

MEETING OF THE PARLIAMENT

Thursday 28 March 2002

Session 1

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Scottish Parliament

Thursday 28 March 2002

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

Transport

The Deputy Presiding Officer (Mr George Reid): Good morning. The first item of business is a debate on motion S1M-2945, in the name of David Mundell, on transport, and two amendments to that motion. Members who wish take part in the debate should press their request-to-speak buttons now.

09:30

David Mundell (South of Scotland) (Con): I just met the Minister for Enterprise, Transport and Lifelong Learning in the foyer of the Parliament, wearing what looked like a jogging suit. I know now what the reference to pedestrians in the Executive's amendment is all about.

It is another Thursday morning—the 9.30 graveyard slot. I hope that today we will have a meaningful transport debate. Unlike last week's ministerial announcement of the so-called transport delivery plan—now called a report—I hope that today's debate will be of substance and will set out Scotland's transport needs and identify how we will meet them, not just for the benefit of the travelling public, but for the economy.

There can be no doubt of the significance of transport infrastructure. In that term, I include public transport. The infrastructure is important to the development of Scotland's economy and to lifting the growth rate above its continuing below-trend performance.

There is no doubt that business in Scotland is crying out for improvements. The Confederation of British Industry Scotland, *Business a.m.* and numerous other organisations have produced their own transport plans. The Scottish Executive described the CBI's plan as a

"timely contribution to the debate ... in Scotland."

No wonder there is universal disappointment among the business community, road-user organisations and the travelling public following the launch of the Executive's transport delivery report. As *Business a.m.* said:

"Wendy Alexander's claim that her transport delivery report sets out an 'impressive range and number of transport improvements' across Scotland is either astonishingly naive or is designed for Labour flag-waving. Of the 10 projects announced, some are old news, others

are dependent on studies before they can go ahead, and none has committed funding."

The Minister for Enterprise, Transport and Lifelong Learning (Ms Wendy Alexander):

Which projects would the member like to remove, and does he accept that the concessionary fares scheme, Traveline Scotland and others are fully funded?

David Mundell: Pardon me for being sceptical, but it is interesting that the much-vaunted travel scheme was announced 19 months before it is to come into operation. It will be fully operational only one month before the Scottish Parliament elections.

It is not as if the Scottish Executive did not have sufficient time to prepare detailed proposals. The transport delivery plan was due in September 2000, but has been constantly delayed. It was originally intended to be the Scottish version of John Prescott's 10-year strategic plan for transport in England and Wales. However, as *The Sunday Times* pointed out, since then there has been significant divergence between England and Wales and Scotland in the priority afforded to transport.

Bristow Muldoon (Livingston) (Lab): Will the member take an intervention?

David Mundell: I will not at the moment, but I will come back to Mr Muldoon.

Indeed, if *The Sunday Times's* story "Scots transport cash lags behind England" is to be believed, the minister's civil servants calculate the shortfall between what is being spent south of the border and what is being spent north of the border at £85 million over the next three years. That one-time favourite transport guru of new Labour, David Begg, agrees. In a recent paper, he accused the Executive of

"failing to deliver the levels of investment and improvement that are being implemented south of the border",

which will lead to a significant negative divergence of approach. According to the article in *The Sunday Times*, Miss Alexander rejected the idea of a strategic plan not, as I suggested last week, because she prefers 15-second soundbites to 15-year plans, but because she believes that planning is

"dangerous because it makes the unwarranted assumption that money will be available ... to finance those promises."

What a danger; that the electorate should believe that the Labour party and its Liberal Democrat partners would back up promises to improve Scotland's transport system with hard cash. To avoid that clear danger, the minister took the decisive step of ensuring that there are no concrete plans in the report and that there is no money.

There are more questions than answers from last week's report. For example, it would be useful if the minister could give a copper-bottomed guarantee that the Scottish Executive, in conjunction with the Strategic Rail Authority, will complete the process of re-letting the ScotRail franchise by April 2004, but there is no evidence that it can.

What is the Executive's commitment to Borders rail? Is it patronising tokenism or will there be hard cash? Perhaps we will hear the answer today.

I am sure that the park-and-ride facility at Croy station is a good idea. No doubt there will also be benefits from the works at the Auchenkilns roundabout, although those benefits will be no substitute for an extension to the M80.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): Will the member give way?

David Mundell: I will come back to Cathie Craigie.

Can it really be the case that when the minister announced her major strategy for the future of transport in Scotland, all that it contained were commitments to build a car park and a roundabout? No wonder it was met with such derision. That is why we need to begin the process again, but this time with funds and time scales clearly identified.

Cathie Craigie: The member raised two points about matters in my constituency—the Auchenkilns roundabout and the Croy park-and-ride scheme—but it is obvious that he and his party know nothing about issues in the area. Traffic management at the Auchenkilns roundabout is exactly what the people of Cumbernauld and Kilsyth are looking for. It is exactly what will ease the congestion on that road. On Croy station—

The Deputy Presiding Officer: We do not want a speech. You have made your point.

David Mundell: If Cathie Craigie had listened, she would know that I said that I welcomed the Croy station improvements. I have spent hours in queuing traffic at Auchenkilns roundabout, so I know what the problems are there and the solution is completion of the M80.

I will refer back to the transport delivery plan. I do not accept Miss Alexander's assertion in another Sunday newspaper that the transport problems of rural Scotland have been sorted out. That is an outrageous assertion that is based on the giving out of a few minibuses instead of acknowledging the deplorable state of most rural non-trunk roads, which those minibuses must drive on. Nor has rural public transport been improved.

The need to improve the A75 and A77 in the Stranraer area is as great as ever. Failure to do so will have a knock-on impact on ferry investment and will create in Wigtownshire a rural economic catastrophe of unparalleled severity. That is why the Conservative party would carry out the necessary works out of public funds. That does not apply just to the A75 and A77; we believe that Scotland's motorway network must be completed. The time for studies is over. Scotland's travelling taxpayers are entitled to see their hard-earned tax pounds spent on completion of the M8, the M74 northern extension, upgrading of the A80, the A8000 and the Aberdeen western relief road. There are many other worthy projects in Scotland.

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Will the member take an intervention on that point?

David Mundell: Not at the moment.

That does not mean taking money from rail and public transport, which have a vital role. That vital role is why we support the development of rail links to Edinburgh and Glasgow airports. As the *Evening Times* stated in relation to Glasgow airport:

"The lack of decent public transport links ... not only helps to contribute to massive congestion on the M8 but is also one of the main factors cited as stifling the growth of the west of Scotland economy."

Mr Rumbles: I want to make sure that we get this on the record. Will the member confirm that all that he suggests should be paid for by the Executive out of public funds? Does the Conservative party support those projects being paid for out of taxpayers' money?

David Mundell: Mr Rumbles will hear about that. We have previously made it clear that we would commit to transport £100 million per year from the budget of the rest of Miss Alexander's department. I restate that. As the smoke and mirrors are stripped away from the Executive's budget, significantly greater resources might become available. What, for example, will happen post 2004 to the £100 million a year that the Executive currently has in an estates budget that is being ploughed into the Holyrood project?

Alasdair Morgan (Galloway and Upper Nithsdale) (SNP): Given that the Conservatives are never going to be in power, or even in coalition, in this Parliament, can the member tell me what is the point of all this?

The Deputy Presiding Officer: I call Bristow Muldoon.

David Mundell: You called Bristow Muldoon.

The Deputy Presiding Officer: I am terribly sorry, I thought there was a point of order. On you go.

David Mundell: I do not know how to take that, Presiding Officer.

We in Scotland cannot have a transport system that we can be proud of if we do not rid the country of the scourge of Labour's plague of potholes, which have become all too common on our country roads and in our towns. The Executive must engage in a strategic dialogue with local government on the steps that are needed to return our non-trunk roads to a reasonable state of repair. Scottish Conservatives are committed to setting up an inspectorate that would carry out an independent audit of the state of non-trunk roads that would provide a basis for dialogue. Road users want to end buck passing between the Scottish Executive and councils. It is time to deliver a mutually funded plan for action.

The Scottish Executive has failed to deliver the transport infrastructure that business needs and the travelling public deserve. It has presided over transport chaos, the most lamentable recent example being its sitting on the fence on the rail strikes. Only when the public were at the end of their tether and business had lost millions did the Executive even begin to give any sort of signal to its friends in the rail unions that strikes were totally unacceptable and that the travelling public should be put first. In so doing, the Scottish Executive failed the Scottish people, just as Stephen Byers has failed rail users throughout the UK.

Mr Byers has one priority. That priority is not travellers, but himself and saving his neck. The latest thing he has had to do to achieve that is to pay £300 million to Railtrack's shareholders, which he and many Labour MSPs vowed would never be done. It would have been far better to have used that money to continue to support Railtrack to invest in improving our railways, but just as in Scotland—as the Executive's amendment today proves—Labour has no interest in transport, only in spin. The Conservatives do have an interest in transport. Our commitments to business and to the travelling public are clear and unequivocal.

I move,

That the Parliament notes the importance of transport to the economy in delivering growth and investment to Scotland; further notes that the Scottish Executive's stewardship of transport issues has been characterised by chaos and muddle, evidenced by strikes, increased congestion, poor maintenance of local roads and unreliable public transport; regrets that the long-awaited transport delivery plan launched by the Minister for Enterprise, Transport and Lifelong Learning on 21 March 2002 contains no concrete plans for funding and delivering desperately needed improvements to Scotland's transport infrastructure and services and, in particular, gives no details of new trunk road improvements beyond 2004-05, and calls upon the Executive to make a clear commitment to investing in transport for the benefit of the economy and the travelling public.

09:42

The Deputy Minister for Enterprise, Transport and Lifelong Learning (Lewis Macdonald): I am grateful to the Tory party for raising such an important topic again, and for providing us with another opportunity to highlight the Executive's priorities in delivering a modern transport system for Scotland as a whole. The reason why the debate has revolved, and will continue to revolve, around the policies of the Labour-Liberal Democrat coalition is not simply that we are in power. It is because we have gone beyond complaining about the problems and have brought forward solutions while the Opposition has not. We have outlined priorities and laid out what needs to be done to overcome the legacy of 18 years of neglect and decline under Tory rule.

Alasdair Morgan: That was five years ago.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): Have the last five years vanished?

Lewis Macdonald: Indeed it was five years ago, but it has taken some time to get to where we are. In looking forward, we will not do what the Tories have just promised to do, and cut university funding by £100 million a year.

David Mundell: I do not think that we said that. Ms Wendy Alexander's budget covers far more, as Lewis Macdonald knows, than university funding. Does he think that the £3 million that Scottish Enterprise spent on public relations activity was money well spent, and that it would not be better spent on public transport?

Lewis Macdonald: If I stand corrected by Mr Mundell, I must acknowledge that rather than cutting £100 million from university education, clearly his proposal is to cut £100 million from business support. That announcement will not be welcomed by the business community, but perhaps it will be more welcome to universities than was his first proposal.

We will meet the challenges that face Scotland's economy and transport system in the next 20 years by setting priorities and moving forward to meet them. A generation ago, as Wendy Alexander said in the Parliament last week, the great challenge was to provide the strategic roads to link our major cities and to connect Scotland with the south. Today, the greatest challenge—and the one thing in the Tory motion with which I agree—is to tackle congestion in and between our major metropolitan areas.

David Mundell rose—

Lewis Macdonald: We will not meet that challenge simply by girning about the problems. We will meet it by recognising that the price of urban congestion is too great for our economy and

our environment to pay, and by identifying the most effective ways in which that economic and environmental burden can be removed. We will seek to modernise and improve our public transport system, not talk it down. We will seek to complete the missing links in our strategic transport networks, not just say that every single project is a priority and then avoid the tough choices that need to be made.

We want a bigger, better and safer railway network. That is probably the common view in the chamber, but the Executive will focus its efforts on what is achievable and what will deliver and make a difference. We are working to deliver by April 2004 the directions and guidance that are required for a 15-year franchise for ScotRail's services. We have restructured the existing franchise so that all existing services can be built into the baseline for its replacement, whether they are part of the present agreement or not. That is real progress. We want to see real competition for the next franchise, so that Scottish travellers get the best possible deal out of whoever delivers the services from April 2004.

Brian Adam (North-East Scotland) (SNP): On the ScotRail franchise, the minister might like to advise the current holders of the franchise that today is not a public holiday, and that it is highly inappropriate for ScotRail to charge travellers premium rates for travelling within Scotland, just because the company happens to be owned south of the border.

Lewis Macdonald: Members will find that the process of issuing directions and guidance and letting the next franchise will take into account the record of the present holder of the franchise, as it will take into account the plans of the present franchise holder and any other competitors that come forward.

Mr Kenny MacAskill (Lothians) (SNP): Will the minister give way?

Lewis Macdonald: I will come back to Mr MacAskill shortly.

The Strategic Rail Authority's strategic rail plan, which was issued recently, contains a set of priorities for upgrading Scotland's railway infrastructure, which are also among the priorities for Scotland that were announced by Wendy Alexander last week. Redeveloping Waverley station is one of those. Provision of more platforms for local and strategic services will increase the capacity of the rail network on mainline routes to London, Glasgow and Aberdeen, and of commuter services into Edinburgh. In partnership with the SRA, work on that could be under way as early as 2004. On developing rail links to our largest airports, we will consider the options on the basis of proper examination later this year, and decide

on progressing routes for development.

Phil Gallie (South of Scotland) (Con): Is it still the Government's intention to get more and more freight on to the rails, given that that has massive implications for signalling requirements? What steps is the minister taking to ensure that signalling resources, expertise, manpower and hardware will be made available?

Lewis Macdonald: We have increased our target for transferring freight from road to rail and water from 18 million lorry miles a year, which we achieved this month, to 23 million lorry miles a year, which is our target for a year hence. We are in discussions with the SRA, Railtrack and others that are involved in the industry on how to obtain those signalling resources.

Delivering top-priority public transport projects is part of our proposals.

We also want a capital city with a public transport system that is fit for purpose. Edinburgh trams will symbolise that vision. Partnership is the key to fixing congestion in Aberdeen, which is also a key national priority.

In the course of the past 12 months, we have extended our strategic road traffic model and strategic rail planning to the north-east from the central belt. That means not more studies, but judging transport issues in Aberdeen on the same basis as those in Glasgow and Edinburgh, and fully acknowledging that Europe's energy capital is part of urban Scotland.

Mr Rumbles: What does the Executive expect the end date to be with regard to plans for the transport system in Aberdeen and Aberdeenshire? Is it a year in the future?

Lewis Macdonald: We expect the strategic traffic modelling that I have described to produce concrete results during the course of this year. We are investing, as we did again last week, in the development of a modern north-east transport system for the region, and in developing a Borders rail link.

We will follow up the short-term measures that we announced last week to tackle the major issues on the corridors between Glasgow and Edinburgh. We will deliver our commitments to providing a national travel timetable through Traveline and concessionary fares for elderly and disabled people on local off-peak bus services.

We will continue to set our priorities, which we will use to achieve the transport system that we want. We will also continue to fund the rural transport projects that we have supported with substantial funding in the past three years, and to provide record levels of support to lifeline air and ferry services.

Fergus Ewing: Will the minister give way?

Lewis Macdonald: I am over my time and I wish to conclude.

The transport delivery report and our list of priorities set out a clear route map for action, which will help us to achieve a transport system that will deliver sustainable economic growth in the next 20 years. We welcome support from all those who share that ambition.

I move amendment S1M-2945.2, to leave out from "further notes" to end and insert:

"welcomes the publication of Scotland's Transport: Delivering Improvements which sets out the Scottish Executive's transport vision for Scotland; endorses this Executive-led vision of an efficient, safe transport system which meets the needs of all in society: individuals and businesses, car and public transport users, cyclists and pedestrians, whilst protecting our environment and promoting sustainable development; commends the integrated package of measures that the Executive is pursuing: tackling congestion, ensuring greater access to a modernised and improved public transport system, promoting alternative modes of transport to the private car, and targeted motorway and trunk roads improvements, and further commends the specific articulation in this transport delivery report of the Executive's top priorities for delivery."

09:51

Mr Kenny MacAskill (Lothians) (SNP): Mr Mundell talked about a "plague of potholes". The phrase

"A plague o' both your houses!"

springs to SNP members' minds.

I have some sympathy for Mr Mundell's critique, which echoed many sentiments that he and I, and members from around the chamber, have expressed in previous debates. He was right to say that the transport delivery plan provides more questions than answers. We must consider where we are at present and how we got here. We have not simply arrived from cyberspace. We are here because of a period of logical progression. As the minister said, during that time we had 19 years of Tory rule. Because of those 19 hard Tory years, the people of Scotland turfed the Tories out at the 1997 election.

Phil Gallie: Will the member give way?

Mr MacAskill: Not at the moment.

The fact is that the Tories constructed the M74, for which we give them credit. However, they cannot dine out on the construction of one major bit of infrastructure in a generation. That is inadequate.

Many of the points that have been made about potholes arose because the Tories underfunded local authorities. The Tories started starving local authorities of cash and I am sad that the Lib-Lab

Executive has continued to do that. When the Tories initiated that underfunding, the cracks began to appear. They might resemble crevasses in many areas now, and they began with the Tories.

Phil Gallie: Mr MacAskill asked how we got here. I got here from Ayr by driving up the A77 dual carriageway, which the Tories modified, up the M77, which the Tories provided, and on to the ring road around Glasgow, which the Tories provided. I got here on roads that the Tories provided.

Mr MacAskill: The member probably did that because he did not wish to use the railway. A former Tory Prime Minister used to say that she did not believe in railways, and she went out of her way to humiliate them. Mr Gallie did not take the train because to travel through Glasgow—our major city—he would have had to change trains and stations. The Tories had power for a generation, yet they could not connect Ayr to Edinburgh with a direct train. The Tories failed to do that, so we need no empty lectures from them.

The motion refers to fault, error and malaise, but all that started with the Tories. Did not the terms "chaos" and "muddle" apply in the 1980s and 1990s? Did not we have strikes? Yes, we did. I have some sympathy for ScotRail, because when the public monopoly was handed over to a private monopoly, the difficulties that the public monopoly had were simply transferred. The blame for that cannot be laid solely at the Executive's door. I blame the Executive for failing to take action and for washing its hands of the matter, but the solutions that the likes of Mr Canavan suggest would probably not be required if we still had British Rail, because collective bargaining would take place nationally. The Tories caused the problems by fragmenting and privatising the rail network. As I said, the Tories started underfunding of local road maintenance.

It is gross hypocrisy for the Tories, who privatised the railways and deregulated the buses, to say that public transport is unreliable. Not only did the Tories deregulate the buses back in the 1980s, but Mr McLetchie now wants to privatise Lothian Buses—the jewel in the crown of Edinburgh in the 21st century. The Tories initiated the problem and want to worsen the situation. The people of the Lothians will reject them again next year, because their suggestion to privatise Lothian Buses is anathema.

The Tories did not restrict themselves to privatising the railways and deregulating the buses—they even sold off the British Airports Authority. Glasgow airport now withers on the vine not simply because of the Executive's failure to construct a rail link, but because of its management's failure to deliver and make that

airport prosper. We have no control over that, because the Tories sold BAA.

The Tories say that they want to resolve the situation by taking money from Scottish Enterprise's budget. I sympathise with that position. Scottish Enterprise has suggested that it would pay for the M74 north extension if nobody else would, so it is clear that there is slack in its budget. However, that alone will not address matters.

The Minister for Enterprise, Transport and Lifelong Learning (Ms Wendy Alexander): How much slack does the budget have? How much would Mr MacAskill cut and for what purpose?

Mr MacAskill: That is a matter for Scottish Enterprise. The minister would have to speak to Robert Crawford about that. Scottish Enterprise has said on record that if the M74 extension could not be funded any other way, it would scrape to the bottom of the barrel and use all its money at local enterprise company and national level to build the extension, because it considers the extension important. If Scottish Enterprise has said that it can manage that, it is about time the Executive found out where it can get that money.

Mr David Davidson (North-East Scotland) (Con): Will the member give way?

Mr MacAskill: Not at the moment.

In the Executive's amendment, Mr Macdonald talks about public transport. The ScotRail franchise is to pay for everything that has been pledged for rail, but the franchise does not exist in isolation. We will eventually pay for it. We can approach SNCF, Virgin Trains or National Express, but they will all want to know how much they will be given before they will say what they can do.

We cannot say that we will construct the Borders rail link and the airport links, improve the service and make the trains run on time unless we say in time for the tendering process in 2004 what budget will be available. It is incumbent on the Executive to say what funding will be available for the ScotRail franchise. Until it does that, we will have only a wish list, because SNCF, Virgin Trains and National Express will say only, "We can provide what you want, but that depends on how much you pay us."

The proposals for Waverley station are fine. Everyone welcomes the developments, but Waverley station is a property bank.

The Executive and the previous Tory Administration failed and let down Scotland. We are paying the price for a generation of underfunding and the failure to have a strategy. The key problem with the transport delivery plan is that it contains no long-term planning and

establishes no structure. We need immediate action to fix the potholes in key congestion areas, allied with a long-term strategic plan for building up our national infrastructure. So far, the problems have been caused by the Tories and continued by the Executive, which has no solution. As I said, we should say not "plague of potholes", but

"A plague o' both your houses!"

I move amendment S1M-2945.1, to leave out from "unreliable" to end and insert:

"trunk roads and unreliable public transport; recognises that this is a result of decades of under-investment and misguided privatisation; regrets that the Labour and Liberal Democrat Executive has failed to reverse these damaging Tory policies, and further regrets that the Scottish Executive's latest transport strategy publication, Scotland's Transport: Delivering Improvements, provides no programme, no costings and no timescale, and therefore offers little hope for, or commitment to, improvements in Scotland's transport infrastructure."

09:58

Nora Radcliffe (Gordon) (LD): The Conservatives have lodged a brave motion. It says that

"the Scottish Executive's stewardship of transport issues has been characterised by chaos and muddle, evidenced by strikes, increased congestion, poor maintenance of local roads and unreliable public transport".

When did all that start? To do all that in two short years is very clever. [MEMBERS: "Five years."] The motion refers to the Scottish Executive. Could the cause have something to do with the brutal undermining of local authorities, which created a backlog of road maintenance that stretched 40-year road treatment programmes to 200 years, as an almost tearful local government officer once informed me? Could it have something to do with bus deregulation or the botched privatisation of the railways?

The motion rather unfairly sneers at the transport delivery plan. For a start, it is a transport delivery report, and it reports many good things. Members should read it. It sets out projects that are beginning to be tackled, including the redevelopment of Waverley station, dealing with congestion in Aberdeen—projects that are dear to my own self-interest—rail links to Edinburgh and Glasgow airports, a light rail system in Edinburgh and the Borders rail link. All those projects were Liberal Democrat manifesto pledges. The report also lays out completion of the missing links on the A8 and A80. Progress is beginning to be made on all of those projects.

Mr Davidson: Nora Radcliffe said that the projects she listed were Liberal Democrat manifesto commitments. Will she say what funding the Liberal Democrats have pledged to put in and where the money will come from?

Nora Radcliffe: The projects were in our manifesto and progress is beginning to happen. As the member knows, the money is collected from various sources.

Scotland presents an interesting selection of transport problems. They range from our remote areas and islands that have population levels that cannot sustain unsubsidised modern transport links, to densely populated areas that have overloaded public transport systems. We have highly productive food, forestry, paper, fish and textile industries at one end of the country, but their main markets are at the other end of the country, in Europe and beyond. We have a rural population that is dependent on the car and an urban population that is choking on its own exhaust fumes. Thirty per cent of households have no access to a car.

Mr Jamie McGrigor (Highlands and Islands) (Con): Does the member accept that the last time her party was in power there were very few cars and therefore no transport problems? Will she tell me whether her party is following the same policies today as it did at that time?

Nora Radcliffe: I remind the member that the National Health Service was among our policies.

Scotland has the advantage of being a small country in which it is easier to take an holistic approach. Would not it be sensible to rationalise how our airports do business so that they complement each other and do not compete for the same type of business? Modern mapping systems and computer capability enable us to look at the goods and bodies on any particular route and to calculate the reason why that route is used. Those systems and that capability can calculate whether the route is used for a local or a through journey, for business or leisure and by a native or a tourist. Those systems and that capability make it possible to make intelligent transport provision, using every appropriate mode of transport, including pavements, cycleways, roads, rail, air, sea and even canals.

Shared transport is more efficient transport; that is the case on environmental and financial grounds. The public will change from using their cars and move on to buses and trains not only if major investment in infrastructure and rolling stock is put in place, but if more passenger-centred thinking is applied. Potential passengers will not use a bus if they do not know its timetable or route. They will not spend time and trouble seeking out that vital information. We must put the information under their noses.

The potential passenger's journey does not begin or end at the bus stop, station or airport. We have to think about the facilities, connecting services or information that the person will need.

Provision of such services need not be expensive, but it will pay dividends.

Although transport is about moving people and goods around, we tend to forget the value of planning for removing the necessity for transport. All new developments should be planned to put people's homes near their jobs, to build walk and cycleways through residential and business areas and to ensure that pupils have safe walking routes to schools.

On Monday, I travelled to Oban for the Transport and the Environment Committee's meeting. As I did so, the remains of an old railway line—two short viaducts and a retaining wall—caught my eye. The structure had survived from Victorian times because it was beautifully engineered and built to last. If the Victorians could build a rail network to last, surely to goodness we can do at least as well. The Victorians believed that they could do it, so they did it. We need some of that confidence and self-belief today.

We can and will create a safe and affordable transport network throughout Scotland and with connections beyond. It should be a network that is as fit for our time as the Victorian network was for its time.

The Deputy Presiding Officer: We move to the open debate. I ask for speeches of about the standard four-minute duration.

10:04

Bill Aitken (Glasgow) (Con): When the minister announced the transport delivery plan—with the customary fanfare of trumpets—it was significant that she decided to do so in a statement rather than a parliamentary debate. The reason for that was simple. When one examined the statement, one saw that it did not say a lot. The report's 10 highlighted priorities depend entirely on the completion of more studies, more consultations and more plans. There is a total lack of action.

Given the time that is available to me, I will deal not with the transport problems that affect Scotland, but with those that affect Glasgow. That is not because I am being parochial or territorial; it is because the problems in Glasgow highlight the difficulties that apply to Scotland.

Glasgow is a city in which it is easy to get around. It does not have too many problems in that respect. As a result of some pretty enlightened thinking in the 1960s and 1970s, Glasgow, with its expressway and its motorway network, is easy to get through. However, getting there is highly problematical.

A journey from Stirling to Glasgow is fine until one arrives at the nightmare that is Auchenkilns. A journey from Edinburgh is fine—once one gets out

of Edinburgh—until one arrives at Newhouse, where the situation is one of wall-to-wall metal all the way into the city. We agree that missing transport links have to be completed, but when will that be done and what action will be taken in the meantime to improve a situation that is well nigh intolerable?

When will something be done about the rail link to Glasgow airport? Even by the earliest estimation, it will take something like seven years for the project planning and planning process to be undertaken. Until that component is in place, the vital link between Glasgow and its airport will not be achieved. Is it not ironic that it is possible to take a train from Glasgow or Edinburgh to Manchester airport but impossible to take a train from Glasgow city centre to Glasgow airport? That highlights the difficulties that we face. Not only would a rail link to Glasgow airport be invaluable to commerce and the local economy in the city of Glasgow, but it would achieve what the Executive seems anxious to achieve—a reduction in the congestion on the M8 around and about Paisley.

The railway network is in a total and absolute shambles and is likely to become worse as a result of Mr Byers's plans and his ill-considered taking of Railtrack into administration. I have referred before in the chamber to Michael Palin's programme "Great Railway Journeys of the World". However, in the minds of many people, what should be a simple train journey from Glasgow to Edinburgh is a nightmare. It need not be thus. With a bit of thought and pre-planning, many of the difficulties that are experienced could be avoided. Although, as a Glaswegian, I tend to regard the view from the 5.30 pm train from Edinburgh to Glasgow as one of the best that the city of Edinburgh has to offer, there has to be better communication between the two cities. If there is not, there could be a damaging effect on industry and commerce.

Alasdair Morgan: Does the member accept that the current state of the railways has little to do with Mr Byers, who has been in office only since last summer, and everything to do with the Treasury under the Tories? At that time, the Treasury turned down practically every investment scheme that was proposed for the railways.

Bill Aitken: I would have more sympathy for Mr Morgan's viewpoint if he and his SNP colleagues realised one basic fact, which is that the Conservative Government has not been in office for five years. Anything that was wrong should have been rectified by now. It is now up to the Labour Government to act, but it has manifestly failed to do so.

We should examine the SNP's record on transport. It is interesting to note that Mr MacAskill was highly critical of my colleague Mr Gallie for

highlighting the fact that he was able to drive on Conservative-funded roads from Ayr to Edinburgh. If Mr MacAskill's colleagues had had their way, Mr Gallie would not have been able to do that—the SNP vigorously opposed the M77 link. That shows the negative aspect of the SNP's approach to transport.

The debate is serious. It is a good thing that it has already engendered some heat. Transport in Scotland is in a vulnerable state and early action is necessary.

10:09

Bristow Muldoon (Livingston) (Lab): Before touching on the main subject of the debate, I want to respond to some of the points that have been made. Mr McGrigor intervened to make a point about the length of time since the last Liberal Government. I look forward to that same length of time elapsing until the next Conservative Government. Indeed, if the Tories continue as they are, that will be easily achieved. I must also comment on Mr Aitken's brave reference to missing links. The Conservatives could give evolutionists a great deal of useful material on that topic, but perhaps not in the way that he intends.

The Tories' choice of subject is interesting. I wonder why they choose to secure debates on subjects in which they have a record of abject failure instead of debating topics in which they had some success when in government. When I thought back over the Tories' 18 years in power—not 19 years, as Mr MacAskill claimed—I came up with some successes that perhaps they should be mentioning instead. For example, making the wearing of seat-belts compulsory and banning alcohol in Scottish football grounds were excellent initiatives. However, it would get boring if we had to talk about those issues every week.

I am pleased that the Tories have decided to debate transport today, because it is one of the areas in which they have the worst record of failure. They are responsible for many of the problems that they have highlighted. Bill Aitken described the railway network as

"a total and absolute shambles".

