

MEETING OF THE PARLIAMENT

Thursday 31 October 2002

Session 1

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Scottish Parliament

Thursday 31 October 2002

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

Broadcasting and the Print Media

The Presiding Officer (Sir David Steel): This morning we have two short debates, the first of which is on motion S1M-3507, in the name of Michael Russell, on broadcasting and the media in Scotland, and two amendments to that motion. I invite members who want to take part in the debate to press their request buttons, and I call Michael Russell to speak.

09:30

Michael Russell (South of Scotland) (SNP): At the outset, I declare an interest in journalism and broadcasting, as outlined in my entry in the register of members' interests. That includes working for *The Herald* newspaper.

This morning's debate gives an unusual opportunity for the chamber to consider media and broadcasting issues. I anticipate that, once again, there will be the regular complaints from members on the variety of unionist benches that are always arrayed against us that the SNP is concentrating on matters that do not and should not concern us. Indeed, that is part of the burden of the ideological amendment lodged by Mr Monteith. However, it is worth noting that there has not been a full-scale debate on media and broadcasting issues in the chamber since the Parliament was established.

Taken together, those industries employ tens of thousands of people in Scotland, and they are key forces in shaping our society. They inform and influence everyone who lives in the nation, and they carry forward many aspects of our shared cultures. They are, in short, central to our economic, cultural and social well-being as a nation. Not only is it appropriate that we discuss those issues in the chamber; it is essential. It is particularly essential at the moment, because a variety of problems and possibilities need resolution and can be helped to a resolution by the intelligent interest of this chamber.

The SNP motion expresses a frustration that we in this Parliament cannot yet legislate to help and support our media industries. I say "yet" because it will come. Although we are deprived of power—[*Interruption.*] I can see that Mr Monteith is excited already.

Although we are deprived of power, quite

deliberately, we can use our influence. Accordingly, I hope that this morning's debate will influence in the interests of Scottish culture, Scottish society and the Scottish economy.

I want to address three specific issues that require resolution. The first is the present situation concerning the Scottish Media Group. We are all familiar with the bidding process, which is now under way, but we may not be familiar with the rules in relation to the public interest under which the process will be conducted. Those rules are laid out in fair trading legislation, but unless a total circulation of 500,000 newspapers is involved in any bid—on the side of the bidder and the purchaser—there is no automatic referral under the newspapers section of the legislation. However, under normal competition powers there can be a referral if there is an issue of overdominance in the market. As anyone who purchases *The Herald*, the *Evening Times* and the *Sunday Herald* will have a considerable slice of the quality market in Scotland, there would be considerable overdominance if the final purchaser already had a strong stake in that market.

The Herald has justifiable claims to be the oldest continuously published daily newspaper in the English-speaking world. It carries the date 1783 on its masthead. The claim is historical, but the paper has strong present-day claims to be a distinctive and authoritative voice on Scottish and international affairs. Anything that is done to weaken or distort that voice must be avoided.

The responsibility for avoiding that lies in several places. It lies, first of all, with the present owners. They cannot just abrogate their responsibilities in return for the largest, fattest cheque that they can attract. They must realise that they have a duty of care to the papers, the staff, the readers and the respective future of all those groupings. That duty of care extends to ensuring that the papers are sold not to an organisation that will asset strip and run them down, but to an organisation that will build them up. Responsibility also lies with the purchasers. We need to know what they intend and how they intend to operate. Responsibility lies with the United Kingdom Government, which can inquire into that purchase and, if it chooses to do so, block it.

Responsibility also lies here. The people of Scotland expect us to show an interest. I renew my call for an inquiry by a Scottish Parliament committee, preferably the Education, Culture and Sport Committee, to take place as soon as the shortlist of the three final candidates is known. I commend the work that Karen Gillon and others have done on the issue. I know that a lot of work has been done, particularly in making it clear to Westminster that there must be an inquiry. I hope that Karen and other members of the committee—

several of whom are here this morning, including me—will go the extra mile to allow the committee to act on behalf of the people of Scotland. We must allow the people to hear in open session from those who are selling the titles and those who want to buy them. We must hear the reality of the situation, so that, even though the people of Scotland may not decide, they may judge.

We have rules about the care of precious national assets and we forbid demolition of parts of our heritage that are valuable. How much more important to us are assets such as *The Herald*? We need to show equal care and extend our effort equally for their future.

The second issue that I want to touch on is the Scottish Six, about which there is a new urgency. We know that the BBC is considering the future of its news and current affairs plans in the run-up to the Scottish Parliament election. We also now know that, when the issue was considered before, Scotland was lied to. We know that, because John Birt has confirmed it in his memoirs. I take that personally, because the then chairman of the BBC board of governors, Sir Christopher Bland, told Alex Salmond and me at a meeting in London in October 1998, without any doubt or equivocation, that the decision on the Scottish Six would be taken for broadcasting reasons and broadcasting reasons alone.

Sir Christopher may have been a dupe. He may have known nothing about what was going on behind the scenes, although I would find that surprising. However, we now know that John Birt was working with Gordon Brown, Tony Blair and others to stop the Scottish Six. That fact has tarnished the BBC, just as it has tarnished the new Labour Government. As usual, the less subtle members of the Parliament have put it in less subtle ways. In a radio interview, Kenneth Macintosh described the Scottish Six as a nationalist plot.

We need action on the matter. A Scottish Six is overdue. In fact, all news and current affairs for Scotland that reflect on the world should come from Scotland. That is the norm in every other country and it should be the norm here. The BBC has it in its hands to rectify the situation. It could apologise for what has taken place and for the actions of its former director general, and it could announce the intention to repatriate the scheduling powers for news and current affairs that should exist and to create the production abilities. To introduce with early effect a Scottish news service that comes from Scotland but covers the world would be a fine act in the run-up to the Scottish Parliament elections. We have an influence on that and we should make that influence felt.

Finally, I want to turn to a third issue: the communications bill. Scotland's powerlessness in

the face of the changes that the world is undergoing in media and communications is shown by the Westminster communications bill. That issue will not even be addressed in this chamber by the much-loved device of a Sewel motion, which the Executive uses at the drop of a hat. The whole matter of broadcasting and media ownership and regulation will be decided at Westminster without reference to this Parliament. Unlike the situation in Wales, where the National Assembly for Wales has already spoken on the issue, it looks as if the Scottish Executive does not even intend to consult the members of this Parliament.

The communications bill as drafted is, to put it simply, an inappropriate approach to broadcasting and media regulation for a small nation of 5 million people that has a distinctive culture and media ecology. As even the joint Westminster committee under Lord Puttnam saw, the communications bill is a naked attempt to allow the big business media friends of new Labour to dominate the increasingly profitable communications market. It will lead to a dumbing down of broadcasting in Scotland and to the pursuit of short-term profit at the expense of long-term cultural development, and it will damage attempts to build production and media skills in our country.

Worst of all, it will take away from Scotland the ability to be heard at the top level of the regulatory process. The sops of a presence on the content and consumer boards of the Office of Communications are meaningless if they are not accompanied by membership of the main board itself. They are *ex post facto* positions, commenting on what has happened rather than making things happen.

No Scottish Government, even one of Mr Monteith's hue—fortunately we shall all be spared that—would choose to regulate the media in the way that the communications bill proposes. No Scottish Government would want to regulate in such a way that cultural issues are ignored and the Scottish media is sold to the highest bidder. However, that is what the communications bill will mean and so it will damage Scotland.

Key decisions are about to be made about newspaper ownership, television news and current affairs and regulation of the media, and such decisions should be taken in the chamber. Until the chamber has the right to make such decisions, they will be made for reasons that do not take into account Scotland's interests and they will have effects that can only be harmful to Scotland. All of us should support the transfer of full media and broadcasting regulatory powers to the chamber rather than the mealy-mouthed, second-best solution that is repeated in the Executive's amendment.

We should not support the rampant ideology in Brian Monteith's amendment. I am glad to see that he is enjoying what I am saying—I did not enjoy reading his amendment. Both amendments are based on the know-your-place attitude of the unionist parties. The attitude is that there are matters about which Scots cannot speak. However, it is vital that we discuss our media and the way in which our media works for us.

Without a transfer of powers, all that we will be able to do is to pick up the pieces after every difficulty and job loss and bemoan what is happening from the sidelines. If there is a transfer, we can make a difference. Pending that transfer, we should be active in opening up the secrecy and potential damage that could be caused by the sale of the Scottish Media Group titles. For the avoidance of doubt, the Barclay brothers and their destructive Svengali, Andrew Neil, are some of the wrong bidders—in fact, they are the really wrong bidders. We should campaign for BBC news and current affairs in Scotland to be controlled and run by BBC Scotland and we should expose the disgraceful actions of Labour figures and the former director general, which have made progress so difficult. We should be steadfast in our determination to ensure that any communications bill in the immediate future includes rather than excludes Scotland.

The motion expresses the majority view of Scots on such matters. I commend it to the chamber and to those who are not too blind to see its truth.

I move,

That the Parliament recognises the vital importance of broadcasting and the print media to the cultural, social and economic life of Scotland and expresses its concern that the present devolution settlement prevents it from legislating in order to secure diversity of ownership and appropriate modern broadcasting regulation in Scotland.

09:42

The Minister for Tourism, Culture and Sport (Mike Watson): My amendment basically seeks to remove the rather downbeat outlook that we have heard Mr Russell espouse and replace it with a more positive outlook. It seeks to highlight what we can do and what we are doing.

The debate takes place at a crucial stage in the development of broadcasting in the UK. The many aspects of our cultural, social, economic and political lives, in which broadcasting and the print media play an important part, are self-evident. We are discussing reserved matters, but they impinge on our lives in so many ways that it is understandable that members—and not only SNP members—should be concerned with the debate around current issues.

Broadcasting and other forms of media provide an infrastructure and cultural and information

networks that form the core knowledge that we need and use daily. From the Executive's point of view, they are the major channel for communicating our progress in delivering on the key priorities of education, health, crime, transport and jobs. Therefore, we appreciate their value and the need to be aware of and influence developments.

The sector's contribution to our economy is significant in a number of ways. It contributes quality jobs, develops creative talent and tourism and sustains specialist suppliers of services. It is no exaggeration to say that the democratic process itself is dependent on a healthy, diverse and appropriately regulated media sector and I have no doubt that that matter will be prominent in the debate. I strongly believe that ensuring editorial independence and diversity of opinion as well as diversity of ownership in Scotland's media are important.

Therefore, the forthcoming communications bill, which will introduce changes to reinvigorate the sector and equip it better for the future, is important for Scotland, as it is for other countries and regions of the UK. That is why the Executive has actively promoted Scotland's interests in respect of the bill, which is expected to go before the Westminster Parliament shortly.

Protecting the interests of the Scottish communications industry and securing a strong influence for Scotland within the structure of the new regulator were central to the Executive's response to the consultation on the draft bill. To maximise Scotland's influence within the new framework, our preference has been for a distinctive Scottish committee within the Ofcom structure, as an alternative to securing a single Scottish seat on the main board. We made that point in our submission to the consultation process, but the First Minister also made it directly to the Secretary of State for Culture, Media and Sport, Tessa Jowell, in the summer.

Mike Russell referred to our "powerlessness", but I am pleased to say that our proposals have been accepted in principle and, as a result, there will be a Scottish committee, which will support the Scottish representative who will be appointed to the consumer panel. It is interesting that when we obtain more influence, there are sniggers and sneers from the SNP benches. It would be nice if, just once, the SNP welcomed progress on an issue, even if that progress does not go as far as it wants to go. However, that seems to be beyond SNP members.

The appointment of a Scottish representative to the consumer panel will be made by Ofcom following consultation with Scottish ministers. Indeed, there may be a further strengthening of Scotland's influence when Ofcom, when it is

established, agrees the mechanisms that it will need to ensure that Scotland's interests are properly represented and articulated. Scottish ministers are seeking an early meeting with the chair of Ofcom to take that matter forward.

The new measure that I have been able to confirm today will increase the number of people who will have a direct role on behalf of Scotland within the new Ofcom structure from the number that was originally proposed. That major concession shows the efficacy of our representations at UK level and demonstrates that, where we make our case convincingly, it is listened to and, most important, acted on. The concession is additional to the measures that we had already secured through our negotiations, which include the establishment of an office in Scotland and a section on Scottish interests in the Ofcom annual report.

Michael Russell: Will the minister make it clear whether the position that he has described gives us more or less influence than there was in the Independent Television Commission structure? How can there be more influence with no presence on the main board? By definition, there must be less influence.

Mike Watson: I mentioned more influence than was originally proposed. We are moving to a new regulatory structure and it is important that there is a strong Scottish influence and presence—we have argued for that, the First Minister has argued for it and it has been agreed. It has not been agreed without strongly stating the Scottish case. We have had some success and that should not be looked upon lightly.

I mentioned the section on Scottish interests in the Ofcom annual report. There will also be a statutory requirement for Ofcom's content board—which, with the consumer panel, will be an important regulatory mechanism—to reserve membership for Scottish representation.

Those are important indicators of the Westminster Government's recognition of the importance of the communications bill's provisions for Scotland and of Scotland's distinctiveness—other ministers and I regularly stress that in our contacts with Westminster ministers. The record must be examined before dismissing such recognition. I will not be drawn into the trap of trying to satisfy the SNP's demands. Apart from anything else, it would be utterly impossible to satisfy them. If one demand is met, another demand will immediately come behind it. We must look upon things in a positive vein. We know what the devolution settlement is and the people of Scotland know what it is. They, like most parties in the chamber, want that settlement to work, which is what the Executive, the Labour party and the Liberal Democrats are trying to do.

In the time that is left to me, I want briefly to discuss the implications of the communications bill for the Gaelic language. I am pleased to say that discussions on the future of Gaelic broadcasting are taking place in conjunction with the Scotland Office. Recently, I met Anne McGuire MP, who is Parliamentary Under-Secretary of State at the Scotland Office, to discuss various issues. A Gaelic working group has been established, which involves the Scotland Office, the Executive, broadcasters, the ITC and the Department for Culture, Media and Sport. The group will prepare an amendment to the communications bill, including a provision to enable a Gaelic television service to be set up on digital television. Further work will be needed once the bill is passed to develop new arrangements, and the aim is to build on the strengths and experience of the Gaelic broadcasting committee to create a secure basis for the future of Gaelic broadcasting.

I ask members to take what I have said as reassurance that the Executive is fully committed to ensuring that Scotland's interests will be secured in respect of changes to communications and media structures throughout the UK. In the context of such a commitment, I invite members to support the amendment in my name.

I move amendment S1M-3507.1, to leave out from "and expresses" to end and insert:

"; recognises the importance to Scotland of UK, Scottish and regional television programming and production; believes that these interests are enhanced by diversity in media ownership, and believes that it is vital that the relevant regulatory bodies reflect those Scottish interests in respect of UK broadcasting regulations and other media matters."

09:49

Mr Brian Monteith (Mid Scotland and Fife) (Con): I am pleased to participate in the debate. I declare my interest as a columnist for The Scotsman Publications Ltd and a past columnist with *The Herald* newspaper.

It is interesting that the SNP has called for the recall of the Parliament three times, but when it has the opportunity to secure a debate, it does not choose to debate Iraq, the recession or the First Minister's interest in expenses in his constituency; it chooses fishing and broadcasting. That highlights the type of opposition—

Stewart Stevenson (Banff and Buchan) (SNP): Will Mr Monteith give way?

Mr Monteith: No. I have just started. I am happy to outline what I think of the SNP.

There were opportunities to talk about fishing in the statement on fisheries yesterday, and for the opening debate today the SNP has chosen broadcasting rather than any of the three issues on which it wanted to recall Parliament.

Mike Russell's motion and his speech are revealing. There is an issue of overdominance in relation to the purchase of the Herald newspapers—*The Herald*, the *Sunday Herald*, and the *Evening Times*—but that is what it is: an issue. However, in his speech, Mike Russell made it clear that, for him, it is not so much an issue as a closed issue. He suggested that there should be no possibility of the Barclay brothers or any of their companies owning the Herald newspapers. That reveals that the Scottish National Party does not understand business.

The Herald and *The Scotsman* both claim to be national Scottish papers and have made attempts to emphasise that. The reality is different. The newspapers have a strong regional bias. The readership of *The Herald* in Strathclyde is 200,000 and its readership in Lothian and the Borders is about 11,000. The readership of *The Scotsman* newspaper is about 23,000 in Strathclyde and is 107,000 in Lothian and the Borders. The two newspapers have strong regional sales and readerships. That is reflected in the north. In Grampian and the Highlands, neither paper does as well because of the strength of *The Press and Journal*. In Tayside, Perthshire and Fife the papers do not do so well because of *The Courier and Advertiser*. We must also take into account the impact that has been made by the *Daily Mail*, which is eating not only into tabloid sales but into broadsheet sales. We must also consider the growth in the readerships of *The Times*, *The Daily Telegraph*, *The Guardian* and *The Independent*.

It is a competitive market. No group can say that it has a monopoly position in the broadsheet market. No group, even *The Scotsman Publications*, would be able to say with any certainty that it would have market dominance if it joined with the Herald group. The issue is certainty. That is why we should have referrals and institutions to make checks and balances. However, that is not what Mike Russell says. He says that the issue is closed.

I believe that the way to success in Scottish business is to have an open market. The way to success is to accept that if we want the Royal Bank of Scotland to play the game and be able to take over NatWest, we must accept that it might be possible for the Halifax to merge with or possibly take over the Bank of Scotland. That is how the market works in Britain. As a unionist, I defend that, because it allows Scottish business to have the strength and power for our Scottish companies to go forward. The SNP would rather do them down. The SNP does not understand Scottish business one jot.

Dorothy-Grace Elder (Glasgow) (Ind): Will Mr Monteith take an intervention?

Mr Monteith: No. I am beginning to enjoy this, so I shall carry on.

Dorothy-Grace Elder: I am a journalist.

Mr Monteith: I know that Dorothy-Grace Elder is a journalist, but I will carry on.

The Presiding Officer: Mr Monteith is in his last minute.

Mr Monteith: If the Barclay brothers or any of their companies were to take over the Herald papers, there would be a possibility of creating a strong media group that could begin to progress beyond the Scottish Borders. I like the idea of a Scottish company spreading itself and beginning to have market dominance. I say well done to Freddie Johnston—what a great champion of Scottish business. Not only did he clean up in buying lots of titles in Scotland, but he has gone down south and is buying titles in England. That is the sort of Scottish business that we want. I have no difficulty with that, so long as the companies perform within the competition rules that the House of Commons has set.

I will pose one other question about the purchase of the Herald newspapers. According to Mike Russell's speech, venture capitalists are preferable to the possibility of the rapacious Barclay brothers buying the Herald newspapers. It seems more likely that venture capitalists would asset strip and break up the company than that proven publishers, who have an interest in maintaining the regional diversity that exists between *The Herald* and *The Scotsman*, would.

I suspect that there is a lot more behind the SNP's position than a misunderstanding of business in Scotland. The SNP fears Andrew Neil, because it believes that, somehow, that arch-unionist will change the nature of *The Herald*. I remind members of the sort of people who write for *The Scotsman*: Joyce Macmillan, that well-known Tory; Kirsty Milne, another well-known Tory; Jimmy Reid, an evacuee from *The Herald*; and George Kerevan, a well-known supporter of the Scottish National Party.

If there are to be new owners of the Herald newspapers, as there have been many times, it is clear that they must strike their own marketplace. They must show what makes them different. I have no doubt that the future of *Iain Macwhirter* in the *Sunday Herald* and *The Herald* will be assured, because that shows the paper to be different and to have a different editorial tone. That is what makes people want to buy it, not just its regional content.

The Presiding Officer: I must ask the member to close.

Mr Monteith: I am closing, Presiding Officer.

My colleague, Murdo Fraser, will take up the issues about broadcasting.

What does the SNP's motion say about Scottish business? What does it say to successful Scottish businessmen? What does the SNP want from Scottish business, other than its money and donations? What we have in the debate today is a complete misunderstanding and a denial of all the good work that Andrew Wilson has been doing. The SNP has expressed the belief that Scottish business is there only to be run and organised in a fortress Scotland—that is what independence would mean. I have no confidence in the fortress Scotland that the SNP wants to bring in and I have no confidence in its motion.

I move amendment S1M-3507.2, to leave out from “and expresses” to end and insert:

“; believes that the public interest is best protected by maximising competition and liberalising the current strict laws that apply to the media; supports the principle that such matters are dealt with at a UK level but considers that the current regulatory structure is detrimental to the growth and prosperity of the sector, and supports the right of broadcasters and publishers to make their own commercial decisions with the minimum possible interference from the state.”

09:58

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): I wonder whether it is significant that we are having this debate on Halloween, when the good guys are supposed to get together to ward off evil spirits.

I was in a supermarket the other day and I saw a wee chap trying on Hallowe'en masks. There was one of Homer Simpson, one of Maggie Thatcher and one that looked terribly like Andrew Neil.

Michael Russell: That was the scary one.

Ian Jenkins: Absolutely. It gave me quite a turn.

At Hallowe'en, there are shadowy figures in the background who do not want to identify themselves or come out in the open. Those issues surround the SMG sale, which we might come back to later.

The motion is a funny mixture—on the surface it deals with broadcasting and the media, but it has a constitutional element. I worry about that because, although Michael Russell wants to open up the debate in some regards, when the SNP includes such a constitutional element in the debate it always makes the debate more difficult. In addition, issues arise that are about competition law and not really about broadcasting.

The Liberal Democrats have expressed disappointment at the provisions of the Scotland Act 1998 with regard to broadcasting regulations and worries remain. However, the issues are complex and it is not helpful for us to indulge in constitutional navel-gazing every time that we come to such debates.

We want the integrity of the Scottish press and broadcasting organisations to be protected. In a policy document that will be presented to our party conference on Saturday, we suggest that there will be a time and place for re-examining the provisions of the Scotland Act 1998 that need to be amended. We want to engage the Scottish community in that debate. I hope that at that time the SNP will engage in discussions in a constructive and gradualist, instead of in a fundamentally obstructive and destructive, manner. In the meantime, we should work with the grain of the powers that we have under the devolution settlement. We should work together to protect Scottish interests. The important point is not which jurisdiction protects those interests, but the fact that protections exist.

We all agree with the motion's assertion that broadcasting and the media are of vital importance

“to the cultural, social and economic life”

of our nation. It is important that we should be able to discuss matters in those terms, without always being hung up on the constitutional issue. I broadly support the cultural strategy, but because of the constitutional issue it does not deal with broadcasting and the media in their proper place. We ought to be able to discuss such matters constructively and to examine the contribution that broadcasting and the media make to our cultural and social life without having constantly to deal with the claim that constitutional changes are necessary.

The SMG sale is in the minds of all members. We all agree that the sale of the titles to a buyer who would insist on editorial compliance with a particular political bias would diminish the scope for discussion of and debate about our political, social and artistic life. It would be desperately bad for democracy if the pluralism and diversity of opinion that are expressed in our media were to be diminished.

From time to time, the SMG has been criticised in the chamber for some of its policies. However, it is to be commended for its actions as proprietor of *The Herald* and the *Sunday Herald*. It has offered those papers editorial freedom, which has allowed them to develop into journals that have strength in both style and substance. Like Michael Russell, I believe that the SMG has a responsibility to consider the merits of those to whom it sells the titles. However, it should be commended on allowing them to develop in the way in which they have.

Much of the Scottish press adopts a jaundiced and potentially destructive attitude to many aspects of Scottish life. It would be sad if further inroads were made into the freedom of expression and diversity of opinion that are available to

Scottish readers. It would be particularly sad if some of the titles that have, on the whole, been able to take a balanced and reasonable view of Scottish life were to be hampered.

Members will know that the Education, Culture and Sport Committee has written to Melanie Johnson to express its concern about issues surrounding the purchase of the newspapers. We will write again with the aim of ensuring that the arbiters in this case recognise that, although from a United Kingdom perspective the competition issues that it raises are not huge, in Scotland decisions about who owns *The Herald* and the *Sunday Herald* are significant and could have a profound effect on our democracy.

We must make representations in every possible way—through the First Minister; through Mike Watson; through the Education, Culture and Sport Committee, as Mike Russell suggested; and through the Secretary of State for Scotland. We must act in every possible way to ensure that the issues are understood by those in Westminster who have the power to make decisions on this matter. The Scottish perspective must be clear and must have a strong influence on their thinking when they make those decisions.

I look forward to a time when we can discuss these matters more regularly. It is not right that broadcasting and the media as they affect the culture and life of Scotland should not be debated in the chamber. We should debate such matters more often, both here and in committee. At the moment there is no need to dwell on the constitutional issue. However, no decision should be made in this case until those who are responsible for making it have a full understanding of how the Parliament feels about the issues that the case raises.

I do not support Mr Monteith's amendment.

10:04

Richard Lochhead (North-East Scotland) (SNP): I welcome this debate, which is sponsored by the SNP. Mike Russell's opening speech was excellent.

Most people to whom I speak in Scotland are fascinated by the fact that the Parliament does not have responsibility for broadcasting, although we have responsibility for matters such as education, culture and economic development. Members from all parties believe that we should have legislative responsibility for broadcasting and media issues in Scotland. In 2000 we debated the future of Grampian Television and regional identity in Scotland. That debate was well attended by members from all parties, who are keen to make use of any opportunity to discuss broadcasting issues in the Parliament.

The history of Grampian Television, which plays a crucial role in maintaining regional identity in the north and north-east of Scotland, is very pertinent to today's debate. Regulation of the media and broadcasting industry is a key issue for Grampian Television, which plays a distinct role and has produced award-winning programmes. However, the history of Grampian Television illustrates some of the challenges that regional identity in Scotland faces. In the 1960s, the station had 300 employees, but now it has only 100. Unfortunately, the station's regional programming time has been cut again, to seven hours a week. That happened despite the fact that the former Deputy Minister for Environment, Sport and Culture, Allan Wilson, told the chamber that he supported an increase in the regional quota for Scottish television stations. Scottish Executive ministers do not have the power to influence decisions on these important issues.

We live in competitive times, and Scotland faces the challenge of protecting not only its regional identities but its national identity. The media sector plays a crucial role in promoting culture, identity and democracy in Scotland. It helps to hold the Parliament and our other politicians to account. For that reason, it must be protected.

The communications bill is on the horizon. That includes a proposal to relax restrictions on non-European Union ownership of broadcasting companies in the United Kingdom. It also promotes light-touch regulations, which entail a further relaxation of the safeguards that are currently in place. It is no wonder that Philip Schlesinger of the University of Stirling wrote recently:

"Opening the door further to overseas multi-media corporations will not make regulation easier. Any distance between owner and media market is likely to diminish the sensitivity to questions about Scottish content."

That is a very important statement. This debate is all about the issue that Philip Schlesinger raises.

The Parliament needs to do more to address the challenges that face our identity and culture in Scotland. The communications bill raises the prospect of one owner buying the whole ITV network. If Grampian Television had to fight to maintain its identity within the SMG, what will happen to Scottish Television, Grampian Television and the SMG if they have to fight within a large multinational corporation, such as Disney or Microsoft, which may buy the entire ITV network? That is the seriousness of the challenge that we face. Scottish broadcasting needs a strong regulatory framework. For that reason, we should campaign to have a voice on the board of the Office of Communications.

