long incubation period associated with the disease—as with variant CJD—it will take some time before BSE in cattle drops to minute levels.

The Executive also has in place an active surveillance system for BSE, focusing on high-risk cattle—adult bovines found dead or killed on farm for welfare reasons—as is required by European legislation. Active surveillance procedures were first introduced on 1 July 2001 and a further 28 BSE cases were identified last year. I understand that current levels of BSE in Scotland compare favourably with those in other parts of Europe.

The Food Standards Agency, to which members have referred, oversees the range of controls that are in place under national and European legislation to prevent BSE infectivity from reaching consumers through meat, meat products and other foods.

The major safeguard in the UK since 1996 has been the over-30-months rule. In addition, for animals being used for food, the tissues most likely to carry any BSE infectivity—principally the brain and spinal cord—have to be removed in abattoirs as specified risk material. A similar requirement to remove SRM from sheep applies on a precautionary basis. We are taking on board the lessons of the past. A high level of protection is vital and those safeguards are enforced by having staff from the Meat Hygiene Service present day by day in all abattoirs.

We have also moved to improve surveillance of CJD and variant CJD, as well as to enhance the care and support provided to sufferers, their families and carers. The incidence of CJD is monitored in the UK by the national CJD surveillance unit, which is based at the Edinburgh western general hospital. The unit brings together a team of clinical neurologists, neuropathologists and scientists specialising in the investigation of the disease. Along with the UK Government, we have provided more funding to enable an increase in personnel and resources at the unit to aid the early identification of variant CJD cases, carry out further investigations into the disease and provide care co-ordination for patients. It is essential that

health, social care and other resources are fully integrated—as Elaine Smith suggested—to ensure optimum and focused benefit for patients. To assist the process, two national care co-ordinators have been appointed at the unit.

Resources have also been made available to provide an extra tier of support for patients and their carers—in addition to that already supplied through existing health and community care arrangements. That allows, for example, for the rental of a stair lift or the hire of specialised, adapted transportation aimed at increasing the patient's comfort and quality of life.

A no-fault compensation scheme has been introduced, under which substantial payments to the majority of victims or their families have already been made, and guidance has been issued in the field to ensure that health care professionals are fully aware of the special needs of patients with variant CJD. The thrust of the guidance is to provide fast, sensitive care locally, backed up with national support and expertise. Action has been taken on the prevention front as well. In the past three years the Executive has introduced measures to reduce the potential risk of variant CJD being spread through health care procedures.

But the debate is not only about what the Executive is doing. I have already referred to the work of organisations such as the Human BSE Foundation to raise awareness of variant CJD and its implications and to respond to the particular needs of variant CJD sufferers and their families. Such organisations provide much needed support to the victims and their families—in many cases based on their personal experience of caring for loved ones afflicted by the disease.

I hope that what I have said today will reassure Kenneth Macintosh and others who have taken part in the debate that the Executive is taking action to improve the care and support available to the victims of this devastating condition.

I conclude by reiterating my sympathy for those who have the disease and my admiration for the courage and dedication of the many committed families and carers who devote themselves unstintingly to their care and support.

Meeting closed at 17:44.

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