However, as Mr MacAskill correctly pointed out, the network is in such a state because of the Tories' lack of investment in the railways when they were publicly owned and because of the Tories' botched programme of privatisation.

Ben Wallace (North-East Scotland) (Con): Will Mr Muldoon be writing to his colleague Mr Byers to urge him to renationalise the railways completely?

Bristow Muldoon: Mr Byers has taken a progressive step by placing Railtrack into administration and turning it into a not-for-profit

company. That will result—[*Interruption.*] The Tories should listen to this point. That step will ensure that taxpayers' money will be spent on improving the railway service instead of being poured down the drain making shareholders rich as the Tories would prefer.

David Mundell: What will the £300 million that Mr Byers has set aside for Railtrack shareholders be spent on? Why were Mr Byers and indeed Mr Muldoon's colleagues only a few weeks ago saying that not a penny would ever be paid to shareholders?

Bristow Muldoon: Mr Mundell should tell us instead how many more billions of pounds of taxpayers' money the Tories would waste on an enterprise that failed in every respect. Railtrack failed to invest, to manage safety and to operate as a financially successful company.

The Tories are absolutely obsessed with roads. However, they have absolutely no concept of public transport, which is hardly surprising, as they never use it. Mr Gallie demonstrated that when he described his journey from Ayr.

Alex Johnstone (North-East Scotland) (Con): Will the member give way?

Bristow Muldoon: No, I have taken enough interventions. The member should sit down.

Alex Johnstone: I have a simple point of information.

Bristow Muldoon: Sit down.

If the Tories had any experience of using public services, they might believe in them.

From the way in which the Tories describe the Executive's forward transport programme, one would think that they did not want the minister to plan for the future. Do they think that major investment in infrastructure happens by accident and that we do not have to plan it out years in advance? Perhaps that is why there was so little planning when they were in power.

The Tories also seem to suggest that, so far under the Executive, nothing has happened in transport in Scotland. However, there has already been major investment in a number of areas. For example, £8 million has been invested in the Fife circle line and £13 million has been made available for new trains for Strathclyde Passenger Transport. Moreover, the Executive has committed an additional £320 million to a number of motorway and trunk road projects. In my area, £4 million has been invested in a brand-new express bus service from Livingston to Edinburgh. As for the Strategic Rail Authority plans, a range of different projects over the next three years are already under way with timetables attached, including investment in capacity on the Bathgate

to Edinburgh line.

In their dogmatic approach to transport and their failure to recognise their responsibility for the problems that the Executive is now grappling with, the Scottish Tories have clearly shown that they are committed to staying on the road to nowhere.

10:14

Alasdair Morgan (Galloway and Upper Nithsdale) (SNP): Before I ask the minister specific questions about the railways, I must tell Bill Aitken that the Tories have a lot to answer for. Rail projects are not delivered quickly; they have a long gestation period, and we are still suffering from the lack of investment throughout the Tory years.

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

Alasdair Morgan: Not at the moment.

I know that the minister is not directly responsible for the west coast main line, but is the Executive happy with the capacity forecasts on the line, particularly in relation to freight? The rail lobby is already complaining that there is not enough capacity south of the border. When Richard Branson introduces his faster tilting Pendolino trains, the situation will only get worse, because there will be even less room for freight. The Post Office has already indicated that it is taking off some of its trains because the journey times are not decent enough. The matter is important for the Scottish economy.

I am glad about the remodelling of Waverley station, but one of the main constraints is the line capacity out to Dalmeny and Falkirk. Before ScotRail introduced its emergency timetable, one delay in the morning would make every train late. As I have not been able to find the part of the programme that addresses that problem, I wonder whether the minister will explain where it is hidden.

All parties need to find some imaginative solutions to the fact that many of our previous solutions have become problems. For example, the Edinburgh city bypass was originally built to take traffic around Edinburgh. However, instead of simply being a bypass, the road has become a destination, because many offices, supermarkets and cinemas have been built beside it. Clearly such development cannot be undone; indeed, one could argue that it has brought great economic benefit to the city. However, in future, when new bypasses are built elsewhere, we must stipulate the planning constraints on development near them to ensure that bypasses remain bypasses and do not become new points of congestion.

I know that members would be disappointed if I did not have a small rant about the A75 and the

A77, so that is what I intend to do so for the remaining minute and a half of my speech. This is not just a local matter in Dumfries and Galloway; the roads are strategically important to the whole of Scotland. If we compare the northern corridor from Stranraer to Ireland with corridors further south, we find that the northern corridor is far more important for freight than, say, the central corridor from Holyhead. The proportion of freight on the northern corridor—and then on the A75 and the A77—has implications for the type of road that is needed. Although the total number of vehicle movements might not be as great as those on more southerly corridors, the fact that most are lorry movements means that we need a better solution to the problem.

The A55 through north Wales to Holyhead has brought significant economic benefits to that part of the world.

Alex Johnstone: That is a Tory road.

Alasdair Morgan: Well, it might be, but it is a Tory road that was not built in Scotland. That is part of the problem.

A Cardiff Business School survey highlighted the huge economic benefits that the A55 has brought to north Wales and that was before the recent dualling of another 18 miles of road in the island of Anglesey. One constituency alone has received 18 miles of dual carriageway at the end of the route from London to Holyhead and then on to Ireland, which is about 17 miles more than the entire length of dual carriageway in the south-west of Scotland. Although £730 million was spent on the A55 at 1996 prices, it is planned that only £30 million will be spent on the A75 and that is for the period up to 2008. If we do not have a more level playing field between the A55 and the A75, there will be severe consequences for the economy of the whole of the south-west of Scotland and—because the roads are of strategic importance—for the whole of Scotland.

10:19

Murdo Fraser (Mid Scotland and Fife) (Con): I am delighted to support David Mundell's motion. Unlike Bill Aitken, who said that he did not wish to be parochial, I fully intend to be parochial and will raise two issues that affect the region that I represent.

I am sure that many members, especially those who commute into Parliament daily, will be familiar with the problem of rail services in Fife. I should declare an interest at this point, because a member of my staff who commutes on that route is constantly late because of the railway. At least, that is what she tells me.

We accept the need to get more traffic off the roads and more people on to the railway.

However, there is a real problem with the state of rail infrastructure and the lack of capacity on the tracks. Despite all the spin that we hear from the Executive and today's self-congratulatory amendment, in the real world commuters face a dismal experience. They know what the situation is on the ground. As on the health service, all that we get from the Executive is fine talk; the reality does not match the rhetoric. We need proper management of the railways so that confidence can be restored to the sector.

The railways need the private sector to invest, but the private sector will not do so with all the dithering that we have seen from Stephen Byers and the Department of Transport, Local Government and the Regions. Six months ago, Stephen Byers was saying that not a penny of taxpayers' money would go to Railtrack's shareholders. This week, in another dramatic U-turn by the Labour Government, £300 million is to be spent on compensation. How can anybody have any confidence in the Government's approach when Byers's priority is saving his own neck rather than sorting out the problems on the railways?

Bristow Muldoon: Murdo Fraser talks about capacity problems that cause difficulties, especially in the east of Scotland. Can he tell us when a Tory Government or the privatised Railtrack was going to get around to investing in Edinburgh Waverley? Does he not recognise that the Strategic Rail Authority—which was established by Labour—put that on the political agenda?

Murdo Fraser: Plans to reassess the capacity of Waverley have been in place for years. The fact is that the private sector will not invest in Railtrack and the railways because of what has happened with Byers. The Government has completely lost the confidence of the private sector.

I shall move on to talk about roads. Mr Muldoon talked the most nonsense that I have heard in the chamber for a long time when he talked about our record. Under the Conservative Government in the years between 1992 and 1997, the average spend on trunk roads and motorway construction in Scotland was £150 million a year. In 2002-03, the spend on trunk roads and motorways will be £43 million. The improvements that were delivered under the Conservative Government can be seen: the dualling of the A90 from Perth to Aberdeen; the dualling of the A9 from Stirling to Perth; improvements on the A9 north of Perth; and the Dornoch and Kessock bridges. Bristow Muldoon would not have to look too far to see where those road improvements were made. We have a good record to be proud of.

Stewart Stevenson: Does the member accept that the failure to provide rail facilities across the

Dornoch bridge was short-sighted of the Conservative Administration?

Murdo Fraser: As I understand it, a proper assessment was undertaken at the time and incorporating rail on the Dornoch bridge was deemed not to be a viable project.

I welcome the fact that work will shortly start at the Inchtute junction on the A90. I also welcome the work that is being done at the Forfar and Glamis junctions to deal with accident blackspots. However, work also needs to be done on the A9. South of Perth, a considerable number of junctions are in need of upgrading. The problem is that there has been an exponential growth in traffic on the A9 since it was dualled. Because of the growth in communities such as Greenloaning, Blackford and Auchterarder, the junctions that serve those communities have become substandard. I recently spent a day in that area, meeting local councillors and community councillors who all had the same message: the accident rate is unacceptable. If there is to be further housing development in the area, there must be improvements. In the long term, we must also consider dualling the entire stretch of the A9 north of Perth to Inverness. That would have to be done over several years. The Conservative Government made good progress on that, but investment has dried up under the Labour-Liberal coalition.

Good roads are required not just to make the lives of locals easier. Poor and congested roads inhibit economic growth, especially tourism, which is the life-blood of local communities. If the Executive is serious about promoting enterprise in Scotland, it should listen to local people and business organisations and loosen the purse strings so that we can build the roads that we need to get Scotland moving again.

10:24

Karen Whitefield (Airdrie and Shotts) (Lab): I congratulate the Scottish Conservatives on today's motion, which surely wins the award for showing the biggest brass neck since the election in May 1999. The motion shows the brass neck of a party that pontificates about the importance of transport to the economy but that presided over a sustained period of underinvestment in our transport infrastructure and was responsible for some of the most volatile economic conditions in the UK in recent history. It shows the brass neck of a party that criticises our public transport services but, when it was in power, spent less than 12 per cent of the transport budget on public transport, compared with the 53 per cent of the transport budget that the Labour-led Executive is spending on public transport. It shows the brass neck of a party that dares to comment on rail problems after selling off our national rail infrastructure for a

bargain-basement price to a company that demonstrated that it could not do the job.

I am beginning to have serious doubts about the health of Conservative members. They seem to have a form of dementia that causes them to forget the distant past and remember only recent events. In debate after debate, the Tories seem to have completely forgotten what happened under previous Tory Governments.

David Mundell: Ms Whitefield is well qualified to lecture on amnesia, because that is what she is suffering from. She seems to think that time stopped in May 1997, when Labour took control of transport in Scotland. From that time, the Government has delivered nothing. Labour has been in power for five years and that is where the buck stops.

Karen Whitefield: Since we came to power, things have started to move. We have started to invest in public transport and we are not setting public transport against roads. The issue is not just about investing in roads, which is something that previous Tory Governments failed to understand.

Let me provide the Conservatives with some therapeutic assistance to help them to remember what happened. In a debate on rail privatisation in 1996, John Watts, the then Minister for Railways and Roads, said:

"Rail user groups are increasingly coming to recognise the benefits that privatisation has brought. A shift in public attitudes is under way. The future of the railway in the UK is secure. The case for privatisation is so overwhelming that in 10 years the radicalism of today's policies will look like nothing more than common sense. By putting the railways into the private sector, we are powering them into the 21st century."—[*Official Report, House of Commons*, 15 November 1996; Vol 285, c 607.]

David Mundell said that Railtrack failed because of Labour's interventions. However, less than a year after the Tory minister made that statement—in May 1997 when Labour came to power—Railtrack was already £700 million behind in its investment in rail and its maintenance programme. We all know that the Tories' vision of nirvana for the railways was oversold. The truth is that they botched the privatisation and the Labour Government and the Labour-led Executive have been left to pick up the pieces.

The Executive is committed to tackling congestion in an integrated way, by improving key sections of our trunk road network and investing substantially in and improving our public transport system. Unlike the Tories, the Executive is not content to take sides in a false dichotomy between the car and public transport. I welcome the strategic approach to the transport delivery report. It is right to prioritise initiatives that will alleviate congestion, such as the development of rail links

to our airports, action on the findings of the multimodal studies—which I believe will prove the need for an Airdrie-Bathgate railway line—and the delivery of free off-peak travel for elderly people.

Under Labour, we will at last see an improvement in the section of the A8 between Baillieston and Newhouse—something that the Tories long promised but never delivered. No one is claiming that turning around 20 years of underinvestment in our transport system will be easy, but the Scottish Executive is finally beginning to make its mark. I am confident that, given time, even the scars that have been left by failed Tory Governments can be healed.

10:29

Mrs Margaret Smith (Edinburgh West) (LD): David Mundell is always good value in the chamber, but I think that I must have slipped into a parallel universe when I hear senior Tory spokespeople such as David Mundell quoting David Begg. David Begg was wrong on several things that he said about transportation in Edinburgh and some of my constituents would be interested to hear that he has now been adopted as the Conservative party's transport guru.

I will be parochial this morning. Given that the majority of people in Scotland live within 50 miles of Edinburgh, failing to get the strategic view of the Edinburgh transport system right will have a knock-on impact on the rest of Scotland's economy. Over the years, the people of Edinburgh have been frustrated not only by 18 years of Tory Government but by the grand schemes of City of Edinburgh Council and previous councils. David Mundell was dismissive about the Croy park and ride. All I can say is that, after decades of grand schemes in this city, we still do not have a park and ride. Sometimes, a successful transport policy is not about dreaming up grand schemes but about delivering small, medium and large schemes. That is what the Executive is trying to do in developing the proposals that the minister outlined last week. It aims to develop a mix of small, medium and large proposals, in the short term, the medium term and the long term.

That is the way forward. We must have a strategy for where we are going. What people want from a transport system, in Edinburgh and elsewhere, is capacity and choice. This city is absolutely booming, but it is a victim of its own success in transport terms. We have economic and population growth unlike any other part of the country, but in the past we have not had investment. I welcome the fact that in recent months investment has been announced and that the Executive has made a commitment to improve transport in my constituency, with investment in the west Edinburgh bus system, the north and

central Edinburgh tramway and now the west Edinburgh light rail tramway. The Executive's priorities include airport links, the redevelopment and increased capacity of Waverley station, which will have an impact for the whole of central Scotland and beyond, and the Borders rail line.

Mr MacAskill: Does Margaret Smith believe that the tramway outlined in the transport delivery plan is best paid for by congestion charging? If we read between the lines, it is quite clear from the answer that the minister gave after making her statement that the tramway in Edinburgh would be paid for by congestion charging. Does Margaret Smith support congestion charging?

Mrs Smith: If Kenny MacAskill is prepared to wait, he will hear me come on to that point.

It is critical that, as well as meeting the capacity needs of the city and Scotland's transport needs in general, we must give the people of Edinburgh and Scotland choice. Obviously, some of that choice can come only with investment. We have to consider a whole range of ways in which we can invest in Scotland's transport infrastructure to make that happen. I would rather that my constituents were given the opportunity to make legitimate choices about what public transport they use and other transport issues than allow the current situation to continue, where they have no choice but to sit in traffic jams. There are 15,000 people working at Edinburgh Park. They cannot get in and out to their work in the morning because of congestion.

Unless people see investment on the ground, they will view congestion charging as nothing other than a tax. It has to be seen as something that will actually make a major difference to people's lives. That will happen only if people feel that that money is being properly invested on the ground, giving them opportunities for choice before they are asked to pay congestion charges. That is important in considering how to take forward the consultation with people and what we intend to do with such schemes.

We had 18 years of the Conservatives. Murdo Fraser talked about their commitment to transport. We had no dualling of the A8000, which is a missing link in Edinburgh's road system. We had no airport link, no integrated public transport system for Edinburgh and no Borders railway. None of those things was delivered in 18 years. What kind of commitment to Scottish transport is that?

The announcements that the Executive has made, in relation to Edinburgh and in relation to the whole of Scotland, show that it is serious about planning in the short term, the medium term and the long term for Scotland's transport needs. I support that, but it is essential to back it up with

proper investment to deliver the schemes on the ground to give people the real choice to decide whether to use their cars on roads that are safe or whether to use public transport. We must give them the choice and that needs investment—from the Executive, from the private sector and from local authorities. I also urge the minister to keep a serious watching brief on what is happening with the A8000 and the new Forth bridge authority that is being set up. We need that missing link. It is ridiculous that the Conservatives took 18 years and still did not deliver that link. We must deliver it.

10:35

Stewart Stevenson (Banff and Buchan) (SNP): We live in strange and disturbing times. I have listened to David Mundell calling for more public investment and focusing on public transport, and I have read the document from the Executive, which does not want to spend any public money whatever. That merely confirms the view that we on the SNP benches have already formed that the new Labour party is the new Tory party.

I would like to say a little bit about something that has not been covered much in the debate—the effect on business of the current infrastructure in Scotland. Like many other members, I will be parochial.

The Executive's document says that it will be

"fixing Aberdeen's congestion before it leads to further deterioration in journey time reliability."

The reality is that many people in the north-east of Scotland—and when I use that phrase I mean the country beyond Aberdeen—are absolutely constrained by the congestion in Aberdeen. Businesses in my constituency are actively considering relocation because they cannot reliably go through Aberdeen.

Mr Davidson: That is since he was elected.

Stewart Stevenson: They have been considering relocation even since Mr Davidson became a regional member for the area.

Businesses are paying huge sums of money because of congestion and unreliability. It costs £50,000 a year for a small company to be in Peterhead instead of Aberdeen. It is time that the Executive stopped talking about grand plans and started putting up some grands of money to solve the problems.

I thought that I heard the minister say that he is looking for 23 million lorry miles in his new plan. I would very much welcome that, because his document mentions 21 million. He might care to confirm that. I would very much support that. I see that there are existing facilities for getting freight off the roads and on to railways, enabling groceries to go from Bellshill to Wick and Thurso,

and I am sure that people will be grateful for that.

Let me say a word or two about flying and about Scotland's role. There is a consultation document on European new skies. Well, well! The list of consultees that the UK Government has chosen for the exercise is very telling. Among the hundreds of bodies that are being consulted, there is only one Scottish company—Loganair. Almost none of the air transport facilities that are provided in Scotland is provided by Scottish air transport companies. That perhaps indicates why I find it difficult to agree with the Scottish Tourist Board, whose website says:

"Scotland is a small country and travelling around it is quite easy, as is getting here."

That experience is alien to the majority of people whom I meet.

I turn to something that Alex Johnstone said. He referred to 18 glorious years of a Tory Government. Well, I have something rather surprising to say to Alex. I met a Tory voter when I was campaigning last year, and he had had some rather upsetting news. He had been to his doctor and heard that he had only four months to live. I said, "Why are you voting Tory? They will not help the health service." He said, "No, I'm voting Tory for the very first time, because four months under a Tory Government is like 18 years under anybody else."

Mary Scanlon (Highlands and Islands) (Con): That is cruel and in bad taste.

10:39

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): It is not fair to have to follow that—I did not quite get the point.

The Tory motion attaches about as much importance to transport and its effect on the economy as did the 18 years of Tory Government about which we have heard so much this morning. It is unacceptable that the Parliament and the Executive should be asked merely to note that transport is an important issue. It is important that the Executive and the Parliament establish a plan that will set in place a framework that will deliver improvements in our transport system—our roads, our rail services and our bus services.

Many members have said that the transport system that was inherited from the Tories was in a state of neglect. David Mundell said that the time for studies was over. In respect of my area, I agree with him and agree that we must look forward to the completion of the central Scotland multimodal study that is due to be completed soon.

The Tory record was to commission consultants' reports, hear findings and then do nothing. Bill

Aitken is not here to respond, but he mentioned the debate on central Scotland's missing motorway link. In the days of the Tories, that was how we referred to the A80 corridor. In fact, from 1979 through the 1980s and the 1990s until 1997, the Tories promised to make decisions—they promised a decision in the summer, in the autumn, in the spring and even for Christmas—but in all those years, they did nothing. In the months before the general election, they made a number of promises on roads. They promised to build new roads and to finish off missing links. Those were empty promises with no substance and there was no cash to deliver.

The Tories also claimed to have a rail plan. In the 1990s, their plan for Croy—which has been mentioned—was to close the station. Thankfully, a public outcry stopped that, but services were reduced and the station was hardly used.

When I was elected to the Parliament, I travelled from Croy station to Edinburgh. I could take only one direct train in the morning and one direct train back in the evening. That service should be contrasted with the current service. Now there is a service every half-hour from Croy station and the journey time is 35 minutes. A number of lonely people used to stand on the platform; now, people struggle to find car parking spaces at Croy station. That shows that, if the Executive and the transport deliverers provide services that people want to use and arrange them to meet the needs of the travelling public, we will get people off our roads and back to using our rail and bus services. I look forward to working with ministers and local authorities to ensure that facilities are there to meet the public's needs.

Mr Mundell ridiculed the Auchenkilns roundabout proposals. The proposals that the Executive announced last week are exactly what the people of Cumbernauld and Kilsyth have been calling for for many years. We do not want a three-lane motorway through Cumbernauld and Kilsyth. In Cumbernauld, we realise that the section of the A80 that runs through the town plays an important part in the central Scotland transport network, but we do not want a three-lane motorway splitting our town in half. We want proper traffic management solutions to the problems at Auchenkilns and on the A73. The Executive is delivering on that and I look forward to working with it to ensure that we deliver what is best for the people of Cumbernauld and Kilsyth and the rest of Scotland.

The Deputy Presiding Officer: Before we move to winding-up speeches, I should say that we are extending the debate by about 10 minutes as more members have asked to speak in this debate than in the debate on enterprise, which will follow.

10:44

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): I welcome the £1.1 million that the Executive has announced to tackle the problems of congestion in and around Aberdeen and Aberdeenshire. Such money for pre-planning and feasibility studies is welcome. However, the time is rapidly approaching when we will need action to commit the Executive to funding publicly the integrated transport system that we desperately need in the north-east. I was pleased to hear Lewis Macdonald say that we can expect a concrete announcement later this year. A concrete commitment to fund the project is exactly what we need. When the Parliament journeys to Aberdeen in May, I hope that there will be an opportunity for Lewis Macdonald to make an announcement.

As usual, David Mundell's contribution to the debate was amusing and informative—it was particularly so today. Usually, only the SNP calls for a bottomless pit of public money to be spent, but the Conservatives gave a whole list of transport projects that they would fund. When I intervened and asked David Mundell how those projects would be funded, he confirmed that the money would come out of public funds and I thought that there had been a major Tory policy change. The reply was, "Oh, no." The implication is that they would remove £100 million from business support or the higher and further education budget. That is complete nonsense.

David Mundell: Does Mr Rumbles agree that decisions that relate to supporting the economy are about making hard choices? It is clear that a transport infrastructure is the fundamental requirement of Scotland's economy. Money would be better spent on that than on nice-to-have business projects.

Mr Rumbles: That we can magic money out of a hat to spend on something is a typical Conservative con. The Conservatives do not want to tell the business community that we do not want to support it.

My colleague Nora Radcliffe made an important point when she said that we can create a safe, efficient and affordable transport network throughout Scotland. That will not happen overnight—nobody is claiming that it will—but there is a lot to be accomplished.

Bristow Muldoon successfully pointed out the failures of the previous Tory initiatives, notably the disastrous lack of investment in the railways and their privatisation. I was amused by Murdo Fraser's contribution to the debate. He spent a great deal of his speech listing what the Tories did for the roads when they were in power. When he was challenged, he completely failed to list what they had done for our railways.

Ben Wallace: Will the member give way?

Mr Rumbles: I have already given way.

Members should consider the mess in which the Tories left the railways.

Ben Wallace: Are the member and his party still in favour of the electrification of the north-east railway? If they are, where will they get the £600 million for that?

Mr Rumbles: The Liberal Democrats are keen on an integrated public transport system for the north-east, including electrification of the railways, and an integrated commuter system from Inverurie in the north to Stonehaven in my constituency in the south. We also want a western bypass around Aberdeen. I hope that Executive ministers will announce a commitment to many of those matters later this year.

Ben Wallace: Where would the money come from?

Mr Rumbles: From the public purse. *[Interruption.]* I have never mentioned £600 million—I do not know where the Tories got that figure from.

Brian Adam: Will the member give way?

Mr Rumbles: I will give way if I have enough time.

The Deputy Presiding Officer: Mr Rumbles is in his final minute.

Mr Rumbles: The Conservatives should not even have turned up for this debate, let alone lodged a motion. They cannot lecture anybody on transport, given their appalling record in office. They went on a mission to attack public transport throughout Great Britain. The much-heralded revival of the railways has come unstuck as the full folly of John Major's botched privatisation plans has become apparent.

The Tories claim that no concrete plans have been announced in the transport delivery report. Do they think that rail links to Edinburgh airport and Glasgow airport, a light rail system in Edinburgh, the central Borders rail link—which are all Liberal Democrat manifesto pledges—and road upgradings can be achieved without any feasibility studies or pre-planning? Of course they cannot.

The SNP's transport policy is, if anything, a bit more laughable. Whatever policy position they hold now, another one will come along in a minute.

In conclusion, I hope that I do not misquote Karen Whitefield when I say that the Liberal Democrat-led coalition is delivering on our manifesto commitments. I will name just a few of them: a more integrated transport policy; better rural transport; expanded rail networks in the

Borders; rail links to Edinburgh and Glasgow airports; hope for funding in the north-east; improved public transport; and a concessionary fares scheme for pensioners.

10:50

Brian Adam (North-East Scotland) (SNP): The debate has been interesting and, at times, amusing. Accusations have been made about the Liberal Democrats' horse-and-buggy approach, and demented Tories have had accusations thrown at them by the Labour party. We have had a lot of the usual special pleading for parochial interests. Members have spoken about their own pet projects, and rightly so. That is what happens: we represent people where we live and we should do that.

It is a matter of regret that members have talked about Edinburgh, Glasgow, central Scotland, Dumfries and Galloway, the north-east and Aberdeen, but no one—in particular no one from the Executive parties—has talked about the Highlands. Despite what is stated in the Executive amendment, no specific matters are being addressed in the Highlands and Islands and no one would take an intervention from my colleague, Fergus Ewing, so that that matter could be addressed.

The transport policy that was inherited from the Tories, quite some time ago, is still in place.

Maureen Macmillan (Highlands and Islands) (Lab): Will the member give way?

Brian Adam: Wait until I have developed my point.

What has been inherited from the Tories is not only privatisation of the railways, which has led to such disaster, but privatisation of airports and the ports. The purpose of privatisation of the ports was to enable friends of the Tories to make lots of money developing the land, rather than developing the ports. Bus deregulation has also taken place. Predatory pricing policies have been used in the past few months to try to drive out Lothian Buses, as a direct consequence of Tory policies.

A variety of mechanisms have been used to fund—or, in the long term, not to fund—transport projects. Those mechanisms include private finance initiative and public-private partnership projects and proposals for congestion charging. I have a question for those who favour such mechanisms, especially PFI/PPP. Although that approach guarantees maintenance for the future, which has been one of the significant problems to result from lack of investment, how do we achieve equity in the areas where that approach is not taken? Why will folk who travel on roads that will have guaranteed maintenance over the lifetime

get well maintained roads, but roads that are not covered by that mechanism will not get the same kind of arrangement?

David Mundell *rose*—

Brian Adam: If David Mundell wants to answer that question, I will be delighted to hear from him.

David Mundell: We have heard little about the SNP's policy and its ideas on funding. What has happened to the SNP's Ikea tax? Some weeks ago, the SNP floated the proposal that funding of new roads in Scotland should be paid for by taxing people who park in out-of-town shopping centres.

Brian Adam: I am delighted that Mr Mundell did not bother to answer the question that I posed. The SNP has proposals for funding mechanisms. Those are dependent on our public services trust. We will use that mechanism to fund a variety of projects. We are considering a variety of innovative ideas for funding. There is nothing wrong with that.

I pose a question to those in the chamber: how can we deliver an integrated transport system when, as elected representatives in this Parliament, we can have no influence over a significant part of transport services?

Bristow Muldoon *rose*—

Brian Adam: I will be happy to hear from Bristow Muldoon why we cannot deliver an integrated transport system when we have no control over the railways.

Bristow Muldoon: I would like clarification. Is the SNP's proposal to introduce a shopping tax in shopping centres such as the Almondvale centre in Livingston? Is the SNP aware that that is a town centre shopping centre and not an out-of-town centre?

Brian Adam: Having enjoyed a visit to Livingston last weekend, I put it to Bristow Muldoon that the current problem is that people who work in and visit hospitals have to pay to park there. We are considering innovative approaches to the issue. We have ruled out workplace parking charges. We are looking to provide an appropriate level playing field for development for all sorts of businesses, not to favour those who happen to be on the periphery.

We have a significant problem in delivering an integrated transport system because the Strategic Rail Authority and the Labour Government's proposals for addressing the problems related to Railtrack do not allow for any influence from this Parliament and its elected members. We cannot deliver an integrated transport policy on the current basis.

I commend the SNP amendment to the chamber.

10:56

Lewis Macdonald: Contrary to what has been said by one or two Opposition members, a good deal of evidence of the Executive's investment in transport is all around us. There are new trains in Fife and Strathclyde and new park-and-ride sites serve Aberdeen, Edinburgh and Glasgow. Bus quality corridors in all our major towns and cities give preference to bus travel and promote that mode of transport. New ferries for Caledonian MacBrayne serve the Clyde and the Western Isles and a new level of service will come in later this year for the northern isles. There are new terminal buildings at the airports in Inverness, Kirkwall and Stornoway. That emphasises our continuing commitment to Highland as well as lowland Scotland. Improvements have been delivered throughout rural Scotland through the rural transport fund. Considerable investment has been made in cycling, walking and safer streets projects, and in the progression of 94 schemes under the motorway and trunk road programme, including a new bridge over the Forth at Kincardine.

Fergus Ewing: Amidst the list of largesse, can Lewis Macdonald say what investment has been made in any of the arteries that serve the Highlands, in particular the A82, the A9 and the A96? Is not it a fact that those are the roads that new Labour has forgotten?

Lewis Macdonald: Quite the contrary. If Mr Ewing had read the transport delivery report, which was published last week, he would have noted that the A96 improvements at Fochabers are one of the priorities that we established at an early stage and that we are taking forward under our motorway and trunk road programme. As I said, substantial and record sums are being spent on lifeline services in the Highlands and Islands of Scotland.