Twice during First Minister's questions, the First Minister told me that he was fighting to get a place

on the board of Ofcom. Unfortunately, he lost that battle. I have received a letter from the Deputy Minister for Tourism, Culture and Sport, in which she states:

"OFCOM itself is designed to be a small strategic body ... It is proposed that there should be a Contents Board, which would have many of the functions of the existing broadcasting regulators, and a Consumer Panel."

That is back-tracking. The Executive is settling for second best, which is not good enough for Scotland. The ministers are telling the Parliament that they fought for Scotland, but failed completely. By accepting this decision, Jack McConnell is admitting that he has lost and has no power or influence to secure a good deal for Scotland.

I challenge members of the other parties represented in the Parliament to contact their Westminster counterparts. MPs do not want to promote Scottish broadcasting, because they think that that will result in their having less time on our TV screens. That is why they are busy setting up all-party groups at Westminster to promote "Coronation Street", rather than fighting for the Scottish broadcasting industry. We remember the Falkirk West MP who said that there is too much Scottish news in Scotland. We know what the MPs' agenda is. I ask MSPs from other parties to fight to get a good deal for Scotland in the communications bill and to persuade their Westminster colleagues to see sense and to fight for Scotland.

10:09

Karen Gillon (Clydesdale) (Lab): Most of the people to whom I speak want to talk about the health service, crime on our streets, jobs and education. They do not want to talk about broadcasting. Richard Lochhead may be speaking to the wrong people.

There are issues of concern relating to broadcasting. I have no problem with making my views known in the Parliament and to the UK Government. I have done that and will continue to do that. I have no problem with raising issues of concern in the Education, Culture and Sport Committee. I have a record of doing so, to which I will return later.

I welcome the positive progress that the Scottish Executive has made in relation to the draft communications bill, which shows what can be done when the Executive and the Scotland Office work together in pressing such issues. However, there is an opportunity for further progress to be made and I hope that the minister will indicate in summing up that negotiations are continuing and that progress can be made. I believe that a seat on the Ofcom board is not beyond the realms of possibility and that we should continue to press for it.

I also welcome the progress that has been made

in relation to Gaelic broadcasting. In particular, I welcome the way in which the draft communications bill has picked up some of the points that the Education, Culture and Sport Committee made in its recent report on Gaelic broadcasting, which are to be considered further.

I will focus my remarks on the takeover of SMG publications. I have made my views on that known in the Education, Culture and Sport Committee and I will reiterate them now. I say to Brian Monteith that if the business transaction were open, transparent and above board, I would have no problem with its progressing in the normal manner. However, Scotsman Publications Ltd has not bid to buy the Herald titles; a Barclay brothers subsidiary company—Ellerman Investments—has bid to buy the Herald titles. If the transaction were open, honest and transparent, Scotsman Publications Ltd would have bid openly to buy the SMG's titles, *The Herald*, the *Sunday Herald* and the *Evening Times*. Everybody in the chamber would then have to accept that that transaction would have to follow the proper procedures.

My view is that something underhand is taking place. I say to Brian Monteith that the bid is predatory.

Mr Monteith: I agree with the member.

The Presiding Officer: Order. There should be no sedentary interruptions.

Karen Gillon: The bid is predatory and it should be dealt with under the special newspaper mergers regime. There is a view in Scotland that the bid can be dealt with outwith that regime, by dealing only with circulation figures. If that happens, it would be detrimental to the plurality and diversity of the Scottish media. There might be regional bases to *The Herald* and *The Scotsman*, but the two papers also take different editorial lines, which reflect the diversity and plurality that exist within Scotland. If that editorial difference were to be lost, it would be detrimental to Scottish culture and broadcasting and to the way in which the Parliament is reported.

There are clear economic issues. A merger of two newspapers would have benefits, such as the reduction of costs, which might centre on print works. We know that *The Herald* has lovely new print works, and that *The Scotsman* lost its print works through fire and that they will have to be rebuilt. We know that there are more journalists than will be required to support the two newspapers, should they be merged. We know that ancillary staff would lose their jobs. There are real economic issues around the merger that need to be discussed. The right and proper place for those issues to be discussed at this point in time is within the UK Government.

Melanie Johnson is fully aware of the issues,

because the Education, Culture and Sport Committee made the points to her. I am not yet convinced that we should undertake a full inquiry. If Mike Russell wishes to bring evidence to the committee at a later date, I would be perfectly prepared to listen to it and the committee would make a decision on that at the appropriate time. However, on the basis of the current evidence, I do not think that holding a full inquiry would do anything to further the case. We can make the points that we need to make in the manner in which we have done already. I will consider that in the future. I conclude on those points and look forward to the minister's response on the issue of the Ofcom board.

10:14

Dorothy-Grace Elder (Glasgow) (Ind): I was becoming reluctant to speak, because I have to attend a funeral and I did not wish to seem discourteous by bolting after I had spoken. In my lifetime, which has been spent man and boy in the newspaper and television industry, I have thought many times that I was about to attend the funeral of the media industry, especially the printing side of it. However, each and every time, something happened to lift a group or newspaper out of the fire just in time and no more, although there have been far too many mergers.

I remember the dreadfully sad night of the closure of the *Scottish Daily Mail*, which was a flourishing newspaper at Tanfield in Edinburgh. Many years later, I was a worker in the first British workers' co-operative newspaper venture, the *Scottish Daily News*. To this day, I thank Tony Benn for putting up some of the funds, although they were inadequate. We found that the big union bosses and the big proprietors did not want us; they wanted the battle lines still to be drawn. Although we failed, we showed the passion that there is among people in the print industry for newspapers.

One can learn from those mistakes. In the case of the SMG, a management and workers' buyout, backed by the Scottish people and the Parliament, is always possible. Believe me, passion is needed to run newspapers. Running newspapers is not at all like Brian Monteith described it. He talked about newspapers as if they were cans of beans. Brian Monteith is a columnist here and there, but he should take it from one who has been through the heat of the day and night working on newspapers that that is totally different and that the influence of a bad proprietor can seep in like swamp gas. The very best proprietor is an invisible proprietor. I am fortunate to have been blessed with a few invisible proprietors and excellent editors over the years. Indeed, *The Herald* and the *Sunday Herald* have editors of excellence.

I am afraid that I am going to break the old style

book for *The Herald*, with which I was told to abide. The style book did not include the word "unique", because, as the staff used to say, nothing is unique in this world. However, it is rather unique for me to agree with Mike Russell. There should indeed be a transfer of all media and broadcasting powers to this Parliament in order for us to defend our newspaper industry. I am afraid that whether we like it or not, that will be inevitable if we are to protect what we like to call the freedom of the press.

There will be a hard struggle ahead for those in the newspaper industry, upon which jobs and livelihoods depend. I remember friends back in the hot metal days who lost their jobs because of mergers. Some died not too long afterwards from the stress and strain. Those who survived are some of my very best friends to this day. I ask Brian Monteith to think of the human angle, for God's sake, as well as of the readers and the so-called general benefit to Scotland. We should continue to keep our press here as free as possible, run with passion for the industry.

10:18

Pauline McNeill (Glasgow Kelvin) (Lab): I welcome the debate on the Scottish media, even though the issue is reserved. As Karen Gillon said, there are more pressing issues within our competence and I would have preferred to discuss those. However, I would like to contribute this morning.

I am the MSP who probably represents the most journalists, actors and newsreaders, in Glasgow Kelvin, given that the *Daily Record* headquarters and the BBC and STV studios are in my constituency. The new Scottish soap, which I confess to having watched, is supposedly set in Whiteinch or Partick, which are also in my constituency. I am sure that my colleague Jackie Baillie welcomes the £100,000 investment that the soap has brought to her constituency. I will have a continuing interest in media issues for as long as I represent Glasgow Kelvin.

I can accept either side of the argument about whether the broadcasting media is part of the devolved settlement. However, I object to the dishonesty of the second part of the SNP's motion, which calls for a change in the devolution settlement that the SNP did not support in the first place. Of course, Mr Russell may be a devolutionist infiltrator in the party, which other people would support. The reality of the media and the print and broadcasting industry is that we cannot legislate for the problems that would remain. We cannot legislate for the content of newspaper editorials and we cannot dictate to television stations the content of their news and current affairs programmes. The reality is that

there would be a small market in Scotland.

The dumbing down of the BBC, to which Mike Russell referred, is a continuing issue on which I support him and I know that others share his concerns.

I agree that there has been an increase in foreign affairs coverage. We are faced with the problem of the attitudes of viewers and readers who, for some reason, are less interested in politics and current affairs than we are. We must tackle those readership and viewing issues.

Independence cannot wish away the market size of Scotland or any of the associated problems. I support public broadcasting and the benefits of standards that have come from many years of development and experience. I would like to know what the Scottish National Party's position on public broadcasting is, because that is not clear.

On foreign affairs coverage, the BBC is rivalled only by CNN. We should all celebrate the BBC's success in that field.

Mr Russell accuses my colleague Mr Macintosh of believing that the Scottish Six is a nationalist plot. If he did say that, Mr Macintosh credits the SNP with too much imagination. Mike Russell also thinks that the BBC is a new Labour plot.

Many members would not disagree with the desire for diversity of ownership of our print media that is mentioned in motion S1M-3507. Although there is some consensus on the impending sale of *The Herald*, we must get real about the facts. We cannot change the fact that the industry is run by press barons who will continue to dominate. I do not profess to prefer one press baron to another. The diversity that we so desire might be difficult to achieve. Are we saying that the Barclay brothers should be barred from buying *The Herald* and that Rupert Murdoch represents a better bet?

I welcome Mike Watson's announcement on the development of a Scottish committee for Ofcom and Karen Gillon's suggestion that ministers should press further for a full seat on the Ofcom board. Whether we have a Scottish Six, a Scottish Seven, a Scottish Eight, a Scottish Nine or a Scottish 10, we must be careful about the decisions that we as politicians seek to influence. We must always do that at a distance, regardless of what the constitutional settlement might be. The nationalists must be careful about the level of intervention for which they argue in a democratic country. In spite of the frustrations that the press and the media cause, their freedom must be preserved. Richard Lochhead was concerned about regional programming. I have a few words of advice—he should take the high road.

10:22

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

The debate is important because the media is so influential in providing information and informing views and opinions. Consultation and research consistently provide evidence of Scotland's need for a distinctive service. In Scotland more than in any other country in the United Kingdom, a majority of people want broadcasting to reflect their interests. Research confirms that in Scotland there is a much stronger sense of identity and a much greater interest in regional and national programming.

Negativity from Executive and Tory members contradicts the evidence on viewing figures and public perceptions that research has provided. The report of the Westminster Select Committee on Scottish Affairs indicated that the BBC felt that there was no technical reason why a news programme mixing international, UK and Scottish news that was made and edited in Scotland could not be produced. It is entirely appropriate for us to maintain pressure for news broadcasting of that nature from a Scottish perspective. It is misleading and confusing to continue to relegate our devolved responsibilities to a regional broadcast, while news that is relevant only to other parts of the UK remains part of the main broadcast.

When Scotland is perceived as a region, the regions of Scotland suffer in consequence. I will illustrate how that disadvantage is manifested. Although Dundee is Scotland's fourth city, only one national paper—the *Daily Record*—has a journalist based in the city. In my opinion, the worst offender is the BBC, which has allocated only one full-time reporter to work on news and current affairs. In addition to Dundee, that reporter has to cover large areas of the north-east of Scotland. On the ground of its population size alone, not to mention all the interesting developments and news opportunities that it offers, Dundee should justify a far greater number of staff. There has been no investment in staff and local infrastructure for years.

The fact that Dundee is a serious base for news reporting should be reflected in the coverage that the city gets. Some members feel strongly that Dundee's situation compares most unfavourably with Aberdeen, which has a similar population, or Inverness, which has a smaller population. We are seeking an urgent meeting with the controller of BBC Scotland, because far higher numbers of reporters are based in those cities than in Dundee. If all our news broadcasting originated in Scotland and had a Scottish focus, there would not be a tension between the cities and the regions—all the cities and regions of Scotland would be better served.

Another example illustrates the extent to which our cultural diversity is compromised by the current situation. There are differences and they should be reflected in the media. That state of affairs is not adequately reflected in what we see on television, hear on the radio or read in the papers. The Scottish media behaves as if the Scots language does not exist. Scots is never used in broadsheets or in news and current affairs programmes. It is okay for comedy, but not for serious issues. Scottish newsreaders, announcers and interviewers mostly assume standard English pronunciation, even though a third of their listening and viewing audience speak Scots for at least part of the day.

Although Gaelic speakers are better served—they have local papers and Radio nan Gaidheal and are allocated some television time—they want much more than that, including a dedicated channel. The Education, Culture and Sport Committee identified and endorsed that desire in its report on Gaelic broadcasting.

Greater broadcasting powers in Scotland would reflect and secure those aspects—indeed, all aspects—of our culture much more effectively.

10:26

David Mundell (South of Scotland) (Con): Unlike other members, I receive many representations about broadcasting. Those representations are not about whether the regulatory environment should be a devolved or a reserved matter; they are about access and content.

Access to BBC 2 Scotland is a serious issue for television viewers in the south of Scotland. The lack of such access deprives them of access to the “Holyrood” programme and prevents them from seeing coverage of the Parliament on Wednesdays and Thursdays. I concede that their main concern is missing Rikki Fulton’s annual Christmas address.

On content, the failure of Border Television adequately to cover Queen of the South’s glorious second division championship win last season is a matter of great concern. Border Television plays an important role in the south of Scotland. In lodging such a little Scotlander motion, which says that everything must be controlled in Scotland, the SNP forgets the distinctiveness of Scotland and the distinctiveness within Scotland.

Having access to media that cover both sides of the border is extremely important to people in the south of Scotland. What happens in and around Carlisle is highly relevant to people in Dumfriesshire. What happens in southern Scotland is relevant to people in Carlisle, even though I am sure that John Swinney’s visit to Dalbeattie was not the high point of their evening.

Michael Russell: The SNP’s broadcasting policy does not include a proposal to introduce jamming of signals, which would mean that people in Carlisle would be unable to receive Scottish broadcasting and vice versa. On that basis, the member’s argument falls.

David Mundell: My argument does not fall, because the SNP proposals on the regulatory environment would threaten the ability of Border Television to cross the border by operating a regional franchise in Scotland and England. Under the SNP’s regime, there would be a wider Scottish franchise, in which the south of Scotland would hardly be mentioned. That is the reality of Mr Russell’s proposals.

Michael Russell: Will the member take an intervention?

David Mundell: No, we have heard from Mr Russell. I am sure that viewers would like him to be jammed.

People do not come up to me to express their concern about the sale of *The Herald* and *The Scotsman*, because those papers rarely cover or mention areas such as Dumfries and Galloway. That is what would happen if our television service did not take into account regional diversity within Scotland. On the wider issue, it is important that we continue to be informed about what is happening in England.

Obviously, there is significant room for improvement in some of the sloppy journalism within the BBC across the UK. For example, the BBC’s “Breakfast” programme continually fails to set out that an education measure applies only to England and Wales. There is a serious job still to be done within the BBC and other national organisations before they come to terms with the devolution settlement.

However, given the contributions to today’s debate from Mr Russell and his colleagues, the national media are not the only ones who have still to come to terms with the devolution settlement.

10:31

Stewart Stevenson (Banff and Buchan) (SNP): It is fascinating that David Mundell thinks that the new arrangements, which will see Border Television rebranded as ITV1 and so lose its identity, will be of benefit to his area. The diversity of ownership is one of the things that underpins the diversity of opinion. I suspect that the entire Parliament shares the view that a diversity of opinion should be expressed through our media.

I am fortunate in being able to outbid Pauline McNeill in one sense, as my parliamentary constituency probably has a greater diversity of media than almost any other. We have four weekly

newspapers published in the constituency and a further five that are widely distributed. We have three radio stations based in the constituency, one of which broadcasts continually, the others less so. We also have four other broadcasting organisations that beam local news into the constituency.

How does that happen? To use some business language, the reason is that channels to market are available for those media. That is what supports them. However, to use business language again, those people do not have the kind of constructive monopoly that can exist in broadcasting. For example, we cannot magically create the bandwidth that will allow us to have competition in either the Scottish Television or Grampian Television franchise—or, at least, not yet.

Digital broadcasting will provide some opportunities. It is illustrative to consider the difference between Scotland and Wales. The National Assembly for Wales is already carried on digital broadcasting. Despite the constraints of the devolution settlement, the Assembly has taken the initiative to ensure that Wales can access the new media.

One of the new media, to which no reference has been made in the debate so far, is broadband. Broadband will increasingly become one of the delivery mechanisms for new direct-to-home news, information and entertainment channels. Scotland lags so far behind that it barely registers on any world measure of broadband utilisation.

It is a great disappointment that, while we hear colleagues on the Government benches trumpeting the creation of a new committee under the new arrangements, we hear nothing about the abolition of the existing Scottish advisory committee on telecommunications, which has effectively championed the cause of broadband in Scotland. Again, consider the experience in Wales, which has made an investment of £100 million to give access to broadband across the whole of Wales. That contrasts dramatically with what happens here in Scotland.

We are making so little progress because we do not have the powers that would enable us to make more progress. Let me give an illustration of that. Scotland is covered with fibre optic cable, but most of it is in private hands, despite the fact that it uses public wayleaves. The technologies that have been chosen block off public access to that cable, but we cannot do anything about it.

One of the ironies is that my mother spoke no English when she went to school and no Gaelic when she left it, yet today Scottish broadcasting's most effective current affairs programme is in Gaelic. That programme is "Eòrpa". The

broadcasters manage to get away with that because the programme is hidden away in what is regarded as a ghetto. In 1966, Radio Scotland started as a pirate station. Today, BBC Scotland is still piratically—like the Executive—abusing its position.

I support the SNP motion.

The Deputy Presiding Officer (Mr George Reid): Winding-up speeches should be of four minutes.

10:35

Donald Gorrie (Central Scotland) (LD): As a member of the Procedures Committee, I find it interesting that today's debate, which has been all about regulation, needed to have some regulation of predatory interruptions, which is an issue that was raised.

Let me deal with the constitutional issue first. I entirely support Ian Jenkins and I have come to sit beside him, instead of in my usual place, to reassert that the Liberal Democrats do not see the present constitutional settlement as final. The settlement was a compromise that was achieved by Donald Dewar, who got it through the House of Commons very well. We should not tinker away with the settlement, but we should study it carefully over the next few years and draw up a sensible list of the changes that need to be made within the United Kingdom to improve the working of this Parliament.

There are two underlying problems, which are perhaps outwith our control. First, despite devolution, the United Kingdom is perhaps the most centralised democratic country that exists. The media reflect that and are totally London-centred. If the second coming happened a few miles north of Watford, it would rate a very few paragraphs on some inner page.

Let me illustrate that point. Some years ago, I tried to help some newsagents who had problems with a wholesaler of magazines who had a virtual monopoly. However, the monopoly people in London said that there was no monopoly, because the newsagents could drive down to Berwick or Carlisle and fill up with magazines from some other wholesaler. That shows a complete lack of understanding of the whole thing. The problem is that we are over-centralised.

There is another problem, which I will try to express delicately. There is a perception that the Labour party in London—in London, I emphasise—is too much in cahoots with unbridled capitalism and especially with people such as Rupert Murdoch. That is an issue—although one that, I am sure, is not shared by my excellent coalition colleagues.

The key issue is how, or whether, we should regulate unfettered market capitalism. Our Tory friends do not think that we should have any regulation at all. They want a free-for-all and they do not accept Ted Heath's remark about the unacceptable face of capitalism. I believe that capitalism does have unacceptable faces.

How then do we regulate to ensure true competition? The Americans and most European countries have much better competition than we do. We have weaker competition laws.

Thanks to the European Union and other things, there is some degree of competition. There is genuine competition between banks, which Brian Monteith mentioned, and between manufacturers of widgets—if people still use widgets—but the press and the media are something different. There can be no real competition if there is a monopoly of control. The question is not whether the owners of *The Scotsman* are more wicked than Rupert Murdoch. If the same people, whether they are wicked or not, control a great deal of Scotland's media, most people will view that as a bad thing. There must be rules to prevent that from happening.

Dr Winnie Ewing (Highlands and Islands) (SNP): Does the member agree that monopoly legislation should be decided separately in Scotland, where our press is separate? I think ahead to the danger that our two main newspapers might get together.

Donald Gorrie: Yes, I would support that in the revision of the constitutional settlement, which will happen in a few years' time.

On the question of reduction of staff, it is ludicrous to suggest that if the various organisations joined together, they would still send as many journalists to the Parliament and different journalists out to distant sporting events. There would be a loss of staff and diversity. Many journalists already do an amazing job and—if I can be a sook—the television people do remarkably well. All of us have been interviewed by one man and a dog, with the dog holding the microphone. They are under-resourced and the issue of the resourcing and quality of our media must be addressed. Mike Watson's amendment is worthy of support.

10:40

Murdo Fraser (Mid Scotland and Fife) (Con): This has been an instructive debate because of what it has told us about the Scottish National Party. It is no surprise to anyone in the chamber that the SNP wishes to see broadcasting devolved to Scotland, because it wishes to see everything devolved to Scotland. However, that blinkered approach blinds the SNP to the good sense of

having matters that affect the whole of the UK dealt with at Westminster.

The media and broadcasting are surely issues that should be dealt with at a UK level because radio waves do not stop at the border. I am sure that Michael Russell wishes that they would, but he has to accept that we have a United Kingdom and that we have that because that is what people in Scotland want and consistently vote for. If we have a United Kingdom, there are certain matters that should properly be dealt with at the UK level and broadcasting is one of those matters.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): I am most grateful to the member for giving way. Could the member advise the chamber whether it was in a blinkered moment that he supported fiscal autonomy?

Murdo Fraser: My views on fiscal autonomy are on the record, as Mr Ewing well knows. I accept that there are matters that should be dealt with at a Scottish level and others that should be dealt with at a UK level. As I have said, broadcasting is just such a matter.

There are 72 Scottish members of the Westminster Parliament, some of whom make up the Select Committee on Scottish Affairs, which is holding an inquiry into broadcasting. There is even a member of the Scottish National Party sitting on that committee. If the nationalists are so against broadcasting being dealt with at Westminster, why do they have a member sitting on that committee? That is sheer hypocrisy.

I shall deal briefly with the question of competition in newspapers, to which a number of members referred. Members from different parts of the chamber made the important point that the Scottish newspaper press is not just *The Scotsman* and *The Herald*. To think that shows a central-belt bias.

In different parts of Scotland we have different broadsheet newspapers. We have *The Courier and Advertiser* in Tayside, Fife and Stirlingshire. Further north, we have *The Press and Journal*, which has achieved substantial market penetration. It is not just a question of *The Scotsman* and *The Herald*.

Should the same company own *The Scotsman* and *The Herald*? I see that there might be problems with that, but there might also be certain advantages. It is not for me to make that judgment. That is what the competition authorities are for, as even Michael Russell accepted. To make up scare stories when the mechanisms already exist is just seeking to score political points.

In response to Donald Gorrie's contribution, I say that ownership of newspapers is entirely

detached from editorial control. It is quite possible to own a newspaper and have an editor or columnists who represent a contrary point of view. That is why someone such as Jimmy Reid can write a column in *The Scotsman*. No one could suggest that he holds similar views to those of Andrew Neil.

I turn to broadcasting. David Mundell made a good point about the future of Border Television and I concur with that point. I speak up for Grampian Television, which covers my area, because it is now owned by SMG—the same company that owns Scottish Television—but it still retains its Grampian Television identity. That has not been diminished by the fact that the ownership of the two companies is the same.

Throughout the debate, SNP members have disclosed their fear of the outside world. Richard Lochhead, who has now left the chamber, said that the Disney corporation should not be allowed to own ITV. Why ever not? If it improves output and the quality of programmes improves, what is wrong with it, as long as there are competition rules to protect the public interest?

Twenty years ago we could get only four channels on our televisions. If there was an argument to be made for broadcasting being regulated from Scotland, that might have been the right time to make it. There are now five terrestrial channels, and countless channels available on satellite and digital television that do not just cover the UK but cross national boundaries.

With the internationalisation of broadcasting, the SNP's typically parochial approach is completely out of step with the modern world. Yet again, the SNP has missed the point. In the modern world, we should not be talking about more controls or which Parliament regulates what; we should be removing controls, allowing free choice and letting the consumer decide. That is what our amendment proposes and I commend it to the chamber.

10:45

The Deputy Minister for Tourism, Culture and Sport (Dr Elaine Murray): It is a pity that the motion focuses on the constitution because there is much in the motion on which we could get a fair consensus of agreement across the chamber.

As Ian Jenkins said, it is true that the devolution settlement had difficulty with aspects of broadcasting and the media. It is no surprise that some aspects of the devolution settlement were clearer than others. In terms of broadcasting in particular, there were competition issues with competition policy being reserved. There were also the issues of devolved responsibility for the contribution to economic development and social

justice. Those issues have made the devolution settlement more difficult.

I am one of those who believe that devolution is an evolutionary process. I might not be proved right in future, but I do not imagine that everything is set in stone. However, we have a devolution settlement in the Scotland Act 1998 and there is little point in continually returning to discuss that settlement.

I share the concerns about the SMG situation. I believe that a newspaper owner or editor has every right to a particular political position. They have every right to be against the Scottish Parliament if they wish to be so. I do not agree with Andrew Neil's politics, but I do like "Despatch Box" and will be sorry if that programme ceases to exist. However, I would be worried if the SMG broadsheet coverage was the only position available to the vast majority of people in Scotland.

A merger would restrict opportunities for quality journalists who want to remain and work in Scotland. I know that the National Union of Journalists has recently expressed its concern about the possible merger. However, if we refer back to Tavish Scott's question to the First Minister on 3 October, members will recall that the First Minister has pledged to make representations to the ministers responsible for competition policy at the appropriate time. I am certain that he will do so.

I am afraid that, unlike the Conservatives, I do not think that broadcasting is identical to banking. I do not believe that a free market would safeguard regional broadcasting. We need the public sector obligation and the commitment to independent regional, educational and quality programmes. Those are part of the so-called second tier of regulation that will be applied flexibly and after consultation with the broadcaster. However, it is necessary to have such regulation in order to ensure the quality of the service.

Whether there is a Scottish Six is a decision for the BBC and not politicians to make. I do not necessarily believe the stories that are circulating in the newspapers that Gordon Brown or Tony Blair or whoever is somehow stymieing the BBC and preventing it from making that decision.

David Mundell made an important point about Border Television. The issue is not that the SNP would be blocking the airwaves to prevent Border Television coming into Scotland. The question is why Border Television should continue to operate a Scottish opt-out when it has been taken over by Granada and will form part of the ITV channel. What is the point of that? There is a potential that if the regulations covering the operation in Scotland are different from those in England,

those companies that have cross-border operations will not want to continue with the Scottish side. As someone who represents the south of Scotland, that is my concern and I suspect that it is shared by others who represent the south of Scotland.

I reassure all members that the Executive will continue to take a strong interest in the issue. I say to Karen Gillon that we will continue to have on-going discussions about the communications bill and representation within Ofcom. It is on record that the First Minister requested a seat on the central board. The DCMS feels strongly that it should not be a representative board, but that it should be a board of individuals and that there will not be representation for any particular part of the UK. However, the DCMS has conceded—as Mike Watson described—on issues to do with a Scottish committee and Scottish representation on the content board and consumer panel. That demonstrates that the interventions of the First Minister and the proposals of the Executive have been taken on board by the DCMS in the draft communications bill. Those discussions will continue.

We are continuing, as Mike Watson said, to try to secure a better place for Gaelic broadcasting in Scotland. We recognise the importance of digital broadcasting and in particular whether any progress can be made on digital broadcasting and regional interests. That issue will form the subject of an important series of discussions. I reassure the chamber that the Executive is concerned about the effects on the media and broadcasting in Scotland. Those are reserved, but we fully recognise that they have important interactions with many of our devolved responsibilities. We will continue to have discussions with representatives in the UK, as will Scottish MPs. We return 72 members of Parliament to the UK Parliament, and they have a responsibility to represent Scotland's interests there also.

10:51

Michael Russell: This has been an interesting debate for a variety of reasons, not all of them positive. It is always entertaining to see the other parties doing their head-of-a-pin dancing, which they require to do to justify the unjustifiable. We have seen it in three particular ways today. The most entertaining way is the Tory way. There has been a lot of debate about the possibility of the Disney corporation buying into Scottish television. It is clear that the Disney corporation has bought the Scottish Tory party, because it is a Mickey Mouse party. It has Mickey Mouse arguments and it puts itself in a completely indefensible position in terms of Scottish culture and the Scottish economy. I will come back to that position in a moment, because although it does not deserve to

be taken seriously, there are points that Mr Monteith in particular made that require a rebuttal.

The Liberal position is, as usual, refreshing—or it would be refreshing if we had not heard it so many times before. The reality is that the Liberals will not rock the boat; they are, after all, part of the Executive. At some unspecified date in the future they may return to the issue of whether the devolution settlement is good for Scotland. I am reminded of the remark:

“They make a desert and they call it peace.”

There will be nothing left in Scotland. Everything will have been finished. We will have no media, because they will have been taken over, our culture will have been destroyed and there will be no economy, but the Liberals will be scratching their heads saying, “I wonder whether the moment has arrived to reconsider the devolution settlement.”

The Labour position is profoundly depressing, because Labour members know perfectly well that some of the things that they are trying to defend today are indefensible.

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

Michael Russell: No. Rhona Brankin has only just entered the chamber and already she wishes to denounce the SNP. She will no doubt be doing it in the High Street shortly, so enthusiastic is she about her mission, but she will not do it in my time.

The reality is that ministers have secured a position—on which I congratulate them, although it is very little—that is, as I said in my opening speech, *ex post facto* with regard to regulation. The consumer panel and the content board will comment on what has happened; they will not take part in the decision-making process of regulation. That is the problem.

At the moment, Scotland is represented on the ITC. The core of the problem, which the minister indicated in her summing up, is that the position of the DCMS in London is solid because it has chosen, and is pushing through, a model of regulation that it has imported from the United States, which is based on a federal state and which deliberately excludes representations from other parts. That is what the American structure does.

The trouble is that that structure cannot be imported into the type of country that we live in at present. We live in a country where our regulatory structure has to represent the other parts, because we have a broadcasting structure that exists distinctly in other parts of the United Kingdom. The wrong model was chosen, the wrong model is being defended and the wrong model will exclude Scotland. That is the problem. Although the

Executive has achieved something, it has achieved little and, unless it achieves a presence on the board, it will have virtually no effect. A Scottish committee, supporting individuals on the consumer panel and content board, is also largely—although not entirely—irrelevant.

I want to talk about two Labour speeches in particular. First, I was disappointed by Pauline McNeill's speech, because she defended the absolutely indefensible in terms of the Scottish Six. We know from John Birt's autobiography that he worked with senior members of the Labour party to prevent the Scottish Six from happening. There is no doubt about that; he made that admission. In those circumstances, if she is defending what happened with the Scottish Six, she is defending an absolutely abnormal use of powers by the director-general of the BBC and Government ministers.

Pauline McNeill: Will the member give way?

Michael Russell: No, I want to finish this point. Pauline McNeill had her opportunity to debate the matter and she misrepresented it profoundly. There has been an abnormal use of powers by the director-general of the BBC and by senior Labour ministers, and that is utterly wrong. Such things used to take place in Ceausescu's Romania; now they take place in Tony Blair's Britain—and there are other similarities.

Finally, I return to the question of the Tories' position.

Pauline McNeill: On a point of order, Presiding Officer. Is it not protocol in this chamber that if a member misquotes another member, they should at least be given the opportunity to intervene?

The Deputy Presiding Officer: I am afraid not.

Michael Russell: I turn to the Tory position. Brian Monteith's opening speech was remarkable, because the argument was that monopolies are good, competition is bad. If he had ever attended a first-year economics class, he would have heard of antitrust legislation. He would have learned of the need for competitive markets. People are arguing, and Karen Gillon argued—I commend her speech, although I know that that will not help her—that the proper position in Scotland is, rightly, to oppose anticompetitive, monopolistic, predatory business practices. If any member believes that any of the current bids for SMG fall into that category, they have a duty to oppose those bids; therefore we have a duty to oppose what appears to me and to many others in this chamber to be such a bid from a company that is owned by the Barclay brothers.

Finally, I have been disappointed by parts of this debate, because there is a great deal about the media that needs to be discussed intelligently and

with knowledge of the media. To take the head-of-a-pin position that the unionist parties have taken denies the reality of what is happening and, unfortunately, makes the situation worse.

Fishing

The Deputy Presiding Officer (Mr George Reid): The next item of business is—

Alex Neil (Central Scotland) (SNP): On a point of order, Presiding Officer.

The Deputy Presiding Officer: Is it germane to the debate?

Alex Neil: Yes. Presiding Officer, this is a serious point of order, and it is in respect of your duties under the Scotland Act 1998 to define the difference between what is and is not devolved. In this case, it is in respect of representation of the Scottish Executive at the Council of Ministers in Europe.

I ask for clarification from the chair in respect of the application of article 146 of the Maastricht treaty, which defines representation at the Council of Ministers as consisting

“of a representative of each Member State at ministerial level, authorised to commit the government of that Member State.”

Yesterday, we heard that Ross Finnie said he sometimes could and sometimes would not lead the delegation to Europe. Last night, we heard that the Department for Environment, Food and Rural Affairs—the English department—said that only a UK minister can lead the delegation; a position that was repeated on radio this morning by Mr Finnie. How can that be the position, given Mr Finnie’s colleague Mr Jim Wallace’s reply to me on 10 September to a parliamentary question? In that question, I asked

“the Scottish Executive at which European Council meetings its ministers have led the UK delegation”—
[*Official Report, Written Answers*, 10 September 2002; p 1519.]

in terms of article 146. According to the Executive, it has led, under the terms of that article, three times. Who is right—Mr Wallace, who says we can lead, or Mr Finnie and the English department, who say we cannot?

The Deputy Presiding Officer: Thank you. I may say that comments in my ear from members do not help in such situations.

We went round this mulberry tree in Aberdeen. I refer Mr Neil to the definitive answer that the First Minister gave there on 30 May, which is at column 12489 of the *Official Report*. Any unintentional misleading of the Parliament by ministers is primarily a matter not for the chair, but for the First Minister, as the ministerial code of conduct outlines.

Mr Neil talked about article 146 of the Maastricht treaty. I am not in the habit of carrying that treaty

and its explanatory notes around with me, so I will look at that and return to Mr Neil. I suggest that we proceed with the debate.

Alex Neil: Further to the point of order, Presiding Officer. Mr McConnell made his reply in Aberdeen after he apparently misled the chamber and had to explain himself as a result of a question from my colleague, Dr Ewing. He distinguished leading the UK delegation from leading discussions on a topic. My question relates to leading the UK delegation and is a simple constitutional question on which we need a ruling. Can a minister in the Scottish Executive lead the delegation to the Council of Ministers of the European Union? According to Mr Wallace, a minister can; but according to Mr Finnie, a minister cannot.

The Deputy Presiding Officer: As I said, that is a matter not for the chair, but for the First Minister and the Executive. All I can do from the chair is refer Mr Neil to the long and substantial answer the First Minister gave in Aberdeen on 30 May. That is my position. I suggest that we get on with the debate.

Fiona Hyslop (Lothians) (SNP): On a point of order, Presiding Officer.

The Deputy Presiding Officer: Is it on the same point?

Fiona Hyslop: No. My point of order is about behaviour in the chamber. Do not our procedures say that only one person should stand in the chamber at any time? The former fisheries minister’s lack of respect for members who are raising points of order is grossly discourteous to the chamber.

The Deputy Presiding Officer: I advise all members that their behaviour is expected to be courteous and respectful throughout our proceedings.

11:02

Richard Lochhead (North-East Scotland) (SNP): This week, Scotland’s fishing communities were left reeling from yet another blow dealt by the bureaucrats in Europe and by Government offices in Scotland and London. Although many stocks continue to thrive in Scottish fishing grounds, the valuable white-fish sector faces several weeks of unprecedented anxiety in the run-up to December’s quota negotiations. The fishing industry was warned this month that all Scotland’s white-fish grounds may have to close in eight weeks’ time to protect cod. If ever there was a perfect example of why the common fisheries policy and the management regime are not working, that is it.

It is a disgrace for Franz Fischler of the European Commission to blame Scotland’s fishing

communities for the current state of affairs when he, his officials and their predecessors have over the past 20 years created the mess in which we now find ourselves. He is the Commission official who recently betrayed Scotland over its deepwater fishery. When he ignored the science and handed a victory to France, Scotland lost.

Last year, politicians in the Executive and in London helped to sow the seeds of today's crisis by ruling out tie-up schemes as a conservation method. Their refusal to support the fishing industry's voluntary tie-up last year and their defiance of democracy after the Parliament supported the industry's dignified protest have come back to haunt them. We are again steeped in crisis management and trying to deflect knee-jerk and panic policies from officials and scientists.

A blanket closure or anything remotely like it would destroy many fishing communities the length and breadth of Scotland. Overnight, it would throw tens of thousands of hard-working individuals out of a job and end a way of life that has survived since time immemorial. If a closure took place, Scotland's waters would be brimming with fish in a matter of years, but no industry would be left in Scotland to take advantage of that. Fishermen from other EU member states who have feasted their eyes on Scottish fish stocks for years must be rubbing their hands in glee.

How on earth can any scientist or bureaucrat tell a prawn fisherman in Pittenweem, Eyemouth, Mallaig or Fraserburgh whose cod bycatch is virtually zero that he cannot go to sea because we want to protect cod? The news that fishermen expected was that nephrop quotas would increase, not be stopped. How can we tell fishermen in Peterhead, Aberdeen, Shetland or any of the islands who target haddock or whiting that they cannot return to sea in eight weeks' time? How can we tell the thousands of workers in fish processing factories throughout the nation that factories will have no deliveries of haddock or prawns because cod stocks are low? If severe restrictions were imposed, even the Arbroath smokie would become a thing of the past. Let us think about the impact on employment at our ports and harbours around Scotland, which ranges from people who work there down to the local newsagent or cafe at the quayside. It would be lunacy to close all or a large section of Scotland's fishing grounds to respond to difficulties with one species.

There is no doubt that the science is worrying. If cod stocks are in danger of extinction and can be saved, fishermen—more than anyone—will want to save them. The industry is keen to support any proven and effective steps to achieve that. Members are not fisheries scientists, but we do and should respect their work. However, even

scientists get matters wrong or their work can be incomplete. Most important, the existing science must be put into context. Even the scientists say that the current advice has a 40 per cent margin of error.

Phil Gallie (South of Scotland) (Con): Given his condemnation of the European Union, why does Mr Lochhead's party support extended membership of the EU? Does he acknowledge that southern European states, perhaps with the added voices of eastern European states, will make the common fisheries policy situation worse?

Richard Lochhead: I am happy to tell Phil Gallie that one reason for the industry's state today is that it was misrepresented by 18 years of Tory government.

The most striking aspect of the scientific advice is that it is not up to date. It is galling for fishermen to know that they have bent over backwards in recent years to adopt new technical measures such as a bigger mesh size and new panels. The industry has undergone the pain of a decommissioning scheme only to find more bad news on the horizon that is based on a scientific analysis that takes little or virtually no account of its sacrifices.

The Scots industry has been at the forefront of white-fish conservation in Europe. It even fishes in the North sea alongside other vessels that use smaller mesh. Is it any wonder that the industry is angry and frustrated? The fact that 100 boats were decommissioned in the past year has not been taken into account. One hundred and seventy boats were decommissioned throughout the UK. Even Denmark decommissioned 70 cod catchers, but none of that was taken into account in connection with the North sea.

The scientists' advice is that the implementation and enforcement of these measures has not yet been evaluated. The haddock and whiting advice is that

"Several technical conservation measures have been or will be implemented from 2000 onwards ... No complete evaluation of their likely impacts has yet been undertaken".

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Mr Lochhead is right to outline the many initiatives that the industry has undertaken, but I am becoming a little confused by his line. Is he saying that nothing more needs to be done?

Richard Lochhead: I am not saying that. I am about to deal with that issue.

The measures that are in place are working. That is shown by the fishing fleet's statistics that only 49 per cent of the haddock quota and 34 per cent of the whiting quota have been caught this

year. The technical measures are working and the scientists should take them into account. Last year's cod total allowable catch was even increased, yet this year complete closure is proposed.

The scientists' advice is that in recent years, the growth rate of North sea cod has declined. The reasons are not known. The scientists and the decision makers in Europe must take all the other factors into account, such as climate change and warmer waters, and the distribution of the food supply in the North sea.

A couple of days ago, I spoke to the scientists who take the decisions. They told me that they undertake much scientific analysis of cod stocks, but little on the location of the cod stocks' food supply. No correlation is made between the location of cod and their food stocks. That is ludicrous. Scotland's fishing industry depends on the outcome of the work of the 300 scientists who work for Fisheries Research Services, only a handful of whom are working on the future of fish stocks. That has to change.

Industrial fishing impacts on bycatches as well as on the food supply. When will the European Union and the Scottish ministers get round to tackling industrial fishings? The quotas for sand eels, Norwegian pout and sprats have either been static in recent years or have increased, yet this year, as a result of scientific advice, the industrial fishing sector is still in line to get hundreds of thousands of tonnes. Why are the European Commission and the politicians threatening the livelihoods of our fishermen and making them jump through hoops when white fish is being caught as a bycatch by the massive fishery that takes valuable white fish and turns it into pig feed?

Surely priority should be given to human consumption. We need ministers who will turn their warm words into action over the industrial fisheries. This has been a huge issue in the Scottish Parliament for more than three and a half years, yet ministers have achieved virtually nothing.

George Lyon (Argyll and Bute) (LD): Will the member give way?

Richard Lochhead: No. I am sorry, but I have given way twice already.

I want to turn to the fishermen's role in pursuit of their own livelihoods. The science has to be reinforced by the experience and knowledge of the fishermen. They spend more time at sea than anyone else; and they are at sea for longer periods of time than anyone else: they do not simply go out to sea now and again to take samples.

Yesterday, in a joint initiative between the

fishermen and the scientists, the industry published the "North Sea Stocks Survey". It reveals that there is no case for massive conservation measures to protect cod. We have to take that finding into account, as fishermen have been utterly ignored so far in terms of the management of their own livelihoods.

The report of the £1 million project that was funded by the Executive last year is still at the printers. That means that it has not been taken into account. We should be seconding fisheries representatives to join the United Kingdom delegation in Europe. That would ensure that Ross Finnie and his counterparts get decent advice for once.

We have to take new funding initiatives. The minister has to clarify today—because he said no yesterday—that European funding is available to help our fishing industry. Is the minister and the Scottish Executive going to access that funding?

I have two final points about the minister's tactics for saving Scotland's fishing industry. First, he has to get going around Europe. He has to start speaking to other fisheries ministers. He should convene a meeting of those ministers in Scotland, which is Europe's most fisheries-dependent nation. He should start to build alliances in northern Europe to save the future of our fishing industry.

The minister's best tactic and the one that would boost the fishing industry's morale would be to seek designation officially to lead the UK delegation at the fisheries council. Yesterday, the minister admitted that Scotland represents more than 70 per cent of the UK industry.

The Deputy Presiding Officer: The member has one minute.

Richard Lochhead: We know that Ross Finnie likes to give the impression that he leads the negotiations in Europe. Being in the room to mutter the occasional word is one thing, but commanding the torch of authority as the UK's official representative is another thing completely and that is what Scotland and Scotland's fishing industry demand. There is not one fisherman in the whole of Scotland who does not think that Ross Finnie should lead the negotiations.

Yesterday, Ross Finnie misled the Parliament when he said that he may lead the negotiations or that he has led the negotiations from time to time. We also heard Whitehall briefing yesterday—that in no circumstances will Scotland lead the negotiations.

The Deputy Presiding Officer: The member should wind up.

Richard Lochhead: I will conclude by saying that this is not the first time a Liberal has been

hung out to dry by Labour. It usually happens in Scotland, but it seems that this time it is happening in London. Ross Finnie is busy telling the Scottish Parliament that he intends to lead, but Whitehall is briefing behind his back. There is no way that Labour ministers in London will let a Liberal minister lead the negotiations. Yet we know what can happen: parliamentary answers have indicated that Scotland has led on education and health at the Council of Ministers, but not on fishing—an industry in which Scotland has a predominant national interest. That is a scandal and the minister has to address it. The minister has to show leadership, determination and political will—

The Deputy Presiding Officer: The member must close.

Richard Lochhead: He has to do that by demanding to lead the negotiations and by fighting for Scotland's future.

I move,

That the Parliament recognises that sustainable fisheries are essential for the well-being of our fishing communities but rejects any advice to close Scotland's mixed fishery as part of a cod recovery plan given the devastating and unjustifiable impact that such a measure would have on our fishing communities and associated sectors; calls on the Scottish Executive to work in partnership with the fishing industry with a view to drawing up proposals for the future management of all fish stocks; notes that technical conservation measures and the recent decommissioning scheme have not been fully taken into account; further notes that other states that fish Scottish waters, or impact on local stocks, have a duty to adopt similar measures including a reduction in the industrial fishery, and believes that any further measures, for which the necessary funding should be made available, should be delayed given that they would be most effectively generated through the new mechanisms proposed as part of the reformed Common Fisheries Policy that will be adopted in a matter of weeks and that Scotland should seek to officially lead the UK delegation during forthcoming European negotiations on which the future of the fishing industry depends.

The Deputy Presiding Officer: I usually give time when members take interventions. That applies to all speakers in the debate.

11:14

The Minister for Environment and Rural Development (Ross Finnie): For a substantial part of that speech, I thought we were making progress: it seemed that Richard Lochhead had listened carefully to the statement I made yesterday. I thought that I could see an indication that the Scottish National Party was beginning to understand what the debate is all about—that it is all about saving fisheries. Sadly, in the closing stages of his speech, we returned to arguments about semantics. We returned to dancing on the head of a pin.

I want to be clear about the question Richard Lochhead asked me yesterday, about whether we

could lead the UK delegation

“at the forthcoming European negotiations”.—[*Official Report*, 30 October 2002, c 14710.]

I want to explain, for the benefit of members, that it is at the Council of Ministers that a substantial element of those negotiations takes place. Only one person speaks for the United Kingdom on any agenda item. I repeat—one person. Even if there is a debate with interventions and the United Kingdom returns to the debate, the person who led the discussion—

Richard Lochhead *rose*—

Ross Finnie: No.

It is that person who leads for the United Kingdom in the subsequent discussion. I want to be clear that the position that was put by the secretary of state last night was that the Scottish ministers can and do speak for the United Kingdom at fisheries councils and at meetings—in agreement with UK colleagues—and that Ross Finnie will certainly do so. I have to say to SNP members that if I am speaking for the United Kingdom, I am leading for the United Kingdom on that agenda item.

Richard Lochhead *rose*—

Ross Finnie: No. [*Interruption.*]

The Deputy Presiding Officer: Order.

Ross Finnie: Richard Lochhead can dance on the head of a pin if he wants to. He can say that the person who is technically the head of the delegation is sitting in the room, but they are not speaking in the negotiations. It is quite demonstrable who is leading on the negotiations and who is leading in the constitutional sense. The SNP's constitutional dancing on the head of a pin is a most regrettable distraction from the fundamental issue before us, which is the future of the Scottish fishing industry.

Richard Lochhead *rose*—

Ross Finnie: No. [*Interruption.*]

The Deputy Presiding Officer: Order.

Ross Finnie: I am not going to devote even more time to this dancing on the head of a pin. I want to return to the essential issue that is before us, which is the question of our fisheries.

It is quite clear—indeed we are in the grounds of repeating where we were yesterday—that we all acknowledge that it is politically unacceptable and economically unacceptable for us to be contemplating the closure of our white-fish fisheries. I said that yesterday and I repeat it today. I welcome the agreement of the Scottish National Party and its support for that position. I also welcome the recognition of the fact that we

have the support of those who catch haddock and whiting and those in the fish processing sector and the ports and harbours.

I welcome the fact that the SNP is not saying that the science can be ignored.

Phil Gallie: Will the minister confirm that he includes prawn fisheries in his comments, in addition to the white-fish fisheries?

Ross Finnie: I made it absolutely clear yesterday that that is ludicrous. I am sure that I am quoting myself when I say that it is ludicrous to contemplate the closure of a nephrops fishery when we advanced evidence to the European Commission last year that made it clear that the way we fish for nephrops does not result in material bycatches.

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): Will the minister give way?

Ross Finnie: No.

We have to examine the scientific evidence on the basis of two factors. We have to examine the trends over a period of time and the scientific advice. I said that yesterday. The scientists' advice is given as the view of scientists of how we might reach a reversal of the decline of fish stocks. However I consider the more important issue for us in Scotland and for our fishermen to be the trends that are revealed by the scientific evidence.

I made it clear yesterday that if the scientists' evidence is to be considered fully, one needs to take all the information that we have and that which will be presented by the Scottish fishermen. We have to move forward on the basis of both those pieces of evidence to construct an alternative proposal. We have to do away with the ludicrous notion that the fisheries are going to be closed.

Tavish Scott (Shetland) (LD): Will the minister clarify what will happen if the European Commission's negotiations with Norway, which are to begin shortly, take a position that is unacceptable to the minister and the Scottish fishing industry? Those negotiations will happen before the Council of Ministers has had any discussions on the issue.

Ross Finnie: Given the circumstances that we are in, that issue becomes more important. Historically, negotiations have always been conducted at Commission and official level. I can answer Mr Scott's question directly by saying that that situation could delay the process. So much has never been at stake before, and the fact that the negotiations between the EU and Norway have to come back to the Council of Ministers makes the prospect of a serious refusal by ministers likely or possible if the matter is simply ceded by ministers who are not prepared to accept

the outcome. After all, any outcome has to be endorsed by the Council of Ministers. As a result, the Commission is not going into discussions with an entirely open hand; any result has to be confirmed by the Council.

I am glad that Richard Lochhead agrees that although certain issues need further confirmation and more information, allowing for possible pluses and minuses within the science, we cannot ignore the long-term trend when considering any proposals. We must take such a trend into account if we are serious about putting the fishing industry on a long-term footing and ensuring that whatever decision we take today does not come back and bite us in four or five years' time and cause a crisis.

Richard Lochhead: The minister has alluded to whatever we do in future, which clearly refers to new technical measures that might require funding and investment in the industry to secure its future. However, he told Mike Rumbles yesterday that European cash would not be available for such measures. Will the minister confirm that, for the coming year, Europe has set aside hundreds of millions in cash under the new common fisheries policy for this very purpose? Is it not his opinion that Westminster will block Scotland's fishing industry from accessing that cash, which will go to other member states instead?

Ross Finnie: It is very unfortunate and a matter of great regret that, in the current negotiations, the southern states are still holding out and saying that any funding allocations should go substantially to new build. I completely oppose that position. Although a substantial number of member states are prepared to change that stance, we do not yet have a majority and the issue is still a very fraught part of the CFP.

Yesterday, the Executive set out the fundamental task, which is to work hand in glove with the Scottish fishermen to find out whether we can put together a credible alternative that takes account of the drift in science and all the evidence that the fishermen have produced. Our job is to find such a proposal that respects the whole issue of sustainability and fundamentally ensures that we have a sustainable Scottish fishing industry.

I move amendment S1M-3511.2, to leave out from "recognises" to end and insert:

"rejects the wholesale closure of Scottish fishing grounds as politically unacceptable and economically ruinous for Scotland's fishing communities; welcomes the fact that the Scottish Executive is working in close collaboration with the Scottish fishing industry to identify alternative approaches, and urges all concerned to pursue a longer-term strategy that will reverse the historic decline in key fish stocks and secure a sustainable basis for our fisheries-dependent communities."

11:23

Mr Jamie McGrigor (Highlands and Islands)

(Con): The loss of 20,000 jobs would be bad enough in the UK, but for Scotland, and particularly the north-east, job losses on such a scale would be nothing short of calamitous. Although it seems extraordinary that the Scottish fishing industry could ever face such a situation, the possibility is staring us in the face. The Conservative party will never agree to a wholesale closure of Scottish fishing.

Although Herr Fischler might be flying the flag of fishery closures to achieve his aim of a draconian, one-size-fits-all effort limitation as part 3 of the cod recovery plan, someone should tell him that he should not play politics with people's lives and livelihoods. His only contribution to fisheries as a footnote to agriculture is his famous cod recovery plan, which he is determined to implement fully. Indeed, he has based his reputation on it. However, if the cost of his reputation means the destruction of the Scottish fishing industry, he must have another think. It is not his, but Scotland's, industry we are talking about. In whose interest is the EU managing our seas?

The blow comes on the back of the Commission's about-face over deepwater species, which has left Scottish fishermen with hardly any quota at all for such species. It is a scandal.

Stewart Stevenson (Banff and Buchan)
(SNP): Will the member give way?

Mr McGrigor: Not now.

Yesterday, Alex Smith, the president of the Scottish Fishermen's Federation, told us that it was unusual that the International Council for the Exploration of the Sea should have to break the bad news and to browbeat our fishing industry on behalf of the Commission. Usually, the Commission would do that itself. However, we now have a situation in which the managers are hiding behind the scientists and are at the same time blaming the work force.

It is logical to ask any manager who is going down that road what they have done to improve the situation. Hamish Morrison, the secretary of the Scottish Fishermen's Federation, says that it is a management failure of cataclysmic proportions. In any other industry, the management would face the sack. P45s would be showering down, but who sacks Brussels bureaucrats? Who is in charge of this sorry show?

It is unbelievable that Scottish fishermen, who to the detriment of their own incomes have done more to adopt conservation measures than any other fleet in Europe, should be blamed for the decrease in cod stocks and penalised by not being allowed to fish for haddock, which, barring prawns,

is by far the most important fish to the industry. The fishermen, who know the waters, have been saying for a long time that the rise in sea temperature, the north Atlantic drift and industrial pollution are the main reasons why cod have moved further north. Cod do not like warm water or pollution from major European river systems such as the Ruhr and the Rhine.

Last year, 700,000 tonnes of cod were caught in the north-east Atlantic. That is hardly an indication of a species in decline. There are plenty of cod around the Faeroes and Iceland. Added to that is the fact that seals take at least as much fish as our fishermen, seabirds take twice as much, cetaceans take four times as much and other fish 200 times the quantity. No one is suggesting the mass destruction of any of those creatures, so why destroy the people in the Scottish fishing industry?