Action is being taken by the Executive to help local councils to address the backlog of repairs that are within their budgetary responsibility. Last year, we provided an additional £70 million and only last month a further £20 million was announced to assist councils in meeting those responsibilities.

Last week, Wendy Alexander presented to the chamber the Executive's vision of how to address the priority transport challenges of the future. The transport delivery report is evidence of our willingness to prioritise and plan ahead. The report recognises the central importance of tackling congestion in our major metropolitan areas. Our research forecasts indicate that over the next 20 years there will be an increase in road traffic in Scotland of 27 per cent, the vast majority of which will be concentrated in our major urban areas.

Above all, we must address the issues that such an increase raises. That is why so many of the priority projects that we have outlined are aimed at tackling urban and interurban congestion by improving and promoting public transport, providing alternatives to the car and seeking—as the transport delivery report makes clear—to stabilise road traffic usage at 2001 levels by 2021.

Our vision contains substantial, strategic, large-scale projects. However, as many members have indicated, it is not only the big strategic projects that matter. We are investing in many other ways to upgrade our transport infrastructure. We are undertaking a series of improvements on the A77 and A75 and we are talking to local partners about how to target that investment most effectively.

Only last week, we released a further £2 million to progress the Stirling-Alloa-Kincardine line, which will promote a public transport alternative for commuters and, by diverting freight, will free up capacity for passenger services on the Forth rail bridge. Next week, the new Forth estuary transport authority will be set up. It will have new powers to address transport issues such as the A8000, which will help to tackle congestion in Edinburgh.

We recognise the importance of the rail capacity issues that have been raised. That is why the strategic rail study will address those issues—for example, at Falkirk—and why we are pleased to report recent progress in the discussions on the west coast main line.

Mr MacAskill: The minister considers railways a key priority. Like many other members, I have received a communication from Network Rail regarding its make-up; it has no shareholders and it is accountable to its members, who fall into three categories. Those are the SRA, industry members, who will be represented—

The Deputy Presiding Officer (Mr Murray Tosh): The intervention is rather long.

Mr MacAskill: I have a question. The third component will be public interest members, who will be chosen from a wide range of stakeholder groups. Where is the Parliament's representation? What power will the Executive and the Parliament have over Railtrack's successor?

The Deputy Presiding Officer: I will compensate Mr Macdonald for the time taken up by that intervention, although he should not have taken an intervention in the final minute of his speech.

Lewis Macdonald: I take that as a plus and a minus, Presiding Officer. Kenny MacAskill knows that we are working in close partnership with the SRA on the infrastructure provider, which is critical to the future of the railway system.

I am pleased to note the progress that has been

made in talks between ScotRail's operators and the train drivers unions. I understand that an announcement has been made and that the threat of strike action in the coming two weeks has been lifted. That is good news.

I will touch on one or two other matters that members have raised. I confirm that this year, we hope to make progress on the assessment of Aberdeen's traffic flow and to complete the modelling within 12 months. I will meet Cathie Craigie to discuss the issues she raised about Croy and Auchenkilns. Her welcome for those projects reminds us of the progress that is being made here and now. We have developed projects and set out a larger vision, for which we invite the support of all members. They should agree with us on the priorities for Scotland's transport system and help us to make progress in achieving them. We welcome such support.

11:02

Mr David Davidson (North-East Scotland) (Con): I congratulate David Mundell on his excellent speech, which laid out clearly our proposals—something that we have been trying to get out of the Government for the past two and a half years. His speech caused obvious confusion among the SNP members, which shows that we hit the button right on. I did not believe what we heard from the SNP members. I timed their speeches—Kenny MacAskill had a seven-minute slot, but six minutes and one second into it, he had made no comment on SNP policy. His rant was entertaining, but it contained absolutely nothing about policy on what is supposed to be one of the SNP's key issues.

I turn to the speeches of members of the coalition parties. I watched the expression on Wendy Alexander's face when Mike Rumbles, on behalf of the coalition, committed what comes to at least £1 billion of spend, when all the parts are added up. To get the euro into the debate, I say for Mr Rumbles's benefit that the £600 million for the electrification of the east coast line would be €1 billion.

Mr Rumbles: Will the member take an intervention?

Mr Davidson: A little later. I must make progress.

The Labour members gave us tirade after tirade, but they ducked the issue of their so-called plan, which has been turned into a report. They said nothing about the past five years. Lewis Macdonald began by saying that the Executive has a list of priorities and that it will meet the challenges. We are still waiting to hear those priorities in rank order and the costs that are involved. We are none the wiser on those issues.

Mr Rumbles: Will the member take an intervention?

Mr Davidson: Not at the moment.

Ms Alexander said that the document is a route map. To where is it a route map? It has no destination marked on it. If one has a route map, one knows the destination, one has planned a route and one knows the date, times and commitments that are involved. We are going into initiative after initiative.

Karen Whitefield attacked David Mundell viciously, which was dreadful. He welcomed the park-and-ride facility at Croy and the roundabout at Auchenkilns, but Karen spent a long time attacking him. I did not understand that.

To get down to the nitty-gritty, I will list examples of issues on which the deputy minister might have been helpful. He had two opportunities to be helpful, but he made no suggestion for dealing with potholes in rural roads and gave no commitment or notion of a policy on how he will get local authorities to deliver their responsibilities.

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): On a point of order, Presiding Officer. Are you aware that a member has been throwing things in the chamber?

The Deputy Presiding Officer: I do not know that it is in order to sneak in school. I ask all members to behave a little bit better.

Mr Davidson: May I continue deputy headmaster?

We have had no clarity. Last week, there was an Executive statement on transport. We expect the Executive to lay out its plans in such statements. This morning, there has been a series of rants and raves about what the Conservatives did not do when they were in power. Labour has been in Government for five years; before that, it made a series of commitments about what it would do in power. Those commitments are around eight or nine years old, but there has been no delivery.

There is no recognition that taxes on road users must go back into the road network. That is vital for business and tourism. Neither of the ministers recognises that the problem in many rural areas is that there is no option other than to depend on the motor car. Brian Adam, who is sadly missing from the chamber, was right when he mentioned the infrastructure requirements for all parts of Scotland. I do not represent the Highlands, but the deputy minister made no comments about the problems there. One or two of my colleagues listed local issues—

Mr Rumbles: Did those include the western bypass for Aberdeen and the electrification of the east coast line?

Mr Davidson: One day, Mr Rumbles will catch up with the fact that the Conservative party has said for a long time that there should be a bypass for Aberdeen to suit the needs of Aberdeen and the need for links to Inverness and up the coast to Banff and Buchan. The bypass is in our plans.

Mr Rumbles: How will you pay for it?

Mr Davidson: I should not answer questions from a sedentary position. The bypass was in the list that David Mundell read out.

Mr Rumbles: Will the member take an intervention?

Mr Davidson: No, thank you. The deputy minister said nothing about congestion charges, which were mentioned during last week's statement. We must know how the Executive will fund its proposals and how it intends to implement the charges. New powers have been given to local authorities; I assume that that means that if authorities do not introduce congestion charges, the money will be taken from their block grant.

Lewis Macdonald: The Transport (Scotland) Act 2001 clearly gives the power to raise congestion charges to local authorities. We will not issue directions to councils on whether they should use those powers.

Mr Davidson: I am not sure why the minister bothered to make that comment. Why did the Executive introduce the power if it has no intention of using it?

It is vital that members recognise the content of David Mundell's speech as the way forward for the Conservative party's strategy. Our proposals are affordable and our priorities are different from those of the Executive. We know how to use a budget. That does not mean simply adding more money, as the Liberal Democrats would have it.

It is interesting that the SNP made no proposals on policy or funding. For the first time, the SNP did not mention oil and did not seem to mention independence. The moving of the Conservative motion raised the level of parliamentary debate on transport and provided a good start to the day's business. We will do the same job in the enterprise debate.

Enterprise

The Deputy Presiding Officer (Mr Murray Tosh): We move to the next item of business, which is a debate on motion S1M-2946, in the name of Miss Annabel Goldie, on enterprise in Scotland. There are two amendments to the motion. I invite those members who wish to speak in the debate to press their request-to-speak buttons now. I call Miss Annabel Goldie to speak to and move the motion. You have 10 minutes, Miss Goldie.

11:10

Miss Annabel Goldie (West of Scotland) (Con): The political process in Scotland has never been more visible, more accessible or more expensive. Never have more consultations, strategies and initiatives in glossy brochures been launched than have been launched by the Scottish Executive in the first 1,000 days of this Parliament. The people of Scotland should be dancing in the streets because of pent-up excitement, but they are not. The business community should be engaged in a corporate fandango of unfettered jubilation, but it is not.

The general sense of frustration and anger can be easily explained by such public relations nightmares as the new Parliament building and perverse priorities that place issues such as the banning of fox hunting and the smacking by parents of children ahead of creating a health service that treats ill people when they need treatment. There was also the recent embarrassment of MSPs voting on their salary increases. It is small wonder that the public are scunnered.

What about the business community? It can now engage in the political process with unprecedented ease. There is a Scottish Executive with 20 ministers and an Executive department that is devoted to enterprise that has legions of civil servants. There are 129 MSPs. There is an Enterprise and Lifelong Learning Committee and there is the enterprise network, which is joined at the hip with the Executive. What is the measure of that wide spectrum of political access and what has been happening to the business community since 1999?

Business start-ups have, sadly, shown a decline. In 1999, there were approximately 19,000 new businesses, but with a declining graph. In 2000, there were approximately 17,000 new businesses. The 2001 figure is likely to be around 17,000 again. That measurement becomes starker when it is compared with 1977, when Scotland had 24,771 business start-ups. At best, we are declining; at worst, in real terms, we are de-enterprising and going backwards.

On Scottish economic growth, Scotland has had lower growth levels, historically, than the rest of the United Kingdom. However, the Scottish position has weakened even further in recent years. The Fraser of Allander Institute for Research on the Scottish Economy, in its quarterly economic commentary, projected a 7 per cent gross domestic product growth in Scotland for 2001 and a 1.2 per cent figure for 2002. A separate Government study suggested that Scotland has been more dramatically affected than the rest of Britain by the events of 11 September.

In an article in *The Scotsman* of 12 February 2002, Douglas McWilliams stated:

"Slow growth gradually corrodes a nation."

He went on to observe that Scotland might end up poorer than Greece.

Lurking below the surface of this bleak economic scene is more disquieting evidence of the disparity between Scotland and the rest of the UK.

Andrew Wilson (Central Scotland) (SNP): I agree with Miss Goldie's analysis. However, does she agree that Scotland's slow growth and relative decline is not a function of the Labour period since 1997 but is in fact the history of post-war Scotland, which has declined relative to the rest of the UK throughout that period? Does she also agree that the opening words of her motion are an admission of the failure, throughout the whole post-war period in Scotland, of London Government?

Miss Goldie: I do not agree with Mr Wilson, whose views on the economy are a bit like his sartorial style: casual to the point of being random and demonstrably unco-ordinated.

Scotland saw significant losses in jobs and skills in 2001. Nearly 8,000 of those job losses were in the electronics sector. We also failed to cash in on 3,700 jobs that were cancelled within that sector. That gloomy chronicle is continuing, with depressing announcements of current job losses. That is not merely demoralising for the workers involved but an alarming expansion of the skills gap. That gap is worsening and employers increasingly despair about that further challenge.

This is a picture of a country that does not have an enterprise culture, whose Executive displays an inability to understand business, and in which the economy is stagnating. One must conclude that the Executive and the enterprise networks are not delivering for Scotland. For 2002-03, the enterprise and lifelong learning department's staff costs budget is more than £10 million for employing 338 people. There will also be ministerial and related costs. The enterprise network budget for 2002-03 is £465 million. One must ask what all those resources and that

beaverish activity have been achieving.

Scottish Enterprise has been on a rationalisation mission, but the minister stated in a letter to me—dated 18 March 2002—that the projected head count for 2002-03 is estimated at 1,517 people. Still under review is how many of those will be permanent employees, fixed-term employees or contracted staff. That lack of specification is surprising.

Far less easy to understand, however, given what the enterprise networks have been presiding over, is why Scottish Enterprise thinks it necessary to increase the in-house resource for public relations, which in 2000-01 cost £1.62 million. Over the same period, external public relations services cost £1.4 million. If my arithmetic is correct, Scottish Enterprise has recently spent over £3 million on PR. I presume that it was explaining to anyone who was interested why business start-ups have declined, why Scottish economic growth is so much poorer than the rest of the UK, why job losses continue and why skills gaps are intensifying.

Is it any wonder that the business community does not have faith in the cluttered political scenery or does not believe in the atrophy of the enterprise network bureaucracy?

Dr Sylvia Jackson (Stirling) (Lab): Will the member give way?

Miss Goldie: Forgive me for not doing so. I want to expand my point.

It was predictable that on 13 March 2002 the newspaper *Business a.m.* should have an article entitled: "Businesses demand answers from the Executive." Bear in mind that the Executive has had nearly three years to provide answers.

That brings us to the kernel of the problem. What has the Executive been providing? The previous debate on transport indicated that there was a complete absence of strategic planning for transport and roads infrastructure, which is one of the most frequently articulated concerns of business. It is more startling that the Executive has seemed impotent as a conduit to Westminster to stop the aggregates tax, which will have a devastating effect on the Scottish rural economy. The Executive also seemed blissfully indifferent to the lurking menace of tax stamps for the whisky industry until my party debated the matter in the chamber.

The Executive has achieved the remarkable commercial advertisement for Scotland of a higher business rate poundage than the rest of the UK. Businesses in Scotland pay around 9 per cent more in business rate than businesses of equivalent rateable value in England. Not just startling but downright alarming was the Local

Government Committee report that was released on Wednesday last, which endorsed reinstating the right of local councils to set business rates and held out the prospect of increased council tax bills for hard-pressed payers of council tax. My colleague Mr Harding, who serves on that committee, rejected the committee's proposals in their entirety, as did the business community and the business media in Scotland.

The media not only gave an unprecedented mauling to the press launch of the report and to the actual report, but asked what kind of committee takes 18 months to come up with such negative proposals. Throw into the cauldron the mass of regulation and red tape with which business in Scotland daily struggles and the now completely discredited Executive improving regulation in Scotland unit—IRIS—and one can understand why the business community feels that, where its interests are concerned, it is being sold a pup by the Executive.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): Will the member give way?

Miss Goldie: I am sorry, but I want to proceed with this.

If the business community, which is being sold a pup, looks at the minister's amendment it will find only pap, which articulates more eloquently than I can precisely what the problem is.

Does the situation have to be like this? It does not. My party sends some short, sharp messages to the Executive: it should restore uniform business rate; it should abolish IRIS or give it a meaningful purpose in considering the repeal of existing regulation; it should persuade the Chancellor of the Exchequer to abolish the aggregates tax; it should devise a transport strategy whose immediate priority is the improvement of the main arterial routes in Scotland which, in their current condition, delay, obstruct and frustrate business; and it should have a fundamental review of the role and function of the enterprise network, with the sole objective of creating a network that is concerned exclusively with promoting enterprise and improving growth and competitiveness in all sectors of the Scottish economy.

If there is any feature of the political process post-devolution that has provoked, irritated and angered the business community, it is the universally perceived fact that the Scottish Executive and the enterprise network occupy an overheated orchid house, engaged in mutual self-admiration, mutual self-congratulation and perpetual self-direction while, outside in the cold, the business community looks on with detached dismay. In the unhealthily close atmosphere between the Scottish Executive and the enterprise

networks, there is an irreconcilable conflict of interest. The enterprise network cannot be a credible co-ordinator between the Scottish Executive and the business community while it is the delivery arm for numerous Scottish Executive strategies and programmes.

The apparent visibility and ability to access the Scottish political process is, for the business sector, a sterile prospect. Government meddling and interference in the enterprise process do not improve business start-ups, grow gross domestic product or create jobs; neither does distracting the core function of the enterprise network with ancillary activity such as volume training and social engineering. However, a successful enterprise economy will do more for universal opportunity and real social inclusion than any other factor.

The confidence of the business community has to be re-engaged. That will happen only if the business community is working not only with a Scottish Executive that displays a greater understanding of the flexibility and space that business needs to survive and prosper, but with a lean and demonstrably effective enterprise network that is not tied to the apron strings of the minister but has an entrepreneurial dynamism and a mind of its own.

I move,

That the Parliament notes with concern the relatively poor performance of the Scottish economy compared to that of the UK economy as a whole; believes that public funding of enterprise programmes should be focused on infrastructure improvements which benefit all businesses; further notes the damaging effects of the higher business rate poundage in Scotland compared with the rest of the UK, and supports the reintroduction of a uniform business rate across the UK and calls for a fundamental review of the role and functions of the enterprise network, both with the objective of improving growth and competitiveness in the Scottish economy.

11:21

The Minister for Enterprise, Transport and Lifelong Learning (Ms Wendy Alexander): I thank my Conservative colleagues for securing a debate on this issue. We in the coalition parties look forward to the opportunity to reaffirm our commitment to creating a smart, successful Scotland. It is well seen that spring has arrived because the Conservatives have obviously decided that it is safe to talk about the economy again, after a period of silence that they presumably feel was long enough to allow memories of mass youth unemployment, mass adult unemployment and mass long-term unemployment to fade.

In the spirit of spring, I will examine what the SNP—sorry, what the Conservatives are suggesting. I will turn to the SNP soon enough. I

was going to invite the Conservatives to view themselves as the official Opposition for the time being, which, of course, the SNP usually claims to be.

Official Oppositions are expected to come up with programmes for government. What are the three big ideas in the motion today? First, that the enterprise budget should be redirected towards infrastructure improvements. With regard to that suggestion, I ask: what programmes should be cut and by how much? We are open minded and are asking for information.

The second big idea is that business rates should be cut. Fair-minded people in Scotland know that the total burden of business rates in Scotland has not risen relative to that in England. Interestingly, the Conservatives have not said whether they support the proposals for small business rates relief in Scotland.

The third big idea is that there should be

“a fundamental review of the role and functions of the enterprise network”.

Why on earth would we want that? We have spent the morning talking about the fact that there are too many reviews. Before we embark on that much-vaunted review, we should think about its purpose.

The motion shows that the Conservatives do not know what they want to cut in the enterprise budget, that they will not say by how much they want to cut business rates and that they will not say what they want to review in the enterprise network or why they want to do it. Perhaps they should try again.

Miss Goldie: What I made crystal clear was the fact that the business community cannot be expected to have any confidence in the devolution process or the presence of the Scottish Executive and the enterprise network if the amounts of budgetary allocation that are being devoted to supposedly improving the economy, starting up businesses and expanding our skills are demonstrably achieving very little.

My point was that, if certain substantive measures were taken, such as restoring a uniform business rate at a cost of around £170 million and paying for that out of the enterprise budget, business would rejoice. Business people could see that, instead of that money disappearing into a bureaucratic hole, it is appearing on their territory and providing a much-needed advertisement for business in Scotland.

Ms Alexander: I think that we might have smoked a position out of the Conservatives. They are suggesting that we should cut the entirety of business support—which is worth about £100 million—and slice 25 per cent off the budget of

Highlands and Islands Enterprise and Scottish Enterprise. That is a substantive proposal, but I doubt that it will find favour, particularly when the Conservatives will not say whether they are in favour of the small business rates relief scheme that we have introduced. I challenge them to say whether they are in favour of any specific support for small businesses and, if so, on what basis.

Having established that that is the sole substantive proposition from the Conservatives, we should examine what the Executive is doing. As people know, unlike the Conservatives, we are not looking for a quick fix of inward investment; we are saying that the future economy of Scotland rests on our indigenous science and skills. For that reason, we have brought together enterprise, research and lifelong learning in one department. We have modernised the enterprise networks at home and overseas by the creation of Careers Scotland and Scottish Development International. Furthermore, we have reformed the financial support that we give to companies at home and overseas and have created new venture capital funds. The central part of the policy is to ensure that science spending rises by 15 per cent over the lifetime of the Parliament. To that end, we have introduced the new enterprise fellowships and proof of concept funds.

I remind the chamber that, only 18 months ago, during the general election campaign, the Conservatives proposed a cut of more than £1 billion in the budget of the Department of Trade and Industry, which would have meant a cut of £120 million in Scotland. That means that the Conservatives are suggesting that there be £200 million of cuts added to the £100 million that they planned for in their budget.

Alex Neil (Central Scotland) (SNP): I welcome the additional money that is being invested in research. However, does the minister accept that the percentage of Scotland's GDP that is spent on research and development will still be only about half the UK rate, which itself is only half the European rate? If we are to catch up with our competitors, we should be talking not about raising science spending by 15 per cent but about almost quadrupling the investment in research and development from the public and private sectors.

Ms Alexander: The figure of 15 per cent relates to public investment in science. Scotland leads Europe in terms of the investment in research and development by higher education institutions. Our difficulty is how we can stimulate research and development investment by the business community. To that end, last year we introduced R and D tax credits for small companies. It is anticipated that the UK budget that will be announced within the month will include an announcement that similar proposals for large

companies will be finalised. We need to do more to stimulate knowledge transfer. The enterprise network's technology institute proposal is designed to achieve exactly that.

We are not about talk but about action, whether it be: improving the small business gateway during the past 18 months; rolling out electronic infrastructure through Project Atlas; creating Scottish Development International as the sales force for Scotland in the world; or launching Careers Scotland, which is the first all-age guidance service operating throughout the UK and is aligned to the enterprise network.

The situation is not perfect, but we have strong leadership and a programme for action. That compares well with the position of the other official Opposition party, the SNP. Does the SNP still want to abolish the local enterprise company system? The only thing that the SNP has had to say with regard to the science and skills agenda is that, somehow, it would help to make the north-east a centre of excellence in oil and gas if we were to close down Grampian's local enterprise company and relocate to central Glasgow the leadership that it provides.

The SNP's amendment says that we should tackle root causes to allow

"the optimal policy mix required to place the Scottish economy at the competitive advantage".

What does that optimal policy mix mean in relation to monetary discipline? How would interest rates be set in the short and long term? On fiscal policy, does the SNP have any equivalent to the sustainable investment rule or the golden rule? On tax policy, what is to be the level of corporation tax, personal tax or benefits? On public investment, will the SNP drop its opposition to public-private partnerships? The SNP should either clarify its macroeconomic policy in relation to any of those dimensions or tell us about its alternative proposals to the science and skills strategy.

The science and skills strategy is the right one for Scotland. Sometimes, we should learn from other small nations not simply individual policy propositions, but lessons about their willingness and ability to build a national consensus for growth. That national consensus for growth will be around science and skills, not quick fixes, either those of the past or those proposed for the future.

I move amendment S1M-2946.2, to leave out from first "notes" to end and insert:

"welcomes the Scottish Executive's initiatives to improve Scotland's economic position and its new economic strategy for Scotland based on science and skills; believes that the Scottish Executive should build consensus behind this new strategy; notes the significant progress already made in establishing the conditions for sustained success

in relation to our key objectives: global connections, growing businesses, and skills and learning, and welcomes the clear direction given to the enterprise network through Smart, Successful Scotland to work with the Scottish Executive to deliver this vision."

11:30

Mr Adam Ingram (South of Scotland) (SNP): Despite Tony Blair's complacent spin that the United Kingdom is the fourth-largest economy in the world, with average earnings of just over £20,000, the UK is sliding down the international league table and now occupies the 19th place—on the brink of relegation from the premier league. The standard of living for citizens of the country is in relative decline compared to that of those of our main economic competitors.

Independent Ireland, which was once the economic laughing stock of the British ruling classes, has long since overtaken poor old declining Britain. Its citizens earn on average £5,200 more than ours and are reaping the material benefits of healthy economic growth. At the same time, Ireland is able to make much more rapid progress than we are in building quality public services and addressing social justice issues. Redistribution of wealth and investment in public services are much easier to achieve and encounter much less resistance when a concomitant increase in the tax take or expansion in the tax base is possible through natural economic growth.

Bristow Muldoon (Livingston) (Lab): Mr Ingram is talking about the taxation system. Will he clarify what his vision of the taxation system in an independent Scotland is? In particular, will he clarify what percentage of GDP the tax take would be? Would it be akin to that in Ireland or that in Finland?

Mr Ingram: I am just about to expound those matters. If Bristow Muldoon will be patient, he will get his answer.

Mr Michael McMahon (Hamilton North and Bellshill) (Lab): I will not hold my breath.

Mr Ingram: Mr McMahon should try it.

In Scotland, we are faced with a double disadvantage compared to the Irish. Not only are we stuck with the consistent failure of UK economic policy to stimulate high rates of growth, but we are stuck with economic policies to suit the UK's economic engine—London and the south-east of England. We have no powers of our own to lubricate or maintain the Scottish engine.

The sad fact is that the union is bad for Scotland's economy. The latest figures show little growth at all in the Scottish economy in the past year. But more damning than that is the long-term growth rate, which runs at half the UK's mediocre

performance. Scotland's underperformance against the UK can be costed in cash terms as a loss of £1.4 billion from 1995 to 1999.

The notion that we have an economic union that provides a level playing field for all its constituent nations and regions to thrive is a myth. Even the Scottish Tories acknowledge that in the mention that their motion makes of business rates. The UK's playing field is much more akin to the old Easter Road slope: it is downhill all the way in favour of London and the south-east of England. Down the slope flow people with outstanding talent and skills, profits, capital and corporate decision making, to the huge detriment of the Scottish economy and every household in our land.

It is high time that we all acknowledged the leeching of our nation's life blood by the UK's capital city. The dice are loaded in London's favour because it is the centre of political power in the UK. It exerts a huge gravitational pull and creates a large, talented labour pool that is drawn from the UK and elsewhere, which in turn creates a large mass of affluent and influential consumers.

Fergus Ewing: Will Mr Ingram give way?

The Deputy Presiding Officer: No. He is in his last minute.

Mr Ingram: London's dominance is self-perpetuating. What is more, little can be done about that as long as Scotland is trapped in a unitary state that imposes uniform tax and interest rates across all its constituent parts. Scotland needs to be free to compete and free to generate high levels of growth and prosperity by placing our economy at a competitive advantage.

We need to place economic growth at the centre of our policy making in Scotland. We have to stop making do with rearranging the deck chairs on a slowly sinking ship and treating the symptoms of economic decline rather than tackling its root cause. We need the ability to put in place a fiscal regime that will create wealth for the nation, resource excellent public services and provide the leeway to address social justice through redistribution. We need to create a vibrant economy that will grow businesses with R and D capability and attract and retain business headquarters in Scotland. We need to be able to define particularly Scottish business tax measures that will create an incentive for growth as general taxation under European Union rules. We cannot do that unless we achieve independence.

I move amendment S1M-2946.1, to leave out from "as a whole" to end and insert:

"and competitor European economies over the post war period; further notes that the efforts of enterprise development agencies and initiatives within the uniform UK economic policy regime have had no apparent effect on our relative economic decline throughout the period and that

the gap in performance would appear to have widened more recently; believes that the policy and debate in Scotland has so far been focused on dealing with the symptoms of this relative economic decline rather than its root causes, and calls for a refocusing of the political debate in Scotland on the potential for the acquisition and use of the range of financial and economic powers available to competitor states such as Ireland and Finland and the optimal policy mix required to place the Scottish economy at the competitive advantage required to achieve faster growth, higher living standards and an improved revenue stream to resource sustained investment in public services."

11:36

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): The minister has talked about research and development. I point out to members that everything that the Executive has done to increase access to universities—the abolition of tuition fees and the reintroduction of financial assistance—means that a record number of people are going to Scottish universities and applying to go to Scottish universities. Those people will be the seedcorn for the future growth of business and industry in Scotland. That is one concrete move that we have made and it is there for all to see.

My second point is a good Highland point. The debate has been on the overall Scottish scale and whether to have a union. That does not go down desperately well in the Highlands, particularly with small businesses. There has been talk in the past in the chamber about future legislation that would enable planning authorities to say to a supermarket company, as and when a new supermarket is built, that part of the planning conditions will be to devote a certain percentage of shelf space to local produce. That would go down exceedingly well in our rural areas. I know that there are difficulties with defining local produce, but I recommend that the Executive consider that carefully indeed.

My most important point concerns what I have in my wallet. That is a €20 note. I show it to the Tories—in fact, I will pass it round and they can have a look at it. A recent survey of industries in Scotland, which was conducted by the Scottish Council for Development and Industry, showed that 30 per cent of Scottish firms wish to join the euro at the first possible opportunity and that 41 per cent would like to join the euro in the lifetime of this Parliament. That is a huge majority in favour of joining the euro.

Alex Johnstone (North-East Scotland) (Con): Will Jamie Stone give way?

Mr Stone: I will in due course.

I have given the euro note to the Conservatives deliberately, because they must focus on the key issue for Scotland's economy, which is getting into

the euro. It was interesting that Miss Goldie, in a speech that was splendid and fragrant as usual, did not comment on that key issue.

To return to the Highlands, when we speak to farmers and businesses little and large in the Highlands, they say loudly and clearly to George Lyon, to me and to other Highland colleagues, "For goodness sake, get into the euro." The fluctuation in currency between the rock of the mighty dollar and the hard place of the euro means that the pound seesaws about. For someone running a retail business and trying to buy fruit, for example, from abroad, it is almost impossible to plan what the price will be. They may find that they have been robbed of their profit.

I tell the Tories to study the €20 note. It is key to Scotland's future. I look forward to hear what the Tories have to say about the euro in their closing speech. Have they distanced themselves from the Euroscepticism of the past?

I wish everyone a happy Easter.

Mr Gil Paterson (Central Scotland) (SNP): On a point of order, Presiding Officer. Does Mr Stone have any more €20 notes?

The Deputy Presiding Officer: That is not a point of order; nor is it a matter for the chair whether Mr Stone gets his money back.

11:39

Alex Fergusson (South of Scotland) (Con): Speaking from a rural perspective, I can say unequivocally that the most important parts of the motion are the plea

"that public funding of enterprise programmes should be focused on infrastructure improvements"

and the subsequent call

"for a fundamental review of the role and functions of the enterprise network".

Nowadays, infrastructure falls into two categories: the traditional infrastructure of roads, railways and public transport and the new information and communications technology infrastructure of broadband and the information superhighway. To illustrate my point, I would like to examine both those categories as they currently exist—or rather do not exist—in the south-west of Scotland.