There is no reason to throw 20,000 Scottish and United Kingdom fishery workers on the dole to stop the migration of cod northwards. All that will happen is that Britain will have to rely on fish imports to feed its people, thus enriching other nations at the expense of British jobs. I have never suggested that the UK should leave the EU. I am suggesting that management and control of fishery management should be repatriated to a local level. That falls in line with the concept of subsidiarity, which itself is European.

The proposition that national and local control will provide sustainability makes sound sense to me. People will want their fishery to survive for future generations. The present system of collective harvesting of a common resource simply does not provide conservation or protection for fish stocks. The CFP has not worked. It has been a failure for all Europe. We have a responsibility to protect Scottish and UK waters, which should be the richest in Europe, from being decimated by management tools that have not worked and do not work. Our fishing industry needs strong local management of its different regions based on fisheries knowledge and good science. It should not be a political parcel to be opened at random.

Above all, the industry needs powerful leadership from our politicians. Mr Finnie says that he wants to lead the UK delegation, but the Department for Environment, Food and Rural Affairs says that he cannot. That is a pathetic and confusing situation. What matters is that our fishing industry gets a fair deal. If they cannot decide between them who leads, we have a secretary of state with time on her hands, so why can she not help? We have a British Prime Minister who spends most of his time abroad, so can he not do something on behalf of the fishing industry? It has never been more important that our Government representatives stand up for

Scottish fishing. They must be seen and heard to do so now.

I move amendment S1M-3511.1, to leave out from "and believes" to end and insert:

"regrets that this latest crisis comes on the back of the announcement that Scotland is to receive only 2% of the total allowable catch for deep water species on the west coast of Scotland, and believes that we need to restore national and local control and management of our waters to ensure sensible conservation measures and to protect the interests of Scotland's fishermen."

11:28

Rhoda Grant (Highlands and Islands) (Lab): It appears that every year about this time we debate another crisis in the fishing industry. Last year, we took drastic action—a ban on cod fishing for a period of time and a decommissioning scheme—to reduce permanently our fishing effort. Those actions were unpopular and met resistance from Opposition parties, who said that a tie-up programme would have been better. The money invested in decommissioning would have had no long-term effects, and any benefits would have now passed. The reduction in effort would not have been a bargaining tool that we can now use in negotiations.

Richard Lochhead: Will the member give way?

Rhoda Grant: No.

It is surprising, therefore, that those parties cry that the Commission has not taken into account the effects of the decommissioning scheme. I agree that the Commission must take that scheme into account, but it is a bit rich for the nationalists to push that line when, if they had had their way, there would have been no decommissioning scheme.

The crucial point is that the Commission is basing its argument on the wrong starting point. Scotland has already accepted that there is a problem with cod stocks and put measures in place to ensure that the industry has a future. Those measures include a reduction in effort by 10 per cent due to decommissioning and a short-term ban to allow stocks to regenerate. The fact that those measures have not even been taken into account will undoubtedly lead many people to believe that Franz Fischler's proposals are not based on reality. That causes frustration for those people who took and implemented some tough decisions.

I was particularly struck by what Franz Fischler said in a press statement. He said:

"it was particularly galling after repeatedly warning of the dire consequences of inaction, to see our worst fears realised."

Then he said:

"in the absence of effective conservation and control measures these stocks are being persistently over fished."

I hope that he was not speaking about Scotland because cod stocks increased in 2001 and 2002. I recognise that overall trends are alarming, but I hope that that increase is an indication that our action is working. It shows that if there was a time when the closure proposal should have been introduced and would have made sense, it was last year and not this year. If the proposals are based on science, why were they not proposed last year? There can be no doubt that if those proposals go ahead and the closure of the Scottish trawl fishery takes place, it will leave fishermen, their families and their communities in an impossible economic situation.

If the closure had an effect on cod stocks and the ban was lifted, does anyone think that the Scottish fishing industry would be there to take up the challenge? Closure would have forced the fishermen out of the industry. As the Scottish Fishermen's Federation has warned, the infrastructure simply would not be there.

However, we cannot afford to be complacent. As a result of the negotiations, it is expected that different sides will take up different bargaining positions. It is important that the fishing industry and the minister work together closely to identify additional measures to avoid the wholesale closure of fishing in the North sea.

Yesterday, I mentioned the importance of technical measures that have been put in place, including increased mesh sizes. I hope that the minister will impress on his European colleagues the need for the rest of Europe to come up to Scotland's high standards on mesh sizes.

We must consider further technical measures, such as separation panels, that can cut cod mortality by 90 per cent. We must examine the local management of fisheries, involving people in all sectors of the industry and also in communities.

No one wants the destruction of the industry, either through total closure or through the collapse of cod stocks. People who make their living from fisheries have most to lose from the collapse of those stocks. Therefore, it follows that they should be at the forefront of conservation. They have led the way and I hope that they continue to do so. However, the European Union must follow—fish do not respect boundaries. We must all sign up to the technical measures that our industry has put in place.

Another aspect of the debacle is how the Commission takes decisions on such important issues. Every year, the cry for major cuts comes out of the blue and every country takes up negotiating positions. The tight time scale allows for little meaningful discussion to take place. That

must change. We need continuing dialogue, the exchange of best practice, an evolving policy and not just a knee-jerk reaction followed by a lot of horse-trading.

I welcome the debate, but I am disappointed that the SNP is more interested in who leads the negotiations in Europe than the outcome of those negotiations.

Carrying on as normal is not an option. As the minister said yesterday: the day of reckoning will simply come later. I hope that the minister will do all that he can to ensure that alternatives are found.

11:34

Stewart Stevenson (Banff and Buchan) (SNP): When I was elected to the Parliament some 500 days ago, my first speech was about fishing. When I returned from my first week in Parliament, my first constituency engagement was at the fishermen's mission in Peterhead. The Royal Humane Society presented a medal and a certificate to a fisherman who had selflessly gone over the side of his boat in January at something like 62 deg north to rescue a man who had gone overboard.

That neatly illustrates the danger of the fishing industry. It also illustrates the interdependence of people in that industry. All the fishing communities of Scotland depend on fishing offshore, inshore and deep into the countryside. Theirs is a shared interest and a shared past and it must be a shared future.

In their summing up, I ask the Tories to apologise to fishermen for the disgraceful remarks made by Brian Monteith, who suggested that the proposed closure of cod fisheries is not an important topic. However, I acknowledge that Jamie McGrigor's remarks have done much to offset those suggestions.

The future of communities is at the core of the debate. It is not an arid, sterile debate about European, Westminster or Scottish Parliament processes. The debate is about people. If 20,000 people were to lose their jobs as a result of the closure of the white fisheries, it would represent the biggest job losses in recent Scottish history. That is unacceptable, and that view is shared throughout the chamber.

Fishing is an historic industry and we require it to have a future. By its actions, the fishing industry makes a contribution to our understanding of community. It makes a contribution to health, through the delivery of a first-class food. Through times of difficulty, it has shown many others in Scotland how to manage.

Our approach is based on practicality and not on sentiment. Fishermen want a future for their

industry and they want fish to be in the sea in the future. I ask the minister to break rules—

The Deputy Presiding Officer (Mr Murray Tosh): But not the one-minute rule, as that is all that remains of your speaking time.

Stewart Stevenson: I do not ask the minister to break laws—although I would do that, were it necessary—but certainly to break rules. It is fine to debate whether the minister is leading a negotiating team. I have my views and members know what they are. However, I want the minister to get out of the chamber and over to Brussels to build alliances not just at meetings, but before meetings. Decisions are not taken at meetings; they are predicated by what happens before meetings. It is important that we do not leave everything to officials. If the minister offends people in Westminster or Brussels by networking, persuading and twisting arms, I ask the minister please to do so.

We will only win if we have a common purpose and determination. The consensus that is beginning to emerge in the chamber will help the minister in his progress. Let us not descend into trying to score petty party points. We are not making constitutional points, we are making practical points about ministers breaking the rules and taking the initiative and that is the only way to save the Scottish fishing industry.

11:38

Mr Alasdair Morrison (Western Isles) (Lab): It should come as no surprise to members that my contribution comes from a west coast perspective. I identify myself with the picture of the fishing community painted by Stewart Stevenson—it is true of all coastal communities in Scotland. At the beginning of his speech, he rightly said that the debate should not be a sterile one about constitutional niceties—we should focus on the issues. That contrasts starkly with the approach taken by the official Scottish nationalist spokesman on fishing.

We must ensure that the west coast prawn fishery is exempted from any catch restrictions designed to save the cod stocks. Landings of cod in the Western Isles accounted for only £38,000 during 2001—most of it caught by netters fishing west of the Hebrides where no prawns can be caught. In 2001, the value of prawns landed in the Western Isles was £5.5 million. That clearly indicates that there is no link between west coast prawn fishing and cod fishing.

This year, the catches in the Western Isles lobster fishery were the best for the past 30 years. That did not happen by accident; it was down to fishermen and their leaders, who had the courage and foresight to take tough decisions. They

implemented seasonal closures and stock enhancement schemes through the v-notch programme. A similar account can be relayed about the prawn fishery, in which prawn sizes and catches are the best for the past 20 years.

I firmly believe that we can achieve similar long-term benefits for the white-fish sector. That will involve implementing sensible and sustainable working measures that must be agreed with the industry. For Scotland, the closure of the cod fishery is not the answer. The European Union and Herr Fischler must appreciate and learn from similar situations in other parts of the world. For example, in the Grand Banks in Newfoundland, cod have not returned after 10 years. Lessons can and must be learned from studying fishing activities in Iceland and the Faeroes, where cod stocks have completely recovered after long periods of decline. The Faeroese and the Icelanders did not close the fishery; they introduced robust and sensible technical and conservation measures that had the backing of the fishing industry. Fishing in Iceland and the Faeroes continues to thrive and the industry is firmly rooted in the school of conservation and sustainability.

To return briefly to the west coast, we must safeguard the west coast prawn fishery from any mass diversion of effort to it from other areas of the UK in which restrictions are imposed on vessels that fish for cod.

We cannot talk about sustainability while ignoring the difficult issue of black fish. Landings of black fish have contributed to the parlous state of our fishing stocks, but the issue is all too often avoided. I ask skippers from Scotland and other EU states who fish in Scottish waters and who have landed black fish to examine their consciences. They must accept that they have contributed to the decline of Scottish fish stocks.

The Scottish National Party members—particularly Richard Lochhead—have plumbed incredible depths by dwelling on constitutional niceties. They do not accept simple facts. Negotiation with the EU is about teamwork. Our team will consist of Ross Finnie and his counterpart from DEFRA. On occasions, and when appropriate, Ross Finnie will lead and raise the flag for the UK and, by definition, for Scotland. As someone who represents a fishing constituency, I do not care what number is on Ross Finnie's shirt when he negotiates a deal for our fishermen. All right-thinking people should be concerned with the result that Ross Finnie will secure for Scotland's fishing communities. Based on the minister's performance yesterday and today, I have absolute confidence that my constituents will be ably represented at the meetings.

We must put our fishing communities' long-term interests beyond any perceived short-term political gain. That means being robust at the negotiating table and, on occasions, being brutally honest about previous fishing practices. If we do not do that, we will con ourselves and betray the people whom we represent. I wish Ross Finnie the very best in the forthcoming weeks.

11:43

Tavish Scott (Shetland) (LD): The debate is serious and, in the main, the speeches have reflected that. I say to my colleague Alasdair Morrison that one of the reasons why there is an issue about black fish, which he was right to mention, is the manifest failure of the common fisheries policy. One point on which I agree with Jamie McGrigor is that the failure of the common fisheries policy must be addressed in the coming negotiations on the issue. I am deeply concerned that the Commission has used the cod proposals as a smokescreen to move away from the difficult decisions that must be taken on the common fisheries policy. That makes me, much as it makes fishermen, extremely cynical about the way in which the Commission has behaved in recent weeks.

The minister made it clear yesterday—although, to speak bluntly, I wish that he had done so earlier—that there cannot be a closure of the cod fishery in the North sea. Commissioner Fischler's total closure proposals are a negotiation. Fischler has already contradicted himself by saying on the one hand that there is no alternative to closure and on the other that there might be another way. Every position in Brussels is a negotiation. However, the present position is a disgraceful way in which to treat an industry. People out there depend on the industry and to operate in that way is contemptible.

As members have mentioned, the scientific advice that has been much discussed in recent days predates the changes that have been introduced in Scotland. Scottish decommissioning has reduced effort, larger mesh sizes have increased the biomass of cod and area closures and further technical gear changes have worked. Richard Lochhead was right about the percentage of the Scottish haddock and whiting quotas that have been caught already this year.

The Scottish Fishermen's Federation has raised important questions about the ICES scientific advice. The minister should give a commitment to pursue rigorously those legitimate questions. The evidence about stocks in the northern North sea rather than the southern North sea should be considered seriously before a final decision is taken. The Commission's credibility on science was utterly compromised by the deepwater species fiasco earlier this year.

I have an important example from my constituency. The monkfish fishery is particularly important to the industry in Shetland. There is no basis in science for the current proposals on monks from the Commission. It has not surveyed that fishery. The proposals are based on a precautionary principle, not on science. The minister must stand up and argue for fair science and he should ensure that the Commission follows that science.

Mr McGrigor: Does the member agree that TACs and quotas are the wrong management tools for a deep-sea species industry?

Tavish Scott: It is important that a mechanism for deepwater species is found, but the debate is not about that.

I want to concentrate on the politics of the debate. We are dealing with European politics. The minister must fight Scotland's corner and make it crystal clear that he was not appointed Scotland's fisheries minister to do the European Commission's bidding. I am not wedded to constitutional politics, so the point is not a constitutional one. The UK position in the discussions should not be the Whitehall position, but the Scottish one. If necessary, the First Minister should clear that with the Prime Minister. The matter is too important for that not to happen. That is what fishermen in my constituency are most concerned about.

The worst aspect of the situation is the EU-Norway talks. I am extremely concerned that they will not be in our interests. How can it be right that the Commission, which is prepared to destroy the Scottish fishing industry, should be allowed to negotiate with Norway before a position on which to negotiate has been agreed? That must change.

These are desperate times. My constituency will bleed jobs and investment and there will be massive economic and social disruption if the changes are allowed to proceed. Financial support is important. This is a defining moment for the Parliament and the Government and they must succeed. I advocate action.

11:48

Alex Johnstone (North-East Scotland) (Con): In the first two years of the Parliament, we took the opportunity at this time of year to send our fisheries minister, whoever he or she was at the time, to negotiations with a resounding vote of confidence and expectation from members. I hope that, at tonight's vote, we can at least do what we did in those first two years and send our minister off with the hopes, expectations and confidence of members that he will deliver for the Scottish fishing industry.

We must take account of the extraordinary situation in which we find ourselves. Stocks of fish in the North sea fluctuate yearly and are monitored by scientists. The problems that we must address are caused by the interpretation of the scientific evidence. I intend to cover a general point and two specific points on which I would like answers from the minister, either today or subsequently.

The general point is that too many of the measures that Scottish fishermen have taken to preserve their livelihoods are not being taken into account in the current round of negotiations. We must accept that Scotland's fishermen have already gone beyond many others. The Executive has introduced a decommissioning scheme, which has been taken up, and the fishermen have conformed to the regulations on increased mesh sizes and square-mesh panels. They are considering further measures to protect stocks, such as separation panels.

Our fishermen have long maintained that the effects of global warming on the North sea and the Atlantic drift, as well as industrial pollution, are behind the fall in cod stocks in the North sea. However, the relationship between predator, competitor and prey is a complex one. The idea that we should close every fishery in which there is even a limited cod bycatch is, at best, naive, as that may result only in greater competition.

Ultimately, it is the common fisheries policy that has failed. It has failed to conserve fish stocks and it has failed Britain's fishing communities. We must find a way to restore national or local control of our waters, to ensure sensible conservation measures and to protect the interests of Britain's fishermen. That was said yesterday by my colleague Jamie McGrigor, when he replied to the minister's statement. I want to ensure that we understand what that means. We have spoken at great length about the need for zonal and regional management. A year and a half ago, we were delighted with the contents of the European green paper, which appeared to indicate that movement in that direction was possible. Yet, regardless of what we have said on the matter, we now find ourselves with an alternative scenario. It may be that Franz Fischler is simply flying a kite; however, we must not be intimidated by this kite-flying exercise. We must be prepared to put our fishermen first and to work together to ensure that their future is our priority.

Finally, I turn to the industrial fishery. When this issue was raised at a briefing yesterday, I was fascinated to hear representatives of our Scottish fishing industry saying that they, too, are opposed to the continuation of the industrial fishery in the North sea. However, as the Danes and the Swedes are our only allies in our main fishing areas, our fishermen are afraid to complain too

loudly about the fishery. I will happily complain for them. Can the minister tell us what all the fish-meal is being used for? As Richard Lochhead said, its use for the feeding of pigs has been banned in this country, under a European directive. Is it simply being poured back into the sea to feed fish? Sadly, that appears to be the case. The industrial fishery must be a target for us in negotiations. We must reduce the number of white fish that are being taken as a bycatch and the amount of food for white fish that is being taken by that fishery. The industrial fishery in the North sea is unacceptable in this day.

11:53

Dr Winnie Ewing (Highlands and Islands) (SNP): In the decades over which I have fought for the Scottish fishermen, my heart has been broken many times. However, all that will fade into total insignificance if this ban is allowed to take place. I hope that I can give Mr Finnie a strong argument to take to Europe, in addition to all the others.

The timing of the ban is outrageous, as the European Parliament's Committee on Fisheries is currently debating the revision of the common fisheries policy, which will take place at the end of the year. The timing of the ban is ridiculous, given that the talks between the EU and Norway are about to take place. The timing of the ban is also outrageous because, as members have said, the Commission seems to have made no assessment of the effects of the tremendous conservation efforts that the fishermen have already made. During 2001-02, biomass increased and fish catches decreased.

In *The Scotsman* yesterday, skipper Peter Bruce appeared in a photograph with a lot of cod boxes and said:

"I'll admit that the stocks aren't as good as we would want, but they certainly aren't at the stage where the cod is going to become extinct. This year, we have had the best fishing of cod we have seen in these waters for two or three years. There are a lot more cod east of Shetland and the good thing is we are seeing cod of all different sizes".

We are told:

"it was clear that most of the cod were moving further north as the temperature of the southern sector of the North Sea continued to rise."

Mr Bruce added that there are fewer and fewer boats to be seen when he goes out fishing. Does that not go some way towards destroying the myth perpetuated in press articles that there are too many boats catching too few fish? The fishermen are saying that, out in the North sea, they are hardly seeing another boat. A hundred and twenty boats are out, with the decommissioning that we approved—contrary to what was said by a Labour member.

In all my years of fighting on the fisheries committee, I was alone in speaking up for the Scottish fleet. The four other UK members on the committee, who represented the Labour party and the Conservatives—there were no Liberals at that time—voted for Spain whenever it came to a choice between the interests of Spain and those of Scotland. It is not surprising that the two Labour and two Conservative members lost their seats—their constituencies found them out. Nevertheless, we have heard many references to the UK clout as the great thing for us to use. What kind of clout was it when Edward Heath gave away our waters although the rest of the world was claiming 200-mile exclusion zones? What kind of clout was it when Harold Wilson renegotiated Britain's membership of the Common Market and flatly refused to include fishing in his negotiation terms?

What about the further betrayals in the Executive's giving away 2,000 square miles of our waters to England, the recent deepwater fishing fiasco and last year's tie-up fiasco? The Lib-Labs voted against the tie-up plan, although EU money was available. Will Mr Finnie comment on the issue of EU funding? He did not do so in his opening speech, but perhaps he will do so in his closing speech. If we are going to fall back on the tie-up scheme, it is important to know whether we are going to get the money that Belgium, for instance, was able to get.

Tavish Scott summed up my position when he said that the UK should adopt the Scottish policy. When the European Parliament's Committee on Legal Affairs and the Internal Market, of which I was a member, last visited Edinburgh, Mr McLeish promised that a Scottish minister would lead whenever the Scottish interest dominated—and he instanced fishing. That was a solemn promise that I believe Mr McLeish meant to be honoured. I believe that he was sincere. Unfortunately, that has not come about.

Our fishermen are controlled totally by the Commission. They are told when to fish, where to fish, how to fish, what kind of boats to use and what kind of gear to use, yet the Commission is trying to blame the fishermen. The blame lies at the door of Mr Fischler and his predecessors. It lies at the door of Mr Fischler for daring to accept two portfolios when one would be sufficient. We are facing the destruction of our fishing industry. Are we going to see bonnie boats for sale, bonnie licences for sale and bonnie porters for sale? If we find ourselves in that situation, who will have the money to buy those boats? I suggest that it will be the Spanish, aided by their Government.

11:58

Mr John Home Robertson (East Lothian) (Lab): The nationalist leadership is doing no favours to fishing communities by questioning the

role of the Scottish fisheries minister in the European Council. Fishermen, their families, fish processors and fishing communities throughout Scotland expect us to set aside our natural instinct for political and constitutional point scoring and to work together to get the best possible resolution of a serious crisis.

Back in 1999, I was the first Scottish Executive minister to speak in the Council, representing Scottish interests with the full authority of the United Kingdom. The UK delegation discussed issues beforehand and the Scottish minister took responsibility for making the case in the Council on issues in which Scotland had the main interest. That was a fair and sensible arrangement. It worked well and still works well, as Ross Finnie has explained. It is broadly equivalent to the arrangement whereby Richard Lochhead has responsibility for leading on behalf of the Scottish National Party in this debate. He is not the leader of the party, but he is taking the lead on behalf of the party this morning. The issue is as simple as that.

I pay tribute to Ross Finnie for the statement that he has made. He is not a member of the Labour party, but I hope that Scots of all parties and no party will give him the support that he needs at this critical time for our fishing communities. The issue affects communities throughout Scotland, including those in little ports such as Dunbar and Port Seton in my constituency. As our minister, he will have to stack up enough votes in the Council to support a settlement that will make sense for our fish stocks and our fishing fleet. It will be very rough going—thank God that we start with the advantage of the UK's 10 votes, rather than the three votes that a smaller country would have. That is an arithmetical fact.

The battle can be won only on the basis of hard science and serious politics and economics. It would be stupid and wrong to turn a blind eye to scientific evidence about the decline of important fish stocks. Little is to be gained from trying to dismiss the issue as a wicked foreign political conspiracy. It is not as simple as that.

Franz Fischler has not been taking cod, haddock or anything else from the North sea. He happens to be an Austrian and it is a long time since Austria had an empire with coastal fishing interests. What has happened is that the Commission and the ICES scientists have identified a serious problem and are challenging us as politicians and the fishermen who work the North sea to face up to that problem.

I pay tribute to the Scottish Fishermen's Federation for recognising the threat to the livelihoods of its members and for working with the scientists and the Government to protect spawning

grounds, restrict catches, use gear that is more selective and even decommission part of the fleet. I endorse the point that Jamie McGrigor and others made about industrial fishing, which is done almost entirely by foreign fleets. However, I also endorse the important point that my colleague Alasdair Morrison made, which is that we cannot escape the fact that some of our fishermen are not blameless. The landing of black fish has been a scandal. We should all support the Scottish Fisheries Protection Agency's efforts to deal with that kind of problem.

As the minister said, stocks of nephrops are healthy. We have demonstrated that technical measures can help to safeguard whiting and haddock stocks. The Scottish fleet does not generally target cod, so there can be a way through the crisis. The solution will have to be based on rigorous science and tough politics. I fear that the Opposition motion is little more than a gimmick and a distraction that will not take us much further forward. I strongly support Ross Finnie's proposed line and wish him well in the upcoming negotiations.

12:02

Robin Harper (Lothians) (Green): Much has been said about the part that the European Commission has played over the past 20 or 30 years in the fisheries problem. However, the fact is that the Commission has based all that it has said and proposed for fisheries on science. The problem is compounded by politicians of all countries and parties representing their fishing communities and negotiating with the Commission for derogations and reductions in the targets. That historical situation has meant that for the past 20 years there has been little real reduction in fishing effort in the North sea. That fishing effort year on year has kept all stocks dangerously close to the point where they might disappear.

I am alarmed by the fact that during the debate we have been looking forward, albeit in some ways sensibly, to ways of changing how we manage our fish stocks and how we work the common fisheries policy. Those are not the issue. The issue that has brought us into the chamber today is that a thorough scientific survey of our cod stocks has concluded that they are about to collapse.

Members from all parties have pointed to the increase in last year's year class of cod. However, that is irrelevant, because the science is based on the spawning biomass, which has reduced to at least 40,000 tonnes below the point at which the cod stocks would be able to reproduce and recover. That is what we face: a reduction in the spawning biomass. We must face the fact that the argument is between a total closure and the

suggestions on which the minister and his team are working. The argument lies between those two positions.

Mr McGrigor: Will the member give way?

Robin Harper: I am sorry, no. I want to get on.

On the depiction of the Commission as wanting to destroy Scottish fishermen, I will quote from a Franz Fischler speech in which he pledged that extra cash would be provided:

"The commission is determined not to leave the fishermen affected by potential hardship to cope on their own."

Mr Fischler realises the enormity of what would happen to Scottish fishermen if the cod fishery had to be closed for a limited time.

I plead for the minister to keep an open mind. We must start thinking out of the box. Fishermen, politicians and, to a certain extent, the Commission have not thought out of the box for 20 years and that is why we are in the state that we are in. The situation is not a tragedy. In a Greek tragedy, people stick within their individual boxes of thinking and that is why, at the end, the stage is littered with bodies. We are capable of thinking our way out of the situation.

In Newfoundland, people took no notice of the scientists. Newfoundland's fishery stocks have never recovered and will never recover, because it is almost certain that other species will fill the ecological niche left by the cod. Members should bear that in mind when they think about the North sea. There are three elements in the equation: the fishermen, the economy and the environment.

12:06

George Lyon (Argyll and Bute) (LD): Like my colleague Alasdair Morrison, I will start with a west coast perspective. As the minister rightly said yesterday, the Commission's proposals on prawns are ludicrous given the scientific evidence that the Executive presented to the Commission on the subject last year. I want to make it clear, on behalf of my fishermen, that there must be no cut in prawn quotas. Fischler must be told to think again, accept his science and the Executive's science that was presented to him last year and leave prawn fisheries out of the equation.

I want to deal with several points that have been raised in the debate. The first and most important one—although we should not really be discussing it—is the pointless squabbling and the political bun-fight about who sits in the chair in Brussels. There are 20,000 jobs at stake. Entire fishing communities face meltdown and the long-term future of one of Scotland's key industries is at stake, but we are engaging in pointless constitutional wrangling that will not prevent that

catastrophe. Indeed, we may well play into the hands of those who wish to see the wholesale closure of our fishing grounds. I ask SNP members to reflect on that point.

Alex Neil: Cannot we all unite behind the position that Tavish Scott proposed, which is that Scottish ministers should lead the Brussels delegation because the issue is primarily a Scottish one? The issue is about the exercise of power in Europe, not for constitutional purposes, but to save an industry that is vital to Scotland.

George Lyon: The most important point, as my colleague Tavish Scott made crystal clear, is to ensure that the Scottish position is adopted as the UK position and that we use our 10 votes to ensure that it is delivered. That is the key point and it is time that the SNP lot wakened up to that idea. *[Interruption.]*

The Deputy Presiding Officer: Order.