The problems with the A75, which is a recognised trans-European network route, have already been well aired in the chamber, not least during the previous debate but, sadly, to little avail. The problems with the A77 and A76 are less well publicised but equally pressing. Those three roads represent the main arteries into and out of south-west Scotland. As long there are only tenuous rail links, commuting possibilities are unrealistic. The

public transport system is rendered virtually useless by the rurality of the region, and the end result is an area from which people have to move if they cannot find work within it. That explains why Dumfries and Galloway is the only region of Scotland with a declining population, which is surely a graphic enough statistic to explain why something must be done.

Despite Jim Wallace's reassurances during the 9 January debate on the Executive's priorities that the pathfinder project in the south of Scotland provides the be-all and end-all of information technology provision in rural Scotland, the information superhighway remains a dream for most individuals, businesses and employers in the south of Scotland. Why else would both the chief executive of Dumfries and Galloway Council and the chief executive of the local enterprise company agree that, unless something is urgently done to bring broadband technology to their region, it will continue to have to play catch-up with the central belt when it comes to attracting jobs into the area.

George Lyon (Argyll and Bute) (LD): How much of the budget does Alex Fergusson propose to spend on upgrading the roads in the south of Scotland and on providing the information superhighway?

Alex Fergusson: If George Lyon had been present at the previous debate, he would have heard exactly the answer to that question, so I suggest that he read the *Official Report*.

The equation is quite simple, as people will follow good roads, and jobs will follow people. It does not matter whether those good roads are the traditional vehicular highways or the new technological superhighways; the result is the same. Of course, the Executive understands all that; why else would it include among its principal aims in the glossy document "Rural Scotland: A New Approach" the aim to

"invest in our young people by bringing childcare, education, training and employment opportunities to where they live and work. Getting on need not mean going away"?

That aim rings pretty hollow with the people of Dumfries and Galloway, and with most people in rural Scotland. Far from

"bringing ... education ... to where they live and work",

Dumfries and Galloway Council is having to consider closing 39 primary schools and three secondary schools. Far from employment opportunities being brought to the people of Dumfries and Galloway, the population is steadily declining. Access to services is so pathetic that one young graduate who gave evidence to the Rural Development Committee last week said that he could find work up in Ayrshire but not the public transport to get there.

For the community, expansion and business development are almost things of the past, as West of Scotland Water claims that its services can take no more strain and that therefore it cannot condone further developments. That is not a pretty picture.

If we superimpose the effect of the Executive's legislative impositions on rural Scotland, the picture becomes even less pretty. Never mind the rights and wrongs of a ban on hunting; no matter the muddled thinking behind the land reform proposals; no matter the continued inability of the Executive to support and foster the primary products of our different regions—the result of the eventual legislation will be further deterioration in the jobs and economic prospects of rural Scotland.

The Executive's answer to that mess is limply to condone the introduction of the aggregates tax on 1 April—what a suitable date! The Confederation of British Industry says that that tax is causing chaos and confusion throughout the country. Chaos, confusion and muddled thinking sums up the efforts of the Executive on rural enterprise. The time to refocus on what are very real problems is long overdue. I totally support the motion.

11:44

Brian Fitzpatrick (Strathkelvin and Bearsden) (Lab): There is an end-of-term feel to the debate. One wonders whether it is spring when one sees the first moleskin suit, and Andrew Wilson, in whom Simon Templar somehow displaces Harry Potter. However, we come back to earth with a dunt when we hear David Davidson promising that the Tories are going to do the same job on enterprise. Thankfully, he has removed himself from the chamber. When people in my constituency hear that the Tories are going to do the same job on enterprise, they remember the Tory record: the lost businesses and homes and the destroyed hopes. That is one reason why the Tory party, although it may come back in many parts of the country, will remain fifth out of five in Strathkelvin and Bearsden.

The debate has been unfortunate. Annabel Goldie usually makes spirited contributions to our proceedings, but her speech today was surprisingly lacklustre. I suspect that that was because she did not really believe half what she was saying but felt obliged to have an end-of-term knockabout on the performance of the enterprise network. However, she did not advance much on that front.

Annabel Goldie touched on one point about which I share some concern. The Minister for Enterprise and Lifelong Learning will be aware of my interest in the activities of the Executive's IRIS

unit and of my various parliamentary questions. I entirely accept that much of the regulatory burden on businesses arises as the result of European or UK legislation, but I am surprised by the lack of resource that was disclosed in answer to my questions, and in particular by the grades of staff employed in that unit. I urge the minister to consider seriously how we can get the work of those with experience of business impact aligned with the work of the unit so that we may make more progress on that front.

Andrew Wilson: If Mr Fitzpatrick could resist sartorial allegations, I would be grateful.

In the interest of the debate, can the member tell us whether the aim of the Executive's economic policy is to close the wealth gap with the rest of the United Kingdom or just to mitigate our continuing relative decline?

Brian Fitzpatrick: It would take me slightly over my time to give Andrew Wilson sartorial advice, so I will desist from that.

Andrew Wilson makes a point that was wholly absent from Annabel Goldie's speech. She gave the game away when she spoke about the fundamental review of the enterprise network. She made no mention of social justice ambitions for the network or for employment, nor of widening access to higher education, skills and jobs.

Miss Goldie: The point about business expansion is that, if we are to have an enterprise network that operates according to what its name suggests, we have to let it focus on the enterprise economy of the country. I specifically said that we will do more if we succeed in that. The phrase that I used was:

"for universal opportunity and real social inclusion".

Brian Fitzpatrick: I am obliged. That contribution takes us back to the essential divide between the far right in the Parliament and the bulk of members of the Parliament, who do not view social justice ambitions as the distaff side of an enterprise economy. After 18 years of these people—the Tories—we realise that putting 3 million people, with their skills, talents and ambitions, on to the scrap heap is not the way to run an economy.

We have had a hard job returning from the mess that has been left by the Tories. We have built in economic stability and the conditions for growth. There is nothing in the Conservative motion that encourages us to support it, so we should not vote for it today.

11:48

Alex Neil (Central Scotland) (SNP): I feel as though I am intervening in a family feud between

two right-wing unionist parties. I could hardly split the difference between them in the eye of a needle.

I want to make three points in the four minutes that are available. The first is that, irrespective of what the Parliament does at a microeconomic level, if that is not in tune with the macroeconomic policy that is decided in London, it will not have the desired effect in Scotland. I will give some examples of that, starting with taxation policy. No independent Scottish Government with power over fiscal policy would in its right mind have the current fuel tax regime. No Government whose priority interest lay in Scotland would tax its own national drink at the rate of 50 per cent. Would the French tax wine at 50 per cent? No way. That is another example of Scotland trying to promote an industry that is being taxed to the hilt by the chancellor in London.

I will give members another example. One of the biggest economic problems that we face in Scotland is depopulation. According to one forecast, by 2065 Scotland's population will be down from more than 5 million to 3.8 million, which has major economic implications. We need to do two things. First, we need to keep many more of our young, talented people in Scotland—to encourage them to stay to build a career here. Secondly, we need to have a positive immigration policy—not one that chases people away, sometimes because of the colour of their skin, but one that welcomes all creeds and types to Scotland if they have something to contribute to economic revival. An independent Scotland would have an entirely different immigration policy from that of the UK.

Brian Fitzpatrick: Will the member give way?

Alex Neil: No. Brian Fitzpatrick should sit down.

Another issue is interest rates and their effect on exchange rates. No independent Scottish Government would pursue the interest rate and exchange rate policy—the lunacy—that is being pursued by Gordon Brown. Until we get control of macroeconomic policy—

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

Alex Neil: Ben Wallace should sit down.

Until we get control of macroeconomic policy, all the strategies—all the enterprise networks and the money that is spent on them—will not work. They will not work unless they are part and parcel of a real national strategy for Scotland.

The second issue is that of scale. The minister's comments on research and development, although factually accurate, betrayed complacency. The fact is that one company, Nokia, spends more on research and development

than the whole of Scotland spends. Until we lift our eyes—until we get into the same league as the Nokias, the Finlands and Irelands of this world—we will be kidding ourselves about our ability to close the growth rate gap. The venture capital fund is a great idea, and I welcome the £20 million over three years that has been allocated, but that is peanuts compared to what is required.

My final point relates to the enterprise network. Let us never forget that it was the Tories who destroyed the Scottish Development Agency and created Scottish Enterprise. I agree with much that Annabel Goldie said about the balkanisation of the enterprise network in Scotland. The figure of £100 million for business support has been cited, but how much of that ends up with businesses and how much ends up in the pockets of consultants? That issue needs to be addressed, but we will not be able to address such issues until we have full power. I declare an interest as someone who used to do consultancy work for Scottish Enterprise.

11:53

Mr Keith Harding (Mid Scotland and Fife) (Con): As a Scottish Conservative, I am proud to be part of the only party in Scotland that understands and trusts business. We realise that it is individuals and businesses, not politicians, who create a successful economy and a prosperous society.

I contrast our approach with the behaviour of the Local Government Committee, which has exposed the long-term plans of the three left-of-centre parties to change business rates. Committee members from those parties all wanted to allow councils to determine and collect business rates, which would hit business and directly stunt investment growth as the inevitable increase in rates removed the current level playing field.

I was the one voice of dissent on the committee, ensuring that the business community's well-publicised opposition to the proposal was heard. That opposition was completely ignored, as the committee caved in to its chums in the Convention of Scottish Local Authorities.

Trish Godman (West Renfrewshire) (Lab): Will the member give way?

Mr Harding: Not at the moment.

Even when the Executive seemed to heed business calls for it to honour its commitment to reject any such proposal, Aberdeen Central Labour MP Frank Doran let the cat out of the bag by backing calls for Aberdeen and other cities to get back the right to fix, collect and spend business rates.

The view of Tom Sunter of the Institute of Directors is clear. He said:

"We feel very strongly that returning business rates to council control would be another way of adding stealth tax."

Andrew Wilson: Will the member give way?

Mr Harding: Andrew Wilson will have an opportunity to reply to my speech in summing up.

Bill Stitt, deputy director of the Scottish Chambers of Commerce, who has consistently argued for the return of a uniform business rate for the whole of the UK, stated:

"Returning business rates to local authority control would only exacerbate this problem."

It is clear to me that Labour, Liberal Democrat and SNP members are more interested in the views of their fellow like-minded politicians than in the views of everyone in business in Scotland. Let us not forget that business generates the wealth that politicians tax to spend on public services.

Trish Godman: Will the member give way?

Fergus Ewing: Will the member give way?

Mr Harding: I will give way to Fergus Ewing.

Fergus Ewing: Does Keith Harding not recall that for the first 11 years of the previous Conservative Government local authorities were allowed to set business rates? Does he not also recall that only in 1995—year 16 of 18 years of Tory rule—did the discrimination of higher business rates on Scottish businesses come to an end? Is that not totally inconsistent with the Tory motion that we are debating today?

Mr Harding: Of course it is not totally inconsistent with the motion. We introduced the uniform business rate and we want it to be maintained.

Without business wealth creation there would be no public spending, so easing the burden of tax and regulation on Scotland's firms is paramount for the future of the whole of Scotland. Scots firms already pay 9 per cent more than their English counterparts. That makes it more economical for a company to invest south of the border.

The fault lies with the Labour party, which abolished the uniform business rate, creating a competitive disadvantage for Scotland. In my region, restoring the UBR would save Fife local businesses £7.6 million each year.

The SNP is no better.

Trish Godman: Will the member give way?

The Deputy Presiding Officer: The member is in his last minute.

Mr Harding: The SNP says that it wants to ease the burden on Scottish business, but would let our councils milk them with much higher business rates. Where is the consistency there?

Even the Executive's sop of the rate relief scheme for small businesses is no help, as it is a typical bureaucrat's reaction to a problem. It is extremely unfair on medium-to-large businesses and sends out entirely the wrong message to firms that are considering locating in Scotland. It also discourages expansion in our indigenous firms.

The Scottish Conservatives recognise the problem and have the solution. Our plan is to bring down the rate poundage for the current year from 47p in the pound to the English level of 43p. The resulting £176 million loss in revenue would easily be funded by a reduction in spending on the enterprise networks.

It is time for the other parties to join the Conservatives in listening to and understanding business needs. The proposal of the Local Government Committee has met with outright rejection from the business community. Unfortunately, the Conservatives are the only party that has so far rejected the recommendation. It is time that Parliament as a whole woke up to that and accepted our proposals to cut tax and greatly boost business in Scotland. I support the motion.

11:58

Marilyn Livingstone (Kirkcaldy) (Lab): Alex Neil has left the chamber, but I point out that I have never before heard Wendy Alexander called complacent.

I would like to focus on the significant role that is played by the enterprise network in the development of the Scottish economy. The Conservative motion is short-sighted, to say the least, in its understanding of the role played by the development agencies. It fails to grasp the importance of the enterprise network in encouraging new ventures, fostering enterprise and providing strategic oversight for the way ahead.

Encouraging growth and innovation throughout our economy is dependent on a large number of factors. Quite rightly, developing modern infrastructure is a key pillar of that. However, there is a great need to provide targeted support and assistance to business and entrepreneurs, allowing ideas to be turned into employment. The small business gateway is providing a one-stop shop for a wide array of quality advice and services for new businesses throughout Scotland.

In my constituency, the service is enabling start-ups to grow and to establish healthy market foundations. Only last week, Scotchem—a pharmaceuticals supply company based in Kirkcaldy—celebrated achieving significant growth in its first year. The company has cited the essential role that market research, advice and

business planning from Fife small business gateway—which is a partnership between the enterprise network and Fife Council—played in its success. That is just one example of a growing band of start-ups in Fife.

The underlying theme of the Executive's approach to the enterprise network, expressed in "A Smart, Successful Scotland", is enabling ideas and innovations to get out into the marketplace.

Bridging the gap between innovation, enterprise and capital investment is the essential role that the enterprise network plays. Scottish Enterprise's proof of concept fund is a pioneering example of how that philosophy is being put into practice. The fund of more than £30 million is targeted at assisting commercialisation, particularly in science and technology.

Andrew Wilson: I want to be on record as saying that all that is terrific and the Executive is to be lauded for it. However, will the outcome of it be a closing of the wealth gap with the rest of the United Kingdom or just mitigation of our continuing relative decline?

Marilyn Livingstone: I shall continue. I hear what Andrew Wilson is saying, but I genuinely believe that improvements need to be made and I will come on to that in the rest of my speech.

One reason why I mentioned the proof of concept fund is that Alex Neil spoke about the need to commercialise and fund research. We have to consider not just funding but how we develop that research, roll it out into the economy and create new opportunities.

Work is continuing to improve the enterprise networks, as all the major stakeholders are aware. Scottish Enterprise addressed many issues in January in its strategy for business start-ups. I have concerns about the business transformation programme that is under way. I urge the minister to ensure that in taking on national strategic issues, we ensure that local flexibility is considered. I believe that our success has lain in local imagination and innovation. I ask the minister to ensure that the correct balance is achieved.

The microeconomic foundations for delivering growth and job creation are in place and what is needed is considered innovative thinking, not right-wing economic dogma. That will build on our foundations and realise fully the vision of a smart, successful Scotland.

We believe that a strong vibrant economy can generate growth and promote social well-being, which the Tory motion ignores. I urge the Parliament not to support the motion.

The Deputy Presiding Officer: I ask that the next two speeches be of three minutes, to allow everybody in.

12:03

John Scott (Ayr) (Con): I will comment on the situation in Ayrshire and endorse my colleagues' comments on the mishandling of the economy.

The reality in Ayrshire is that we feel under threat. We have lost more than 1,000 jobs in the past few months in the Prestwick area alone, with many others going in the surrounding areas. Our quarries are under threat from the unfair aggregates tax and the Auchincruive campus is under threat of closure. In short, although spring is coming—as the minister has said—and everyone wants to be optimistic, we must be realistic.

Yesterday, BT announced the closure of its Ayr call centre and the transfer of around 100 jobs to Glasgow. Earlier in the month, Compaq announced the transfer of 600 jobs from Ayr to its Erskine plant.

The reality in rural Ayrshire is dreadful too. Ayrshire did not have foot-and-mouth disease, but the farmers whose animals did not have foot-and-mouth are worse off than those whose animals did.

Tourism has had a dreadful time too, although I welcome the initiative taken to develop the Burns festival. That must be a success and a building block for our tourism industry, which has been so badly represented throughout Scotland in the past.

Quite simply, the Scottish Executive must do better. A growth rate of 0.8 per cent, while the UK economy grew at 2.6 per cent, is simply not good enough. The Scottish Executive has to realise that people and businesses create jobs. Glossy brochures and fanfare launches do not in themselves make a difference. What makes a difference is the creation of the right climate for businesses to start and grow. Sadly, that climate does not exist in Scotland at the moment.

It is not easy—I know, because I have tried—to start businesses or maintain new or existing ones. Why would somebody choose Scotland as a place in which to start up businesses, given our high business rates, our excessive red tape, our bureaucracy and our inadequately funded and functioning enterprise network?

Dr Sylvia Jackson: Will the member give way?

John Scott: Yes.

The Deputy Presiding Officer: No, the member is in his last minute. I gave him three minutes and that is all that he is getting.

John Scott: I do apologise.

The Conservatives would do more to encourage new and existing businesses. We would reintroduce a uniform business rate and seek to abolish the aggregates tax. We would deliver a

genuine less-is-more environment with less bureaucracy, regulation and tax and more targeted encouragement. By doing less, better, we would achieve more.

I support the Conservative motion.

12:05

Christine Grahame (South of Scotland) (SNP): I will keep to my three minutes, Presiding Officer.

Wendy Alexander referred to quick fixes and Marilyn Livingstone applauded the enterprise system, but the experience in the Scottish Borders has given no cause for that satisfaction.

It was announced proudly in 1999 that the call centre at Claridge Mills in Selkirk would provide 250 jobs, at least 60 of which would be in place by October 1999. The last figure that I have shows that there were 28 jobs in January, eight of which were in management. I tried to confirm the exact figures this morning, but the company is not answering my phone calls—I wonder why. The cost so far to the public purse of that little enterprise has been £680,000 and regional selective assistance is in the pipeline.

However, when ordinary people in the Borders try to access enterprise funds they find it extremely difficult. I refer to Thompson and Son Bakers in Hawick. The owner used his own money to renovate an old building and turn it into a bakery, which cost him £56,500. He asked for help from Scottish Enterprise Borders and got £1,500. He has six jobs and another six in the pipeline.

John Mackay of Eyemouth took over the old Co-op, which overlooks Eyemouth harbour, and redeveloped it into a splendid restaurant, which opened three weeks ago. The business employs 20 people and he is looking to develop it. He got nothing from Scottish Enterprise Borders.

Another lady in Peebles, who wants only £2,000 to start up a business, got an offer of £500 from Scottish Enterprise Borders for information technology. However, Manpower can get £670,000 for providing 28 jobs to date. That is the problem with the system on the ground.

The other problem with the system is the infrastructure in rural areas, to which Alex Fergusson referred. The Ettrick riverside business centre has just opened in Selkirk. Its aim is to provide a complete business facility for Borders people. The problem with that centre is that it does not have broadband. Another problem is the road network to the Borders. The A1 is not complete; the A68 has just a couple of crawler lanes; and the A7 and A702 are definitely scenic routes. I will not even mention the railways. With infrastructure like that, who will locate in the Borders?

How on earth can the Borders get on? How can enterprise develop in that community with that kind of system in place? Lots of guff gets spoken in here. Ordinary people cannot set up businesses in the Borders, because they cannot access the funds that the large companies can access.

12:08

George Lyon (Argyll and Bute) (LD): The debate has an end-of-term feel to it. The prize for the best put-down must go to the Presiding Officer, for his remark to Jamie Stone.

The Executive has taken a range of actions to improve the competitive position of Scottish industry, as we have heard from the minister and other members. The introduction of the small business rates relief scheme will benefit an estimated 70 per cent of Scotland's businesses. That figure will be even higher in rural areas, where small businesses make up and dominate the business scene. The new scheme will be of benefit to large numbers of small businesses in my constituency.

The Executive has also taken action to improve Scotland's skills base and tackle the shortage of skills. The minister alluded to the comprehensive review of the careers service, followed by its rationalisation to ensure lifelong career advice, which is a significant step forward. The actions that have been taken include: the scrapping of tuition fees; the commitment to funding 2,800 additional higher education places; the commitment to funding 40,000 places in further education colleges; and the establishment of leardirect Scotland to give everyone in Scotland one-stop access to post-school training, skills and education.

Alex Neil: Will the member tell the chamber whether none of that would have happened without the Liberal Democrats?

George Lyon: I can assure the member that none of that would have happened without the Liberal Democrats. It certainly happened without him.

Together, those initiatives should improve our skills base and ensure that we improve our competitive position. However, there is no doubt that the worldwide recession appears to be hitting Scotland's economy harder than the economy in the rest of the UK. The recently published GDP figures bear that out.

Scotland's heavy reliance on big inward investment, especially in the electronics industry, has left us vulnerable in times of recession. When companies such as Motorola are hit by recession and losses, it is all too easy for them to pull the plug on plants in Scotland. The minister has acknowledged that, although the strategy of

attracting big inward investment projects into Scotland has been successful, it brings with it the dangers of leaving Scotland exposed to forces that are outwith our control.

The minister's decision to refocus the Executive's enterprise strategy towards investing in and growing indigenous businesses is therefore welcome. It is interesting to note that Ireland, which successfully pursued a similar policy to Scotland for the past 20 years, has also refocused its enterprise policy towards growing indigenous Irish businesses.

The SNP's amendment highlights the muddle and confusion that lie at the heart of SNP policy. We heard that in the speeches by SNP members. Their newly rediscovered policy of independence has no clarity. In the same breath, they mention Ireland and Finland as models that they wish Scotland to emulate. One is a high-tax, highly regulated economy; the other is a low-tax, deregulated economy.

The question for SNP members is which model do they want Scotland to follow? Is it the Finnish model or the Irish model? I hope that Andrew Wilson, who seems to favour the Irish model, will tell us in his wind-up speech. Which model would the SNP follow? There are great implications for whichever model it chooses.

As for the Tories, Annabel Goldie's proposal to slash the enterprise budget by over £100 million to fund business taxes would go down like a lead balloon in my constituency and throughout the Highlands and Islands. A 25 per cent cut in the HIE budget would spell disaster for economic regeneration throughout the Highlands and Islands.

12:12

Andrew Wilson (Central Scotland) (SNP): I was cut and deeply hurt by Annabel Goldie's opening comments. It is one of the great ironies and inequities of modern politics that young gentlemen have to accept slings and arrows from ladies on their sartorial elegance, but making such remarks vice versa is impossible. I open by commenting that Miss Goldie's purple dotted cravat is lovely.

The debate is important to Scotland's future success. The Parliament and the parties involved must get their act together and acknowledge the realities of Scotland's performance, which is utterly mediocre. It gives me no pleasure to say that, but the simple truth is that our growth performance is unacceptable. Our amendment seeks to bring to the debate a call for all parties to acknowledge that fact and to have an open-minded look at how we can equip ourselves with the powers to have the policy mix that George Lyon pointed to.

I welcome George Lyon's question. I would love to have the debate about Scotland's national target. Do we follow the Scandinavian model or the Irish model?

George Lyon: You tell us.

Andrew Wilson: If the member would apply his ears more than his mouth, he might learn.

The Conservatives might seek a low-tax deregulated economy. The Labour party might seek to follow that route and the Liberal Democrats might follow another. The point of the SNP amendment is that that debate cannot begin in Scotland, because we have a model imposed upon us from outwith.

Alex Neil: On a point of order, Presiding Officer.

Throughout the debate, Jamie Stone has moved around the chamber, talking over the member who is speaking. If he wants to act like the licensed clown, let him, but surely he should give respect to all the speakers in the debate.

The Deputy Presiding Officer: I had not heard Mr Stone. That is something that you should leave for me to worry about, Mr Neil.

Alex Neil: With all due respect, we cannot hear what is being said.

The Deputy Presiding Officer: I can hear Mr Wilson very clearly.

Alex Neil: I cannot.

The Deputy Presiding Officer: I would be grateful if Andrew Wilson would continue.

Andrew Wilson: I am grateful, Presiding Officer.

My point was that I want Scottish political debate to focus on such serious questions. I have my own ideas and we all bring our own ideas to the debate. However, this morning the focus has been on two parties that say that they are better placed to manage Scotland's relative decline. My comment to the Conservatives is that yes, the Labour party's performance on Scotland's economy in the past few years has been utterly mediocre. I do not even think that that is a function of Labour party policy; it is the context in which it finds itself. The Conservative's policy approach would produce no real difference. The post-war experience in Scotland has been of managed relative decline. It is a long-term problem, which is not due to the worldwide recession but arises from our being part of an economic union without being able to place ourselves at a competitive advantage to the rest of the United Kingdom.

George Lyon: Will the member give way?

Andrew Wilson: I have had three offers and three declines. I will move on.

George Lyon *rose*—

The Deputy Presiding Officer: The member is not giving way.

Andrew Wilson: The Executive and the other parties have to answer a simple point. I support the Executive team on many of the programmes that it brings to the table, but what will it do to close the wealth gap that has been identified between Scotland and the rest of the UK and Europe? Is the issue one of overtaking our competitors or mitigating our relative decline? The simple truth is that, at present, disposable wealth in the rest of the UK is growing three times faster than in Scotland. In the past six years, the growth in disposable wealth in the south-east has been 24 per cent, but in Scotland growth has been 9 per cent. If we had grown at the same rate, we would have £8.4 billion more in the Scottish economy. That is the gap that we have to close.

Brian Fitzpatrick: Will the member give way?

Andrew Wilson: Given all the interruptions that I have had, I need to move on.

This is a long-term problem. Labour's approach to politics has been to nursemaid Scotland's political, economic and social symptoms since the war. Everyone loves a nurse, so Labour has been popular, but that approach has not changed the underlying causes of our relative decline. Politics needs to grow up and move on. We need to have a debate on the economy that is more mature in tone than the stupid, narrow sniping that we have had over the past few years. I hope that Wendy Alexander will address that issue in her summation and show some leadership to her party, which she can do.

My simple point is that we would trust the Executive ministers with the full powers of independence at their disposal. It is ironic that in Scotland we have the only finance minister on earth who does not trust himself with the nation's finances, and we have the only economics minister on earth who does not trust herself with the nation's economic powers. We would. Let us get moving, tackle the mediocrity and have a proper and mature debate.

12:17

Ms Alexander: I thank colleagues for their contributions to the debate. There were a number of suggestions on how we might improve the enterprise network. In particular, Alex Fergusson referred to the need to strengthen our capability to support rural Scotland. Annabel Goldie and Brian Fitzpatrick talked about the IRIS unit and how more expertise has been brought to bear. Alex Neil made the point that Scotland is an attractive place to live and work, and said that the talent

strategy in Scottish Enterprise needs to be expanded. Christine Grahame eloquently made the case for why we should support indigenous businesses more by reconfiguring regional selective assistance in the future.

I turn to some of the bigger issues. The Conservatives made a charge about the atrophy of Scottish Enterprise's bureaucracy. An organisation that is seeing its head count go from 1,900 last year to 1,500 next year—a cut of 400—could hardly be accused of atrophying. The cost of public relations external services is also falling by a quarter in the current year, so there is movement on some issues.

I am still unclear about whether the SNP's position is that it wishes to abolish the LEC network. I am also unclear about whether the Tories support a small business rates relief scheme. That takes us to the central policy choice that is before us. The Tories' solution is to cut a further £180 million, in addition to the £100 million that they wished to cut from the budget last year. The Conservatives should use the Easter holidays to think about the wisdom of proposing cuts of £280 million. Such cuts would end investment in science and replace it with an indiscriminate cut in business rates that would benefit big business—because the Conservatives do not support a scheme for small businesses—and inward investors. A £280 million cut, resulting in the ending of the investment in science that we seek to achieve, is antithetical to a science and skills strategy.

Andrew Wilson said that he wanted to have a macroeconomic policy. Let us be clear. Scotland has a choice of macroeconomic policies. It can choose the policy under the current constitutional arrangement, which I will not go over, because people know it. Jim Mather and Alex Neil appear to favour that macroeconomic policy, which places us outwith the European single currency area. John Swinney's macroeconomic policy is that we should not favour cuts in corporation tax, but Andrew Wilson is willing to do that. I will go to the heart of what the SNP said. One option is not considering Scotland relative to England. The choice is to do what it takes to get Scotland growing again. That is at the heart of our difficulty with the SNP. Its constitutional solution requires us to break up Britain before we can pursue any of its policy prescriptions, on which the SNP has as wide a range of views as it has members.

Andrew Wilson: As a director of Scotland in Europe, Jim Mather can hardly be against the euro. I am not for the break-up of anything. I want to empower the Scottish Executive. The minister referred to the research and development money that might be provided in the next UK budget. What will that do to improve Scotland's position

relative to its competitors in the rest of the UK and to close the gap?

Ms Alexander: That is the central con of the SNP's policy. I ask the SNP to show me any sovereign state in Europe in which different areas have different corporation tax rates. The only way to say that the rate should be 18p, 20p or 35p in Scotland is to break up Britain first. That is the dishonesty of the policy that the SNP peddles.

A wider issue that links the SNP and the Tories is the suggestion that our economic salvation lies in competitive undercutting on tax. If members look around the Organisation for Economic Co-operation and Development, they will see that the total tax take in Japan—the “economic basket case” of the OECD—is 30 per cent, whereas the level in Scandinavian countries is higher than 50 per cent. Therefore, the idea that, uniquely, our economic salvation lies in competitive undercutting of one or another element of the tax burden is not borne out by the evidence.

The evidence is that investing in science and skills is the answer to boosting Scottish performance. That means the first-ever science strategy, links between the University of Edinburgh and Stanford University, the Alba Centre as a focus of research in microelectronics, enterprise fellowships, technology institutes and five times as many modern apprenticeships as before.

Mary Scanlon (Highlands and Islands) (Con): Will the minister give way?

The Deputy Presiding Officer: No. The minister is closing.

Ms Alexander: The answer involves creating careers Scotland, an adult literacy scheme and a Scottish university for industry. Scotland's economic salvation lies in the consistent pursuit of that strategy, around which we want to build a consensus that stretches beyond the coalition parties, out across Scotland and to other parties.

Scotland's salvation does not involve super profits through corporation tax cuts for inward investors or bigger business rates bribes for big business. It involves a balanced taxation policy and a strategy for growth. The Executive is pursuing that approach. We invite support for it.