George Lyon: We should also be focusing on what proposals we will come up with in Scotland to head off the proposals that the Commission has tabled. As my colleague Tavish Scott rightly pointed out, time is not on our side. The Norwegian talks begin in three weeks and the December Council of Ministers meeting is only seven weeks away. Therefore, there is no time for constitutional wrangling or other distractions.

What we need—right now—is for the minister and industry leaders to get round the table and hammer out a Scottish position that can be put on the table for negotiation. As several members said, that position must take into account the decommissioning scheme that was introduced in Scotland last year and the Scottish fleet's use of 110mm nets. Those must be factored into any proposal.

The minister must then ensure that that negotiating position becomes the UK position. He must put everything else to one side over the coming weeks and spend his time in Brussels and every other European capital necessary to ensure that we get the support that we need from other countries to deliver a sensible way forward for the Scottish fishing fleet.

Let us make no mistake about it. A deal will be done and the ministers and fishing leaders must put the groundwork in now. That means hard politics and good science, as John Home Robertson rightly pointed out, to ensure that the Scottish fishermen and Scotland's communities are given hope that they have a future.

12:10

Rhona Brankin (Midlothian) (Lab): I have listened carefully to the debate, which, as we would all agree, is an important one. The white-

fish stocks, not the pelagic stocks, are near to collapse and we all know how important the fishing industry is to Scotland. Many communities are virtually fisheries dependent and there are many jobs in the fish processing sector.

I genuinely believe that now, more than ever before, we must work together constructively—the fishing industry, the scientists, the Scottish Parliament and the Scottish Executive. It will be difficult to pick our way through the crisis and there are many tough negotiations to be had. Any politician who says that there are simple solutions is, quite frankly, lying.

That is why I have found this debate—with some notable exceptions—profoundly depressing. It is coming up to the end of the year, so it must be time for the old worn-out tactic of bringing up the constitution. When the SNP is adrift in the polls and when two thirds of voters still reject separation, SNP members clutch at straws—hence the annual charade. Winnie Ewing is walking out of the chamber because she does not like to hear the truth. The SNP does not have a policy on fish; it has a policy on the constitution. At a time when the fishing industry is facing a massive challenge—perhaps its most serious yet—that is all that Richard Lochhead, the SNP's fisheries spokesman, has to offer.

I make a distinction between what Richard Lochhead has said and what Stewart Stevenson has said. Richard Lochhead has offered no solutions. All that he has done is rubbish the minister with responsibility for fisheries, rubbish the scientists and attack what happens in the EU. Frankly, that is an insult to the fishing industry. The fishermen want us to develop a sustainable fishing industry for the future and to work with the fishermen's organisations and the scientists.

Richard Lochhead: Will Rhona Brankin give way?

Mr Stone: Will Rhona Brankin give way?

Rhona Brankin: I shall give way to Mr Stone.

Mr Stone: I received an e-mail the day before yesterday from a member of the fishing industry in Sutherland pointing out that, although it is laudable and right that we do all that we can for the fishermen, the talk is often almost too much about the fishermen. Rhona Brankin referred to communities and we have heard reference to the fish processing industry. When the minister goes to Europe, of course we are all behind him, but must not there be a wider solution, incorporating the enterprise network and many other services, to take on board the other vital workers in the industry?

Rhona Brankin: I absolutely agree with that. The fishing industry is an important part of the

Scottish economy. Indeed, a group that was set up when I was the minister with responsibility for fisheries is now examining the fishing industry in the context of the wider Scottish economy.

We have seen what the SNP has to offer and specifically what the so-called shadow fisheries minister has to offer. We must develop a sustainable fishing industry. The crisis that is facing the white-fish sector is too serious for party politics. The fishermen believe that. The SNP should ask the fishermen's representatives who are sitting up in the gallery what they think. They do not want to spend the day discussing party politics.

Yesterday, Richard Lochhead gave what I might describe as a rather sinister warning when he said what might happen if negotiations became tough. Let me remind the chamber what happened when I was the minister with responsibility for fisheries. The SNP will not like this—SNP members will become very angry and will shout a lot when I remind them of this. When I was the minister with responsibility for fisheries, the SNP press office organised the burning of my effigy.

Stewart Stevenson: Withdraw!

The Deputy Presiding Officer: Order.

Rhona Brankin: I have the SNP press release here. It called people to that occurrence. I say to the SNP that that did the fishermen no favours.

Richard Lochhead: Will the member give way?

The Deputy Presiding Officer: No. The member is already over time.

Rhona Brankin: The majority of Scottish fishermen and the majority of the Scottish public were horrified.

Richard Lochhead: On a point of order, Presiding Officer. When a member blatantly lies to the chamber, should not the Opposition have the opportunity to set the record straight through an intervention?

The Deputy Presiding Officer: That is a matter for the member who has the floor. The member is considerably over time and I would be grateful if she brought her speech to a speedy conclusion.

Rhona Brankin: Like John Home Robertson, who also used to be minister with responsibility for fisheries, I pay tribute to the leaders of the Scottish fishing industry, despite the party-political heckling that is going on. Over the years, they have worked tirelessly with ministers and scientists to seek a sustainable future for their industry.

The Deputy Presiding Officer: The member should wind up.

Rhona Brankin: I also pay tribute to Ross Finnie. It is absolutely right that he will lead for Scotland in the negotiations. He did a great job for

Scotland during the foot-and-mouth crisis and I have absolute confidence in him. I wish him all the best in the forthcoming negotiations.

The Deputy Presiding Officer: David Davidson has four minutes. I would be grateful if he kept his contribution to that time.

12:16

Mr David Davidson (North-East Scotland)

(Con): There are times when I am not proud to be in the chamber and, sadly, this is becoming one of them. We came here to discuss the future of a vital industry. Coastal communities are in crisis, boats that are two and three years old are bringing in no income and heavy boats cannot be taken from the deep sea and used coastally. People must realise that huge investment has been made in fish markets, harbour landings, fish processing jobs, carriage and so on. We should focus on what we are supposed to be doing. I hope that the Parliament will send the minister out with a clear message that, regardless of his political persuasion or how the system works, he must go and fight for a sustainable fishing industry. I agree with others that UK policy should be based on the priorities and requirements of the Scottish fishing fleet—I have said so since 1999. That fleet is the serious centre of fishing in the UK. However, if we are to use all the votes that are available to us, we need to ensure that the minister takes away the right message and understands what we must fight for.

I will not go through everything that members have said. To put the matter simply, we should consider the science and the fishermen. In 1999, when there were poor communications between scientists and fishermen, a conference was held at which everyone got on board. For example, the scientists got on board to have discussions with the fishing organisations, to which I pay tribute as they have done a marvellous job for their industry in providing information.

Why are we not using the Fisheries Research Services marine laboratory in Aberdeen to quantify in real terms what has been done in respect of conservation and what our fishermen have agreed to do and the measures that they have taken? We need hard science from this side of the pond about what has been done to preserve fish stocks.

We must ensure that the rest of the UK and everyone who operates in the North sea where the fishing is shared uses the same measures and standards. That takes us back to the level playing field argument.

Everybody knows that cod have been drifting north for years—that is well documented. I accept Robin Harper's comments on the spawning mass but, even so, is the science accurate?

Robin Harper: Will the member give way?

Mr Davidson: I will continue, if I may.

Richard Lochhead said that the science must be accurate and confirmed, but there is variance. I am a trained scientist and I know that there is no such thing as 100 per cent accuracy on anything, but we must listen to others who have knowledge and who fish the sea. Their experience must be brought to bear on such issues.

Politicians must act as a vehicle to assist the scientists and the fishermen to come to a sensible understanding of what has to be done. The minister's responsibility is to take the result of that work and sell it to everyone in the fishing negotiations. There is no point in us doing something if the Norwegians or the fishermen from Humberside are not doing it too. Far too much playing with politics is being done at a critical time for the fishing industry. We have seen damage in the farming community, but the fishing community is a different animal. Fishermen want a sustainable industry. The decommissioning scheme has worked and it has had some safety benefits. We must ensure that we send out a clear message to the press and to the world that we take fishing and the benefit that it brings to our coastal communities seriously and that we are united in ensuring that Ross Finnie comes back with a good survival package that is seen, and believed, to be fair.

12:21

Ross Finnie: I do not think that anyone who was in the chamber yesterday could have been left in any doubt as to where the Scottish Executive and I, as the minister responsible for fishing, stood on the matter. During the statement and the questions after it, I did not discern that anyone took a contrary view. I remind members that I closed my statement by saying that what we wanted throughout the country was a sustainable Scottish fishing industry. I went on to say:

"I know that it is a goal that all parties and all members will share. I look forward to their constructive support as we progress in the coming weeks."—[*Official Report*, 30 October 2002; c 14710.]

I want to take the chamber back to that proposition by asking them to focus on the main issues. The threat has been put in place by the European Commission, which appears to conduct diplomacy by megaphone. I do not think that that approach is helpful. Many members have pointed out that the science cannot be ignored—Robin Harper spent some time on that issue yesterday. They have also said that the statistics and evidence that are before us—not necessarily the recommendations but the trends that exist—are matters that we must address.

I am grateful to members who made constructive contributions and suggestions in response to the statement. Although we are still debating the matter in the chamber, there is no question but that I have embarked—and my officials are embarking—on discussions with the fishing industry on the points that many members have made. We recognise that we must understand better the apparently contradictory scientific advice. We must take on board all that is being done by the Scottish fishermen that has not been factored into any of the advice that Commissioner Fischler is talking about. As Tavish Scott said, we must also recognise that in this important matter we must take account of the CFP. We all deeply regret the fact that, unless some different arrangement of the CFP is arrived at, it may not be radical enough to deal with some of the problems. The main issue is that greater regional management ought to be addressed, which is a proposal that all members have supported. I intend to ensure that our fishermen will have a fair say in what goes on and in how we arrive at the alternative proposals that we are to agree, whether or not the Commission agrees that proposal in time.

Richard Lochhead: I welcome the minister's indication that the industry should be at the heart of negotiations. Is there potential to second representatives of the fishing industry in Scotland to the civil service for the next few weeks and months of crucial negotiations, so that expert advice is at the heart of the civil service process?

Ross Finnie: There is no need for that. I have indicated as clearly as I can that we will meet representatives of the fishing industry—I gave an undertaking to do so to the Scottish Fishermen's Federation when we were in Luxembourg two weeks ago. Meetings have been arranged and representatives of the fishing industry must be brought together to come to a view. I will meet the Scottish Fishermen's Federation next week for a progress report on the detailed technical discussions. Let us not have an argument about the detail of process. Let us understand that the Executive and the fishermen will work together to achieve our aim.

We must take account of the point that Alasdair Morrison made—that the diversion of fish from their current locations could have an adverse effect on nephrops. We have already undertaken not to close the nephrops fishery. A number of members have referred to industrial fishing, which is a key issue. In my response to a question yesterday, I queried the way in which industrial fishing for herring, which is a feed stock for cod, is being treated.

The issue of timing is crucial.

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

The Deputy Presiding Officer: The minister is coming to the end of his speech.

Ross Finnie: I say to all members who have made constructive suggestions that we should put out one simple, plain message. We reject as politically unacceptable and financially disastrous any suggestion that there should be a wholesale closure of the Scottish fisheries. However, members recognise that they cannot ignore totally the trend that the scientists have identified. Politicians, the civil service, everyone involved in all aspects of the fishing industry—not just the catching sector—and fishermen must work together to develop an alternative proposal that is credible not just here, but in Europe, and that the Commission will accept as viable. We need a proposal that both saves our fishing industry and—crucially—provides it with a sustainable future for all of Scotland.

12:26

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): I rise conscious of the fact that at stake in this debate is the survival of the Scottish fishing industry. During the debate members who feel very strongly about the problems faced by the communities that they represent have expressed—rightly—high passion. However, if I concentrate on those speeches that shed light rather than heat on the issue, I will make a better contribution to our common purpose.

We should focus not on the problems of the past—very serious though those have been—and the failings of the CFP, which we all acknowledge, but on the challenges that we face in the immediate future and the problems that confront the minister and his deputy, who in this session of Parliament represent and speak for Scotland. As I have said in each yearly debate on this issue, we would like the Scottish representative on the UK delegation to speak for Scotland and to lead in the debate. To say that that is an issue of controversy is to miss the point.

I would like to make six points that are constructive and that are based on the SNP motion. First, Scottish fishermen have led the way on conservation. As the minister admitted yesterday, they have been in the van. They have introduced larger meshes that others—including English fishermen—have not yet adopted. The minister should take up that issue—when I raised it with him yesterday, he did not respond to my point. Scottish fishermen have introduced escape panels and finer twine. There has been decommissioning. Has the effect of those steps been measured? It has not.

Robin Harper *rose*—

Fergus Ewing: I will not give way.

Secondly, fishermen have supplied a detailed corpus of evidence, which is to be published by the marine laboratory in Aberdeen. From a briefing that fishing representatives gave yesterday, I understand that that evidence will show that the measures that were introduced last year are beginning to work. Surely, if our approach is not to ignore the science but to analyse it properly, the scientific evidence to which I refer should be considered by Mr Fischler and everyone else before we decide what line should be taken in negotiations.

Robin Harper: Will the member take an intervention?

Fergus Ewing: Not at this point—I want to move on.

The correct approach to take to science is not to ignore it. When this crisis reared its head, the minister's first reaction was to say that we could not ignore the scientific evidence. No one suggests that information should be ignored. However, I suggest to the minister with great seriousness that we should analyse the scientific data very carefully. We agree with the major premise that the trends are worrying. However, Tavish Scott raised the point that the precautionary approach is not necessarily based on science. We know from the briefings that we received that individual features of the science might not be entirely right and, of course, there is a margin of error of 40 per cent.

Thirdly, Richard Lochhead has made constructive and positive contributions and it is puerile to dismiss them entirely, as has been done. His suggestion that the fishing representatives be part of the negotiating team goes to the root of the matter. As I understand it, there will, quite rightly, be meetings between the minister and the fishing representatives, but if the fishing representatives are not part of the team, they will not be present during the negotiations; they will be outside in an antechamber or in another room.

George Lyon: Will the member give way?

Fergus Ewing: I am sorry that I cannot take interventions at this stage, because I want to cover a lot of ground.

There might be many ways of including fishing representatives in the team. One simple way of doing that would be to second to the civil service for the negotiations representatives of the SFF who have expertise so that they can be in the room in which the negotiations are conducted. There might be other technical ways of including the fishing representatives and I ask the minister to explore such methods.

Richard Lochhead argued quite rightly that our task from now until the conclusion of the negotiations is to ensure that Scotland's minister spends his time not in Scotland but travelling throughout Europe seeking alliances and negotiations with his counterparts in other countries. That is a serious suggestion and it is so obviously born of common sense that I hope that it is taken up.

Fourthly, we argued last year for a tie-up scheme as well as decommissioning, rather than just for a tie-up scheme, as has been stated.

Fifthly, members such as George Lyon and Alasdair Morrison are quite right to speak in favour of the retention of the existing quotas on prawns, but that is not sufficient. Yesterday, I was pleased that the minister acknowledged that the Executive is committed to the reinstatement of the 10 per cent reduction in the nephrops quota. Prawns are in plentiful supply, as not just Jamie McGrigor but all of us know. Given that there is no significant bycatch, as everybody accepts, there is no reason why prawn fishermen should lose out as they have done. I believe that that measure is also in keeping with sound conservation principles.

Sixthly, the CFP has perhaps not been mentioned as often as it should have been. Until last week, we were all united in arguing that we need to protect Scotland's historic fishing rights. That was our united position until Mr Fischler made his calculated outburst and it must remain our position.

There are concerns, because there are threats to relative stability. One of those threats is that our quotas will be lost if the capacity for internationally tradeable quotas is introduced. If our quotas can be sold off, as the new system of internationally tradeable quotas suggests, what will happen to our quotas? They will be sold. To whom will they be sold? It will not be to people from Scotland. Did Mr Elliot Morley rule out internationally tradeable quotas? He said that we have to look at the options. That is an example of a clear difference between the position that we should adopt as Scotland's voice, and which the minister should adopt as Scotland's negotiator, and Mr Morley's position on a key point.

I agree entirely with Tavish Scott that the issue is far too important for our fishing industry to allow anyone other than Scotland's minister, who must necessarily have—and who does have—a better understanding of Scotland's fishing industry problems, to speak for Scotland. That is not a mere constitutional point, it is not dancing on the head of a pin and it is not metaphysics—it is sound, practical common sense. In the days ahead, I hope that there will be a clear statement that that is what will happen.

The Deputy Presiding Officer: There is an unfinished piece of business—the point of order that Alex Neil raised earlier this morning. The Presiding Officer has now had the opportunity to review article 146 of the Maastricht treaty and he considers that the matters contained therein are for the UK Government and the Scottish Executive rather than for the Presiding Officer of the Scottish Parliament. In addition, Mr Finnie has explained his position at some length. The ruling is that if Mr Neil remains dissatisfied, he will have to take up the matter with the minister rather than with the chair.

12:36

Meeting suspended until 14:30.

14:30

On resuming—

The Presiding Officer (Sir David Steel): Before we begin this afternoon's business with question time, I welcome the Speaker of the House of Representatives of New Zealand, the right hon Jonathan Hunt, who is in the gallery with some of his parliamentary colleagues.

Question Time

SCOTTISH EXECUTIVE

Affordable Housing

1. John Farquhar Munro (Ross, Skye and Inverness West) (LD): To ask the Scottish Executive what is being done to address any lack of affordable private housing for first-time buyers, particularly in rural areas. (S1O-5790)

The Minister for Social Justice (Ms Margaret Curran): The Scottish Executive, through Communities Scotland's housing investment programme, provides assistance for a number of low-cost home ownership schemes. In the former crofting communities, the crofting building grants and loan scheme, funded by the Scottish Executive, provides grants and loans to build and improve croft houses.

John Farquhar Munro: I appreciate that the minister understands the situation in relation to the difficulties that are created by the high cost of housing in rural areas. Will the minister encourage local authorities to procure land banks where suitable sites could be provided for first-time buyers and offered, as an incentive, at a discounted price?

Ms Curran: I am pleased that John Farquhar Munro recognises my interest in rural housing and my awareness of the need to provide a range of housing options for rural communities. I have visited a number of those communities while I have been the minister with responsibility for housing and I think that Communities Scotland is engaged in an imaginative programme.

I would not wish to respond to a specific issue at this point, but I am happy to ensure that Communities Scotland considers all possible options. We are aware of the need to provide affordable housing in rural areas and are committed to doing so. We are determined to make progress in that regard.

Rhoda Grant (Highlands and Islands) (Lab): Is the minister aware of the problems that are faced by local people who have to compete with people who are buying second homes? Will the minister consider a review of the council tax relief

scheme for second homes as one of the tools by which the problem might be addressed?

Ms Curran: As Rhoda Grant might be aware, the Executive is committed to consulting on this issue because it recognises that the purchasing of second homes might provide an impediment to the supply of affordable housing, particularly in rural areas. I assure members that the Executive is committed to a programme of investment and reform throughout all of our housing policies and we will do all that we can to ensure that there is choice and quality for all Scottish tenants.

Ms Margo MacDonald (Lothians) (SNP): How will the minister address the problem of homelessness and lack of housing in Edinburgh? Although the situation is quite different from that in the crofting counties, the minister will agree that the average price of a house in Edinburgh is £130,000. The problem is so bad that the police are suggesting that there needs to be a weighting system to allow policemen to live in the city. The minister needs to address this problem.

Ms Curran: I have just returned from a constructive meeting with the leader of the City of Edinburgh Council and housing officials. The council told me that it was the best meeting that it has had with the Scottish Executive. We are fundamentally addressing the issues of housing in Edinburgh. I guarantee that we will continue to do so and I look forward to a productive experience in relation to housing issues in Edinburgh.

Youth Crime Action Plan

2. Bristow Muldoon (Livingston) (Lab): To ask the Scottish Executive how the initiatives it announced on 18 October 2002 will assist with the implementation of the youth crime action plan. (S10-5804)

The Minister for Education and Young People (Cathy Jamieson): The Scottish Executive is determined to reduce youth crime. The initiatives will put in place programmes to reduce persistent offending, improve our youth justice services and make communities safer.

Bristow Muldoon: I welcome the three initiatives that were announced on 18 October, because they show that the Executive recognises the importance of tackling persistent youth offenders in communities across Scotland, including my constituency.

Does the minister agree that those are the right priorities for the Scottish Executive to be following? Will she comment on how those priorities contrast with the constitutional obsessions of the nationalists?

Cathy Jamieson: Our priorities are correct. The £5 million youth crime prevention fund will enable

national voluntary organisations to widen the range of crime prevention projects for young offenders. The youth justice teams fund will ensure that multi-agency youth justice teams are able to put in place local action plans. The intensive support fund will enable local authorities and voluntary organisations to increase the level of community-based supervision of young people. Those are the priorities that our communities want and the priorities on which the Executive wants to deliver.

Roseanna Cunningham (Perth) (SNP): The minister no doubt agrees that the number of secure-unit places available in Scotland is integral to any programme on tackling youth crime. On 18 September, she announced 25 extra secure accommodation places, which, as we already know from the Executive's own admission, will be taken up immediately. However, on 8 October, she replied to a written parliamentary question from me, saying that she knew neither where nor when those places would become available. Can the minister give us any further details today, or can we expect a repeat announcement, coincidentally just before the election?

Cathy Jamieson: That is not the case. If Roseanna Cunningham had followed the debate—some of her colleagues have written to me on those matters and I have answered questions—she would know that we have a team in place in the Executive that has met the potential providers of those places and that we will make an announcement in due course.

Lord James Douglas-Hamilton (Lothians) (Con): Is the minister aware that, on 3 October, when the First Minister was asked whether he would support a policy of reducing crime by increasing the number of police officers, he replied "Yes"? Will the minister support the First Minister's statement?

Cathy Jamieson: I am always delighted to support the First Minister. I am sure that that will come as no surprise to Lord James Douglas-Hamilton. I am also delighted to be able to support the recently launched safer Scotland campaign, which seeks to involve young people actively in promoting better life chances for other young people in their communities.

Fluoridation (Research)

3. Robin Harper (Lothians) (Green): To ask the Scottish Executive what its position is on recent research that suggests a link between fluoridation of water and bone disease in children. (S10-5771)

The Deputy Minister for Health and Community Care (Mrs Mary Mulligan): The University of York's "A Systematic Review of

Public Water Fluoridation" took account of 254 relevant studies on fluoridation. No conclusive evidence was produced linking water fluoridation and bone disease. If there had been conclusive evidence, the Executive would not have included fluoridation as an option in its consultation document "Towards Better Oral Health in Children: A Consultation Document on Children's Oral Health in Scotland".

Robin Harper: The minister is no doubt aware that, last month, a Medical Research Council working group on fluoride recommended further research into the health effects of water fluoridation. The group is concerned about the fact that research from Mexico has shown that fluoride can cause bone disease in children, but we do not know whether adding fluoride to our water will cause similar bone disease. Does the minister agree that, given that unknown, it is vital that proposals to fluoridate water should not go ahead until research into the health effects of fluoride has at least been completed, and will she guarantee that?

Mrs Mulligan: In Mexico, the example that Mr Harper uses, fluoride is found naturally. In those instances, there have been examples of fluoride causing health problems because of the high concentration. However, when fluoride is added to water supplies, it is added at much lower levels. None of those levels has shown instances of health problems. However, the Executive is willing, as ever, to listen to the relevant information that is provided and to consider the research. We will continue to do that.

Mary Scanlon (Highlands and Islands) (Con): The current consultation document on fluoridation of the water supply states that the Executive is impartial on the issue. How does the minister square that statement with a contribution of £26,000 to the British Fluoridation Society—a society that exists solely to promote fluoridation of the water supply?

Mrs Mulligan: The Executive has said consistently that it remains open minded on fluoridation of the water supply. The consultation document on children's oral health includes a number of aspects, and Mary Scanlon should ensure that the debate on children's oral health is not only on fluoridation, but covers all the other measures that would be needed to improve a poor record of oral health throughout Scotland.

Secretary of State for Education and Skills (Meetings)

4. Mr Brian Monteith (Mid Scotland and Fife) (Con): To ask the Scottish Executive when the Minister for Education and Young People will next meet the Secretary of State for Education and Skills. (S10-5767)

The Minister for Education and Young People (Cathy Jamieson): I have no immediate plans to meet the new secretary of state.

Mr Monteith: That is such a disappointment. The minister may like to know that, in a speech given yesterday in Oxford, Charles Clarke said:

"we will energetically promote earned autonomy for schools that are well run and managed so that those schools will have greater freedom"

Will the minister consider such an enlightened approach in Scotland, using direct grant status—or any other process—and starting with St Mary's Episcopal Primary School in Dunblane?

Cathy Jamieson: The short answer to that, which will come as no surprise to Mr Monteith, is no. In Scotland, we will continue to make reforms in education that will best meet the needs of our young people and close the opportunity gap for those who have, in the past, not succeeded.

Jackie Baillie (Dumbarton) (Lab): The minister will be aware of the academic research that was done recently by Professor Lindsay Paterson of the University of Edinburgh, which showed that pupil attainment levels in comprehensive schools are the same as those in private schools. Does the minister agree that that is a significant and independent endorsement of comprehensive education in Scotland?

Cathy Jamieson: Of course I looked with interest at the comments made by Lindsay Paterson. I was pleased to note that the research showed that the comprehensive system could produce very good results indeed. There were some lessons for us, too. As I mentioned to Mr Monteith, those are about closing the opportunity gap, which we take very seriously indeed.

Alex Neil (Central Scotland) (SNP): When the minister meets the new Secretary of State for Education and Skills, will she ask him whether he has made any assessment of the impact of raising the starting age for primary education from five to six and lowering the leaving age for secondary education from 16 to 14, and whether he thinks that implementing such a policy at this time, when there is so much else happening in education, would be a sane and sensible thing to do?

Cathy Jamieson: I suspect that I do not need to ask the new secretary of state what his views on that are. Although he, like me, wants to drive forward reforms, I do not want a situation in which young people end up leaving school earlier, without the necessary qualifications and skills to go on and get decent jobs and get into higher education.

Robert Brown (Glasgow) (LD): Can the minister give the chamber any insight into the recent report about the lack of skills available to

the construction industry? I think that the same concerns could be echoed by other industries. Will she indicate what steps the Executive might take to encourage more young people to take up appropriate skills training regimes and to interest them in such employment?

Cathy Jamieson: It is vital that we can encourage young people to take up the opportunities that are available. There are already 5,000 modern apprenticeships, but I want there to be closer links between schools and industry. I am sure that, when the report that my colleague Nicol Stephen is in the process of completing, which deals with enterprise education, comes out with its recommendations, we will be able to make further moves in that regard.

Dennis Canavan (Falkirk West): Will the minister tell Charles Clarke that the system of student finance that was introduced by the Scottish Parliament, although it is not perfect, is more generous than that introduced by Westminster, which abolished student grants and imposed tuition fees? Will the Scottish Executive reject any suggestion of top-up tuition fees of up to £15,000 per year, whether that suggestion has come from the principal of the University of St Andrews or from U-turning politicians such as Tony Blair, who once gave a firm commitment not to introduce top-up fees, or indeed such as Brian Monteith, who used to be—or claimed to be—against tuition fees, but who is now in favour of top-up fees?