12:23

David Mundell (South of Scotland) (Con): One disappointing element of the debate is that it was undersubscribed. That is unfortunate, because we spend too much time debating how we spend Scotland's wealth, rather than how we will create it. A morning devoted to discussing the economy and one of the most important components in improving economic growth—our transport infrastructure—is well spent.

The speeches from the principal parties in this morning's debates have been interesting. However, it cannot be more clear now that only one party in Scotland is committed to improving Scotland's transport infrastructure and delivering for business and the economy. That party is the Scottish Conservative and Unionist Party.

I do not doubt the minister's good intentions, but five years of failure since Labour's election in 1997—almost three of those years post devolution—have meant that fact has given way to spin and self-justification.

Dr Sylvia Jackson: Will the member give way?

David Mundell: I will do so in a moment, because I feel sorry for Sylvia Jackson.

We hear a range of views from the SNP, from the out-and-out Stalinism of some members—Mr Quinan comes to mind—to the more Milton Friedman-style economics that Mr Wilson prefers. That range of views demonstrates that, while SNP members—or, at least, most of them—may be bound by a common commitment to independence, the SNP does not have a coherent strategy for Scotland's economy or its transport infrastructure.

When the SNP leader, John Swinney, unveiled the SNP's "Talking Independence" campaign a few weeks ago, he pledged that his party would provide

"the most sophisticated economic presentation on independence ever devised."

So far, the SNP has failed to live up to that promise. No matter how many prawn cocktails are consumed or lattes are drunk, I cannot believe that anybody in the business community in Scotland believes that the stewardship of the Scottish economy would be better in SNP hands. Nothing that has been said this morning makes me change that view.

Dr Jackson: David Mundell's comments so far have been rather negative. Will he comment on the new business start-up rate in the Scottish Enterprise Forth Valley area? In common with the Fife area, very good results have been achieved by Scottish Enterprise Forth Valley, which has passed its original target of 497 start-ups. The total includes 188 start-ups by women and at least 24 business start-ups in social inclusion partnership areas.

David Mundell: The member raises an important issue, but I am coming to my scrutiny of the enterprise network.

When someone runs a business, they have to make hard choices. They have to decide which things it would be nice to do, but which things are essential. That is the position in which the Scottish

Executive finds itself, relative to the expenditure of its enterprise and lifelong learning department.

Businesses cannot proceed on the everything-but-nothing-is-a-priority basis that so bedevils the Scottish Executive. Businesses have to make choices, and the Scottish Executive has to do that too.

We are brave enough to make those choices and to answer to the Scottish people and to businesses for the choices that we make. When it comes to the economy, the choice is quite clear: either we put substantial investment into our transport infrastructure and into delivering broadband infrastructure—the roads and the railways of the 21st century—so that businesses can thrive and develop, or we continue to fritter away money on myriad schemes and initiatives that are operated by the enterprise companies or the Executive. That is not a difficult call, because it is clear that existing arrangements are not working. Let us not shirk the choice, but let us come down firmly in favour of investment in transport and technology infrastructure.

One of the most positive features of the Parliament is the opportunity that it has provided for proper scrutiny of budgets that are spent in Scotland, in particular in the case of non-departmental bodies. George Lyon may have sung the praises of Highlands and Islands Enterprise, but members of the Enterprise and Lifelong Learning Committee, including his colleague Tavish Scott, were much more concerned to hear that 20 per cent of Highlands and Islands Enterprise's budget is spent on administration. We have to get to the bottom of facts such as those, because they show that there is considerable scope for transfer of funds. That exercise must be undertaken and we continue to scrutinise the Executive in debates such as this one.

Des McNulty (Clydebank and Milngavie) (Lab): Given David Mundell's interest in transfer of funds, does he agree that particular consideration should be given to West Dunbartonshire? Is it a place to which he would be content to transfer some of the funds that are not being spent in rural areas?

David Mundell: I am sure that the Deputy Presiding Officer would like me to commit all sorts of funds to the Dunbartonshire area, but I cannot do that in this speech.

I do not accept criticism of the calling to account of Scottish Enterprise and Highlands and Islands Enterprise. It is our job, on behalf of the taxpayer and the business community, to call those organisations to account. We make no apology for doing that. The significant costs that are attributed to those organisations are a direct cost on every business in Scotland. I note Sylvia Jackson's

positive comments about Scottish Enterprise Forth Valley, but we have to judge every component of the enterprise network on the basis of what difference it makes. We have to ask, "What are the outputs and how can we measure them?" Furthermore, we have to do that in a context of asking whether local authorities could perform any of the functions better.

Although Ms Alexander might not be asking such questions, we most certainly are. Alex Neil is right to say that the Conservatives introduced the present form of the enterprise network. However, it is quite clear that times have moved on, not least with the creation of the Scottish Parliament, and what was appropriate a decade ago might no longer be so.

My colleague Alex Fergusson highlighted the difficulties that are being faced in rural Scotland, and Christine Grahame eloquently did the same. At least the minister did not say—as she did on transport matters—that the rural economy has been fixed, although it would be helpful to all concerned if she pointed out to us where her responsibilities for the rural economy end and Ross Finnie's responsibilities begin.

Keith Harding concentrated on business rates and made clear our opposition to the Local Government Committee's ill-conceived proposals, which not only unfairly target businesses across different local authorities in Scotland but completely undermine the commitment to a uniform business rate that business in Scotland has struggled to achieve. We cannot and would never support such measures and will take every parliamentary opportunity to demonstrate just how damaging they are.

To improve our economic performance in Scotland, the Scottish Executive could take certain positive steps, the most obvious of which is significant investment in our transport infrastructure. It is time that the Executive made that a real priority in its economic policy instead of prioritising regulation, bureaucracy and increased business rates.

I support Miss Goldie's motion.

Business Motion

12:32

The Deputy Presiding Officer (Mr Murray Tosh): The next item of business is consideration of business motion S1M-2954, in the name of Patricia Ferguson, on behalf of the Parliamentary Bureau, setting out a business programme.

Motion moved,

That the Parliament agrees—

(a) the following programme of business—

Wednesday 17 April 2002

2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Executive Debate on the Housing Improvement Taskforce

followed by Executive Debate on the Enterprise Bill - UK Legislation

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 18 April 2002

9.30 am Executive Debate on the Prisons Estates Review

followed by Business Motion

2.30 pm Question Time

3.10 pm First Minister's Question Time

3.30 pm Executive Debate on the Social Care Workforce Development

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 24 April 2002

2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Executive Business

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 25 April 2002

9.30 am Executive Business

followed by Business Motion

2.30 pm Question Time

3.10 pm First Minister's Question Time

3.30 pm Executive Business

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

and (b) that Stage 1 of the Tobacco Advertising and Promotion (Scotland) Bill be completed by 19 December 2002—[Euan Robson.]

Motion agreed to.

12:32

Meeting suspended until 14:30.

14:30

On resuming—

Question Time

SCOTTISH EXECUTIVE

Cancer Research Trials

1. Mary Scanlon (Highlands and Islands) (Con): To ask the Scottish Executive whether cancer patients have sufficient opportunities to participate in clinical trials for new drugs and therapies. (S1O-4972)

The Minister for Health and Community Care (Malcolm Chisholm): The Scottish Executive encourages clinicians to ensure that as many patients as possible are included in relevant trials. I announced last week that £1 million is being made available to provide more research nurses and other support for clinical trials.

Participation in clinical trials is subject to patient eligibility against preset research criteria and, of course, patient choice.

Mary Scanlon: I am delighted that my question prompted the minister's announcement of a new cancer research network and £1 million for clinical trials for cancer patients in Scotland.

Given that Scotland is a world leader in the development of new cancer drugs and that patients who are involved in clinical trials have better outcomes, will the implementation plan provide continuing information technology and clinical staff support and a continued commitment to allow the NHS in Scotland to lead the world in patient involvement in cancer research trial work?

Malcolm Chisholm: I will set aside the fact that the timing of the announcement did not quite coincide with Mary Scanlon's interpretation of events. I am glad that she welcomes the extra money that we put into clinical trials last week. We intend to get that money out into the research network so that more patients can be recruited for trials.

The support is already in place, to an extent, because of the Scottish cancer therapy network—the infrastructure already exists. That is why we can put all the additional money, more or less, into developing clinical trials in hospitals and in the various regional cancer networks.

Ms Margo MacDonald (Lothians) (SNP): I declare an interest, as I am the patron of the Scottish Breast Cancer Campaign. I want to ask the minister about a matter that is related to clinical trials and money, as I know that he met representatives of the campaign earlier this week.

Does the minister agree that the work undertaken voluntarily by the campaign to produce its questionnaire 2000 could be used as a pilot study to discover the experiences of women in Scotland who are diagnosed with breast cancer, provided that such a study was funded by the Executive and undertaken by an independent body?

Malcolm Chisholm: I agree with Margo MacDonald that we should pay tribute to the superb work that the Scottish Breast Cancer Campaign has done over the past eight years. The campaign's questionnaire was extremely useful for everyone who is involved in delivering cancer services. It is clear that a lot of work is being done on patient involvement in cancer services. Many of the campaign's suggestions fit in with the wider agenda of developing patient involvement and feedback in order to improve services. I was able to give a positive response to the points that the campaign's representatives raised, although I am still pursuing some of the detailed questions that they asked.

The Deputy Presiding Officer (Mr George Reid): Question 2 has been withdrawn.

Air Traffic Control Centre (Prestwick)

3. Phil Gallie (South of Scotland) (Con): To ask the Scottish Executive whether it has identified any adverse implications for economic development following the freezing of the contract for the building of an en route air traffic control centre in Prestwick. (S10-4988)

The Deputy Minister for Enterprise, Transport and Lifelong Learning (Lewis Macdonald): No. The Scottish Executive supports the UK Government's commitment to the new Scottish centre at Prestwick and I understand that both site preparations and the drawing up of contracts are proceeding in line with the revised timetable that was agreed by UK ministers.

Phil Gallie: Surely the minister recognises the importance of the development of the centre to South Ayrshire's economy—the development will have a major input into that economy. Surely he should represent Scottish economic interests and try to persuade his Cabinet colleagues to unblock that contract now. Does he recognise that, in addition to the short-term economic effect of the block on air service development, there is a longer-term economic effect? The block may also affect the safety of passengers in the long term.

Lewis Macdonald: Of course we are aware of the importance of the centre, the development of which we fully support. As I said, that work will go ahead in accordance with the revised timetable. Employment in the area will be boosted by the construction phase in particular, and it is clear that the sooner construction begins, the sooner that

boost will happen. If construction is delayed, the boost will simply be deferred, but it will happen in any case.

On the air traffic side, the number of jobs that is predicted at the new centre is similar to the number of jobs at the present centre. In that respect, there will be no employment impact. We have spoken with Scottish Enterprise Ayrshire, which has responsibility in that area. That organisation is content that the only economic impact of a delay will be a delay in the relevant construction jobs and that there will be no wider negative impact on the Ayrshire economy.

Alex Neil (Central Scotland) (SNP): Is the minister aware that any further delay in the project will result in a real danger that Scotland might lose the project to Ireland? Will he and the Executive do everything that they can to ensure that that does not happen?

Lewis Macdonald: As I said to Mr Gallie, we are committed to supporting a two-centre strategy that involves Prestwick. We are not aware of any threat to that strategy. We are not aware that National Air Traffic Services or the airline group has any intention of reconsidering its commitment to Prestwick. We will continue to talk to those parties about the timing of their project and the construction. We are confident that the project will go ahead and will provide a service that protects air safety and provides employment in Ayrshire.

John Scott (Ayr) (Con): Given the impact of the freezing of the building contract on the Ayrshire economy and the fact that 1,000 job losses have been announced in the Prestwick area in the past year, will the minister provide a date when either he or Wendy Alexander, the Minister for Enterprise, Transport and Lifelong Learning, will come to Ayrshire to see for themselves the problems facing the Ayrshire economy?

Lewis Macdonald: We are well aware of the challenges that face the Ayrshire economy. For that reason, we have committed a further £2 million to Scottish Enterprise Ayrshire to take forward its Ayrshire strategy for jobs.

Disability Scotland

4. Mr Kenneth Macintosh (Eastwood) (Lab): To ask the Scottish Executive what progress is being made in establishing an organisation to replace Disability Scotland. (S10-4992)

The Deputy Minister for Health and Community Care (Hugh Henry): The Scottish Executive has given a commitment to continue to support the voluntary sector in its efforts to determine what structures should be put in place for consulting with disabled people across Scotland. The Executive continues to work with groups of and for disabled people to achieve that.

Mr Macintosh: The minister will be aware of my concern and that of my constituents about the matter. We want to ensure that people with disabilities have an effective lobbying voice and that during the interim period they will be consulted on issues such as effective building regulation. Is the minister aware of my constituents' concern that any replacement organisation should be open to able-bodied people who take an interest in disability issues, particularly carers and relatives?

Hugh Henry: We are anxious to ensure that disabled people have a voice and are able directly to reflect their concerns. We are also aware of the contribution that people without disabilities make to effective campaigning work. I hope that, at the same time as empowering disabled people to the fullest extent, the groups that have expressed an interest in coming forward to replace Disability Scotland will allow that wide area of expertise to influence their work.

Transport (Scotland) Act 2001

5. Johann Lamont (Glasgow Pollok) (Lab): To ask the Scottish Executive what steps it is taking to monitor the implementation of the Transport (Scotland) Act 2001. (S1O-4950)

The Deputy Minister for Enterprise, Transport and Lifelong Learning (Lewis Macdonald): Good progress is being made in delivering the objectives of the Transport (Scotland) Act 2001. The Executive is working with appropriate partners on implementation in a number of areas.

Johann Lamont: Is the minister aware of the level of dissatisfaction about their bus service that is felt by many of my constituents in Pollok? They are dissatisfied with the limited services that are available, their unreliability and the frequent absence of services on key routes outwith peak hours. Is he further aware that many feel that the regulation that the act provides is simply inadequate to meet their demands for a proper bus service? Will he confirm his willingness to review the effectiveness of the quality partnership and quality contract processes and, if necessary, will he consider further legislation to address the serious problems that my constituents experience?

Lewis Macdonald: I am aware of the issues that Johann Lamont raises. She will know that the main bus provisions of the act came into force on 1 July last year and that we published guidance in October. The new provisions include regulations that require bus operators to notify the traffic commissioner of any changes to service, such as a new service, a variation to an existing service or the cancellation of a service. The traffic commissioner requires 56 days' notice and the local authority must have 14 days' prior notice.

Those regulations help to secure stability in bus services.

It is too early to come to conclusions on the operation of quality contracts and quality partnerships. No local authority has yet made proposals for a quality contract, but we have said that, if a local authority does so because it is not receiving an adequate service, we will consider the proposals quickly.

Community Safety

6. Elaine Thomson (Aberdeen North) (Lab): To ask the Scottish Executive how it will support community safety projects in order to make progress on reducing crime and reducing the fear of crime. (S1O-4986)

The Deputy Minister for Justice (Dr Richard Simpson): On 31 October 2001, we announced details of a new community safety award programme, which will give all council-led community safety partnerships a share of £12 million over the next three years for local community safety initiatives. The programme will allow community safety partnerships to secure, for the first time, sustained mainstream funding to be used solely for the purposes of taking forward the community safety agenda.

Elaine Thomson: I know that the extra funding for the many anti-crime initiatives that are being developed by Aberdeen community safety partnerships is making real improvements. For instance, there has been a significant reduction in house-breaking. Is the minister aware of the problems of youth disorder in certain areas of my constituency, such as Bridge of Don? What more can be done to develop diversionary projects, such as youth cafés and other initiatives, to ensure that young people do not get involved in drugs or in other anti-social behaviour?

Dr Simpson: The Executive is aware of the concerns of many MSPs and of their constituents about youth crime. We believe that community safety partnerships—which involve the local council, the local police, the fire brigade and many other groups, including the communities that are seriously affected by crime—have the opportunity to bring forward many different projects, of which there are excellent examples across the country. The Audit Commission has published a report on community safety partnerships and has put an audit system in place. It is possible to develop all sorts of new projects and many exciting projects are taking place. I encourage Elaine Thomson to work with the local community, as I know that she is doing, to develop that further.

Lord James Douglas-Hamilton (Lothians) (Con): Will the minister acknowledge that one way to reduce the fear of crime is to put in place a justice system that deters crime? Does he

acknowledge that that would mean an increase in the numbers of procurators fiscal, who are already hopelessly overworked?

Dr Simpson: As Lord James will no doubt be aware, a report on the Crown Office and Procurator Fiscal Service has been published. Indeed, one of the Parliament's committees has been examining the matter in detail. The Executive intends to take the matter forward with some expediency.

Richard Lochhead (North-East Scotland) (SNP): Given the fact that much of the crime in the north-east of Scotland to which Elaine Thomson referred is due to Grampian's drug misuse problem, will the minister investigate the level of rehabilitation after-care services in the north-east of Scotland? In recent years, there has been an enormous rise in drug misuse in the region. If we were to increase the level of such services, we could reduce crime.

Dr Simpson: The behaviour that arises from drug misuse is significant. One of our reports indicated that 40 per cent of families in council flats said that vandalism and people drinking or taking drugs were common problems in their neighbourhoods. Tackling such problems is part of the community neighbourhood strategy that we are trying to develop. It is important that we ensure that the rehabilitation services are not only available, but available at the right time.

The effective interventions unit of the health department, with which I work closely, is developing a programme on integrated care that will allow us to ensure that the proper services are available in individual areas for those who are involved in drugs. The programme will help people move out of drug misuse into more appropriate behaviours.

European Capital of Culture

7. John Farquhar Munro (Ross, Skye and Inverness West) (LD): To ask the Scottish Executive how it is supporting the bid by Inverness and the Highlands to be European capital of culture in 2008. (S1O-4966)

The Deputy Minister for Tourism, Culture and Sport (Dr Elaine Murray): Following discussion with Highland Council and Highlands and Islands Enterprise last October, ministers were pleased to confirm their intention to support the costs of preparing the bid to the extent of £100,000 for this financial year and the next.

John Farquhar Munro: I thank the Executive for supporting the bid that Inverness and the Highlands are making for this important accolade. What discussions has the minister had with her colleagues in Westminster about the bid? Will she emphasise to them how crucial a successful bid

would be to the economy of Inverness—city of the Gaidhealtachd—and to the economy of Scotland as a whole? Will she take the opportunity to commit the Executive to funding the bid at the same level as bids that have been prepared by other parts of the United Kingdom? I understand those to be in the region of £1 million.

Dr Murray: I have not, as yet, discussed the bid with colleagues at Westminster, although I will meet the relevant Cabinet ministers next month. I have, however, had very interesting discussions with Bryan Beattie, who is one of the organisers of the bid. He is very pleased with the level of support to date. John Farquhar Munro will be aware that the First Minister and my colleague Mike Watson pledged their support at a press conference only on Monday. A number of others did the same.

I am not in a position to make a funding commitment on what would happen should the bid be successful. Obviously, any decision would depend on the outcome of spending review 2002.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): Although I welcome the Executive's support for the bid thus far, does the minister agree that, for the bid to have a reasonable prospect of success, it will be necessary to demonstrate that there are good and affordable air travel links to Inverness? If she agrees, will she confirm that the Executive will carefully consider helping Highlands and Islands Airports Limited in its progress to reduce landing charges? Will the minister reaffirm the unqualified support of the Scottish Executive for the application of a public service obligation to the Inverness-Gatwick route?

Dr Murray: Mr Ewing's question would really be better directed towards my colleagues in the transport department. However, my colleague Dr Lewis Macdonald, who is sitting on my right, assures me that the answer to Mr Ewing's latter question is yes.

Nursery Teachers' Salaries

8. Tommy Sheridan (Glasgow) (SSP): To ask the Scottish Executive whether the level of salaries paid to nursery teachers is adequate. (S1O-4974)

The Minister for Education and Young People (Cathy Jamieson): Yes. Nursery teachers are paid on the same scale as other teachers employed by local authorities. They have recently benefited from a salary increase of 23 per cent over three years so that, by 2003, the salary range for a teacher on the main grade will be from £21,588 to £28,707.

Tommy Sheridan: Will the Executive take up the issue of nursery nurses, who operate in a

teaching situation but who are paid only £10,000 a year after two years of training? After eight years of working in classroom-like situations, trying to develop the education of children at an early age, they can expect to receive a maximum of only £13,300. Their last review was 12 years ago. Will the Executive give a commitment, here today, to review the wages and salaries of nursery nurses?

Cathy Jamieson: As Tommy Sheridan is well aware, a review of pay and conditions is currently being undertaken by the Convention of Scottish Local Authorities through the single status agreement. It would not be appropriate for the Executive to intervene directly in that review. I am very well aware of the valuable role that nursery nurses play in the pre-5 sector. We have given a commitment to enabling the child care work force to improve their qualifications. I will continue to support that.

Land Reform (Scotland) Bill (Section 9(2)(a))

9. Rhoda Grant (Highlands and Islands (Lab): To ask the Scottish Executive what economic assessment has been undertaken in order to evaluate the impact of section 9(2)(a) of the Land Reform (Scotland) Bill. (S10-4971)

The Minister for Environment and Rural Development (Ross Finnie): None.

Rhoda Grant: I thank the minister for that response—[*Laughter.*] It was very much as I suspected it might be.

The minister will be well aware of the concerns about section 9(2)(a) that were expressed during stage 1 of the bill by parties on all sides of the chamber. I ask the minister to consider the issue again and to consider the wording of the paragraph, taking into account the damage that it will cause to the economy of the Highlands and Islands, given the changes in land ownership patterns, given the diversity of businesses that use the land to earn their income, and given the difficulties that new businesses will have in setting up.

Ross Finnie: I undertook during the stage 1 debate to reconsider the construction of section 9(2)(a). However, I am bound to say that section 9(2)(a) does not, of itself, prevent existing businesses from conducting their business on the basis of their existing rights, either express or implied. That is why the Executive has carried out no such survey. As anyone will know who read the policy memorandum that accompanied the bill when it was introduced, it is not our intention to prevent a range of activities; indeed, it is our intention to extend that range. However, I accept that interpretation of section 9(2)(a) has led to confusion. That is why I have undertaken to examine it, in the hope that I might introduce an

amendment at stage 2.

Roseanna Cunningham (Perth) (SNP): The minister will be aware that when the bill finally becomes law it will be up to landowners to make decisions about providing access to commercial companies. The real concern arises out of possible changes under section 9(2)(a). Given that most of the concerns of landowners seem to be about the possibility of people staging rock concerts or similar day-long events, what consideration has the minister given to redrafting section 9(2)(a) so as to include only ventures that involve the erection of a tangible structure—even if it is temporary—and to exclude others, such as mountain guides, who are exercising ordinary access rights?

Ross Finnie: During the closing speeches of the stage 1 debate I indicated—although perhaps not as definitively as I might have—that I want to draw a distinction between exercising as passage within a property, as Mr Matheson suggested, or as a passage across land, and activity similar to that to which Roseanna Cunningham has referred. It is not quite as simple as that, but as I indicated in the debate that is the direction in which my mind is moving. There are distinctions to be drawn and I hope to lodge an appropriate amendment at stage 2.

Alex Fergusson (South of Scotland) (Con): Seeing the difficulty that the minister has in rising from his chair, I offer him both my sympathy and the telephone number of my wife—but only because she is an accomplished physiotherapist. [*Laughter.*] I mean that to be a helpful offer.

In terms of commercial activity, will the minister undertake to ensure that the Land Reform (Scotland) Bill will protect the interests of the Historic Houses Association, the commercial activities of which—mainly charging for access—are important ingredients in being able to maintain and preserve ancient buildings that are vital to Scotland's heritage?

Ross Finnie: I am grateful to the member for his sympathy. In my present state I would not wish to exclude physiotherapy under section 9(2)(a). Apart from that most helpful offer, more often the member is given to making declarations of interest on agricultural matters, rather than to advertising.

To answer Mr Fergusson's question seriously, the Executive's intention in relation to commercial activity is not to exclude those activities that currently take place. That is not our intention. We have acknowledged that the section as it is currently drafted might be misconstrued in that way and, as I said, I intend to lodge an amendment to section 9(2)(a) to clarify the position.

Brian Fitzpatrick (Strathkelvin and Bearsden)

(Lab): I welcome the minister's strong hint about lodging an amendment. I hope that he will consider the impact of a restrictive interpretation of section 9(2)(a) on the delivery of our social justice agenda. I am thinking of children in my constituency who benefit from being taken on land in safety and guided by those who know what they are doing. I hope that the minister will bear that in mind when framing the amendment, in order to make a distinction between natural and non-natural uses of land.

Ross Finnie: I am grateful to Brian Fitzpatrick and Roseanna Cunningham for attempting to refine and draft a new section for me. That is helpful and I hope that the parliamentary draftsmen are listening so that they can assist me in framing an amendment to be lodged at stage 2.

Freshwater Fisheries

10. Mr John Home Robertson (East Lothian)

(Lab): To ask the Scottish Executive whether it will introduce any changes to legislation on freshwater fisheries in order to improve public access to angling on rivers and lochs. (S1O-4968)

The Deputy Minister for Environment and Rural Development (Allan Wilson): Public access is one of the issues covered by the recent green paper, "Scotland's freshwater fish and fisheries: Securing their future". I am currently considering with my officials how we might take forward the proposals in light of the responses of consultees. I shall make a statement on that shortly.

Some action to give effect to the green paper's proposals can be taken administratively and that is already under way. Some issues are dependent on subordinate legislation and we are considering those. The remaining green paper proposals include improvements to public access, which is governed by a system of protection orders and will require primary legislation. My officials will undertake a review of the current system and I will consider sympathetically any proposals emerging from the review.

Mr Home Robertson: It is now two years since I launched the Executive's consultation on protecting and promoting Scotland's freshwater fisheries, so I hope that the minister will be able to make progress on the matter soon. Will he confirm that the existing legislation on freshwater fish is a mess, that there is an urgent need for new legislation to protect native fish species and that the Labour party's objective must be to help local angling clubs to increase public access to an extremely popular sport, not only for our citizens but for tourists who are visiting Scotland? Can we have a white paper this year, please?

Allan Wilson: John Home Robertson makes two substantive points. I agree that legislative change is required; the green paper is acknowledged to be one of a series of measures that we envisage will be necessary to create a structure for the better conservation and management of our freshwater fish. A bill to consolidate the Scottish salmon and freshwater fisheries legislation is at an advanced state of development and is scheduled to be presented to Parliament later this year. It is the first such consolidated bill.

On access for anglers to enjoy their sport, I confirm Labour's commitment—which I am sure is shared by our coalition colleagues—to improve access to our rivers and lochs in line with our broader commitment to ensure and broaden responsible access to the countryside. We aim to repeal the Freshwater and Salmon Fisheries (Scotland) Act 1976 and replace protection orders with a new system when a legislative opportunity arises.

Dennis Canavan (Falkirk West): Is the minister aware that Lord Mackay of Clashfern, when he was the Lord Advocate, stated to me in a letter that the common-law position in Scotland is that freshwater fish in free-running water are not the property of anyone until they are caught, when they become the property of the person who caught them irrespective of whether that person is the owner of the fishing rights or has permission to fish from the owner of the fishing rights? Will the minister tell landowners to remove all "No Fishing" signs from areas that are not covered by a protection order?

Allan Wilson: Whatever else I am responsible for, I am not responsible for the statements of Lord Mackay of Clashfern—unfortunately. It is our intention to introduce a Scotland-wide system to balance the interests of anglers and riparian landowners. You will be aware, Dennis—you were probably at Westminster in 1976—that the current system is considered in certain areas to have failed in its primary objective of guaranteeing significant increases in angling access, although you introduced the legislation with admirable intent.

Dennis Canavan: No, I voted against it.

Allan Wilson: That can be checked, I am sure.

The monitoring mechanisms have failed. As soon as a legislative opportunity arises, we will introduce legislation to repeal the 1976 act.

Dr Sylvia Jackson (Stirling) (Lab): Will the minister agree to introduce such a bill as soon as possible? Anglers who fish in the Stirling Council area say that low-income families and elderly and disabled people are increasingly being excluded from fishing and that the situation is getting worse.

Allan Wilson: I repeat that it is our intention to introduce legislation to repeal the 1976 act to broaden access. I shall do that as soon as the legislative opportunity arises.

Local Government (Electoral Reform)

11. Iain Smith (North-East Fife) (LD): To ask the Scottish Executive what progress is being made on electoral reform for local government. (S10-4994)

The Deputy Minister for Finance and Public Services (Peter Peacock): Yesterday we published our white paper on renewing local democracy, which, among many other things, seeks views on options for electoral reform.

Iain Smith: Is the minister aware that Liberal Democrat members consider the white paper that was published yesterday to be a real step forward in the progress towards electoral reform? Will he confirm that the Executive has given instructions for the necessary sections to be drafted that would allow for the introduction of the single transferable vote in elections for local government in Scotland?

Peter Peacock: I confirm that Executive officials have been instructed to draft appropriate sections in line with the options that are suggested in the white paper. I agree with Iain Smith that the paper that we published yesterday represents real progress on the issue. The white paper is not just about electoral reform; it is about how we modernise and make relevant local government in the future. Local government is central to the improvement of service delivery in Scotland.

Tricia Marwick (Mid Scotland and Fife) (SNP): The white paper includes the McIntosh commission recommendation that

"Proportional Representation should be introduced for local government elections. A review should be set up immediately, to identify the most appropriate voting system for Scottish local government."

However, it is curious that Peter Peacock left out the fact that McIntosh also said that that system should be in place by 2002. Does he really think that the white paper is a step forward? It is, in fact, a step back. Will he give a guarantee that legislation to introduce PR in local government elections will be enacted in the Parliament by May 2003?

Peter Peacock: The only thing that is heading backwards is the SNP with its arguments for independence for Scotland. The truth of the matter is that the Executive's Liberal and Labour partners are striding forwards actively to reinvigorate local democracy, because it is centrally important to how Scotland operates.

Mr Keith Harding (Mid Scotland and Fife) (Con): Will the minister confirm that the white

paper has little to do with promoting local democracy and accountability but everything to do with protecting the self-serving interests of the Labour-Liberal Democrat Executive and that it will deliver nothing in time for the next local government elections?