Cathy Jamieson: I am sure that, when I meet the new secretary of state, I will seek to ensure that we continue to maximise the uptake of university and further education places among our young people. That will be the focus of my attention during discussions with him.

Seagulls

5. David Mundell (South of Scotland) (Con): To ask the Scottish Executive what steps it is taking to develop best practice for local authorities and others in dealing with nuisance caused by seagulls in towns and cities. (S10-5784)

The Deputy Minister for Environment and Rural Development (Allan Wilson): As I have made clear in reply to previous questions on the issue, local authorities already have full discretionary powers to control seagulls through their environmental and public health responsibilities. But, and this is an important but, colleagues—[*Laughter.*—]the Scottish Executive will now be considering the possibility of issuing best practice guidance on problems caused by seagulls.

David Mundell: I welcome the initiative that the minister is taking. If members had a seagull on

their roof, they would not find that funny. This is a serious issue. I hope that the minister will use next week's members' business debate to allow us to review the options that are available to local authorities to tackle a serious problem for members of the public who are affected by it.

Allan Wilson: Joking aside, I agree that this is a serious issue. Representations have been made to me by David Mundell, Dr Murray and other members whose constituents have experienced problems with dive-bombing seagulls that prevent them from leaving their homes and prevent children from playing outside. That is why I am considering issuing new guidance to complement the massive planned investment in waste management, which will have a major impact on scavenging seagulls. I look forward to debating the issue next week.

Dorothy-Grace Elder (Glasgow) (Ind): Will the minister undertake to study the nuisance that is caused by politicians who harass seagulls, which at least perform the democratic function of splattering the statues of dead politicians? Does the minister accept that seagulls are being discussed here only because they are an unreserved issue? We should be discussing war, but are prevented from doing so because it is a reserved issue.

Allan Wilson: I am speechless. [*Laughter.*]

The Presiding Officer (Sir David Steel): Question 6 has been withdrawn.

Veterinary Teaching and Research (Funding)

7. Miss Annabel Goldie (West of Scotland) (Con): I declare that I am a member of the court of the University of Strathclyde.

To ask the Scottish Executive what proportion of funds from the comprehensive spending review will be allocated to university veterinary teaching and research over the next three years. (S10-5777)

The Minister for Enterprise, Transport and Lifelong Learning (Iain Gray): Decisions have not yet been made on the use of the new funding announced for veterinary teaching and research in the UK Government's comprehensive spending review. The Scottish Higher Education Funding Council and the Scottish Executive are members of the Great Britain-wide group that is considering the optimum use of those funds.

Miss Goldie: The minister's answer is redolent with complacency that is quite breathtaking. Scotland has two legendary veterinary schools, at the University of Glasgow and the University of Edinburgh. Because of a lack of adequate funding that may be made available to the rest of the United Kingdom, those two schools face a very

grave risk. The minister will be aware that the schools have a high proportion of undergraduates, staff and research staff. Will the minister explain why he is prepared to preside over the diminution of two legendary Scottish faculties?

Iain Gray: Miss Goldie's supplementary question demonstrated that she did not listen to my answer to her previous question. I fully expect that our two vet schools will receive their fair share of funds. Indeed, I suspect that they will receive a disproportionate share, because they contribute disproportionately to veterinary teaching and research in the UK. Their funding must be seen in the context of a budget settlement under which funding for higher education generally will rise to more than £800 million a year by 2005-06. Those funds will be available to SHEFC for higher education, including the vet schools. SHEFC has clearly demonstrated that it recognises the importance of veterinary science by increasing by 29 per cent in 2002-03 the veterinary science part of the block grant for research. I do not recognise the situation that Miss Goldie describes.

The Presiding Officer: Question 8 has been withdrawn.

South-west Scotland (Jobs)

9. Alasdair Morgan (Galloway and Upper Nithsdale) (SNP): To ask the Scottish Executive what plans it has to disperse jobs to south-west Scotland. (S10-5782)

The Minister for Finance and Public Services (Mr Andy Kerr): We have located or are planning to relocate 650 jobs outwith Edinburgh. A further seven reviews are planned, with decisions expected later this year in five of those reviews.

Alasdair Morgan: The minister is probably aware of the run-down by the Ministry of Defence of the base at West Freugh, which will result in the loss of 150 jobs in Wigtownshire. In an area of high unemployment that is remote from other centres, that is equivalent proportionally to a much higher number of redundancies elsewhere in Scotland.

Given that those jobs have been lost as a result of Government action, does not the minister agree that the Government has an economic and moral obligation to provide alternative Government jobs in the area, via dispersal? I am not asking for his or anyone else's entire department, but we would like a contribution to the economy of the south-west.

Mr Kerr: The contribution that the Executive is making with regard to the public-private partnership proposals for that part of the country would add significantly to the job opportunities in the area, but the member is opposed to those proposals. There are strong claims with regard to

the south-west of Scotland, which is why on Monday the First Minister announced a change to our policy to include the opportunity for smaller autonomous units in the Executive to be relocated within our communities, which so desire such relocations of jobs.

When the First Minister visited Benbecula, he learned the lesson that a small number of jobs can make a large impact on communities. The proposal on the development of our policy will assist with job opportunities not just in the south-west of Scotland but in other parts of Scotland that are yet to benefit from the Executive's forward-looking and forward-thinking relocation policy.

Alex Fergusson (South of Scotland) (Con): Does the minister agree that situations such as the one at West Freugh, which Alasdair Morgan described, and the closure of Chapelcross power station near Dumfries, which might lead to the loss of 600 jobs, have particularly devastating effects in areas such as Dumfries and Galloway, which have a particularly low-wage economy? Will he undertake to give such areas an especially high priority status when it comes to the redistribution of public sector jobs?

Mr Kerr: Many parts of Scotland could make similar arguments. I agree with the point on the impact of recent job losses. I want to ensure that our partners in local government and the enterprise agencies are encouraged to suggest available sites and options for relocation. I am pleased to back what the First Minister said on Monday with resources that will allow us to work in partnership. If a local authority wants to relocate some of its jobs outwith its traditional core area into more rural and remote parts of the community, I would be interested in providing resources for the initial capital costs that might not, in terms of the usual cost-benefit analysis, fit the traditional model. If the pump priming that I can provide to allow such one-off interventions to be made would allow local authorities or local enterprise companies to make those decisions, I would be happy to hear from them.

Scottish Fishermen's Federation (Meetings)

10. Tavish Scott (Shetland) (LD): To ask the Scottish Executive when it last met the Scottish Fishermen's Federation and what matters were discussed. (S10-5794)

The Presiding Officer: Elaine Thomson.

Elaine Thomson (Aberdeen North) (Lab): Right—

The Presiding Officer: I do beg your pardon. I meant to call Ross Finnie. It is my fault; Elaine Thomson's supplementary will follow.

The Minister for Environment and Rural Development (Ross Finnie): I met representatives of the Scottish Fishermen's Federation on Friday 25 October to discuss the latest scientific advice from the International Council for the Exploration of the Sea.

Tavish Scott: I am grateful to the minister for that answer. I thought for a moment that Sir David had the power to reallocate ministerial responsibilities.

Will the minister confirm that the cod fishings closure proposals from the European Commission would destroy fishing communities such as Shetland and many others throughout Scotland? Does he accept that the imminent European Union-Norway negotiations are an extremely important staging post in terms of the position that Commissioner Fischler is going to take? Will he ensure that when that position is known he will discuss with and make representations to the Commission to ensure that the ultimate outcome of the talks will satisfy the fishing industry in Scotland?

Ross Finnie: I do not think that I could have made clearer yesterday and this morning the fact that my position on the potential threatened closure of our fisheries is that it is politically unacceptable and could be financially ruinous—there is no dubiety about that.

During this morning's debate Tavish Scott raised the difficult issue of the negotiations on the EU-Norway allocation. As I made clear this morning, the allocations have traditionally been conducted at official level. The importance of the ICES advice has caused additional difficulty. It is important to remember that although the allocations are conducted at official level, they have to be approved in the Council of Ministers. As I indicated in my response to the debate this morning, it seems that on this occasion it will be important for the Council of Ministers not simply to rubber stamp the decision. I assure members that in the lead up to the decisions my officials will keep a wary eye on the conduct of the negotiations so that there is no question of our being taken by surprise by any outcome that arises.

The Presiding Officer: Now we will have Elaine Thomson's question.

Elaine Thomson: Thank you, Presiding Officer. Although discussions with fishermen about fish stocks are vital, the minister will be aware of the number of onshore jobs that the fish processing industry supports in areas such as my constituency. Will the minister assure the fish processing industry and me that discussions will also take place with that industry, which will be severely affected by the proposed European measures? I am sure that the processors wish the minister every success in Europe.

Ross Finnie: I am happy to confirm what I stated yesterday and confirmed in this morning's debate. When I refer to "the industry", I am using shorthand for the catching sector, the processing sector and all the groups that are actively engaged in the industry. We will meet representatives of all groups within the industry as part of our discussions.

Brian Adam (North-East Scotland) (SNP): In relation to the discussions that the minister intends to hold in the next few weeks, can he indicate whether he plans to have bilateral talks with other fisheries ministers—particularly those in the northern part of the EU—to build appropriate alliances to drive forward the Scottish agenda?

Ross Finnie: As long as two weeks ago, when we were in Luxembourg, I discussed that matter with the Scottish Fishermen's Federation. I indicated that such talks would be imperative. We cannot depend on those in the southern states to be too concerned about the outcome in the North sea. I have made it clear that such talks are vital.

When I was in Luxembourg, and during the previous fisheries council, I participated in discussions with two member states. I will be continuing such dialogue, because it is vital that we obtain some unanimity of purpose. We cannot go to the council meeting unless the member states that have an interest in the North sea have agreed a position. I will be conducting bilateral talks on that basis.

Fireworks Task Group

11. Shona Robison (North-East Scotland) (SNP): To ask the Scottish Executive when it intends to respond to the report produced by the Convention of Scottish Local Authorities' fireworks task group. (S10-5787)

The Minister for Finance and Public Services (Mr Andy Kerr): I welcome the wide-ranging report that COSLA has produced. I am currently looking at what can be done within our powers to address the increasing problem of fireworks in our communities. All possible options, including the licensing proposal that is mentioned in the report, are being actively considered.

Shona Robison: It is good news that COSLA has come out in support of a licensing scheme. There has been an overwhelming public response to my consultation on my proposed bill on a licensing scheme for fireworks retailers. I am happy to share the results of that response with the minister. The First Minister has also signalled his support for such a scheme. Will the minister outline when he will introduce clear proposals and when a licensing scheme is likely to be operational?

Mr Kerr: My colleague Lewis Macdonald spoke about the issue on 12 June, some time before the

member brought it to my attention. In his speech in the chamber, he stated that our position would rely on measures that were taken throughout the United Kingdom and that we would act in partnership with the Department for Trade and Industry and our colleagues in local government. I will take cognisance of the worthwhile review that the DTI in London has carried out and of COSLA's worthwhile report on the measures that we can take.

We must ensure that we work in partnership with local authorities, and at a UK level. Controlling fireworks is significant to our communities. We must take the relevant controls. I will look to section 44 of the Civic Government (Scotland) Act 1982 to introduce additional licensing powers. That is not the end of the problem—it is only the beginning of one possible solution. The solutions must be found at a UK level and at a local level. I will seek to work in partnership with the relevant bodies.

Dr Sylvia Jackson (Stirling) (Lab): As the minister has said, there needs to be a close working relationship between the Scottish Executive and the relevant Westminster ministers. Will he reassure us that that will happen as soon as possible?

Mr Kerr: I give a categorical assurance that that will happen. We will inform the Parliament about the results of that work in due course. We can work with local authorities to ensure that they have the powers to reduce the scourge of fireworks in our communities. I believe strongly that, in their abuse of the current voluntary code of practice, irresponsible vendors are drinking in the last-chance saloon. Fireworks have been going off not for the past three weeks, but for the past couple of months. That has caused many problems to pets, to the elderly community and to young people.

My local council regularly removes illegal bonfire sites and sends its trading standards officers to shops to ensure that no misuse or mis-selling of fireworks takes place. Efforts are also being made to increase partnership working with the local police to ensure that all available measures are being taken.

On the basis both of the COSLA report and of the work done by the DTI, I will come back to the chamber with a comprehensive set of measures to reduce the tension within our communities and to increase quality of life.

John Young (West of Scotland) (Con): Is the minister aware that, within the past 72 hours, some seven tonnes of containerised fireworks have been found by trading standards officers in the Glasgow docklands area? However, I understand that no trading standards department had apprehended any shopkeepers for the illicit

sale of fireworks in the previous 12 months. As the minister himself said, for the last few months—certainly since mid-September—all over Scotland fireworks have been going off, including the iniquitous black cat firework, which has the velocity of a mortar shell and should not be detonated within 80 feet of any structure.

Mr Kerr: I agree with the points made. We need to work at the relevant local and national levels. Of course, fireworks sales are becoming much more sophisticated these days, when many things can be bought over the internet, including fireworks from other countries of origin, which may not be up to our British standards. That is why we want to ensure that we address the issue at a local level through local authority licensing powers and controls and through an enforcement regime that supports that licensing facility, for which adequate resources must be provided. At the national level, we need to ensure that there are controls over the import of illegal fireworks that are not up to British standards.

Cancer Strategy

12. Rhona Brankin (Midlothian) (Lab): To ask the Scottish Executive what progress is being made with its cancer strategy. (S10-5796)

The Minister for Health and Community Care (Malcolm Chisholm): The first "Cancer in Scotland: Action for Change—Annual Report 2002" was launched on 24 October. The report sets out the action and achievements to date. Copies have been placed in the Scottish Parliament information centre. The report is also available from the Scottish Executive website and from the Scotland's health on the web—or SHOW—website.

Rhona Brankin: As a former breast cancer sufferer, I welcome the progress that has taken place, as I am sure we all do. Will the minister join me in welcoming the recent opening of Glasgow's Maggie's centre, which provides care and support for sufferers of breast and other cancers and for their families? That care and support is provided in centres that are not only caring and welcoming, but beautifully designed.

Malcolm Chisholm: I strongly support the approach to holistic care that is embodied by Maggie's centre. Last week, I visited the Maggie's centre at Edinburgh's Western general hospital, where I was pleased to hear about the developments in services for breast cancer patients, for whom extra theatre sessions and extra specialist breast cancer clinics will be provided as a result of the latest round of cancer investment.

Progress is certainly being made, but we have a long way to go. We are combining investment with

new ways of working. The redesign of breast cancer services is also important. Earlier in the summer, I was pleased to see Wishaw general hospital's redesigned breast cancer clinic, which is one of many throughout Scotland.

Mrs Margaret Smith (Edinburgh West) (LD): I was pleased to join the minister at the Western general hospital last week and I echo the points that have been made about the on-going success of Maggie's centre.

At the Western general, we saw that much progress is being made on the planned new men's cancer centre and on the work towards commissioning the new magnetic resonance imaging scanner. However, one thing that concerns me still is that we will have to address some of the shortages in our national health service work force before that equipment can be used to greatest effect. What plans does the minister have to attract and retain physicists in the NHS? Does he plan to increase the number of training places for physicists in Scotland?

Malcolm Chisholm: Like Margaret Smith, I was pleased to hear about the new MRI scanner, which will reduce waiting times.

The issue of staff recruitment and retention for cancer services is centre stage. At last week's cancer forum, I was pleased to be able to announce some money in relation to skill mix to enable us to deal with some of the shortages in radiography. I fully accept Margaret Smith's point about the physicists. Clearly, the issues are not only about recruitment, but about getting the right skill mix so that people can combine different roles to deliver the service.

Rail Industry (Report)

13. Nora Radcliffe (Gordon) (LD): To ask the Scottish Executive what action it will take in response to the Transport and the Environment Committee's report on the rail industry in Scotland. (S10-5806)

The Minister for Enterprise, Transport and Lifelong Learning (Iain Gray): The Scottish Executive is currently studying the report and will be writing to the convener of the Transport and the Environment Committee with its response and comments shortly.

Nora Radcliffe: I thank the minister for his answer and look forward to studying his response.

Does the minister agree that a Strategic Rail Authority office in Scotland would facilitate informed discussion on the development of rail services in Scotland? Given the importance of dealing with transport in a holistic and integrated way, including land use planning, what is the

Executive doing to involve local authorities, harbour authorities, bus companies, hauliers and not forgetting passenger and work force representations, in such discussions?

Iain Gray: It is clear that relations with the SRA are important and I have discussed that in the past with the Transport and the Environment Committee. I think it would be quite wrong for me to respond to the specific point that is made in the report until I respond to the report as a whole.

However, Nora Radcliffe makes an important point about the relationship between transport, and the potential for improving transport infrastructure, and land use planning. Only yesterday, I met Margaret Curran and other colleagues to discuss that. We believe that there are things that we can do to bring together land use planning and transport issues. We can expect to see some ideas emerging over the next weeks and months.

Mr Kenny MacAskill (Lothians) (SNP): I would be grateful if the minister were a bit more supportive of the report than his London colleague, who was haughtily dismissive. His colleague in London indicated that Network Rail was a private company and that he could not tell it what to do, and that the Strategic Rail Authority was perfectly capable of looking after the whole of the country from one office. Presumably that office will be in Victoria station in London rather than in Victoria Quay in Edinburgh. Does the minister accept that those comments are entirely unacceptable? Will he support the report of an elected cross-party Scottish Parliament committee rather than kow-tow to the references and orders of his London Labour colleagues?

Iain Gray: That Network Rail is a private company that cannot be directed by ministers is a simple statement of fact and we have to accept that. On responding to the report and the support or otherwise that I give to the recommendations of the report, I have made it clear that I have to take time to respond in the appropriate fashion to the convener of the Transport and the Environment Committee.

While Mr MacAskill and others have spent some time poring over pronouncements about the structure of the railways, in recent days we have been concentrating on developing potential improvements in Scotland. The past week has seen money being given to fund the engineering studies necessary for the potential Airdrie-Bathgate link. Approximately £1.5 million—the detail is still to be determined—is to be given to the Strathclyde Passenger Transport Executive to take forward parliamentary powers to build the Glasgow airport rail link, which is another popular improvement.

In the past week the SRA has asked for expressions of interest on the ScotRail franchise. It would therefore appear that, in recent days, the SRA has been pursuing the interests of maintaining and improving rail services in Scotland. That is what is important as far as we are concerned.

Mr John McAllion (Dundee East) (Lab): Is the minister aware that, at a rail briefing in the Parliament earlier this week, one of the speakers remarked that the train operating companies are in the business of running train services for profit and not in the business of delivering a better or safer railway? Given the startling honesty of that remark, does it not deserve an equally honest response in that the time has now come to bring those train operating companies and the rest of the privatised, ramshackle industry back into public ownership, where it should have stayed from the beginning?

Iain Gray: It is important to say that the way in which train operators operate those rail services that begin and end in Scotland is bound up in the franchise that is currently held by ScotRail. If Mr McAllion looks at the directions and guidance that we have provided to determine the re-let of that franchise, he will see that better and safer railways are central. If a train operator tenders for that franchise on the basis that Mr McAllion has just described, rather than on the basis of providing better, safer and more reliable train services for the people of Scotland, they will be wasting their time.

First Minister's Question Time

15:10

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-2195)

The First Minister (Mr Jack McConnell): The Cabinet met yesterday to consider important issues that dominated ministers' work during the recess. The topics covered included Scotland's relationship with Sweden, population trends, North sea fisheries, the possibility of an ambulance strike, other health issues, flooding, the Inverness capital of culture bid, improvements for Scotland in the British Tourist Authority, and youth crime. Next week's Cabinet will look ahead and discuss other issues of importance to the people of Scotland.

Mr Swinney: The First Minister will be aware that, when a minister misleads Parliament, that is a breach of the Scottish ministerial code of conduct. When it comes to misleading Parliament, who is responsible for enforcing that code of conduct?

The First Minister: Ultimately, I am responsible for enforcing that code of conduct. If Mr Swinney is referring to his ridiculous assertion that I misled Parliament, as he claimed the day after our last parliamentary question time, he was wrong then and he will be wrong again today.

Mr Swinney: I am glad that the First Minister has clarified that he is responsible, because that makes him judge and jury, which means that his answers to the Parliament must be clear and they must be straight. Three weeks ago, in response to my questions, the First Minister claimed to tell Parliament exactly what he knew about irregularities in his local Labour party. Within 24 hours, the First Minister was writing to the Presiding Officer to make it clear that he had not told Parliament exactly what he knew. The First Minister did not tell Parliament that on occasions he had been questioned about the problems; consequently, he misled Parliament. I give the First Minister a second chance to give us a clear account of his involvement in the irregularities.

The First Minister: I know that this is not a matter for parliamentary business—the Presiding Officer reminded me of that again this week—but I regard my accountability to the Parliament as important and I will state the facts once again. The voluntary local party auditors—they are amateur auditors; they are volunteers appointed by the local party and they are not professional auditors—in my constituency raised questions at my constituency annual general meeting in

February of the treasurer and of the constituency as a whole, including me and the member of Parliament. They received answers to some of those questions but, when I next discussed the matter with them in July, they were not receiving answers to the questions that they had put to the constituency treasurer. The next day, I contacted the Scottish Labour party, which has pursued the matter since. That is what I said three weeks ago and it is what I say again today.

I must say to Mr Swinney that no public funds are involved in the issue. Moreover, the Labour party has made it crystal clear that: first, it will have an inquiry; secondly, it will publish the outcome; and thirdly, it will take advice on the inquiry not just from the Electoral Commission and external auditors, but from the police. That is a degree of transparency that the Parliament should welcome, not criticise. I certainly intend to see the matter through.

Mr Swinney: The First Minister has just confirmed that he misled Parliament three weeks ago.

The Minister for Finance and Public Services (Mr Andy Kerr): Read the *Official Report*.

The Presiding Officer (Sir David Steel): Order. Let us hear the question.

Mr Swinney: The Minister for Finance and Public Services asks me to read the *Official Report*, so I will. [*Interruption.*] Keep quiet and listen to this. The First Minister, in his final answer to me, said:

"I am happy to tell Mr Swinney exactly what I know, which is that the auditors of my local constituency Labour party asked questions, which may or may not produce answers that are of concern, of the treasurer and of the local constituency party."—[*Official Report*, 10 October 2002; c 14640.]

He omitted to tell Parliament that they asked questions of him. When I asked the First Minister to tell us exactly what he knew, he misled Parliament. [*Interruption.*]

The Presiding Officer: Order. We must hear the question.

Mr Swinney: The noisier Labour members get, the more they have been found out in the Parliament.

In the three weeks since Parliament addressed the issue, it has been revealed that the First Minister knew about those financial irregularities long before he admitted it in Parliament, that he misled Parliament and that he leads a party that has broken the law around the country. Most serious, *The Sunday Times* alleged on 20 October that the First Minister's register of interests was, to use its word, "false". To protect his reputation in

his office, what action—legal or otherwise—has the First Minister taken to refute that serious newspaper allegation?

The First Minister: If I spent not only any time after a Sunday refuting inaccuracies in *The Sunday Times*, but as much time as the people who work for me spend on a Saturday trying to tell that newspaper the truth that it refuses to print, we would be in a sorry state of affairs and I would never do any work as First Minister.

I make it clear that the answer from three weeks ago that Mr Swinney quoted refers to my previous answer, in which I said:

"There seemed to be a problem in that the auditor asked questions that did not produce answers."—[*Official Report*, 10 October 2002; c 14640.]

The answers that I gave three weeks ago and my answers today are entirely consistent.

I say yet again that—as I put in writing to the Presiding Officer and the general secretary of the Labour party—my entries on the register of interests are correct according to the advice that I was given when I made them. Yesterday, I met the clerk to the Standards Committee. I am happy not simply to ensure that my register of interests is correct, but to exceed the Parliament's requirements and ensure that my register of interests contains more than is needed, because I am interested in transparency and openness in the Parliament.

It is not good enough in the Parliament to go down on the side of smears and innuendo week after week. A choice must be made. We can base our politics on smears and innuendo or we can base it on acting for the people of Scotland. Regardless of the smears and innuendo, I will not be deflected as First Minister from concentrating on jobs, education, crime, health, growth in our economy and excellence in our public services. I intend to see through that programme and I will act on that. That is why I am here as First Minister.

Mr Swinney rose—[*Interruption.*]

The Presiding Officer: Order. I will let Mr Swinney have one more go, but I will protect later questions.

Mr Swinney: How can the people of Scotland believe the First Minister on education, health or crime when he does not tell Parliament the straight facts on the issue? The First Minister should accept that he has misled Parliament and apologise.

The Presiding Officer: I thought that Mr Swinney had another question.

The First Minister: First, no one has misled Parliament. Secondly, no public money is involved. Thirdly, an open and transparent Labour

party inquiry will report and will act. Fourthly, the campaign of smear and innuendo will not deflect me as First Minister from concentrating on growth in our economy, excellence in our public services, crime, health, education—

Tommy Sheridan (Glasgow) (SSP): Child poverty.

The First Minister: Yes, I will concentrate on child poverty and on defending our fishing communities. Those are the important issues this week and other weeks in the Parliament and I will continue to concentrate on them.

Prime Minister (Meetings)

2. David McLetchie (Lothians) (Con): To ask the First Minister when he will next meet the Prime Minister and what issues he intends to raise. (S1F-2196)

The First Minister (Mr Jack McConnell): I talk with the Prime Minister regularly—I met him last week—on matters of Scottish and UK-wide importance, but I have no plans to meet him in the immediate future.

David McLetchie: The issues that Mr Swinney raises are important, but the First Minister's future livelihood is much less important than the future livelihood of the 20,000 people who work in our fishing industry.

Will the First Minister impress on the Prime Minister the fact that the common fisheries policy as it is presently constituted has failed miserably to conserve fish stocks and that the current proposals for a total ban would devastate Scotland's fishing communities? Instead of having a common fisheries policy, we face the threat of having a common no fishing policy. Is it not time that we considered putting the current policy out of its misery? Is it not time that we sought to restore national control and management of our fisheries?

The First Minister: A number of issues are contained in the question and it is important that they are addressed. My office discussed the fisheries situation in Scotland with the Prime Minister's office this morning. We will continue those discussions with a view to securing the full, enthusiastic and active support of the United Kingdom Government for our campaign to ensure a sustainable future for Scotland's fisheries.

In securing that sustainable future for Scotland's fisheries, we need first to ensure that we have the right policy in Scotland and that we have in place an agreed strategy with the industry. We then need to ensure that we are taking part in the debate around the review of the common fisheries policy and that we secure the right outcome.

In respect of that outcome, I would like to see not only a fisheries policy that retains the

advantages that we currently have—the 6-mile and 12-mile limits, the Shetland box and so on—but a policy that gives an opportunity for more regional management of our fisheries. The Executive has been campaigning on that issue since devolution. I am determined that we should continue to pursue that argument as part of the debate. I believe that it is an argument that we will ultimately win.

David McLetchie: I welcome the First Minister's response. I convey the Conservatives' best wishes to the delegation for the discussions. I am sure of the Executive's commitment to pursue the discussions and to try to obtain the best result for Scotland's fishermen.