Peter Peacock: That is an unduly cynical comment. Keith Harding is obviously in need of a holiday. The white paper represents substantial progress. Keith Harding fails to understand the true relationship between the Liberals and the Labour party in the coalition, which is a relationship of constructive engagement to seek progress in Scotland's public services.

Mr John McAllion (Dundee East) (Lab): Rather than fretting over which electoral system rewards this or that political party, should not we focus on which electoral system rewards not only the voters in our own parties but all the voters in Scotland? Surely the single transferable vote system is the system best suited to deepening and extending Scottish democracy in the 21st century, unlike first past the post, which consistently rewards the majority at the expense of the excluded minority?

Peter Peacock: John McAllion's views on the subject are well known and he has held them firmly for many years. The whole purpose of the white paper is to open up proposals to scrutiny and to seek the views of people about potential changes in the electoral system. Once we have heard the results of the consultation, we will make up our minds about what to do next in terms of legislation.

Voluntary Organisations

12. Sarah Boyack (Edinburgh Central) (Lab): To ask the Scottish Executive what action it is taking in order to support voluntary organisations and projects. (S10-4980)

The Minister for Social Justice (Iain Gray): The Scottish Executive is fully committed to supporting the voluntary sector and to modernising the legal, financial and infrastructure framework in which it operates. We have increased direct financial support for the sector from £23 million in 1998-99 to £39 million in 2001-02. We are nearing completion of the review of our direct funding of the sector and have announced our response to the review of support for the minority ethnic voluntary sector. We are reviewing the Executive's role in supporting the social economy and we shall shortly be starting a more strategic review of the public sector's support for the sector.

Sarah Boyack: Many voluntary organisations still do not have secure funding from local authorities. Organisations in my constituency, such as the Edinburgh Streetwork Project, which I

know the minister is well aware of, still face a yearly crisis in their funding arrangements. Will the minister give a commitment to do everything that he can to work with local authorities to ensure that three-year funding packages are in place for voluntary organisations?

Iain Gray: As Sarah Boyack knows, I am aware of the problems that the Edinburgh Streetwork Project recently faced. I am glad that a solution was found and that the excellent work that the project undertakes with the homeless in Edinburgh will continue. The Executive indicates three-year finance levels to local authorities and we believe that that should allow local authorities in turn to indicate three-year finance levels to the voluntary sector organisations that they support. I accept that that does not always happen, which is one of the reasons behind the strategic review of voluntary sector funding that we have now agreed to begin. That review will examine the partnership between the Executive, the voluntary sector and local government to see what can be done to improve funding commitments and make them more effective. Officials have already had informal talks with the Scottish Council for Voluntary Organisations and the Convention of Scottish Local Authorities. We are leading by example. Following the review of direct funding, the Executive is now committed to providing three-year funding packages.

Christine Grahame (South of Scotland) (SNP): Is the minister aware that, in a written answer to me, his colleague the Deputy Minister for Finance and Public Services rejected allocating any of the £200 million underspend to Scottish Borders Council, and that, as a consequence, voluntary organisations such as the Gala Youth Project, which I have mentioned before and which supports hundreds of young people in difficulties, and Penumbra, which provides supported accommodation for vulnerable young people, will lose out and could close down? Does he think that his Cabinet colleague is supporting voluntary organisations in the Borders?

Iain Gray: The different roles of different layers of government and their relationship with the voluntary sector are important. It is right and proper that local authorities have the autonomy to take decisions about how services are delivered in their area and I would expect such decisions to include consideration of how and where the voluntary sector can make services more efficient and effective. Local authorities rightly have autonomy and rightly must answer to their electorates for their decisions. Our role is to provide a legal framework and support the national infrastructure. In replying to previous questions, I have tried to show that we have done that. The issue of the funding of Scottish Borders Council has been raised a number of times in the chamber

and clear and unequivocal answers have been given to the point that Christine Grahame again raised.

Mrs Lyndsay McIntosh (Central Scotland) (Con): How does the Executive ensure that money that is allocated to community projects reaches those who need it most and does not find its way to schemes that are outwith stated priority areas?

Iain Gray: I did not catch the end of Lyndsay McIntosh's question.

Mrs McIntosh: Should I repeat it?

Iain Gray: If she raised a specific issue, it would be helpful if she gave me details. If she asked whether we should ring fence money that we expect to be used to fund voluntary organisations, I should say that that is not our approach—I have just described our approach. Local authorities are in the lead in respect of responsibility for service delivery in their local areas. They must deliver services through best value and in the best way that they can. We believe that the voluntary sector has a significant role to play and when we make our community regeneration statement, which will be soon, we will elaborate on the additionality that the voluntary sector can bring. In the end, decisions are properly for local authorities, which answer to their electorates for those decisions.

Ozone-depleting Substances

13. Mr Andrew Welsh (Angus) (SNP): To ask the Scottish Executive what facilities there are for dealing with the removal of ozone-depleting substances from domestic refrigerators and freezers as required under EC regulation 2037/2000. (S1O-4984)

The Minister for Environment and Rural Development (Ross Finnie): The position is changing rapidly. Currently, Shanks's high-temperature incineration plant at Fawley in Hampshire and Cleanaway's plant at Ellesmere Port in Cheshire are able to deal with waste fridges to the new standards. The German company SEG, which manufactures mobile treatment plants, is conducting a series of demonstrations at different locations throughout the UK in conjunction with local waste management companies.

Mr Welsh: The reality is that no suitable treatment exists in Scotland, yet the Government has known about the EC regulation for the past two years. Does the minister agree that storage and draft regulations are not good enough? Will he tell us when he plans to produce final guidelines? The Government's delay and dither are preventing Scots companies from creating employment and helping the environment.

Ross Finnie: I do not agree. I agree that there has been a draft regulation for nearly two years, but the precise nature of the ban of the foam substance was not known two years ago. If members want to, they can look up the European Court of Justice's ruling.

I am aware of a number of Scottish companies that are interested in the commercial aspects of the matter. However, the activity requires a certain volume to make it viable. As I say, I know of a number of companies that are considering the matter. The issue is not about me introducing regulation; it is about them assessing the commercial viability of the project.

MMR Vaccine Report

14. Mr Lloyd Quinan (West of Scotland) (SNP): To ask the Scottish Executive when the findings of the report of the expert group on measles, mumps and rubella will be made public. (S10-4956)

The Minister for Health and Community Care (Malcolm Chisholm): I expect to receive the expert group's report in April and hope to publish as soon as possible thereafter.

Mr Quinan: Does the minister agree with Professor Phil Hanlon, the director of the Public Health Institute of Scotland, who was quoted in *The Scotsman* on Monday calling for the introduction of single vaccines for children whose parents resolutely refuse to have them immunised with the MMR vaccine? Will the minister implement the expert group's recommendations, regardless of whether they conflict with current Government policy?

Malcolm Chisholm: The fact of the matter is that Professor Hanlon has no doubts about the safety of MMR, as he has made clear. There are conflicting reports about the context of his remarks. The fact is that majority medical opinion clearly supports MMR. Professor Hanlon made it clear that he was making a pragmatic judgment, but the pragmatic judgment of the majority of medical people is that, if we moved to single vaccines, coverage would fall dramatically and we would be putting the population at risk from measles, mumps and rubella.

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-1794)

The First Minister (Mr Jack McConnell): The Cabinet will meet again on 17 April and we will agree the agenda the previous week.

Mr Swinney: I thank the First Minister for his answer. Last week, the Minister for Justice said that a firm of private accountants had carried out an audit of the figures that have been used to justify the privatisation of Scotland's prisons. Is that statement true?

The First Minister: The firm of accountants, as I explained to Mr Swinney last week, carried out a clear and accurate analysis of the figures that we had been presented with in relation to the comparisons on different options for the future of the prisons estate. In comparing those options, it was clear that the financial decision that was of best value to the public sector in Scotland was to choose the route that was outlined last week in the chamber. That analysis was backed up by the analysis that was carried out by the firm that was employed to do so and the figures were published last week.

Mr Swinney: The First Minister is clearly wriggling on that issue. The Minister for Justice said last week that PricewaterhouseCoopers had carried out an independent audit of the figures. Page 11 of the PricewaterhouseCoopers report, states:

"we have not undertaken work in the nature of an audit".

So there has been no audit; there has been no audit because the numbers do not add up. In that report—which argues for private prisons in Scotland, based on the cost of private prisons in England—the saving to the public purse is alleged to be 50 per cent. Another report on privatisation of prisons in England, which examined the same exercise and the same prisons in England, stated that the saving to the public purse was 14 per cent. The PricewaterhouseCoopers report states that the saving is 50 per cent and the other report, by Mouchel Consulting Ltd, states that the saving is 14 per cent. Those reports carried out the same exercise in relation to the same private prisons in England. They cannot both be true. Is not it the case that the 50 per cent saving that the First Minister is hiding behind is incredible and unbelievable?

The First Minister: No. No one is hiding behind any figures. The figures were published last week,

as part of a three-month consultation. If people have any questions or want to put an alternative point of view on the figures, Mr Wallace made it clear in the chamber last week that they should raise those questions and present those figures during the consultation period. I do not know the second report that Mr Swinney mentioned. I would be very surprised if the two comparisons to which he refers are exactly the same comparisons of exactly the same prisons in exactly the same locations and in the same time span. The analysis that was carried out, which has been checked and has now been published so that it can receive this sort of scrutiny, is the analysis on which that consultation should be based.

Mr Swinney: We now know that no audit of the figures was undertaken. That is crystal clear.

All the information is the same, apart from the fact that the review of the exercise in Scotland excludes the most expensive private prisons in England, which makes the case even worse. Is not it the case that this week we are seeing the unravelling of bogus arguments about privatisation of our public services? In prisons, the numbers do not stack up. In the Post Office and in dockyards, workers have been thrown on the dole for the sake of privatisation. In our hospitals, national health service cleaners are getting the sack and hospital acquired infection is rising. On our railways, private shareholders get public money and the public do not even get their trains. Does the First Minister agree that the only way that he can stand up for the case for privatisation of our public services is to stand up in Parliament and con the public?

The First Minister: Absolutely not. It is important to check whether what some members say—and the statistics that they regularly manipulate and misrepresent—reflect their true vision for Scotland. The document that Mr Swinney published last Tuesday contains 54 pages and 14,308 words on independence and states that it is

“a confident presentation of our vision”

for Scotland.

That document contains 47 mentions of the word “tax”. How many mentions does it contain of the word “teachers”? None. It contains 16 mentions of the word “negotiations”, but how many mentions of the word “nurses”? None. How many mentions of the word “passengers”? None. It contains 46 mentions of the word “constitution”, but how many mentions of crime? None. It contains 211 mentions of the word “independence”. Mr Swinney’s priorities for Scotland are about constitutional upheaval, not public services. The public know that the partnership Executive puts public services first.

Mr Swinney: That reply did not contain a single answer to my legitimate questions. Does the First Minister agree that, on this issue, he is flat on his back?

The First Minister: No. It is Mr Swinney who is flat on his back. The proof of the pudding is in the eating. The SNP document has 54 pages, but there is not one mention of public service workers. Week after week, we hear the pious claim that public service workers matter to Mr Swinney. The top priority of this Administration is improving the lot of passengers, patients, parents, pupils and the victims of crime. Mr Swinney has been found out; his priority is constitutional upheaval.

Secretary of State for Scotland (Meetings)

2. David McLetchie (Lothians) (Con): To ask the First Minister when he will next meet the Secretary of State for Scotland and what issues he plans to raise. (S1F-1792)

The First Minister (Mr Jack McConnell): I will next meet the Secretary of State for Scotland on 29 April and we will discuss the impact on Scotland of the Chancellor of the Exchequer’s budget.

David McLetchie: I am sure that the secretary of state and the First Minister will not spend too much time discussing the achievements of the Scottish Executive’s first 1,000 days, for they are not Camelot. The proposals in the Criminal Justice (Scotland) Bill sum up the failure of the Executive’s approach. No clear line can be drawn in the sand to provide parents with a guide in every circumstance. Does the First Minister agree that the Minister for Justice’s rather muddled and confused explanation yesterday amply demonstrated that? Why will the First Minister not accept that the present legal position provides the flexibility that is required to deal with individual cases? Instead of trying to criminalise the parents of Scotland, why does he not place his trust in their common sense?

The First Minister: Nobody is trying to criminalise parents in Scotland; it is wrong to accuse anyone of that. The proposals in the bill are based on a white paper that was based on full consultation. The proposals have been laid before, and will be debated in, the Parliament and they include something with which the Conservative party is uncomfortable. Sam Galbraith proposed a ban on smacking or the use of implements against children to the House of Commons in 1995, but the Conservative Government of the time voted down that proposal. A ban on the use of implements against children is desperately needed in 21st century Scotland. I hope that the Conservatives will vote for it this time.

David McLetchie: The use of implements

against children is already banned in 21st century Scotland—it is called assault. That is the common-law situation. The Criminal Justice (Scotland) Bill will create a new statutory offence that will not exist in England and which has been rejected by the Welsh Assembly. The creation of more unnecessary laws is a typical attempt by the Scottish Executive to justify its bloated existence and the make-work army of 20 ministers by giving them something to do. That approach undermines faith in the Parliament. When the First Minister came to office, he said that he would change that approach. He has been in charge for five months; when will he get round to doing less, doing it better and, preferably, doing it with fewer?

The First Minister: The good voters of Edinburgh and the Lothians would be interested to know that the following list of items, which are in the Criminal Justice (Scotland) Bill, are considered to be small and trivial and not deserving of Parliament's support. The bill includes new rights for victims, which are long overdue in Scotland and will be delivered by Parliament during its second 1,000 days. The bill includes the creation of new penalties for sexual offences in Scotland, which are long overdue and will be put before Parliament in the months ahead. The bill also contains plans to ensure the remote monitoring of prisoners, which will get more people out of our prisons but allow an eye to be kept on them when they are out in the community. The bill has plans for drug courts and for non-custodial punishments.

All those proposals will make key changes in our law. They might not be the kind of matters that Mr McLetchie intended to talk about when he was planning his diversionary question yesterday, but those fundamental proposals will change the face of tackling crime in Scotland and are a priority for the Administration. In the months ahead, we will take forward those proposals, which will give Parliament a good reputation for its second 1,000 days.

David McLetchie: That is all very well, but the First Minister avoided the point of the question. Why will we in Scotland have laws banning the smacking of children, which are not required in any other part of the United Kingdom? Let us not have any more flannel and bluster. It is a simple question. If the existing law on looking after children is good enough for parents in England and Wales, why cannot we rely on the same common sense provision for parents in Scotland?

The First Minister: I thought that Mr McLetchie, as a practising solicitor, would have been aware that the legal systems north and south of the border have been different for some time. A key reason for the creation of the Parliament was to create our laws, have our debates and make our decisions. We intend to do that.

Employment Losses

3. Jackie Baillie (Dumbarton) (Lab): To ask the First Minister what action the Scottish Executive is taking to mitigate loss of employment at Faslane and Coulport. (S1F-1799)

The First Minister (Mr Jack McConnell): We will respond rapidly to retrain and provide employment advice to those who need it. That support will be provided to affected workers through local teams that are already in place under the partnership action for continuing employment framework—PACE. However, the scale of any job reductions cannot be confirmed until Babcock Engineering Services Ltd has conducted its review.

Jackie Baillie: The First Minister will be aware of the real sense of anger in the work force about the substance of the Ministry of Defence's decision and the process that was followed. Over the years, that work force has given loyal and excellent service and has displayed a willingness to adapt to new working practices. I acknowledge that the issue matters to the whole UK, but the impact of the decision has a direct bearing on devolved matters.

I understand that the MOD is aware that of a potential 750 job losses throughout the UK, about 500 will be at Faslane and Coulport. That will have a devastating effect on the individuals who are affected, their families and the local economy. The impact will be felt in many areas that are beyond my constituency. I ask the First Minister to ensure that the Executive, working with the MOD, provides additional resources beyond the PACE programme for retraining, reskilling and job creation. Those resources are needed now to prevent people from becoming unemployed through redundancy.

The First Minister: I am happy to give that commitment. I would also be pleased to offer to Jackie Baillie, Des McNulty and West Dunbartonshire Council the opportunity of a meeting to discuss those important matters. The Faslane and Coulport work force is skilled and has an excellent reputation. I believe that the work force will cope admirably with the new situation, if it must. We must talk up that fact as well as express concerns. In the months ahead, I hope that we can look to the wider problems of West Dunbartonshire and ensure that appropriate action secures the long-term employment of skilled workers, other workers and those who are currently unemployed in that area.

Colin Campbell (West of Scotland) (SNP): Does the First Minister agree that the predicament that the MOD workers are in might have been improved if the UK had a defence diversification agency that was not restricted to technological

exchange between civilian and military firms? Does he agree that an active defence diversification council—which was suggested by the white paper on defence diversification, but not established—would also have helped? Does he agree that the end of funding for the arms conversion project in spring 2001 sent a negative message about Labour's commitment to defence diversification and arms conversion?

The First Minister: No, I do not agree. There is much work going on in diversification. Members might have reservations about this week's announcement, but even Babcock has been involved in much of that diversification activity.

I must say, whatever concerns the workers in Faslane and West Dunbartonshire might have, that they would be an awful lot more concerned if a nationalist Government were in place in Scotland. Only a month ago, Mr Swinney was at Faslane calling for the base to be closed, which would result in all its workers being put on the dole. He wants the workers put on the dole; we want them to be retrained and back in work with secure futures.

Miss Annabel Goldie (West of Scotland)

(Con): The First Minister has alluded to the matter of the loss of skills. Is he disturbed by the possible loss of a particular set of skills? The skills in the defence industry are important. Has the First Minister had any discussions with his counterpart in the Ministry of Defence in Westminster about how we might try to consolidate the retention of the skills in the overall defence procurement situation in Scotland?

The First Minister: That would be an important discussion. It is also important to ensure that responses to the situations that we are discussing are tailored to circumstances. When the closure of the Motorola factory in West Lothian was announced last year, one of the main aspects of the response to that was to ensure that those who were leaving employment at the factory were able to take up the European computer driving licence to ensure that they had the skills that would allow them to access work in the Edinburgh financial services sector. When people leave the Clyde shipyards, we ensure that they can retrain to take up new jobs as central heating engineers to do the work that will have to be done to ensure that our policy of giving every old person in Scotland proper central heating in their home is delivered with a high level of skill.

On Tuesday, Wendy Alexander and I attended an event in Glasgow to celebrate the 20,000th member of the modern apprenticeships programme. I met a 37-year-old worker who had come out of the shipyards one month previously. He could see an exciting future for himself with a new job that could be secure over a long time and

he was delighted to be in that position. That is the kind of tailored response that we will need to have in West Dunbartonshire as well.

Mr Duncan McNeil (Greenock and Inverclyde)

(Lab): Given the result of the defence review, the First Minister will understand the great disappointment and concern that has been expressed by my constituents who travel to Faslane and Coulport every day. While we would expect and welcome action from the Scottish Executive, we need to ensure that the Ministry of Defence faces up to its responsibilities to the workers and communities who have served it well for a long time. Will the First Minister recognise that the impact of the job losses will affect many communities at the Tail o' the Bank and that any action plans should reflect that situation?

The First Minister: I am happy to take on board the point that Duncan McNeil makes. Clearly, the decision will have an impact on both sides of the Clyde, in his constituency as well as in Jackie Baillie's. I will ensure that any discussions that take place involve him.

Tap Water Safety

4. Mary Scanlon (Highlands and Islands)

(Con): To ask the First Minister what reassurances the Scottish Executive can give that tap water poses no risk to the health of consumers. (S1F-1796)

The First Minister (Mr Jack McConnell): Our drinking water monitoring regime is one of the toughest in Europe and our latest figures show that, in 2000, significantly less than 1 per cent of more than 37,000 tests carried out on tap samples failed to meet key microbiological standards. All failures in that set of circumstances would be investigated.

Mary Scanlon: Recent problems in Aberdeen highlighted the fact that health chiefs took five weeks to notify the public and then wrote to hospitals and general practitioners asking them to advise patients who reported to them with symptoms to boil water before drinking it.

Given the commonly held belief that our tap water is clean and safe to drink, is the First Minister concerned by the response of the public bodies to the problems? How will he address the confidence of consumers, given that Athens, Marseilles and Rome have all recently been judged to have better all-round quality water than some areas that are supplied by North of Scotland Water?

The First Minister: There are differing sets of statistics floating around this issue. No doubt some of them accurately report the situation, but others misrepresent it. We must have the facts because the safety of our drinking water is critical.

I understand the concerns that members of all parties will have on the matter. Ross Finnie is arranging for his department to ensure that in the Scottish Parliament information centre a report will be made available that will outline the current position exactly so that members can judge for themselves.

It is important to reiterate that Scotland needs to improve the quality of its water provision. We are therefore investing a huge sum of money—I think it is £1.8 billion—over the next four years to ensure that substandard facilities throughout Scotland are improved and are fit for the 21st century.

Schools (Streaming)

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

To ask the First Minister what the Scottish Executive's current position is on streaming in schools. (S1F-1810)

The First Minister (Mr Jack McConnell): The most effective way to raise standards in schools is to ensure that teachers match tasks as closely as possible to pupils' individual needs, aptitudes and interests. The framework of national priorities allows education authorities and schools to take a flexible approach toward class organisation to ensure that the potential of every pupil is maximised. Grouping of pupils and classes by their current levels of ability can benefit all levels of ability, but I know from personal experience that flexibility within such an arrangement is also important to allow people to progress.

Michael Russell: I am sorry that the First Minister is not as clear as he was on 15 February last year. He said:

"There is no place in the Scottish education system for privatisation, selection or streaming." —[*Official Report*, 15 February 2001; Vol 10, c 1315.]

That is consistent with the advice that he has received from Her Majesty's Inspectorate of Education and it is consistent with all independent research. Why does not he just say it again?

The First Minister: I do not say it because we need to make an intelligent response to the matter. Mr Russell might be prepared to debate the Scottish education service on the basis of slogans and abuse across the chamber, but that is not the way in which we should conduct the debate now.

I do not believe that what was traditionally known as streaming in Scotland's schools has a place in our modern education service. However, because of the thousands of Scottish youngsters who struggle to cope with the transition between the later years of primary school and the middle years of secondary school, I believe that we need

to consider innovative ways to ensure that children can progress at that age.

Mr Russell's comments over the past 10 days would have ruled out those innovative approaches. The Minister for Education and Young People, Cathy Jamieson, is considering and studying those approaches, and ensuring that Scotland's schools are fit for Scotland's pupils.

Parliamentary Bureau Motion

15:32

The Deputy Presiding Officer (Mr George Reid): The next item of business is consideration of a Parliamentary Bureau motion. I ask Euan Robson to move business motion S1M-2949, which is a timetabling motion on the Education (Disability Strategies and Pupils' Records) (Scotland) Bill.

Motion moved,

That the Parliament agrees that at Stage 3 of the Education (Disability Strategies and Pupils' Records) (Scotland) Bill, debate on each part of the proceedings shall be brought to a conclusion by the time limits indicated (each time limit being calculated from when Stage 3 begins and excluding any periods when the meeting is suspended)—

Groups 1 to 5 - no later than 1 hour;

Motion to pass the Bill - no later than 1 hour 30 minutes.—[*Euan Robson.*]

Motion agreed to.

Education (Disability Strategies and Pupils' Records) (Scotland) Bill: Stage 3

15:33

The Deputy Presiding Officer (Mr Murray Tosh): The next item of business is stage 3 of the Education (Disability Strategies and Pupils' Records) (Scotland) Bill. Members should have a copy of the bill, the marshalled list of amendments and the groupings of amendments.

Section 1—Accessibility strategies

The Deputy Presiding Officer: Amendment 1 is in a group on its own.

The Deputy Minister for Education and Young People (Nicol Stephen): Amendment 1 is a purely technical amendment to clarify the interpretation of the bill. It does not change the bill's substance or purpose. The amendment clarifies to responsible bodies that any reference in the bill to an accessibility strategy refers not only to the first strategy that is prepared but to any revised versions of the strategy or any subsequent accessibility strategies.

That should also make it clear—if it does not, these words should assist—that subsequent accessibility strategies, which will normally be prepared every three years, should be considered to be new strategies, not simply revised strategies. That will be the case even if the new accessibility strategy carries on a lot of the long-term work that may have started under the previous strategy.

I move amendment 1.

The Deputy Presiding Officer: No other member wishes to speak to amendment 1. I take it that the minister does not wish to sum up.

Nicol Stephen: That is correct.

Amendment 1 agreed to.

The Deputy Presiding Officer: Amendment 2 is grouped with amendment 3.

Nicol Stephen: I hope that we have established a pattern for the rest of the afternoon.

We have worked hard to respond to the Education, Culture and Sport Committee's views on the bill, and amendments 2 and 3, which amend sections 1 and 2, are revised versions of two amendments that Jackie Baillie lodged at stage 2. The intention was to ensure that responsible bodies not only plan for communications to pupils, but ensure appropriate communications and an appropriate dialogue between pupils and school staff. We did not feel

that the wording of Jackie Baillie's stage 2 amendments was quite what was required, and agreed to lodge amendments to reflect their intention, with which I think everybody agreed, at stage 3.

We have slightly altered the original amendments and have approached the problem in a different way. We now have amendments that provide for a wider, more up-front and more general duty to improve communication to and from pupils with disabilities. The amendments come in at the start of sections 1(2)(c) and 2(1)(c) respectively. As before, the duty will be on responsible bodies, which will need to provide information to pupils in alternative forms and improve their provision of information to pupils with disabilities as appropriate.

Amendments 2 and 3 will ensure that responsible bodies, in their accessibility strategies, cover the improvement of all communication with pupils with disabilities. Previously, the bill covered only the provision of written information in alternative forms and communication directly related to teaching within the curriculum.

The amendments will widen the scope of the third duty, to cover all communication with pupils even if that communication does not form part of the curriculum. That will mean that responsible bodies should plan to ensure that their staff and others who may work with pupils can communicate with them, and that the pupils can communicate their views back to staff. That should ensure that the views of all pupils, including those with language and communication difficulties, can be taken into account on issues in which they might have an interest, in relation not only to the school curriculum but to school events or school visits, for example. I hope that the amendments reflect the intention of the Education, Culture and Sport Committee.

I move amendment 2.

Jackie Baillie (Dumbarton) (Lab): I welcome very much amendments 2 and 3. They accurately reflect the discussions held during stage 2 by the Education, Culture and Sport Committee. Our concern at the time was to ensure that communication is a two-way process—in other words, that it is about not just doing to, but doing with. The Standards in Scotland's Schools etc Act 2000 and the Children (Scotland) Act 1995 recognise that education authorities must have due regard to the views of children or young people on issues that significantly affect them. Amendments 2 and 3 bring the bill very much into line with the spirit and ethos of the foregoing legislation. Therefore, the Parliament should support them.

I take this opportunity to welcome the additional

guidance that will be given to ensure that the interpretation of "communication" covers not only written communication, but alternative formats such as Braille and audio tape. I welcome the progress that the two amendments reflect, for which I thank the minister.

Amendment 2 agreed to.

Section 2—Accessibility strategies: education of children under school age outwith schools

Amendment 3 moved—[Nicol Stephen]—and agreed to.

Section 3—Accessibility strategies: procedure

The Deputy Presiding Officer: Amendment 4 is in a group on its own. I invite the minister to speak to and move the amendment.

Nicol Stephen: Amendment 4 is a revised version of amendment 14, which Jackie Baillie lodged at stage 2 and which we agreed to work on and to bring back at stage 3. Amendment 4 specifies that responsible bodies should send the Scottish Executive a copy of their accessibility strategies when those strategies are finalised. Copies of the first accessibility strategies that have been prepared by responsible bodies should be received by April 2003. That will allow the Scottish Executive to maintain an overview of accessibility strategies and to consider the progress that has been made on their implementation. It will enable us to identify areas in which further progress needs to be made.

The amendment requires strategies to be sent to the Scottish Executive only, and not also to Her Majesty's Inspectorate of Education, as Jackie Baillie's original amendment proposed. We undertake to provide HMIE with access to the accessibility strategies that are sent to Scottish ministers and the inspectorate will be able to advise the Scottish Executive on them. Indeed, from time to time we intend to take advice from HMIE on accessibility strategies as they develop. HMIE will also examine accessibility strategies during its routine inspections of schools and education authorities. However, it does not require a second copy of every strategy to be sent to it.

Amendment 4 does not mean that responsible bodies will have to send in a copy of their strategy every time that they revise it, as they may find that they need to revise the strategy several times each year. However, new section 4(4)(b) will allow the Executive to request that a responsible body sends in the most up-to-date version of its accessibility strategy if, for example, the Executive receives a complaint about a particular aspect of the strategy or feels that, because of revisions, the strategy has changed so significantly that it is appropriate for the Executive to obtain an up-to-

date version. Responsible bodies must send in the next new strategy that they prepare after the three-year period has elapsed.

I move amendment 4.

Jackie Baillie: As I said at stage 2, I consider monitoring to be one of the most important issues before us. I welcome the very positive attitude that the Executive has taken by lodging amendment 4. I am in no doubt that the effectiveness of any policy or piece of legislation is dependent on the effectiveness of the monitoring framework that is in place. It is important that we have—for want of a better phrase—a way of knowing that strategies are working on the ground.

I am pleased that the Executive will monitor the strategies and the progress that is made. I am also pleased that the minister has confirmed that HMIE will examine accessibility strategies as part of its routine inspection of schools. On that basis, strategies will become a reality on the ground and, over time, their application will become much more sophisticated. It is about providing not just physical access to premises, but access to the curriculum and to information and staff training.

I am pleased that the Executive has lodged amendment 4 and I urge the chamber to support it.

Amendment 4 agreed to.

Section 5—Regulations

The Deputy Presiding Officer: Amendment 5 is in a group on its own. I invite the deputy minister to speak to and move the amendment.

Nicol Stephen: Amendment 5 arises from comments made by the Subordinate Legislation Committee. The Subordinate Legislation Committee felt that there should be a commitment on the face of the bill to consult on regulations, so that the need to consult would apply if regulations were revised at any time in the future.

I thank the committee for raising that important issue. We have already committed ourselves to consulting publicly as soon as possible on draft regulations on both pupils' educational records and accessibility strategies. Amendment 5 will ensure that the Scottish Executive consults interested parties about any regulations that are made, now or at any time in the future.

I move amendment 5.

The Deputy Presiding Officer: I have not attempted to entice Jackie Baillie to contribute and no members want to speak to the amendment.

Amendment 5 agreed to.

Section 7—Short title and commencement

15:45

The Deputy Presiding Officer: Amendment 6 is in a group on its own.

Nicol Stephen: Amendment 6 relates to the potential confusion that the Education, Culture and Sport Committee identified in relation to the term "pupils' records". There was a general feeling among committee members that there could be confusion about the short title and that the term could be taken to mean pupils' records of needs. The officials and legal advisers gave us ample reassurance that there would be no confusion in any interpretation of the act in the courts, but there was a general feeling in the committee that clarification would be helpful.

The regulation-making power in section 4 relates to pupils' educational records generally. Members of the Education, Culture and Sport Committee suggested that that was not reflected clearly in the short title of the bill. Jackie Baillie lodged a series of amendments that suggested that clarification could be achieved by replacing references to "records" with references to "information". We considered that carefully, but the advice that I received was that "information" was not the correct legal word to use and that it could be interpreted more widely than the term "pupils' records".

Nevertheless, I felt that although the term "pupils' records" was legally correct, it would be more appropriate to use in the short title the term that is used in the Data Protection Act 1998 and in the body of the bill, which is "educational records". That will address the committee's concerns. Everybody involved with the bill will welcome the change, although I might be surprised by a flurry of members wanting to speak at the end of my speech.

I propose amendment 6 as an alternative means of clarifying the short title, so that it reflects accurately the provisions made in the bill and so that there is absolutely no confusion with records of needs.

I move amendment 6.

The Deputy Presiding Officer: I am afraid that I cannot conjure you up a flurry, minister, but I will call Jackie Baillie to speak.

Jackie Baillie: You never know, I might constitute a flurry if the Presiding Officer lets me go on for long enough.

The minister is absolutely right. There was confusion about the use of the word "records" in the title of the bill, not just in the wider world but, at least initially, among practitioners in the field. Many people assumed that we were talking about

the record of needs. Although I am sure that officials and legal advisers are technically right, the title was confusing for many of us simpler souls. I am happy to report that we are no longer confused.

The Deputy Presiding Officer: Do you wish to respond, minister?

Nicol Stephen: No, thank you.

Amendment 6 agreed to.

Education (Disability Strategies and Pupils' Educational Records) (Scotland) Bill

The Deputy Presiding Officer (Mr Murray Tosh): I make the point that we are just over 40 minutes ahead of schedule. We proceed to a debate on motion S1M-2894, in the name of Cathy Jamieson, which seeks agreement that the Education (Disability Strategies and Pupils' Educational Records) (Scotland) Bill be passed.

15:49

The Minister for Education and Young People (Cathy Jamieson): I am glad to have the opportunity this afternoon to move the motion. I start by thanking everyone who has been involved in the work leading up to the bill's being introduced to Parliament and in its passage through the Parliament, the committee stage and back to the chamber today. Particular thanks ought to go to the people who worked on the bill team, the people in the voluntary sector and wider education community who contributed their views and opinions and MSPs who offered many helpful suggestions during the course of the bill's passage.

I am pleased that so many MSPs have taken an interest in the bill. I thank the members of the Education, Culture and Sport Committee for the way in which they worked in partnership with the Executive. I also thank the members of the other committees that took time to consider the bill. The way in which the committees worked with the Executive as they tried to secure and finalise improvements to the bill, from its introduction and through stages 2 and 3, is a model that I hope we can continue to work with in future. If we all work together to secure the best possible options for children and young people, we will find more that unites us than divides us. That may not make for an exciting debate in the chamber, but the bill that we will pass this afternoon will make a difference to the lives of people out in the real world. After all, that is our priority.

The Scottish Executive is committed to providing the promotion of equal opportunities in education for children and young people with disabilities with every chance. We are clear that we want all pupils with disabilities to be able to benefit from the same opportunities in education that their peers have and, as a result, to be given the skills that they need to play a full and active role in society as adults.

That is why we wanted to advance in the bill the principle that education providers must be proactive in developing strategies, so that services for pupils with disabilities meet their needs. At

present, many providers tend to react to the needs of each child who attends their school. That approach is perfectly correct and of course providers should continue to use it. Individual needs are important.

However, we are aware that a growing number of children with a wide range of increasingly complex needs are being placed in mainstream schools and in special school settings. It is important that, in future, we have in place accessibility strategies that aim to ensure that school staff and the facilities and services that they provide are suitable and meet the needs of that range of pupils.

With this piece of legislation, we are asking people to build on and develop the good practice that is already happening throughout Scotland. The bill will allow education providers to increase, over a period, the number of schools, nursery classes and other education settings that are able to support fully pupils with a variety of disabilities. That will be achieved by the responsible bodies working together, consulting closely those with expertise and those affected by the improvements: school staff, pupils, parents, voluntary organisations, health and social work colleagues, to name but a few.

We believe that developing the strategies with so many interested groups working together will ensure not only that the strategies are improved and that we get them right, but that we have the opportunity to raise awareness of the implications of the strategies and support for their aims and principles.

We believe that the bill is realistic. It allows the responsible bodies some flexibility in determining their priorities, according to their pupil populations and how much progress has been made already in developing access. Different authorities will obviously start from different points. However, the bill places a clear statutory duty on those bodies—local authorities and independent, grant-aided and self-governing schools—to plan for the future and to make improvements.

We are clear that those improvements must cover three broad areas: access to the curriculum, access to the physical environment and communication with pupils. Those areas have been highlighted both today and during the course of members' consideration of the bill. In particular, Jackie Baillie emphasised those areas in her comments on the need to ensure that the bill is not just about school buildings but about how we work with vulnerable children and young people.

That wide-ranging duty will benefit all pupils, whether they are young people with learning difficulties or whether they have physical disabilities. I stress again how important it is that

the strategies do not deal with physical access alone. Only a small percentage of people with disabilities require wheelchair access. Therefore, improving access to the curriculum and to communication is as important as improving the physical environment.

The bill is also about pupil records. We have heard eloquent contributions on some of the difficulties that surrounded the bill's title and the confusion that that caused in the initial stages, because of the meaning of pupil records and record of needs and the possibility of confusion around that. We were happy to clear up that confusion with our stage 3 amendment.

The bill is important because it enables us to reinstate an independent right for parents in Scotland to access their children's educational records. Unfortunately, that right was removed when the Data Protection Act 1998 extended data protection legislation to manual records as well as computerised records. We will introduce new regulations under section 4 of the bill, so that parents in Scotland once again will be able to enjoy that right.

The bill is an important piece of legislation. Again, I thank everyone for their co-operation, which ensured that the bill progressed sensibly, quickly and in a way that will make a difference to people who require support. The bill will advance progress in access in two areas of education. It is part of our continuing strategy to improve the life chances of all young people, particularly those who are vulnerable and have special needs.

I move,

That the Parliament agrees that the Education (Disability Strategies and Pupils' Educational Records) (Scotland) Bill be passed.

15:57

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

Although the bill is a relatively short and fairly technical piece of legislation, it has the potential to improve significantly the situation for many of the estimated 15,000 children and young people in Scotland with disabilities.

We welcome the fact that from September of this year all education providers will have to produce, implement and review strategies for improving access in their schools. As we have heard, access covers physical access and access to the curriculum and to information. Crucially, that means that access covers all school activities, not just the core educational elements. The research that was carried out for the Executive by Capability Scotland confirmed that although access to core facilities in schools is high, it is almost non-existent for other activities and school trips and is limited in relation to playgrounds and dining halls.

During stage 2, amendments were lodged on several areas. Some amendments were more successful than others. Many of us were concerned to ensure that the strategies would be effective. We argued that unless a duty to publicise and disseminate the information was imposed on responsible bodies, people who could benefit from the strategies might have no knowledge of their existence. We also sought assurances that effectiveness would be monitored year on year and we were keen that there would be a formal right of remedy—a locally available, accessible complaints procedure.

I am reassured that the minister has listened to those concerns and has gone some way towards amending chapter 4 of the guidance to strengthen those provisions even more. I remain of the opinion that independent monitoring would be more appropriate, as would some mechanism for enforcement of the strategies, and if we want to be really aspirational, perhaps, in the fullness of time, an education tribunal system for Scotland.

None of that comes cheap. I remind the minister that resources will be essential to implement the changes that the strategies identify. We have heard from many local authorities that the estimated allocations from the Executive will be insufficient. We note that clarification from the Executive of the funding that will be available to voluntary sector education providers to implement their educational strategies would be appreciated.

If the bill is to be as effective as it needs to be, there must be training and education on equality issues for teachers and others. We support the ideal of fully inclusive education that gives disabled children and young people access to exactly the same experiences as their non-disabled peers. The bill will help to bring that into effect.

16:00

Mr Brian Monteith (Mid Scotland and Fife)
(Con): On behalf of the Conservatives, I am pleased to support the bill after its third stage. I associate myself with the thanks that the minister gave to the clerks and to all those involved in taking the bill to the point where it can be enacted. I am pleased to see a bill that aims to improve access and to restore to parents the right to see the educational records of their children. Who could disagree with that?

For the sake of brevity, rather than repeat the concerns that have already been expressed, I will pick up a number of different points. I agree with everything that has been said so far by the minister and by Irene McGugan. It is important that the appeals process works to the benefit of parents and that the process is clear. It is also

important that the communications procedure ensures that people have the necessary information. I welcome the amendments that were agreed to earlier.

I must say that the Deputy Minister for Education and Young People has taken the occasional bruising when he has appeared before the Education, Culture and Sport Committee. However, in the minister's defence, I always find that he listens intently and seeks to find a resolution. The fact that the amendments were agreed to without division shows that the minister has been willing to work with the committee. I express my thanks to the minister for his approach.

There was a danger that accessibility strategies would lead to over-regulation and to head teachers and deputy head teachers being tied up in more administration and red tape. However, I believe that the solution that is proposed in the minister's amendments strikes the right balance. For instance, requiring that the Scottish Executive be provided with the accessibility strategies was the right thing to do, as there was a danger that the strategies might have been sent hither and yon, which would have been problematic. It is proper that the strategies should be sent to the minister, whose department can then look at them.

The one thing that I will say on the important issue of resources is that central Government must appreciate the burden that it must take on. It will be no use to expect local authorities, which raise such a small amount of their income locally, to take up that burden. Given the fact that, quite rightly, the burden has been placed on them, it is proper that central Government ensures that adequate resources are passed on to local authorities to deal with the new responsibilities.

As well as dealing with access for pupils with disabilities, the bill touches on pupils' educational records, on the history of which I want to make a few comments. As I have said before, the establishment of such records was helped by Alex Fletcher's Education (Scotland) Act 1980 and the School Pupil Records (Scotland) Regulations 1990. As has been said, it is regrettable that parents' rights were removed by the Data Protection Act 1998. It is also regrettable that Sam Galbraith's Standards in Scotland's Schools etc Act 2000 could not have solved the problem or that a Sewel motion was not used when Westminster made the appropriate changes back in 2000. However, that is water under the bridge. We should all welcome the fact that the problem has now been solved.

I pray that the bill has got it right. The Education, Culture and Sport Committee repeatedly finds that Scottish statutory instruments—and, indeed, the Standards in Scotland's Schools etc Act 2000

itself—have drafting errors. That is highly regrettable, causes great irritation and raises a question mark over the standards of drafting of our legislation. We have already had to amend the Standards in Scotland's Schools etc Act 2000 once and I understand that we will need to do so yet again. I hope and pray that everything in the Education (Disability Strategies and Pupils' Educational Records) (Scotland) Bill is correct and that we will not need to revisit it. It is with pleasure that we on this side of the chamber give the bill our whole-hearted support.

16:05

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): We will have a flurry of speeches now and I was marginally disappointed in Irene McGugan's contribution because she was gentle, positive and constructive throughout. I had hoped to be able to use the line that we had a flurry with a whinge on the top. [*Laughter.*]

Michael Russell (South of Scotland) (SNP): Who writes this?

Ian Jenkins: I assure members that it is all my own work.

I have no intention of detaining the chamber longer than necessary. I made it clear at stage 1 that the Liberal Democrats support the principles of the bill, both in the establishment of a requirement for responsible bodies to produce strategies that will give disabled pupils access to education—as has been said, that means physical access, access to the curriculum and access to communication between the authorities and the pupils—and in the restoration of parents' rights in relation to pupils' records. I accepted those principles and I welcome the amendments that we have agreed to today, which came in response to the Education, Culture and Sport Committee's comments. In my view, they strengthen the bill.

I was going to say something nice about the Deputy Minister for Education and Young People, Nicol Stephen, but it might have seemed a bit incestuous. I am delighted that Brian Monteith made kind comments. I thank Cathy Jamieson and Nicol, and indeed the officials, for the way in which they have dealt with the committee's responses to the bill.

I see the bill as another small but significant step in a range of policies that will lead to more equitable treatment for disabled youngsters across Scotland. In a week that has seen bad publicity for the Parliament, I am confident that the existence of the Scottish Parliament has made those numerous small steps easier to take, both because of the shorter legislative time required and because of the Parliament's consensual atmosphere. As somebody else said, although we

may occasionally disagree about how to get there, most of the time we agree on where we want to go.

Like others, I hope that we will remain vigilant in the matter of funding and I worry that, rather like a certain building down the road, the project may well cost more than our original estimates. However, I very much hope that the final result will work well and will do us credit.

We must ensure that the time scale for the implementation of the strategies and the other items in the policy documents is not open-ended and is not totally elastic. We must see this as a programme to be implemented.

In our consideration of children with disabilities and special educational needs, good groundwork has been done across the board and a framework for equality of opportunity is beginning to be put in place. Within the next few years, we must begin to make progress in the strengthening of the framework that we have begun to erect in this first session of the Parliament. I am happy to support the words of the minister in opening the debate, and I am therefore happy to support the motion to pass the bill.

The Deputy Presiding Officer: We come now to the flurry of speeches.

16:08

Jackie Baillie (Dumbarton) (Lab): Just as the chamber unanimously welcomed the principles of the bill, I now welcome the detail of the bill at stage 3. I would like to say a word or two on process before I move to substance.

Dialogue with the minister at stage 2 resulted in the introduction of a number of helpful amendments, all of which the chamber has accepted. I therefore echo the minister's comments about our beneficial and collaborative way of working. It has been instructive and I look forward to it happening again in future.

I also echo the thanks that have been given to the clerks, the voluntary organisations and, indeed, the Executive. Many people put a lot of effort into getting us where we are today.

I want to move on to the substance, which is much more important. What the bill will achieve will be nothing short of a challenge to the way in which education is delivered for the 15,000 or so children and young people who have a disability. My colleagues in the Labour party and I have long held the belief that education is the key to unlocking opportunity in later life. It is not the privilege of the few but a fundamental and basic right for all our children and young people. Access to schools and to the school curriculum is critical if disabled children and young people are to be

enabled to fulfil their potential.

The bill brings those key principles together, building on the recommendations of the disability rights task force and the Disability Discrimination Act 1995. As Irene McGugan said, by September 2002, every education provider in Scotland will have to produce an accessibility strategy—addressing not only access to buildings but access to the school curriculum, information and communication.

Access to mainstream education can now become a reality. Thinking ahead about children's needs and planning for them will become the norm. That is a positive change in the culture. As I said in a previous speech, if we are to achieve the step change in the experience of disabled children in their school years that we all desire, it is essential that we have a robust monitoring and evaluation mechanism. Accessibility strategies will only ever be as good as their implementation. The Executive's proposals on monitoring reassure me that the documents will become living and breathing strategies, rather than be destined to gather dust on a shelf. Given that Her Majesty's Inspectorate of Education is involved in monitoring implementation as part of its regular inspection of schools we will know whether it is working on the ground.

The bill is welcomed by statutory organisations, voluntary organisations, members and, most important, by all parents and children. It is an important step in achieving equality in education for all our children and provides a real opportunity to ensure that we unlock the potential in every child, irrespective of their ability. I urge members to support the bill.

16:12

Michael Russell (South of Scotland) (SNP): Often in stage 3 debates, one gets to the point where the only thing that is left to do is to thank the priest for the hire of the hall. Frankly, we have had all the appreciation that we need, although everyone has worked very hard. I was alarmed by Brian Monteith's compliments to the Deputy Minister for Education and Young People. I suspect that being complimented by Brian Monteith is a very bad thing—I have never experienced it.

Mr Frank McAveety (Glasgow Shettleston) (Lab): And you never will.

Michael Russell: Thank you, Mr McAveety, I am reassured by that comment.

Mr Monteith: I am tempted.

Michael Russell: Mr Monteith may well be tempted, but he is not getting in.

The important point that I want to make is not a whinge, but a reality. The briefing that Capability Scotland provided to members for the debate, which urges us to support the bill, points out the figures that are at the heart of the issue. It states that the Westminster Government, under

"the Schools Access Initiative ... has allocated £220 million for 2002-2005; and £100 million for 1999-2002".

Capability Scotland estimates that the proper figure for Scotland for 1999-2005 would be at least £32 million, which does not approach the amount that has been allocated. If we want the policy to succeed, we will have to resource it. The simple fact is that we must find the right amount of resources to back the policy.

In the stage 1 debate, I said that I thought that there would be huge demand and that when people realised what things could be done, they would want them to be done quickly. It is a similar problem to that faced by the Scottish Parliament: there is huge demand and expectations that have not been fulfilled. It would be sad if the expectations of the bill—an important piece of legislation—were not fulfilled, simply for financial reasons. I point out to Mr Jenkins that that is not a whinge but simply reflects what the bodies that know what is happening are saying about the bill. I hope that the minister will think on the matter and if possible indicate during his summing-up speech that some movement will be made on resources. If that is not possible, I hope that the minister will keep thinking about the matter and will issue proposals to resource the policy.

The bill is an example of the way in which members can work together in the Parliament. Ian Jenkins is right to point out that in a difficult week—our 1000th day ringing in our ears—it is important to show what the Parliament can do in co-operation with the Executive. The Parliament has co-operated with the Executive on the bill, but there have also been useful tensions and arguments. We have created legislation to help children in Scotland—that is what the Parliament is here to do and that is what we have done.

16:15

Mr Frank McAveety (Glasgow Shettleston) (Lab): On behalf of the Education, Culture and Sport Committee, I thank members who have spoken for their contribution to the debate on this very important bill. I note with interest that Ian Jenkins used the word flurry on a couple of occasions. Given the Scottish surnames that we have in the Parliament, I am tempted to suggest that my contribution to the debate will be a McFlurry—I made that comment as a bet.

During the various stages of the bill, most members have identified why it is important. When

we come to write the history of the Parliament, we will focus on the small things that have genuinely made a difference to many of the people who have been excluded for far too long. The fact that very few, if any, of the parliamentary journalists are in the press gallery to report on an issue that affects the most excluded in our communities signals to me how important they consider such issues to be compared to the criticism that much-maligned parliamentarians receive when trying to make legislation that will make a difference.

The fact that members from all parties have contributed to the bill might concentrate the minds of those on the Conservative benches, such as Brian Monteith, on the contribution that 129 members can make to debates in the Parliament and to making a genuine difference for the future.

Jackie Baillie, Irene McGugan and other members of the Education, Culture and Sport Committee have focused primarily on issues relating to the bill. As deputy convener of the committee, I thank them for identifying ways of moving forward at stages 2 and 3. Their gentle, probing words demonstrated the iron-fist-in-a-velvet-glove approach that is the hallmark of Jackie Baillie. I have known that approach in the past, and the Deputy Minister for Education and Young People recognised it during stage 2 debates and responded appropriately this afternoon.

It is important to monitor the accessibility strategies. The fact that we have set out guidelines on that will be important for the future. At this point in history, we do not know exactly what the impact of the bill will be. However, we will have the answers if over the next three or four years we monitor the extent to which it makes a genuine difference for the individuals whose educational experience it is meant to improve.

I welcome our recognition of the fact that accessibility strategies need to be engaged with, and that people who are experiencing the negativities of accessibility must be included. All the major organisations and institutions that must provide that accessibility will work in partnership over the next few years to improve the situation immeasurably. I recognise the problem that Capability Scotland raised of ensuring that resources are appropriate to the tasks that are set out in the bill. The committee will endeavour to examine that matter in the coming period. The fact that we have set a template for recommendations will concentrate the minds of the agencies that have to deliver the accessibility strategies. As well as seeking additional resources, they will have to examine their existing resources to see how to reprioritise within their global sum, now that accessibility is enshrined in legislation. They will have to identify in partnership with individuals how

they can make a difference.

An issue that is not so central, but which is equally important, is the restoration of the right of access to pupil educational records. I welcome the fact that the minister has identified ways in which language can be used more appropriately so that there is no confusion with the record of needs. I appreciate his recognition of that point.

As many members have done, I thank the advisers and the staff of the Scottish Parliament information centre, particularly Camilla Kidner, as well as the parliamentary clerks. I also thank the organisations that submitted effective evidence to the committee to allow us to finalise our views. In particular, I thank Capability Scotland, which provided measured contributions to allow us to amend the bill. I welcome the bill and hope that members will support it.

16:20

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

As my colleague Brian Monteith said, the Scottish Conservatives welcome the bill. I have no wish to detain members unduly—I know that we are getting into end-of-term mode—but I have one point to make briefly. It follows on from what I said in the stage 1 debate about the costs of implementation. A few other members have also raised that issue. I shall address the costs as they affect independent schools, a number of which I have visited in the past few weeks.

Independent schools have no problem with the principles of the bill. In fact, many of them have better provision for disabled children than many state schools. However, there is concern over the possible costs of implementation of the bill and the impact on boarding schools especially, of which there are several in Perth and Kinross. The bill follows the recent Regulation of Care (Scotland) Act 2001, which also introduced a burden on independent schools, and there is concern about an on-going march of regulation that may affect their economic viability.

It would be reassuring if the minister could confirm that no attempt is being made at a back-door assault on independent schools; that the Executive understands that independent schools are an important component of the educational framework in Scotland; and that the Executive supports the right of parents to choose independent schools if they are in a position to do so.

I close by reiterating that we support the bill.

16:21

Rhona Brankin (Midlothian) (Lab): I, too, welcome the bill. It puts in place an important part

of the jigsaw that underpins the presumption of the inclusion of pupils with special educational needs in mainstream schools. It also underpins our long-standing commitment to educate pupils in schools in their communities, which fits in with our signing of the UN Convention on the Rights of the Child and the "Salamanca Statement and Framework for Action on Special Needs Education".

Every child has the right to be educated in their community. It is salutary for us to remember that it is only since the 1970s that children have had the right to education. Until the 1970s, many children were categorised as educationally subnormal. Thank God we have come a long way since then.

The bill places an important duty on education providers. Until now, far too much has been left to chance. Many schools have established policies to ensure that they provide appropriate education for all pupils and many have implemented whole school policies on children with special educational needs. However, that work has often been left to committed senior managers or teachers of children with special educational needs. HMIE has inspected that aspect of schools before, but now it will be able to inspect local authorities' accessibility strategies. It is important that local authorities have a duty to draw up those strategies.

I agree that accessibility means a lot more than simply physical access. Access to the curriculum is vital. There is no point in children being physically integrated in schools if they are not able to access the curriculum and interact and learn. Being there is not enough—they have to access the curriculum.

I also welcome the partnership working with parents, pupils, school voluntary sector organisations and a range of other agencies. In future policy documents, warm words will not be enough. There will have to be strategies and action plans and, importantly, those will have to be monitored and evaluated. We need the framework to ensure that, at last, we can fulfil our policy commitment to include all pupils and ensure that the right of every pupil to be educated in their community is upheld.

16:24

The Deputy Minister for Education and Young People (Nicol Stephen): I add my thanks to the Education, Culture and Sport Committee, its staff, the bill team, the voluntary organisations and the other interested individuals and bodies that contributed to the progression of the bill through the Parliament. I also thank Brian Monteith for his kind remarks.

I will be brief. The bill forms an important part of the large number of initiatives that the Executive is

implementing to promote equal opportunities for all pupils who have additional support needs. We should remember that there can be short-term needs and long-term and serious disabilities. All needs should be covered.

I understand the point that members made about funding. The Executive is already providing significant funding for improved provision for children with special educational needs and children with disabilities through funding for inclusion, staff training, research and development and capital investment in schools. At stage 2, the committee discussed the need to integrate initiatives that relate to disability legislation and initiatives that relate to special educational needs legislation. I agree that there is such a need.

Local authorities are continuing to put all the available funding to good use in providing for pupils with disabilities. The situation will be kept under review and there will be opportunities to inject new funding. At this stage on a Thursday afternoon during a stage 3 debate, it would be wrong to make an announcement, but there are opportunities through the inclusion programme, for example, to consider additional sources of funding. It is vital to ensure that strategies deliver. They will achieve nothing if they remain strategies—they must be turned into reality.

My speaking note does not have the word educational, but I assume that the message will go out that the act will be known as the Education (Disability Strategies and Pupils' Educational Records) (Scotland) Act 2002. I assure members that we will make clear regulations under section 4 of the bill as soon as it becomes an act so that parents in Scotland can once again access the records that schools hold about their children.

Mr Monteith rose—

I am two sentences away from the end of my contribution, but I will give way to Mr Monteith.

Mr Monteith: It is over a minute from when we are meant to finish.

I thought that the minister would respond to what Murdo Fraser said about independent schools. I want to add to what he said and ask the minister to respond. One of the concerns about independent schools is that many of them are listed buildings, and often A-listed buildings, such as Fettes College, which many members know well. If buildings are listed, there are difficulties in making physical changes. Financial support will be required. [*Interruption.*]

Michael Russell: Things are being thrown at Brian Monteith now.

Mr Monteith: That aim was bad. I think that things were thrown at Mike Russell, actually.

The Deputy Presiding Officer: The debate has been remarkable in many ways. Will you conclude what you were saying, Mr Monteith?

Mr Monteith: Will it be in order for listed schools to apply to Historic Scotland through the normal process for grant aid to make the necessary physical changes and to use grant aid that would normally be available for general restoration purposes to make various changes?

The Deputy Presiding Officer: The minister has only 30 minutes left.

Nicol Stephen: The short answer to Mr Monteith's question is that I am not sure. I am happy to investigate that issue in respect of independent schools. I will write to Brian Monteith and give him accurate information rather than an off-the-cuff response.

We have a good relationship with independent schools. I appreciate that there are new burdens for the independent sector—for example, the McCrone settlement is an additional burden and the new probationer scheme is a potential additional burden. The bill also carries additional responsibilities, but the independent sector consistently takes a positive approach because it recognises, as members do, that improvements will benefit the whole of education in Scotland. We welcome that approach.

I said that I was two sentences away from concluding; in fact, I notice that I am only one sentence away.

I thank MSPs for their support in driving the bill forward and I hope that members can be further involved in its implementation. It has been a good example of a bill where members from all political parties on the Education, Culture and Sport Committee and on other committees have worked together. That has been reflected in the level of agreement that has allowed us to get through business so swiftly this afternoon.

Parliamentary Bureau Motion

16:30

The Deputy Presiding Officer (Mr Murray Tosh): The next item of business is consideration of a Parliamentary Bureau motion. I ask Euan Robson to move S1M-2948, on the designation of a lead committee.

Motion moved,

That the Parliament agrees that the Justice 2 Committee is designated as lead committee in consideration of the Criminal Justice (Scotland) Bill and that the Justice 1 Committee be a secondary committee.—[*Euan Robson.*]

Motion without Notice

16:31

The Deputy Presiding Officer (Mr Murray Tosh): I am minded to invite a motion to bring forward decision time, if members agree to that. Are we agreed?

Members indicated agreement.

Motion moved,

That S1M-2960 be taken at this meeting of the Parliament.—[*Euan Robson.*]

Motion agreed to.

Motion moved,

That the Parliament agrees under Rule 11.2.4 of the Standing Orders that Decision Time on Thursday 28 March be taken at 4.31 pm.—[*Euan Robson.*]

Motion agreed to.

Decision Time

16:31

The Deputy Presiding Officer (Mr Murray Tosh): There are eight questions to be put as a result of today's business. The first question is, that amendment S1M-2945.2, in the name of Lewis Macdonald, which seeks to amend motion S1M-2945, in the name of David Mundell, on transport, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)

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

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ewing, Dr Winnie (Highlands and Islands) (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)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North-East Scotland) (Con)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 58, Against 33, Abstentions 0.

Amendment agreed to.

The Deputy Presiding Officer: Consequently, amendment S1M-2945.1, in the name of Kenny MacAskill, falls.

The next question is, that motion S1M-2945, in the name of David Mundell, on transport, as amended, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

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

Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 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)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Campbell, Colin (West of Scotland) (SNP)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ewing, Dr Winnie (Highlands and Islands) (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)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North-East Scotland) (Con)

Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (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)
 White, Ms Sandra (Glasgow) (SNP)
 Young, John (West of Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 58, Against 38, Abstentions 0.

Motion, as amended, agreed to.

Resolved,

That the Parliament notes the importance of transport to the economy in delivering growth and investment to Scotland; welcomes the publication of *Scotland's Transport: Delivering Improvements* which sets out the Scottish Executive's transport vision for Scotland; endorses this Executive-led vision of an efficient, safe transport system which meets the needs of all in society: individuals and businesses, car and public transport users, cyclists and pedestrians, whilst protecting our environment and promoting sustainable development; commends the integrated package of measures that the Executive is pursuing: tackling congestion, ensuring greater access to a modernised and improved public transport system, promoting alternative modes of transport to the private car, and targeted motorway and trunk roads improvements, and further commends the specific articulation in this transport delivery report of the Executive's top priorities for delivery.

Dennis Canavan (Falkirk West): On a point of order, Presiding Officer. I understand the circumstances that led to decision time being brought forward. However, when decision time is brought forward in such a way, would it not be reasonable to give at least five minutes' notice, so that MSPs who are in their offices down the road can get to the chamber in time to cast their votes?

The Deputy Presiding Officer: That might be reasonable, but it is not the procedure that exists. This afternoon I deliberately and carefully drew members' attention to the fact that we were at that stage running 40 minutes early. We in fact finished 29 minutes early. That is the best notice that I am in a position to give. Mr Canavan might wish to write to me about the mechanics of the procedure.