Many people in the industry believe that the current system is irreparably broken and that we are long past the stage of tinkering around the edges. Will the First Minister invite the Prime Minister, with our European partners, to address fundamental issues such as why we have a common fisheries policy at all? When responsible organisations such as the Scottish Fishermen's Federation can question the value of a common fisheries policy, is it not about time that our Government also questioned it?

The First Minister: The leader of the Conservatives in the Parliament is a lot more anti-European than I will ever be. I recognise his antipathy to European co-ordination. There is a case for having a common fisheries policy in Europe. Given that the waters around the shores of Europe occasionally merge and that fish might move around in them, it is sometimes helpful for European countries to talk to one another about those matters.

I, too, believe that, here in Scotland and in the United Kingdom as a whole, we need to have more control over fishing. I hope that the outcome of the review will be just that.

I welcome the support that the leader of the Conservatives in the Parliament has offered for the campaign on behalf of the Scottish fishing industry. However much we might disagree on the detail, I welcome that united effort for the future. I urge everyone in the Parliament to unite in this campaign. In the Scottish Parliament, we need to put bickering, party politics and semantics about leading delegations aside for once. We need to have a united campaign that involves all the parties—even the nationalists. We need to join together to defend the Scottish fishing industry so that, this time, we win for Scotland.

Johann Lamont (Glasgow Pollok) (Lab): The First Minister may be aware of the recent concerns of people in my constituency about the activities of private security firms. When he next meets the Prime Minister, will he discuss with him how we

might best be able, as a matter of urgency, to regulate those private security firms in order to sustain the confidence of local communities in the capacity of the police to keep those communities safe?

The First Minister: Johann Lamont raised those concerns with me during the recess. I recognise that they are serious concerns. I also recognise that action on that front can be taken in Scotland, using our devolved powers, and at a United Kingdom level. It is an area in which we can make a difference by working in partnership. I will raise the matter through the usual channels and in the appropriate way.

Cities Review

3. Pauline McNeill (Glasgow Kelvin) (Lab): To ask the First Minister when the cities review will be finalised and published. (S1F-2207)

The First Minister (Mr Jack McConnell): The review will shortly be discussed by the Scottish Cabinet and then published. Our cities are essential drivers of the Scottish economy and the cities review must provide the basis for a strategy that will enable all Scottish cities to develop their particular strengths in the years ahead.

Pauline McNeill: The First Minister will be aware of the need to report with haste on the cities review, because the longer that takes, the greater people's expectations might be. Does he recognise that Glasgow requires distinct measures—such as the full return of the business rate—that are particular to the city's problems? Does he accept that, to achieve reconciliation after generations of deliberate Government discrimination and to address issues such as poverty and social inclusion, Glasgow requires special status as well as real money and real action?

The First Minister: I want to make a couple of points before I comment on the cities review. Although each city in Scotland has its own problems, each city also has its own successes. That includes Glasgow as much as Edinburgh or Aberdeen, and Dundee as much as Inverness or, for that matter, Stirling. We need to celebrate and build on those successes as well as tackle the long-standing and indeed more current problems. For example, we heard earlier about housing problems here in Edinburgh.

The cities review was initially set up as a general review of the position of cities in Scotland both in financial terms and in terms of their strategic place within Scotland's economy and society. I am keen that the review should also reflect on the strategic importance and future of each city. That is why there has been a delay and why the final review will seek to comment on the individual place of

each city as well as on the general role of cities in Scotland. I hope that, in doing so, the review will help each of our cities to become a modern European city that we can be proud of and have success through in years to come.

Andrew Wilson (Central Scotland) (SNP): What are the First Minister's views on the findings that were published last week by Sheffield Hallam University, which suggested that unemployment in Scottish cities is upwards of five times the amount shown in the national unemployment register?

The First Minister: I have yet to read of anyone who agreed with those figures. Everyone knows that in Scotland unemployment is at its lowest for a generation and employment is at its highest for some time. Those are good-news figures for the Scottish economy, but we cannot be complacent. We must ensure that in Scotland we continue to grow our economy at an even faster pace so that we have the employment that is needed to secure prosperity not just in Edinburgh, Aberdeen and Inverness, but in Glasgow and Dundee.

Construction Industry

4. Tavish Scott (Shetland) (LD): To ask the First Minister how the predicted shortfall in skills in the construction industry is being addressed. (S1F-2204)

The First Minister (Mr Jack McConnell): As Cathy Jamieson said earlier, 5,000 young people are currently on construction modern apprenticeships, with more to come next year. We are developing a new deal training course to attract the long-term unemployed to the construction industry. Moreover, an important part of our budget for the next three years is for improving vocational training opportunities in schools.

Tavish Scott: Does the First Minister recognise the importance of apprenticeships in the training of construction craftsmen and accept that, in my constituency, the Sullom Voe oil terminal is important both as an employer and as a provider of training apprenticeships? Is he aware that there is deep concern in Shetland about impending job losses at Sullom Voe, given the terminal's significance to the island economy? Will he ensure that the Government and its agencies play a full role in ensuring that skills-retraining measures are available to those who may be unfortunate enough to lose their jobs?

The First Minister: Those issues are as important in Shetland as anywhere else in Scotland where jobs are threatened. It is important not only that we respond to such situations, but that we try to pre-empt them. That is why having a continuing programme of learning and skills development, in the workplace as well as in the

college and home, is important throughout Scotland. We must continue to pursue that aim, because there are no longer jobs for life and the development of people's skills must be an on-going process.

I am interested to hear of the recent developments in Shetland and will be happy to take up the points that the member raises. However, I hope that in the Future Skills Scotland report that is due out in November we will see a way ahead that will allow us to go even further than before in developing the lifelong skills that are important in Scotland today.

Miss Annabel Goldie (West of Scotland) (Con): Would not the most singular contribution to addressing the deficiency be to focus on young people at school? At the moment, there may be a lack of awareness among young people about the job and career opportunities that are available in the construction industry. Will the First Minister explain what active steps have been taken in our primary schools—even from primary 6 or 7 onwards—and in the early years of secondary school to advise young people and to prepare to deliver a flexible learning base that may be outwith the school environment?

The First Minister: We are trying to develop a range of skills in primary schools in Scotland that will ensure that people are not just skilled with their hands, but have skills of the brain to match, so that we can develop creative people who can move through employment and the many jobs that the adults of the future will have.

We must also build on the current successes in our secondary schools. Some excellent pilots have taken place over the past two years in Glasgow, in which youngsters who have not been performing well at school or who have poor disciplinary records have been encouraged to take time out of the classroom. They are not encouraged to leave school at the age of 14, as some apparently wish to, but they are encouraged to take time out to learn skills and to enjoy the opportunities of an apprenticeship that they can follow through after the age of 16. That is a constructive and positive development and we hope to make announcements soon that will build on that.

Alex Neil (Central Scotland) (SNP): I remind the First Minister that, when he was appointed, he promised to do less, better. To be fair, he has kept the first part of that promise.

On the skills shortages in the construction industry, does the First Minister realise that there will be a shortfall of 27,500 skilled people over the next few years? Going on the official figures, we still have 115,000 unemployed people in Scotland. Is not it time that we did more to get more of those 115,000 people off the bureau and into work in the construction industry?

The First Minister: The answer to that is yes, but the interesting question is how we do it. First, we will increase the number of modern apprenticeships from 20,000 to 25,000, as agreed in the budget that was announced in September. We can also do it by creating construction projects, not just in the private sector, but in the public sector, to provide the work to ensure that people can take up opportunities.

I talked about party unity on important questions earlier, but there are some fundamental divisions on this question. I was in a brand-new school in Edinburgh this morning—St Thomas of Acquin's. It is an excellent new school built by the City of Edinburgh Council to a high standard. I want high standards throughout Scotland. We will proceed over the next few years with our plan for 300 new or refurbished schools. I am afraid that the nationalists' policies would not allow that to happen, because they are totally opposed to the financial mechanisms that would enable it to. However, we will make sure that it happens, which in turn will ensure more jobs in the construction industry.

Maureen Macmillan (Highlands and Islands) (Lab): Does the First Minister realise that part of the problem is that not enough girls and women are going into the construction industry, because they are not receiving correct careers advice at school and because the construction industry has not made itself female friendly? Perhaps the First Minister has ideas about how we can rectify that.

The First Minister: An element of the programme is to encourage more young women into the apprenticeship scheme. When I was in Glasgow visiting the city's major part of the apprenticeship scheme, I saw that a number of young girls were taking part in the programme as well as young boys. That is to be welcomed and we want to continue to encourage it.

I hope that some of the job opportunities to which I referred might also be available in the Highland area. I will be opening a new school in the Highlands in November. I look forward to doing that. The idea of all those new schools opening throughout Scotland might annoy some members in the chamber, but I am sure that it will please everyone else.

Public Appointments and Public Bodies etc (Scotland) Bill: Stage 1

The Deputy Presiding Officer (Mr George Reid): The next item of business is a debate on motion S1M-3224, in the name of Andy Kerr, on the general principles of the Public Appointments and Public Bodies etc (Scotland) Bill. I call Peter Peacock to speak to and move the motion.

15:35

The Deputy Minister for Finance and Public Services (Peter Peacock): I am delighted to open this stage 1 debate. The bill is important and continues the Executive's process of modernising the public sector in Scotland. It is another major step in making Scotland's public bodies more accountable, open and transparent. In that context, the bill follows the series of modernising legislative measures that we have produced. The Public Finance and Accountability (Scotland) Act 2000, the Scottish Public Services Ombudsman Act 2002, the Freedom of Information (Scotland) Act 2002 and the Ethical Standards in Public Life etc (Scotland) Act 2000 all ensured more accountability to and an increased role for Parliament. The bill follows the same route; it is part of the Labour and Liberal Democrat partnership's commitment to modernise Scotland's government and to make it more open and accountable.

The bill has two main parts—the setting up of a commissioner for public appointments in Scotland and the abolition of five public bodies as part of the implementation of the “Public Bodies: Proposals for Change” review, which took place last year. The five bodies in the bill are some of the few bodies that require primary legislation before they can be abolished.

Today is principally about the important new framework for the future process for appointments to public bodies in Scotland. Public bodies have a hugely important role in the life of Scottish government. They help Scotland's governance and ensure that a range of people who would otherwise not be involved in public service can have private careers and make a valuable contribution to Scottish public life by bringing to bear their experience and expertise in a range of areas. We need many more Scots to consider serving on our public bodies. To help with that, we require a framework that will ensure continuing adherence to the commitment to making appointments on merit.

I am pleased that the Local Government Committee endorsed the principles of the bill. As usual, after widespread consultation and evidence

taking, the committee made constructive suggestions about ways in which the bill might be improved. I will return to those points later.

Hitherto, the Office of the United Kingdom Commissioner for Public Appointments has had the role of regulating public appointments throughout the UK. The proposed Scottish commissioner for public appointments will have a similar but more substantial and influential role than that of the UK commissioner. The Scottish commissioner will ensure independent scrutiny of the appointments process. The key functions of the Scottish commissioner will be to regulate the appointments process by prescribing and publishing a code of practice for public appointments. The commissioner will then oversee the implementation of the code and Scottish Executive ministers' compliance with it. The commissioner will report annually to Parliament on the code and the extent to which ministers have complied with it.

The bill contains a significant set of new proposals for the commissioner, which include promoting diversity in the appointments that are made to public bodies through a proactive diversity strategy and informing Parliament, before appointments are confirmed, if the code is breached. I want to stress that new power because it is significant and one which the commissioner in the south does not enjoy. It will give the commissioner a so-called whistleblower's role. If the commissioner became concerned during the course of a public appointment that a minister had breached the code, he or she could intervene before the appointment was made.

Tricia Marwick (Mid Scotland and Fife) (SNP): The minister said that the commissioner will be able to report to Parliament before an appointment is made if he believes that ministers have breached the code. Is there a duty on the commissioner to report to Parliament on such a matter? There is a difference between allowing the commissioner to report and requiring him to do so.

Peter Peacock: There is no such duty, but the important point is that the bill will allow the commissioner to scrutinise independently the entire process. We specifically gave the commissioner the power to report a breach to Parliament. I fully expect that, if the commissioner—who will be appointed by the Queen on the recommendation of the Parliament—thought that there was a breach, he would feel it incumbent on himself to bring that matter to the Parliament if it could not be resolved with ministers. I do not think that there is a particular issue there.

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): That serious point could be addressed simply by changing one word in the bill.

In line 34 on page 2, the bill says that the commissioner

“may report the case to the Parliament”.

If that was changed to “shall report the case to the Parliament”, that would solve the problem.

Peter Peacock: We must be careful, in establishing a role for an independent commissioner, to ensure that they will act independently, using their judgment. The Parliament will recommend that person to the Queen for appointment, so they will be of considerable standing. It would not be appropriate for us to leave them with a standing instruction always to behave in a certain way. The commissioner will have plenty of power and we expect him or her to exercise it fully if he or she ever feels that that is required.

The commissioner will appoint and train independent assessors, who will be involved in every public appointment. I firmly believe that public confidence in the system will be improved by the work of the commissioner together with the increased powers of scrutiny that the Parliament will receive through the bill. The bill expands the role of the Parliament. It will have a role in the appointment of the commissioner, as I have said in response to members’ questions; a role in the scrutiny of the commissioner’s annual reports and in acting on any breaches of the code that are reported by the commissioner; and a role in consulting on the code of practice and the diversity strategy that the commissioner will produce. We have suggested that the Parliament may want to establish a public appointments committee for those purposes, but that is for the Parliament to decide. Through those roles, in conjunction with the new parliamentary notification system for public appointments, which we have already implemented, the Parliament will have a much more substantial and viable role in public appointments than it has had in the past.

Alex Neil (Central Scotland) (SNP): I have spoken to the minister about the possibility of a new parliamentary committee. Why should we not, following this debate, ask the powers that be in the Parliament to establish that committee now? There is no reason for us to wait for the passage of the bill before setting up a committee to review the existing process.

Peter Peacock: What Parliament does is not a matter for the Executive. It is for Parliament to choose which committees to establish.

Through the diversity strategy, the commissioner will have a formal role in and responsibility for the promotion of diversity in public appointments. The boards of our public bodies should reflect the full circumstances, richness and diversity of Scottish society. We want all categories of person to be

involved in our public bodies, but we do not have that at present. That is why the diversity strategy is important. The commissioner will consult widely on the diversity strategy and, following a recommendation of the Local Government Committee, we plan to include a duty to consult not only ministers, but Parliament on that strategy.

However, the Parliament and the Executive also have a right to expect that the commissioner will consult equalities bodies directly in devising the strategy. I fully expect that that will happen; therefore, I do not believe that it is necessary for the bill to include a requirement on the commissioner to do so, as that might limit those whom the commissioner could consult. I am pleased that the Equal Opportunities Committee has agreed that the bill will have a positive impact on equal opportunities.

The bill has a second important function relating to the abolition of five non-departmental public bodies: the Ancient Monuments Board for Scotland, the Historic Buildings Council for Scotland, the Scottish Hospital Trust, the Scottish Medical Practices Committee and the Scottish Conveyancing and Executry Services Board. Those abolitions cannot be effected without primary legislation, which is why those bodies are included in the bill.

Rhona Brankin (Midlothian) (Lab): Will the minister assure us that the abolition of the Ancient Monuments Board and the Historic Buildings Council will not prejudice the need for clear and impartial advice to ministers on our built heritage?

Peter Peacock: I agree with that point. In a second I shall develop some matters that have arisen as a result of consideration of those two bodies in particular.

The Parliament’s committees have considered the various suggested abolitions and have, for the most part, been satisfied with the bill’s proposals. However, some specific points were raised by the Education, Culture and Sport Committee and endorsed by the Local Government Committee in its report to the Parliament. Those points related to the successor arrangements following the abolition of the Ancient Monuments Board and the Historic Buildings Council. I want to make it abundantly clear to Parliament that ministers have been listening carefully to what has been said about those matters. We recognise that there are real anxieties about what is perceived as a potential diminution of the input and influence of independent persons to the decision-making process of ministers and Historic Scotland.

The changes are being proposed while concerns are being raised with ministers about certain aspects of Historic Scotland’s role. We have been considering which appropriate actions to take to

meet the Local Government Committee's concerns on the points that it raised about successor arrangements and Historic Scotland's wider role. We would like to take some additional time to conclude our thinking on those matters, but I make it absolutely clear to Parliament that before stage 2 we will seek further dialogue through the normal channels to reach agreement on the best way forward.

The bill covers two further matters of substance. The Royal Commission on the Ancient and Historical Monuments of Scotland will cease to be a royal commission and the new national survey of archaeology and buildings of Scotland will take on its functions. In addition, the proposed notarial powers will ensure a level playing field for solicitors and independent conveyancing practitioners following the abolition of the Scottish Conveyancing and Executry Services Board. I am confident of the positive effect of those tidying-up measures.

Since the bill's introduction, several issues have arisen that will result in amendment of the bill at stage 2 and I have written to the Local Government Committee to set out those amendments. We are considering an amendment that was suggested by the committee on whether changes to schedule 2, which covers the bodies that are under the remit of the commissioner, should be made by affirmative rather than negative resolution.

We believe that most of the changes will be simple. A new body may be created and simply added to the list or an existing body may change its name. If a controversial change were proposed, it would be possible for the issue to be debated under the Parliament's procedures. There can be up to 10 routine changes in a year and although I still believe that negative resolution is sufficient to protect Parliament's interests, I know that the committee has expressed a contrary view. I will listen carefully to the arguments during the debate so that we can consider the matter further.

The bill will introduce changes that will modernise and improve our system of public appointments and ensure a further depoliticisation of the appointments process. The bill will guarantee openness, transparency and accountability and will underpin the existing commitment to appointments being made on merit. It will encourage more people to participate in public life and will have a positive impact on encouraging a more diverse range of people to serve on Scotland's public bodies. The bill will provide the basis for better and greater public confidence in our public bodies and the public appointment system.

I move,

That the Parliament agrees to the general principles of the Public Appointments and Public Bodies etc. (Scotland) Bill.

15:47

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

We should be clear about why we are debating an Executive bill on public appointments today; it is not, as the minister claimed in his opening statement, because the bill is part of a series of bills dealing with public life that the Executive has introduced. We have the Public Appointments and Public Bodies etc (Scotland) Bill because last September Alex Neil introduced his member's bill—the Public Appointments (Parliamentary Approval) (Scotland) Bill.

I will remind the minister what the Executive memorandum on Alex Neil's bill said:

"The current appointments system has built-in mechanisms for ensuring that it is fair, open, transparent and delivers a quality outcome, which is subject to independent scrutiny."

Therefore, last September, the minister and the Executive had no intention of introducing the Public Appointments and Public Bodies etc (Scotland) Bill. Of course, by the time the Local Government Committee took evidence on Alex Neil's bill we had had a U-turn from the minister and the new First Minister—there would be an Executive bill after all. The U-turn was undoubtedly caused by the embarrassing revelation that two thirds of all public appointees who declared a political affiliation were from one political party—the Labour party.

I now turn to the bill that we have before us. My colleagues will highlight several other concerns about the provisions to abolish public bodies. I want to highlight areas that I believe weaken the bill.

The bill suggests that the commissioner for public appointments may report to the Parliament if there are any breaches of the appointments code. The minister suggests that that can be done by an annual report. However, there is no duty on the commissioner to report at any other time and there is no duty on the commissioner to draw to the attention of Parliament any potential breaches.

Mr Rumbles: I know that Tricia Marwick has another hat as deputy convener of the Standards Committee. Does she agree that the Public Appointments and Public Bodies etc (Scotland) Bill should be consistent with the Scottish Parliamentary Standards Commissioner Act 2002, which states that the commissioner "shall" report incidents to Parliament? Would not it be good and proper if the Public Appointments and Public Bodies etc (Scotland) Bill followed that practice?

Tricia Marwick: As the deputy convener of the Standards Committee, I would like to say how much I agree with the convener of the Standards Committee. The standards commissioner in the Parliament has certain powers and responsibilities in relation to MSPs and the fact that the same powers and responsibilities are not being given to the commissioner for public appointments weakens the position. Matters are left entirely at the discretion of the commissioner, who, I am sure, will be a very good person. Obviously, the commissioner must be as independent as possible, but the Parliament must be informed of the actions of the commissioner to allow for scrutiny and the total transparency of the system and to maintain faith in the system.

Ultimately, the Parliament holds ministers to account and we cannot do that unless the commissioner has been given a duty to report to the Parliament any breaches that they come across. The bill is also flawed in that it allows for the possibility of an appointment being made in breach of the code. In evidence, Roger McClure of the Scottish Funding Councils for Further and Higher Education agreed with me that, before an appointment was made, the commissioner should confirm that all the processes were followed, thereby avoiding an appointment that breached the rules. That would give the Parliament and the public a guarantee of the rigour of the process.

I acknowledge what the minister said and also what he said when he gave evidence to the committee. He asserted that the bill allows the commissioner to intervene before an appointment is made and to tell Parliament that they do not think that the minister is acting in accordance with the code. However, that is not the same as the commissioner having a duty to do so.

As the minister has said, whether there should be a public appointments committee to manage the new scrutiny role is a matter for the Parliament, which is the point that Alex Neil raised with the minister. While it is a matter for the Parliament, the Executive has the majority of the MSPs in the Parliament. Can the Executive guarantee that, if a resolution to establish a parliamentary committee is made, the Executive will support it? It is not the role of the Executive to establish a committee, but it is impossible to establish a committee without the Executive's support. It is surely self-evident that a committee should be established to give support and to ensure that the commissioner is able to carry out his or her own duties. Such a committee should be given as wide a remit as possible and the powers to bring matters to the attention of the commissioner.

Quangos and public bodies in Scotland spend nearly £9 billion of public money. If the

commissioner is to ensure that public appointments in Scotland are beyond reproach, the minister needs to consider the question of duty. The creation of a commissioner for public appointments in Scotland is supported by all the political parties and all the respondents to the Executive's consultation process. The bill should be an opportunity to modernise and restore faith in the public appointments system. Jack McConnell has said that devolution will give us the opportunity to modernise our public appointments system, and so it should.

The Scottish National Party will support the general principles of the bill, but we have concerns that the bill is not all that it could be and we hope that the minister will take on board our concerns at stage 2.

15:54

Mr Keith Harding (Mid Scotland and Fife) (Con): I express the support of the Scottish Conservatives for the bill. However, while the Executive is to be congratulated on introducing the legislation, we should not lose sight of the fact that the vast majority of the sleaze, corruption and cronyism that the bill is designed to prevent comes courtesy of Scottish Labour. That could scarcely be better illustrated than by the current financial scandal engulfing new Labour in Motherwell and Wishaw and the problems that continue to emanate from the officegate affair in Fife.

Part 1 of the bill provides for the creation of a commissioner for public appointments in Scotland, which received strong support in the consultation process. The new code of practice will mean that appointments are made in an open and transparent manner and that any breach of the code can be investigated and reported to Parliament. I hope that that will dilute the cronyism and jobs-for-the-boys mentality that pervades the appointments system in Scotland.

Karen Gillon (Clydesdale) (Lab): Will Keith Harding give way?

Mr Harding: I would rather not.

I have one reservation, about section 2(10), which seeks to impose diversity in the selection process by setting targets for appointments from minority groups. The Scottish Conservatives celebrate diversity in every way and we are desperately keen to see more balanced representation for all groups in our society. However, that must be achieved on merit, not through targets. Positive discrimination is a dangerous and inherently flawed concept and I cannot support its use.

Furthermore, as I articulated in the Local Government Committee, there is legitimate

concern about the term of office that is prescribed in schedule 1, which states that there can be no more than three five-year terms and that the third will only be permitted in special circumstances, if it is in the public interest. As I suggested when we took evidence from Roger McClure of the Scottish Funding Councils for Further and Higher Education, who considered a five-year term to be too long, the commissioner's enforced shelf life may be a deterrent to good candidates applying. Why should a good commissioner who is serving in the public interest be forced out of office to the detriment of the public when he or she is doing a perfectly good job? The same logic applies to forcing a commissioner out of office at age 65, as my colleague John Young, who has more experience of that than I do, will explain shortly.

Part 2 of the bill provides for the abolition of six NDPBs or quangos. We are in full agreement with that and have argued for a long time that there is a desperate need for the amount of red tape and bureaucracy to be cut to allow officials to get on with the job that they are supposed to do. Despite the protestations of unelected bureaucrats who are afraid of losing the jobs that friends in high places have given them, I do not believe that the bodies perform any functions that other, preferably local bodies could not do adequately.

Michael Russell (South of Scotland) (SNP): I will be sorry to miss Mr Harding if he is not here after the next election. I point out to him that, at the Education, Culture and Sport Committee, Brian Monteith—although it is always difficult to remember whether Brian Monteith was at the committee—did not dissent from the committee's view that although removal of some of the bodies listed in the bill might be welcome, serious issues arose with at least two of them and those issues required to be addressed. The minister mentioned those issues and I welcome that mention. Therefore, Mr Harding's unqualified attack on quangos might not be entirely accurate with regard to two of the bodies, even from the point of view of the Conservative party.

Mr Harding: I did not detail specific bodies. I said only that we support a reduction in the number of quangos. Stage 2 will determine which ones go and which ones stay. The removal of an unnecessary layer of bureaucracy is welcomed and is long overdue.

Despite the small reservations that I have noted, we support the bill.

15:58

Iain Smith (North-East Fife) (LD): It was slightly strange to hear Keith Harding's speech, because my understanding is that the Conservative party wants to increase the number

of quangos. It wants to get rid of democratic bodies, such as local councils, and pass some of their functions to more and more quangos, such as individual schools, which would become quangos. Indeed, the Conservative party invented the quango state and the sleaze and corruption that have resulted in the need for the measures that we are considering. We will not take any lessons from the Conservatives on quangos and how we deal with them.

The bill is an important measure. It is about depoliticising the appointments process, ensuring that it is independent and restoring public confidence in it. I will talk briefly about a couple of the bodies that are scheduled for abolition, but in its stage 1 inquiry, the Local Government Committee considered mainly the public appointments process and I do not want to tread on the toes of my colleagues who will speak about some of the other issues.

On the Historic Buildings Council for Scotland and the Ancient Monuments Board for Scotland, I was confused when I read the Education, Culture and Sport Committee's report. At the end of it, I came to no conclusion about what the problems are. The real issue is about how those bodies operate, not whether they exist. We can get too caught up in the structures. There are problems with how we assess an ancient monument or site. We can create a blight by listing such sites. We need to examine the process a bit more widely to prevent that and to ensure that, if something is listed as a scheduled monument, there is a way of maintaining it in a way that is useful and helpful to the community and of stopping it falling into disrepair and thus not fulfilling the purpose for which it was scheduled. We need to consider those issues rather than which bodies are charged with determining the listings.

I have no difficulty with the abolition of the Scottish Conveyancing and Executry Services Board, but I find it slightly strange that, as a result of its abolition, independent conveyancers will no longer be allowed to register. The one independent conveyancing practice happens to be based in my constituency. In fact, it is just a couple of doors down from my constituency office.

Karen Gillon: Perhaps I can offer the member some information. Listings are done by Historic Scotland, as are delistings. The conflict that the member talks about is at the heart of the Education, Culture and Sport Committee's report, in that there will be no independent monitoring of the role of Historic Scotland.