The next question is, that amendment S1M-2946.2, in the name of Wendy Alexander, which seeks to amend motion S1M-2946, in the name of Annabel Goldie, on enterprise and Scotland, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)

Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 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)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North-East Scotland) (Con)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Young, John (West of Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 59, Against 47, Abstentions 0.

Amendment agreed to.

The Deputy Presiding Officer: Consequently, amendment S1M-2946.1, in the name of Adam Ingram, falls.

The next question is, that motion S1M-2946, in the name of Annabel Goldie, on enterprise and Scotland, as amended, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)

Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 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)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North-East Scotland) (Con)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Young, John (West of Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 60, Against 47, Abstentions 0.

Motion, as amended, agreed to.

Resolved,

That the Parliament welcomes the Scottish Executive's initiatives to improve Scotland's economic position and its new economic strategy for Scotland based on science and skills; believes that the Scottish Executive should build consensus behind this new strategy; notes the significant progress already made in establishing the conditions for sustained success in relation to our key objectives: global connections, growing businesses, and skills and learning, and welcomes the clear direction given to the enterprise network through Smart, Successful Scotland to work with the Scottish Executive to deliver this vision.

The Deputy Presiding Officer: The next question is, that motion S1M-2894, in the name of Cathy Jamieson, on the Education (Disability Strategies and Pupils' Educational Records) (Scotland) Bill, be agreed to.

Motion agreed to.

That the Parliament agrees that the Education (Disability Strategies and Pupils' Educational Records) (Scotland) Bill be passed.

The Deputy Presiding Officer: The final question is, that motion S1M-2948, in the name of Patricia Ferguson, on the designation of a lead committee, be agreed to.

Motion agreed to.

That the Parliament agrees that the Justice 2 Committee is designated as lead committee in consideration of the Criminal Justice (Scotland) Bill and that the Justice 1 Committee be a secondary committee.

Points of Order

16:39

Mr Lloyd Quinan (West of Scotland) (SNP): On a point of order, Presiding Officer. Business in the chamber has been brought forward and the members' business debate will now start early. Does that take into consideration attendance at the debate by members of the public, who will believe from the published business bulletin that the debate begins at 5 o'clock and not at 16:39? We are in danger of being exclusive. A number of people whom I know and who intended to attend the debate are not yet in their seats in the public gallery. It is at best ill-mannered of us to proceed with a debate at 16:40, when the debate was advertised in the public domain as beginning at 5 o'clock.

The Deputy Presiding Officer (Mr Murray Tosh): In relation to this point of order and the previous one, today's business bulletin advised all members that decision time was likely to be early and that members' business would probably be brought forward. I asked earlier today whether the member who had lodged the motion for members' business would be aware of that possibility and whether people who were likely to attend the debate would be aware of that possibility. I was assured that that would be the case.

I am unable to say whether that was the case, but, as far as I am concerned, the Presiding Officers have done their best to ensure that people who would be attending this debate were aware that the debate would probably be brought forward.

Mr Quinan: Further to that point of order, Presiding Officer. You referred to the fact that members are informed of the time of the debate in the business bulletin, but I suggest that we should consider the information that is given to the public, because they should take precedence. That is particularly the case for members' business debates, which are primarily for the benefit of members of the public and specific groups. We cannot make decisions about when we will do things when we have previously publicised to the people who put us here that debates will happen at particular times on particular days. We must look seriously at this matter. I move that we suspend this meeting of the Parliament until five o'clock.

The Deputy Presiding Officer: You are not in a position to make that move, Mr Quinan.

Mr Duncan McNeil (Greenock and Inverclyde) (Lab) *rose—*

The Deputy Presiding Officer: Let me rule on the first point of order, please.

The issue is that the business bulletin is a public document. Invariably, in my experience—which, I admit, is only that of a few months—when a debate is likely to be brought forward, contact is made with the member who lodged the members' business debate motion to ensure that the member is aware of what is proposed. I believe that that was done in this case. It is also generally the case that members of the public who arrange to come to a debate do so through contact with members who are associated with that debate. I am sure that that system is not foolproof, but it is all that is available to me under the existing standing orders.

Dennis Canavan (Falkirk West): On a point of order, Presiding Officer.

The Deputy Presiding Officer: Mr McNeil previously notified a point of order.

Mr McNeil: I have a point of information. The issue of debates being brought forward was discussed in the Parliamentary Bureau, as the Presiding Officer described, and the conclusions were published. The Parliamentary Bureau also agreed that the business managers would inform members who lodged a members' business motion of the possibility of the debate being brought forward, so that they could contact organisations and so on. Perhaps Gill Paterson could inform us whether that action was taken in this case.

The Deputy Presiding Officer: So far, the member who will speak to the motion has not indicated any concern, but that is a matter for him.

Dennis Canavan: Since I made my previous point of order, I have looked again at the business bulletin and checked the exact wording. It says:

"The Presiding Officer wishes to inform members that, should this afternoon's business conclude prior to 5.00 pm, Decision Time and Members' Business may be brought forward, subject to the agreement of Parliament."

It is surely not unreasonable to ask that in such circumstances we should be given at least five minutes' notice of a vote taking place. Some of us are at a particular disadvantage, compared with other members. I understand that members of certain parties get told through their pagers not just how to vote, but when to vote. Members such as me, who whip ourselves—I do not particularly like self-flagellation—are at a disadvantage because we do not get such notice.

I decide how I vote, but if I am not given reasonable notice of when a vote is taking place, I am effectively disenfranchised, together with the people whom I represent. I ask the Presiding Officer and the Parliamentary Bureau to consider this matter carefully. It is surely not unreasonable to ask for five minutes' notice in such circumstances, so that MSPs such as me, who are

working in our offices down the road, can get here to cast our votes.

The Deputy Presiding Officer: The system that we have operated for almost three years is that when we come to the end of business before decision time, we either suspend and await decision time at five o'clock, or we bring forward a motion without notice to hold decision time immediately. There is no precedent for what Mr Canavan suggests. We could consider doing what he suggests, but, so far, the business managers have made no such request, nor have the Presiding Officers received one.

I can only suggest that Mr Canavan do what I always do when I am in my office and am aware that business is likely to be brought forward. I have the television on and watch for the closing SNP speaker, knowing that that will give me time to come across to the chamber for decision time. In the absence of any change to standing orders or more formal procedures, I offer that as constructive advice. That is the best that I can do in the circumstances.

Dennis Canavan: That is not good enough.

The Deputy Presiding Officer: If you are not satisfied, the mechanism is that you should put a proposal to the Presiding Officer, which can be discussed by the Parliamentary Bureau or the Procedures Committee. We do not make up rules at twenty to five on the last day before the recess. If you have specific proposals, you can make them in the proper way. You will be entitled to be represented at whatever stage the decision is taken.

Dennis Canavan: For the record, I stress that I am not asking for the rules to be changed but for there to be a more helpful interpretation of the rules.

The Deputy Presiding Officer: I can say only that the rules have not been interpreted in that way for the best part of three years. Your request for a change in practice is perfectly appropriate. I invite you to make a formal proposal in the recognised way in which many members make such suggestions.

Child Witness Reform

The Deputy Presiding Officer (Mr Murray Tosh): I would now like to begin the members' business debate on motion S1M-2698, in the name of Gil Paterson, on child witness reform.

Motion debated,

That the Parliament welcomes the report *Justice for Children – The Welfare of Children in the Justice System*; commends Children 1st, Childline, NCH Scotland and the other participants for producing this report, and considers that the Scottish Executive should look closely at the findings and recommendations of the report and act accordingly.

16:46

Mr Gil Paterson (Central Scotland) (SNP): It would be fitting for me to state that I was given due notice of the likelihood that this debate would take place a bit earlier than expected. We tried to contact as many interested organisations as possible to inform them of that. Nevertheless, I thank my good friend Lloyd Quinan for raising the matter. He was trying to help me and the people who are concerned about the issue.

I thank some of the organisations who are involved with the report: ChildLine Scotland, Children 1st and NCH Scotland. I welcome some representatives of those organisations to the debate. I know that the gallery is sparsely populated, but I assure members that some of them are there.

If I were to suggest that four-and-a-half-year-old children, rather than going to nursery school, primary school and then secondary school, should go straight to university—an adult institution—everyone would think that I was out of my tiny mind. However, we expect our children to cope with the Scottish justice system, which has been developed by adults for adults. Because of that, the concerns and needs of children are not understood or dealt with adequately.

The criminal justice system is based on the rights of the defendants, which is right, but the needs and rights of victims must be recognised as well. There must be balance. The present system is harmful to children. That has to be accepted by all parties before we can ensure that the rights of all are protected during the criminal justice process.

I have a number of quotes from children who contacted ChildLine. A 13-year-old said:

"My uncle raped me 4 years ago. He went to court but was found not guilty. No one believed me. Something else has happened. I'm not telling anyone this time."

An 11-year-old boy said:

"Dad hurt mum. Dad's going to court. I'm terrified. I don't want to go against my dad."

Another child said:

"The case was dropped and they haven't told us why."

He thinks that it is all his fault and says that he is going to kill himself.

Children who appear as witnesses feel that they are the accused and that the defence is the prosecution. The effects of adversarial cross-examination of children and their inability to withstand heavy pressure to accept a strongly put and adult version of events is one of the main reasons given for the low prosecution rates and high failure rates of such cases.

It is time for the Executive to act. The Lord Advocate's department reported on the subject in 1999. Its recommendations are still waiting to be implemented. We are dealing with children's lives, in a way which will shape their future. It is time to take urgent action to ensure that the criminal justice system is responsive to the needs of children and that going to court does not do long-term damage rather than the good that we expect from it.

The report "Justice for Children: The welfare of children in the justice system" has 10 recommendations that deal with the whole process—not just the children's appearance at court—which is why it is important that the Executive takes notice and acts for the benefit of our children. I will deal with a few of the recommendations. I am sure that my colleagues will deal with a few others.

The second recommendation calls for standards to be set for any investigations that involve child welfare to ensure that prosecutions do not rely solely on child statement. A high importance should be attached to gathering other evidence that can back up a child's claim, such as the child's behaviour. A high importance should also be attached to ensuring that people who take evidence from children are accredited so that interviews are carried out properly, which ensures that the child is able to give evidence.

Support for a child before, during and after any investigation or a court case is extremely important. A service such as the child witness support service that was recommended by the Lord Advocate's report should be the basis of support for children and their carers. Therapy prior to trial should be available at point of need as a right; it should not be withheld because it may weaken a case.

During trial, methods that are presently available should be offered as a right. Evidence by videotape or commission are both currently available but rarely used. Anyone who takes evidence from children or cross-examines them must have an understanding of how to deal with

children, as it is clearly not the same as dealing with adults.

In Scotland, our legal system is at times treated like a holy grail. To dare to suggest, as we are, that changes are needed is frowned upon by those with vested interests. The facts speak for themselves. Too often, our criminal justice system lets people down. It is time that changes be made to ensure that the rights of all involved are protected. "Suffer the little children": when it comes to children, just to take wigs and gowns off is not enough. We must give them the right to give the truth. Justice is not only for adults.

16:53

Maureen Macmillan (Highlands and Islands) (Lab): The subject is a serious one. I know that the Crown Office is taking it seriously indeed and is working at ways to try to protect child witnesses and make them feel that court is not such an ordeal. I will speak about two aspects of that. One is the methods that are used and the other is the premises.

I do not have a lot of experience of having come across children who have been involved in serious cases—only what I read in the newspapers—but I have spent a lot of time visiting sheriff courts in rural areas and I have been taken aback at how inadequate the provisions for children are. I know that the courts are doing the best that they can, but a lot of the courts are in old Victorian buildings. We find, for instance, that the courtroom has a screen at the side where the child is put if they are going to be a witness. An awful lot of investment must go into dealing with children properly. That investment must be in the structure of the court buildings and taking the child to some other place where they can be talked to.

As Gil Paterson has said, the adversarial system of Scottish justice is not how we should deal with children. I know that we must test evidence, but we must consider ways of testing it that do not reduce a child to a quivering jelly. It is bad enough for adults to have to go to court. Through Women's Aid, I have known women who, if they had to go to court, were in a high state of nerves. For children, who often do not understand what is going on, it is even worse.

I do not think that I have taken up my three minutes, but I have a train to catch, so I will stop with these two pleas: that we examine the adversarial system and see what we can do to develop a more child-friendly system, and that we consider facilities for children within courts and how children are dealt with there.

16:55

Lord James Douglas-Hamilton (Lothians) (Con): Maureen Macmillan managed to say a lot in a few words. I warmly welcome the motion and congratulate Gil Paterson on his success in raising the matter. It is essential that the best interests of children are given paramount importance. It follows that, in cases where children may be witnesses, there must be three aims: to uphold the best interests of the child; to secure the ends of justice; and to ensure fairness to the accused. Those aims should be pursued in harmony with each other.

I strongly welcome the recommendations of Children 1st, ChildLine Scotland and NCH Scotland as an important contribution to the debate, in which the Law Society of Scotland, together with the Crown Office, has been closely involved for a considerable time.

I understand that lawyers from the criminal law committee of the Law Society last year entered into discussions with the Crown Office on the guidance that should be given. Only last month, the Law Society was asked by the Executive to take part in a project relating to the cross-examination of children in court. As long ago as 1995, the then Lord Advocate set up a working group on child witnesses, with the aim of improving arrangements for the support and preparation in court of child witnesses.

That group made a large number of substantial recommendations in 1999, a number of which have been accepted, and an implementation group has been set up within the Scottish Executive justice department. A small working group has also been created to prepare guidance, which it is hoped will be available by the end of the year.

When considering this subject, it is necessary to keep in mind the three aims that I have already mentioned. I will give an example of the difficulty that might be experienced. I vividly recall a small child giving evidence in a murder case. Under cross-examination, he admitted that he had made the wrong identification of the accused under pressure from a relative.

The report "Justice for Children" recognises such problems. Paragraph 42 says:

"Extreme caution should be exercised in relation to prosecuting a case which relies solely or mostly on a child's statement ... Children, particularly under 12 years do not respond well to, or understand the purpose of, traditional cross-examination. Children are brought up to do what adults tell them. It is very hard for most children to contradict what an authoritative adult tells them is the case ... This observation is not a case for fewer prosecutions, but for a rigorous process of investigation."

However difficult it is to take the matter forward, that should certainly be done. I am particularly interested in the report's recommendations 7 and 8, which ask for evidence in the form of videotapes of interviews to be admissible as evidence and heard by the court. The recommendations also propose much greater use of taking evidence on commission from children outside the court premises. Any mechanism or guidance that ensures consistency in the way in which courts tackle this matter would also be beneficial.

We hope that the minister will take the report very seriously and will return to Parliament shortly with a comprehensive package of proposals.

16:58

Irene McGugan (North-East Scotland) (SNP): I, too, commend Gil Paterson for lodging the motion and I congratulate the children's organisations on the production of the excellent report, "Justice for Children", which addresses long-standing concerns about the experiences of children in the welfare system.

Those concerns stem from a recognition that children are different from and are worse off than adults when it comes to contact with the courts. Current legal procedures and practices were not designed with children in mind, despite the fact that children are now recognised as vulnerable witnesses and that some effort has been made in recent years to offer them a degree of protection, for example by the use of television links.

The proposals in the report are radical, and recognise that such changes are what it will take to safeguard children adequately. The changes are informed by evidence and information from current domestic, European and international best practice.

Many people fear that changes such as those proposed might interfere with the rights of the accused and that justice might be compromised in some way. I am also aware that there may be resistance to a number of the proposals from members of the legal profession. However, I am confident that there must be a way of achieving justice in both civil and criminal proceedings without damaging the welfare of the child or the legitimate interests of others. Anyone who has had to support a child through the court process will concede that improvements are urgently required, so that children do not have to endure a prolonged wait before their case is called and are not denied access to relevant support or counselling. It should be possible for an assessment to be made of children's ability to give evidence that puts the child's best interests at the heart of that decision.

I particularly welcome the recommendation that we adopt a collective, multi-agency approach. As

the report indicates, that is both possible and necessary. It recognises that improvements affect not only the workings of the court and that other decisions are made on the basis of consensus between many departments, including social work, police, health and education.

Children who have experienced our justice system are almost universally negative in their view of it. That is reflected in the foreword to the report and should be our guiding principle. It would be a credit to the Parliament if we could show commitment to reforming the current system, with the aim of securing justice while safeguarding the welfare of children.

17:01

Donald Gorrie (Central Scotland) (LD): I, too, congratulate Gil Paterson on securing this debate. I congratulate in particular the group of children's organisations that has produced the report that we are discussing.

Quite often, reports by enthusiasts go beyond what most people would regard as a reasonable way of dealing with an issue. However, this is a very reasoned report; it makes good suggestions that are in the realm of the possible and the desirable, and that are not extreme. I was particularly taken by the section on studying children's behaviour. The report suggests that children's evidence does not start when they are interviewed, but that by considering their history, body language and so on it is possible to form a view on whether they are telling the truth. People are trained in that art—which would be useful in this chamber. It would be helpful if we could assess better than we can at the moment who is or is not telling the truth in debates. I hope that we can take that on board. It is certainly very important for children.

Recently we passed a bill relating to evidence given by women who allege that they have been raped. We are now protecting them, so it is logical that we should deal sympathetically with children in the same situation.

The report contains good material about planning interviews in advance. As I never plan anything in advance, I found that very sensible. I hope that the proposal will be implemented and will try to take lessons from it.

I was very interested in the idea—which is new to me—of the interviewer acting as an intermediary. The report suggests that other people should be able to participate through whatever technical means are available. They could not all question the child directly, but they could say to the interviewer, "We think you should ask him about X". I see that as a good idea—for an interviewer to deal with the child one to one,

but to have access to other people so that both sides can be seen to be fairly treated. We must bear in mind that teachers could be hounded by pupils who respond to being disciplined by making all sorts of allegations against them. We must guard against that, as well as properly safeguarding the rights of children.

There is an issue of funding, to which the report of the working party led by the Lord Advocate's department referred. No figures are contained in the youth organisations' report. However, if we are to provide proper support—which is an important recommendation of the report—the necessary money must be made available for that. All politicians are prone to have good intentions and to produce nice theoretical schemes, but unless the money is put in, those will be no good.

The point about having good statistical information is valuable. All of us, in every sphere of public life in Scotland, find that statistical evidence is ghastly. We have a poor system for organising statistics. We have to learn from that when we start a new system, which I hope we will do. Factual information is very important.

There are a lot of good things to run with in the report and I hope that the ministers will run with them.

17:05

Christine Grahame (South of Scotland) (SNP): I congratulate Gil Paterson on securing the debate. A debate on protecting the interests of vulnerable witnesses, particularly children, and the rights of the accused to a trial in which the onus is on the prosecution to prove its case beyond reasonable doubt is difficult to resolve. There are huge difficulties with the adversarial system, but nevertheless, one must test the evidence. I do not know the answer to that difficulty. I hope that we will come to a view on it in the discussions with the Executive that will follow.

The worst thing that can happen is that a trial collapses because somewhere further down the chain there is not a proper way of addressing the evidence of the child. That is particularly true if the evidence of the child is the only evidence, corroborated by the evidence of other children or if there is minimal corroboration by other circumstantial evidence.

I welcome the report and the holistic—I hate that word, but I will use it, because no one else has done so yet—approach of all the agencies involved that it proposes right from the beginning of the chain when a crime is investigated. Evidence has to be taken in a sustained and sensitive matter, making it secure. That has to be maintained when the evidence goes to the Procurator Fiscal Service—or Crown Office for

more serious crime. We have to consider the assessment of the evidence and how the child will stand up in whatever system we operate so that no child or accused is put in the position in which everything is unsatisfactory.

The trial itself should be conducted in a forum in which the best evidence is taken from a child. We must also always bear in mind the interests of the accused. We should consider simple things such as separate witness rooms, which Maureen Macmillan mentioned before she ran for her train.

Mrs Lyndsay McIntosh (Central Scotland) (Con): Does the member agree that there are occasions on which it takes a child some time to develop giving their evidence? Does she agree that it would be enormously helpful for us to take cognisance of the time spans that can be involved, because children cannot give evidence quickly?

Christine Grahame: I quite agree. That is where we must develop skills and a multi-agency approach. We must take into account the delays in bringing cases to court. How many adults here can remember what they had for dinner this time last week? That might not be a dramatic period of time, but it is hard to think back and a week is a lifetime for a child.

There are other complexities to consider surrounding the evidence of children. A child might be the victim and prime witness or they might be witness to something else. They might be witness to something involving a member of their family, a trusted friend, priest or teacher. That can make it much more difficult for a child to give evidence when facing the alleged accused in court.

There is also the matter of what happens post trial. What happens post trial if the accused, who is a member of the child's family, is convicted. What happens if the accused is acquitted? What happens if the case is not proven? So much support has to be given to children in such circumstances. When a child is a witness, we do not want there to be a collapsed trial. It is not in the interests of justice for the child, accused and system to be blighted.

The question of protecting child witnesses is not an easy one to crack. I am interested to hear what the minister has to say. We must ensure that we have sensitively taken, but robust evidence from children, and just solutions. We must ensure that accused people who have genuinely done the deed are convicted and that the innocent are freed. That is what we have to consider.

17:09

Stewart Stevenson (Banff and Buchan) (SNP): I congratulate Gil Paterson and all the speakers on the non-partisan and constructive way in which the debate has proceeded thus far. I

do not intend to break the consensus. I also congratulate the organisations that produced the "Justice for Children" report, which is the basis of much that has been said tonight.

Like Donald Gorrie, I was pleased that the Parliament has been able to deal with one category of vulnerable witness—complainers in sexual offence cases. I look forward to what we may be able to do for children, who are in another category of vulnerable witnesses.

Personal experience always reinforces a general point. Let me give what is, to be honest, a trivial example from my own life. When I was about seven or eight, I was sitting on the front wall when a bus gently reversed into a car at about 5mph. A policewoman interviewed me because there was a dispute between the drivers over who was responsible for the incident. It is a tribute to how impressionable I was that, when someone in authority and in a uniform came to see me, I was quite confused and disturbed by the questioning process. I still remember that, despite the fact that it was a trivial incident in which I was not involved—I was merely a spectator. How much more traumatic is such questioning for a child, of whatever age, who has been involved in an incident that eventually leads to a court case?

Members will know of my constituency interest in HMP Peterhead, which contains around 200 paedophiles and 300 sexual offenders in total. A prison officer told me a story that illustrates the subtle ways in which children can be affected and influenced by what goes on in their lives. The story concerns a child who had been through the justice system and whose father had been convicted, quite properly. Toward the end of the sentence, a reconciliation interview took place and both child—by this time, a late teenager—and father were brought together. The father sat and talked in a friendly way with his daughter, but throughout the interview he clicked a pen. At the end of the interview, when the father was taken away, the daughter broke down in tears because the father had used a pen to abuse her. Sometimes the signals between adult and youth are subtle and not understood by us.

I welcome the opportunity to debate the subject of justice in the criminal justice system, particularly when the Crown Office and Procurator Fiscal Service is under close attention. We will debate the detail of that on another occasion, but in the review of resources in the COPFS, there is a recognition at paragraph 1.4.4 that special skills are required when one is dealing with child witnesses. However, I note in passing that the vision and objectives of the COPFS make no reference to children as a group that the service should be paying particular attention to.

When I was a child, I had a Barnardos box into which I put the occasional coin, but I thought no

more about children who had problems. This debate ensures that we have brought to our attention the needs and concerns of young people—it is not just about putting tuppence in a Barnardos box.

17:13

Dr Winnie Ewing (Highlands and Islands)

(SNP): In my previous life as a practitioner in the criminal courts, I once cross-examined a child witness on a matter that was vital to the innocence of my client. I happened to believe my client, although that is irrelevant. In the middle of the cross-examination, the child fainted and crashed to the floor, hurting her head. The accused begged me to stop the cross-examination, which I did. Thereafter, when I had the choice—if one was doing one's service on the poor roll, one could not choose to turn cases away—I never again took on a case in which I would have to cross-examine a child, because I found it a traumatic experience. I still live through that moment.

I will mention the famous Orkney case, which is another case in which witnesses were wrongly interpreted and in which children were removed from their parents. I was deeply involved in that case and tried to gather all the evidence that I could. The sheriff who finally dealt with the case was very critical of the way in which the children's evidence had been gathered by the Royal Scottish Society for Prevention of Cruelty to Children. Whatever system we adopt, I point out that that was not a system that worked. It turned out that the plot of a fairly lewd and horrible video that had been doing the rounds—probably illegally, given that the children were under age—was transposed into a story that was then shared by a number of the children.

That situation ended up in utter misery for a poor minister—who was absolutely got at by the press—for the parents and for the children. Eventually, the children were returned. Their evidence was roundly criticised. I met all the children and parents afterwards and have met them since from time to time. There was no doubt that they would be affected for the rest of their lives. Therefore, the gathering of evidence is crucial.

I agree with Lord James Douglas-Hamilton on the idea of taking evidence on video or by a separate commission. We must opt for that. Knowledge of the Orkney case—a travesty from beginning to end, which caused a great deal of human misery—is enough to make me support Gil Paterson's intentions all the way.

17:15

The Deputy Minister for Justice (Dr Richard Simpson): I welcome the publication of the

"Justice for Children" report and I congratulate Gil Paterson on drawing the report to the Parliament's attention. I participated considerably in members' business debates when I was a back bencher and I still believe that they represent one of the most important parts of the Parliament's function. They allow serious discussion of serious issues in a less partisan way.

The report's central theme is that the best interests of children should be at the heart of our justice system—criminal and civil. The Executive and, in particular, the First Minister have said that the welfare of children—especially children under pressure—must be at the centre of what we do. The report picks up some of the key themes that the Executive is attempting to address.

The points that Christine Grahame and Lord James Douglas-Hamilton made, which were referred to in passing by Winnie Ewing, are important. We are dealing with a matter of balance. As the right balance is incredibly difficult to achieve, there have been delays, which have sometimes been regarded as rather lengthy, in achieving what we all seek—justice for the accused and sensitive handling of the children in all respects. We agree that balance is key.

The report stresses the importance of effective inter-agency working within a properly structured framework. That is crucial.

As a doctor, I was involved in interviewing children about quite significant issues. There are problems in interviewing children—as Winnie Ewing suggested, it is not an easy task to undertake. However, if children are given the right set of circumstances, they can be very reliable witnesses. Although we should not suggest that children are less reliable, they can be made to be unreliable if the questioning is inappropriate. The report stresses the importance of having the right range of options available to those who deal with children. It should be possible for child witnesses to give evidence in a way that allows them to be questioned fairly by the defence, without the experience being frightening or confusing.

The report also underlines that cases that involve children should be given priority throughout the process of case preparation and presentation. Irene McGugan referred to the fact that it is not just the event that is important—everything that goes before it matters. Teachers and psychologists are involved in establishing the capacity of children to deal with the way in which cases are presented. There is a great deal of common ground on priorities for action.

The issue is not new. I think that the Scottish Law Commission reported on it as long as 10 years ago. Plotnikoff carried out research in 1995 and Gil Paterson quoted some horrifying examples of practice that needed to be addressed. The Lord

Advocate's working party, which reported in 1999, made some 32 recommendations. We have implemented four of those. More important, we are progressing the work, although there was a delay in starting the process because of the pressure that the department has been under on such matters as the Sexual Offences (Procedure and Evidence) (Scotland) Bill. I am not sure that that represents a correct set of priorities. However, we are making progress.

The implementation group, which is a multi-agency group, got under way in September 2001. Children 1st and NCH Scotland are involved in the process and their contribution is greatly appreciated. The group is working through three sub-groups. One sub-group is examining improved operational support for child witnesses and is preparing a paper for ministers' consideration on the options for organising that support. We intend to consult more widely before reaching final decisions. That group is looking at recommendations 1, 4 and 5 of "Justice for Children" and at recommendations 1 and 3 of the Lord Advocate's working group report.

The second group is preparing national guidance to improve the quality of investigative interviews with children. Before that guidance is finalised, there will be consultation with key organisations. Any guidance that is issued will be made widely available on the web. The second group is dealing with recommendations 3 and 8. The planning interviews that Donald Gorrie mentioned are also part of the working group's efforts.

We are also about to publish a report on vulnerable witnesses which, although not dealing specifically with children, will deal with issues that overlap and can be read across.

The third group is working on guidance on the questioning of children in court. That work is closely linked to the separate work on vulnerable witnesses that I referred to. A consultation looking at the definition of vulnerable persons will be published towards the end of April. The consultation will also consider what current and future special measures could be taken to make it easier for all who need extra support in giving evidence.

In addition to the three sub-groups and the central group, which are examining all the recommendations, other groups are considering the matter. For example, Gil Paterson referred to recommendation 2, which concerns the standards that should be set for the investigation of cases. That is a matter for the Lord Advocate, but detailed guidance is given in chapter 16 of the Crown Office and Procurator Fiscal Service's book of regulations. The Lord Advocate is looking at the matter.

Recommendation 10 is that specialist training should be undertaken, but there are specialist training courses already. Indeed, Crown counsel attended one such course last weekend, as they do each year. The Law Society of Scotland has also been involved in training. The provision of such training for judges and sheriffs is a matter for the judicial studies committee, but it is clearly important that people who question and manage children have the appropriate training to deal with those difficult issues.

A great number of areas of work are being taken forward. I can give my colleagues an undertaking that I will press the issue with the greatest possible urgency. However, we need to be careful that we strike the balance that I referred to. My colleagues Jim Wallace and Cathy Jamieson have agreed to meet representatives of the three organisations that sponsored the report so that we can explore their ideas in more depth. However, members will understand that we also need to take into account the views of others.

There is no doubt that the First Minister, the Executive and the Parliament have all made dealing with our children a priority. If one child is traumatised and damaged by an insensitive justice system, that is one child too many. Some of the examples that were given by Stewart Stevenson, Winnie Ewing and others indicate how difficult this area is and how sensitively it must be handled.

I will end as I began, by thanking Gil Paterson for initiating the debate. I also thank the organisations for their helpful report. Their report has a read-across to the Lord Advocate's report and to the work that we are doing. Their report has helped me to focus on the way in which we are taking matters forward. The debate has been up to the usual high standard of members' business debates. We will attempt to get the right answers for the children of Scotland in the near future.

The Deputy Presiding Officer: That concludes the debate on child witness reform. I wish all of you a happy Easter break.

Meeting closed at 17:23.

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