Iain Smith: My concern is about the procedure of listing, rather than which bodies do it. It is about the processes involved, rather than the fact that it can create problems: monuments are listed, but they may fall into disrepair and not fulfil the

purpose for which they were scheduled. That issue needs to be addressed, and I suggest that we require a wider debate on the issue.

I return to the matter of conveyancing. I wonder why registration of new conveyancing practices will not be allowed after the abolition of the Scottish Conveyancing and Executry Services Board. Perhaps the Executive can explain that. The fact that only a few practices have been registered to date is not a reason for abolishing the process.

I turn now to the proposals for a commissioner for public appointments. The change is an important one. I do not share the SNP's concerns. I think that the new process will be open and transparent and will significantly enhance the way in which public appointments are made in Scotland. The parliamentary process will result in a backstop that does not exist under the UK system.

One of my concerns about the Public Appointments (Parliamentary Approval) (Scotland) Bill that Alex Neil introduced was that, rather than depoliticising the public appointments process, it would have increased its politicisation, as there would have been an opportunity for a member to challenge every appointment to every public body for political reasons, rather than because of any genuine concern. The measures in the bill remove that concern, and leave Parliament to examine any genuine breaches of the code of conduct in ministers' appointments. It is important that the Parliament deals only with genuine breaches, and not only with politically motivated challenges.

It is important also to bear in mind the concern about the number of Labour appointees. There is a political interest in only about 10 per cent of all appointments, which is a small proportion of all appointments. It is important to bear in mind the facts, not just the allegations.

Alex Neil: Let me confuse Iain Smith with the facts. His facts are wrong, and I refer to a ministerial reply to a question from me, given on 17 October. It is not 10 per cent of appointees who declared a political affiliation, but 23 per cent. That is a rise from 13.1 per cent a year ago. When the member is making allegations, at least he could get his facts right. That would be a novel idea.

Iain Smith: I have not seen the latest figures to which Alex Neil refers. I was referring to the figure of about 10 per cent—the 13 per cent figure—that was reported to the Local Government Committee when it took evidence on Alex Neil's bill just a few months ago. My remarks were based on that evidence.

I support the proposals contained in the Public Appointments and Public Bodies etc (Scotland) Bill. Its general principles are right. Specifically, I

support the proposals for the appointments commissioner. However, I have some doubts. I do not share the concerns of my colleague, Mike Rumbles, regarding the choice of "may" or "shall" in relation to the commissioner's reporting to Parliament. I think that discretion should be exercised. There is a danger that the threshold at which the commissioner decides to get involved may rise if they are required to report to Parliament instead of having the ability to consider things a little earlier. There is a serious danger in requiring a report to be made to the Parliament. As I said, the threshold may be raised and interventions may not happen as often as they perhaps ought to. Members should bear that in mind. Let us leave the discretion to the totally independent commissioner, who is appointed by and reports to the Parliament as and when required.

I support the bill.

The Deputy Presiding Officer: We now come to the open debate. I call first Trish Godman, in her capacity as convener of the lead committee.

16:04

Trish Godman (West Renfrewshire) (Lab): The Public Appointments and Public Bodies etc (Scotland) Bill implements the recommendations of two fundamental reviews of public appointments and public bodies, both of which have been undertaken since the advent of the Scottish Parliament.

The bill has two principles: first, it would establish a separate, independent commissioner for public appointments; secondly, it would abolish six public bodies that are no longer required. The Local Government Committee was concerned with the appointment of the commissioner. The secondary committees were concerned with the abolition of the public bodies to which I have referred.

No one would disagree that we should have an independent, accountable and transparent public appointments system. Appointments must be made on merit, never on the basis of who people know. They should be made on the basis of people's experience and expertise in, and knowledge of, the area in which they are seeking appointment.

The commissioner's first task will be to publish a code of practice for public appointments. The Local Government Committee heard evidence on the commissioner's duty to consult Parliament and ministers about the code. We were content that consultation was necessary and that any stronger procedure would erode the commissioner's independent position.

We were assured that the commissioner had adequate powers, should the code of practice be breached by ministers acting before an appointment is made. In other words, the commissioner should have the role of whistleblower. The minister discussed that earlier. I agree with Iain Smith that, if a duty were placed on the commissioner to report such matters, all small breaches would have to be referred to the Parliament. That is not acceptable.

Mr Rumbles: Why does the member think that that is unacceptable? Surely the Parliament should be informed of any breach of the code that has taken place.

Trish Godman: Very small breaches of the code can be attended to before an appointment proceeds. If a duty to report such matters were placed on the commissioner, every small breach of the code would have to be referred to the Parliament.

It is important that the bill enables Parliament to scrutinise any breach of the code and to act on the reports that the commissioner makes. The commissioner must report annually to the Parliament and must train independent assessors. If they are sufficiently concerned, they may direct the minister not to make an appointment.

The minister indicated to Alex Neil that it is for Parliament, rather than the Executive, to decide whether it is necessary to set up a public appointments committee to manage Parliament's new scrutiny role.

The Local Government Committee also considered the issue of equal opportunities. The commissioner must prepare and publish a diversity strategy, which is right and proper. Others will discuss that matter in greater depth, but I would like to comment on it briefly. Public appointments are important if we want as many women as possible to play an active role in public life. In some ways, the Scottish Parliament leads by example, as 37 per cent of its members are women. We look forward to an Executive amendment at stage 2 that will formally extend consultation on the diversity strategy to include the Parliament.

The Local Government Committee was not persuaded that it was necessary to specify individual bodies on the face of the bill to achieve the desired aim of wide-ranging consultation. We felt that that was too prescriptive and could limit innovative and flexible approaches. Although the committee supported the principle of a mainstreaming equality approach underpinning the strategy, it did not believe that it was necessary for that to appear on the face of the bill. More innovative approaches can be adopted within a broad equalities framework. However, it is our

considered opinion that a duty to consult Parliament on the equal opportunities strategy must appear on the face of the bill.

We considered the issue of terms of office. Keith Harding alluded to the matter and I know that John Young intends to speak about it.

The word "Scotland" appears in brackets in the short title of the bill. That annoyed all members of the committee—it certainly annoyed me. We see the point of including the word "Scotland" in the title of legislation that is made in the UK Parliament, but why is that necessary when legislation is being made in Scotland? I was not convinced by the explanation that the Deputy Minister for Finance and Public Services offered—that there is scope for confusion between UK and Scottish legislation. We have called on the Executive, together with parliamentary officials, to consider establishing a longer-term convention. In my opinion, the title of the bill should be the Scottish public appointments and public bodies etc bill. As things stand, the Parliament is made to appear an adjunct of the Westminster Parliament. It is not; it is a legislature, rather than an assembly. It is certainly not a committee of the Westminster Parliament.

The committee recommended that, given the importance of the provisions for removing public bodies, those should be subject to the affirmative procedure. We asked the Executive to lodge an amendment at stage 2 to that effect.

The Education, Culture and Sport Committee took evidence on the abolition of the Ancient Monuments Board for Scotland and the Historic Buildings Council for Scotland and on successor arrangements. Having read the *Official Report* and the written submissions, I am not surprised that there appears to be considerable anxiety about the successor arrangements, particularly with regard to independence and accountability. I am glad to hear that the minister has addressed those issues and I know that Karen Gillon, the convener of the Education, Culture and Sport Committee, will also address them.

The Local Government Committee was involved mainly in deliberations on the part of the bill that concerns the Scottish commissioner for public appointments. The key functions of the commissioner have been addressed, albeit with recommendations for amendments. The creation of a Scottish commissioner is right and proper. We must have a public appointments system that is independent, accountable and open and we must ensure that appointments are based only on merit. The bill will ensure fairness, integrity, honesty and openness in public appointments and I urge members to support its general principles.

16:11

Ms Sandra White (Glasgow) (SNP): I agree with what Trish Godman said about the bill's being Scottish. She fought vociferously on that point in the Local Government Committee, where she had members' support, and I congratulate her on mentioning it in her speech.

I will concentrate on two main issues in the bill. The most important part of the bill concerns the appointment of a commissioner, their independence and the powers that they shall or may have. I also want to touch briefly on the abolition of the six non-departmental public bodies, particularly the Historic Buildings Council. A lot has been said about the powers that the commissioner shall or may have. I thank Mike Rumbles for raising the point about changing a simple word in the bill. That might happen at stage 2 and I hope that the minister will consider the matter, because it would clarify a lot for members throughout the chamber.

The minister gave evidence to the Local Government Committee on the powers that he sees the commissioner having. I shall read out some of them, which Tricia Marwick and Trish Godman have mentioned already. Of the commissioner he said:

"If the code is not being observed properly, they may step in before the appointment is made."

He also said:

"If they are sufficiently concerned, they may direct ministers not to make any appointment."—[*Official Report, Local Government Committee*, 10 September 2002; c 3206.]

I hold the minister to those words and I hope and believe that he will hold firm to them when the bill goes to stage 2 and stage 3.

We believe that the commissioner must be independent and that they must have the freedom to express any concerns that they might have not only to ministers but to the Parliament. That is why I congratulate Mike Rumbles on the simple point that he made. I hope that an amendment to that effect will be lodged at stage 2.

The dedicated public appointments committee has been mentioned. The minister might live to regret the fact that on many occasions he has said to me, Alex Neil and the Local Government Committee that he would welcome the setting up of a dedicated public appointments committee—in fact he suggested it. I might—to use old Glasgow slang—be chancing my arm by asking this, but if the minister's suggestion appeared in an amendment at stage 2, would he be prepared to support it, regardless of the political persuasion of the member who lodged the amendment? I would like to hear the minister's answer to that question in his summing up.

The bill is important and the independence and freedom of the commissioner are paramount. We in the Parliament want transparency. We want things to be open and the bill is one of the first steps down that road. If amendments would help us along the road, I would be more than happy to lodge them at stage 2.

The Education, Culture and Sport Committee and others have carried out far more research and work on the HBC and other bodies than I have and I want to touch on that work. I have read the *Official Report* and the evidence that the bodies submitted and I was absolutely stunned. I will read out a small paragraph of the *Official Report*. In a question to Graeme Munro of Historic Scotland, Karen Gillon asked:

"91 per cent were in favour of retaining the HBC. Why did you advise ministers to abolish the HBC? On what basis did you do so, if the responses were clearly against that?"

Graeme Munro answered:

"I am sorry, but I cannot tell the committee what our advice was to ministers because that must be confidential."—[*Official Report, Education, Culture and Sport Committee*, 10 September 2002; c 3651-52.]

The bill is all about transparency. When I read the report on the bill, I found that attitude horrific.

I have mentioned one part of the report; I am sure that Karen Gillon will provide further examples. An inquiry into Historic Scotland would not go amiss. I hope that the minister will discuss that in his summing up.

The minister mentioned that he would give us further information on Historic Scotland. The committee was concerned that to abolish the HBC at this stage would be a terrible error. I look forward to receiving more information.

16:15

John Young (West of Scotland) (Con): Keith Harding said that I would deal with the issue of a commissioner being forced to retire at the age of 65. My party normally wheels me out when ageism is under discussion. I hope that allowances will be made when I stumble, stagger, slur my words and cannot make out my notes.

Keith Harding rightly mentioned the cronyism and jobs-for-the-boys mentality that pervade the appointments system in Scotland. The only omission was the jobs-for-the-girls mentality. Independent assessors are mentioned. How independent will they be? I am also concerned about how the assessors will be appointed and about who will have the final say in that process.

The fact that a commissioner will be forced out of office at the age of 65 amounts to age discrimination, which is every bit as bad as racial discrimination and sex discrimination. Is not the

Government considering a new retirement age of 70? That is quite conceivable nowadays. I would like a Labour member to deal with that issue.

Colonel Glenn went back into space at the age of 77. I doubt whether any of the 129 members of the Parliament would be capable of going into space as an astronaut. That should be borne in mind. Surgeons continue to operate beyond the age of 65. If their scalpels slip by a fraction of a millimetre, a patient could be permanently disabled or even die. The age of 65 is an artificial limit.

The Executive's report on changes to public bodies, which it published in June 2001, resulted, for example, in the abolition of 52 bodies and the rationalisation of 43 health board structures. However, on the south side of Glasgow and in East Renfrewshire there has been a violent backlash against unelected health boards, which went through a charade of consultation. People in those areas feel that the boards are made up of unelected puppets who are responsible to no one in the electorate and are merely vassals who drive through what the Labour Executive wants.

The Scottish Parliament information centre briefing mentions that the Executive is responsible for about 148 public bodies. Is it not possible to be more specific—or are we dealing with a moving force? Perhaps someone will answer that.

Trish Godman is a good fairytale presenter—a talent she learned during many years as a Glasgow Labour councillor. She lulls people into a feeling of comfort and security. Members—I nearly said comrades—should be wary. Trish Godman referred to the need for more women members and, presumably, more ethnic members. That is fine, but will we pursue equal opportunities by halting anti-ageism? Grey power is a powerful force in the electorate; it should not be underestimated. When I cease to be an MSP, I will lead grey power protests outside the Parliament buildings at Holyrood if anti-ageism has not been done away with. That is a warning.

The public's mood is one of complete disillusionment with certain public bodies. People on the streets feel that methods of appointment are open to question.

16:19

Karen Gillon (Clydesdale) (Lab): I speak on behalf of the Education, Culture and Sport Committee. The committee's report was unanimous in relation to the Ancient Monuments Board for Scotland and the Historic Buildings Council for Scotland. On the basis of the evidence that the committee has received, we remain concerned. We are not yet convinced that the case has been made for the abolition of those two bodies.

Evidence to the committee indicated that the independent advice that the Ancient Monuments Board and the Historic Buildings Council provide is welcome and much needed and should continue. The committee's main concern is therefore about the successor arrangements should the proposed abolition go ahead.

The committee gathered evidence from a wide variety of sources, but our concern was compounded during that process, especially when we took evidence from Historic Scotland. It seems somewhat absurd that our committee can question, in detail and at some length, the chief executives and chairmen of bodies such as the Scottish Qualifications Authority and Scottish Ballet and Scottish Opera, yet cannot get a simple answer to a simple question from the chief executive of Historic Scotland. For a parliamentary committee, that was simply unacceptable.

I welcome Sandra White's bringing to the Parliament's attention the lack of answer that I received from the chief executive.

Margaret Jamieson (Kilmarnock and Loudoun) (Lab): I am delighted that Karen Gillon has raised the issue of Historic Scotland, although she will forgive me if I call it "Hysterical Scotland" given the way in which some of my constituency matters have emanated from the workings of Historic Scotland. I am concerned that the convener of the Education, Culture and Sport Committee is saying that the committee did not get answers. I am sure that that issue will be raised during the stage 2 debate. We need to highlight the closed-door approach that Historic Scotland deploys in responding to MSPs.

Karen Gillon: I have experienced that for myself in my dealings with Historic Scotland on behalf of New Lanark Conservation Trust. However, I must move on.

In the course of evidence taking, it became clear that both the Historic Buildings Council and the Ancient Monuments Board are well regarded throughout the sector. Indeed, Historic Scotland—ironically enough—conducted a consultation exercise that drew a 79 per cent response rate and showed that 91 per cent of respondents are against abolition. As Sandra White said, when Graeme Munro was asked about that, he said

"I am sorry, but I cannot tell the committee what our advice was to ministers".—[*Official Report*, Education, Culture and Sport Committee, 10 September 2002; c 3652.]

That advice was that ministers should absolutely ignore 79 per cent of the built heritage consultees.

The minister herself was not able to provide any more advice, other than to say that no better argument was made, for want of a better phrase. The committee is of the view that unless successor arrangements are put in place that the

committee and the Parliament find suitable, we will not be in a position to support the bill at stage 2.

More important, one of the main aspects of the bill has not been examined. From the evidence that we received, Historic Scotland is in need of fundamental review. That should take place as a matter of urgency.

16:23

Alex Neil (Central Scotland) (SNP): There are three aspects of the bill that I want to draw to the attention of the committee that will consider the bill at stage 2. I hope that we will be able to address the problems then.

The first concerns the powers of the commissioner. We have a commissioner, but she is a UK commissioner and covers only a proportion of the non-departmental public bodies that are the subject of public appointments. In my view, it is important that the Scottish commissioner should have 100 per cent coverage of all public appointments and should not be confined to a partial remit.

We must strengthen the powers of the commissioner to achieve political balance and to end other forms of cronyism. We need to deal not only with political cronyism but with the old boy networks that operate in Scotland. We need to break them down so that appointments are genuinely made on merit. Appointments should be made on the basis not of who people know but of what they know.

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

Alex Neil: The situation with regard to political cronyism has not changed at all in the past year. Actually, to be fair, it has changed a wee bit. This year, 60 per cent of those declaring a political affiliation were Labour supporters, whereas last year the proportion was 61 per cent. That is a 1 per centage point improvement in 12 months.

I give way.

Dr Jackson *rose*—

Karen Gillon *rose*—

The Deputy Presiding Officer (Mr Murray Tosh): To whom is Alex Neil giving way?

Alex Neil: What a choice! I wish the commissioner were here to advise me. I give way to Sylvia Jackson.

Dr Jackson: The member is talking about political bias. He has also mentioned merit. Which does he think is more important? How would he bring the two together so that we can think about merit without wanting a political bias?

Alex Neil: My point is exactly that. I do not believe that 60 per cent of those who declare a political affiliation are very clever people when they belong to and support the Labour party. The issue is one of merit. On a good day, the Labour party would get 40 per cent of the vote in Scotland. I do not see why it should get 60 per cent of appointments. There is clearly a political bias.

With all due respect, most senior Labour spokesmen have admitted that there has been bias in the system. My fundamental point is not just to moan and groan about that today—although I have enjoyed doing so—it is about giving the commissioner the power to consider political balance and cronyism, whether that relates to party affiliations or people being members of other organisations, including secret societies.

My second point is about the code of practice. It, too, has to cover the issues I have mentioned. Again I use the example of a political appointee. At the moment, the definition of political activity is fairly narrow. We have to consider the definition of political activity that is going to be applied through the bill or the code of practice. I do not believe that we can be satisfied with the existing definition.

The other issue is the time scale. The only political activity that has to be declared is that which took place within the past five years. On occasion, political activity that took place six or seven years prior to the appointment might be relevant. We must consider that issue at stage 2.

My third point is to repeat what I said earlier in the debate about the parliamentary committee. I see no reason for the delay in setting up the parliamentary committee. However, its structure is critical and I hope that its convener will not be a member of the Executive. Ideally, the majority of members will not be part of the governing coalition, or the party that will be governing after 1 May next year.

16:27

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): I will not keep members long. I put my name down to speak because I was under the impression that Karen Gillon was not in a position to speak. I endorse everything she said.

I took heart from the minister's remarks at the beginning of the debate. They show that he is clearly going to pay attention to the Education, Culture and Sport Committee's anxieties about the successors to the Ancient Monuments Board for Scotland and the Historic Buildings Council for Scotland. I am also grateful that the minister has taken into consideration the Subordinate Legislation Committee's thinking about those issues.

It is important that the committees can influence legislation. The Education, Culture and Sport Committee was perfectly willing to accept a bonfire of the quangos, or even a campfire of the quangos, but when the detail is considered there are real doubts about whether the measure would be in the interest of good government. We have to scrutinise it. We have done so to a degree and I welcome the fact that the minister is to go further. I hope that the committee will be included in that consultation when it happens.

16:28

Marilyn Livingstone (Kirkcaldy) (Lab): I welcome the opportunity to take part in today's debate for two reasons. First, we are considering diversity and encouraging diversity within our public bodies. Secondly, we have to ensure that the public has confidence in our public bodies.

The bill takes advantage of the Scottish Parliament's powers under devolution to ensure public confidence in our public appointments system. I agree totally with Trish Godman on the short title; I believe that Scotland should be in the short title without the brackets and I hope that the minister will take that on board.

The first objective of the bill that has received cross-party support is the establishment of a commissioner for public appointments. The commissioner will be committed to promoting diversity. I am keen that that should happen. We are and must be committed to ensuring that all sections of our community are represented on our public bodies—or how will we ever achieve public support? It is reassuring that that objective was strongly supported during the consultation period and in the consultation document "Appointments to Public Bodies in Scotland: Modernising the System", which was issued in February 2000.

The bill requires the commissioner to ensure that

"appointments to the specified authorities are made fairly and openly",

which we would all support, and

"so far as reasonably practicable, all categories of person are afforded an opportunity to be considered for appointment".

Again I agree with Trish Godman that the issue is one of mainstreaming and encouraging more people to take up the challenge.

I note from the policy memorandum on the bill that the Scottish Executive commented that

"It is a commonly expressed concern that disproportionately few women, disabled people, people from ethnic minorities"—

I should insert the issue of age here—

"and different socio-economic groups and from outwith the central belt apply for appointment."

All of us in the Parliament would support that statement.

As we have heard, the commissioner will be appointed for a five-year term and can be removed only by a resolution of the Parliament that receives the support of two thirds of MSPs. The seven functions of the commissioner—which I will not go into, as they were outlined by the minister—will ensure that the full potential of Scottish society can be tapped. That is really important. Public bodies must have the confidence of the public they serve. That means including everyone in our community.

As a direct result of the fundamental review of public bodies in Scotland in June 2001, recommendations were made for the abolition, reform or review of 113 public bodies. Karen Gillon articulately put forward the views of the Education, Culture and Sport Committee on some of those bodies. Most of the changes that are detailed in the report could be effected, as we have heard, without the need for primary legislation, except with regard to the six bodies that are included in the bill.

The public can be confident that we are streamlining the number of bodies. The remaining bodies need to be seen to be tested against the new set of principles that will be established, and to have a distinct role to play and functions to perform that cannot be carried out at least as effectively by any other organisation. They need to be clearly accountable to the Scottish ministers and to the people they serve.

The promotion of diversity in public appointments sends a positive message throughout Scotland and beyond. I wish the Executive and the commissioner, whoever he or she may be, every success in the promotion of social justice. I concur with the recommendations in the bill. I agree with the Health and Community Care Committee's view that the views of the Scottish Hospital Trust and the Scottish Medical Practices Committee should be taken into account before their dissolution. We see before us today practical legislation to ensure public confidence in the fairness, accessibility and transparency of the public appointments system. I urge the Parliament to support it.

The Deputy Presiding Officer: I call Bill Butler. If he can be reasonably brief, I will allow a brief contribution from Colin Campbell.

16:34

Bill Butler (Glasgow Anniesland) (Lab): I will do my best, Presiding Officer.

I rise to support the general principles of the bill, whether "Scotland" is in parentheses or not, although I prefer it not to be. There is broad agreement across the chamber on the need for the bill. There is consensus that the creation of the post of commissioner for public appointments in Scotland would help to bolster confidence in the process by which public appointments are made. That is absolutely necessary.

The lead committee—the Local Government Committee—found that witnesses who gave evidence were all of a mind on the proposal. I am also pleased to note that the Local Government Committee concluded that the commissioner's responsibility to consult ministers and the Parliament on the code of practice is essential to ensure the input of this chamber into the public appointments process. The Local Government Committee was absolutely right to reject the notion that such a responsibility could, in some mysterious way, threaten the public perception of the commissioner's independence. I also see that the main functions that are proposed for the commissioner and their execution have broad cross-party support, and rightly so.

The Executive parties and members of all other parties and of none are committed to ensuring a clear and transparent system of public appointments and to measures that will ensure diversity of representation, which is important. The creation of a commissioner for public appointments shows the commitment of the Parliament and the Executive as legislators to build a more open and representative public appointments system.

I was amused by the richly ironic words of the Conservative party's spokesperson, who said that we should cut quangos, which are terrible. For 18 years before 1997, the Tories increased the number of quangos. Labour, in coalition with the Liberal Democrats, has cut the number of quangos. However, we will leave that to one side. If Mr Harding cares to intervene, I will accept an intervention from him—although he took no interventions.

Mr Harding: I did—I took an intervention from Mr Russell.

Does Bill Butler think that he has the sole right to change opinions? New Labour adopted all Conservative policies. Why should we not adopt one of its policies and reduce the number of quangos?

Bill Butler: I am a member of the Labour party. I do not know about the new Labour party to which the member refers.

When the number of unelected bodies can be cut, we should cut it. Such bodies should be retained only when necessary. For example, the

Health and Community Care Committee, of which I am a member, was content about the proposed transfer of the functions of the Scottish Hospital Trust and the Scottish Medical Practices Committee to the national health service and to NHS boards. Such a transfer makes sense.

My colleagues on the Education, Culture and Sport Committee expressed some doubts about the abolition of the Ancient Monuments Board for Scotland and the Historic Buildings Council for Scotland. That was right. The minister said that the Executive is listening carefully to the anxieties of committee members. I believe that it will listen carefully to members who have spoken in the debate. I hope that important issues such as independence and accountability, and the concern about them, will be dealt with at stage 2.

The bill is fundamentally good and necessary. I commend its principles to the chamber, as it would increase transparency and accountability, which are necessary for a democratic Scotland.

The Deputy Presiding Officer: I will allow Colin Campbell a brief speech.

16:37

Colin Campbell (West of Scotland) (SNP): I agree with John Young: I have no interest in being the commissioner for public appointments, because I would have to leave the job seven months after I started it. The Equal Opportunities Commission endorsed the Executive's view that the bill would have a positive impact on equal opportunities, but paragraph 4(1)(c) of schedule 1 says that the commissioner will vacate

"office on 31st December in the year of service in which the Commissioner attains the age of 65 years".

On 3 September 2002, Dame Rennie Fritchie told the Local Government Committee that:

"Another difference is that the Scottish commissioner must leave at age 65. That is different from my post. It seems somewhat at odds with openness, transparency and diversity"—[*Official Report, Local Government Committee*, 3 September 2002; c 3172.]

to do that. Her written evidence said:

"There is no upper age limit on public appointments; and my Annual Report ... records that 10 per cent of those appointed or re-appointed to boards of public bodies in 2001-02 were aged 66 or over ... it may appear inconsistent if the Commissioner were expected to leave the post in the year in which they reach 65."

Trish Godman: The Local Government Committee agreed with that, but could not support that because of the civil service regulations about pensionable posts.

The Deputy Presiding Officer: Colin Campbell has little time left.

Colin Campbell: I thank the member for that elucidation. As we both come from roughly the same generation—[MEMBERS: “Oh!”]—that was generous, Trish.

Trish Godman: I am 10 years younger.

Colin Campbell: I ask the member to do her best to ensure that that issue is taken care of at stage 2. Please think about that.

16:39

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): I was one of the 37 respondents to the Executive’s consultation document on the bill and the only MSP to respond. I responded because of the importance of the independence of the public appointments process.

I am pleased to speak in the debate today as a back bencher. In my response, I welcomed the proposal for the commissioner to establish a code of practice for ministerial appointments to public bodies. However, I noted that I felt strongly that none of the independent assessors who are to oversee the appointments should have party-political affiliations. That stipulation should be specifically embodied in the code of practice that is to be drawn up by the commissioner.

I continue to feel strongly that that should be the case. Lines 12 and 13 on page 2 of the bill set out that:

“In preparing the code of practice, and in making any revisions to it, the Commissioner must consult the Parliament and the Scottish Ministers.”

When he or she does so, I sincerely hope that that point is included in the code. Not only do the independent assessors who advise ministers on the suitability of appointees need to be independent, they need to be seen to be independent and free of party-political connections.

I am concerned about what would seem to be the relative weakness of the wording of line 34 on page 2, where one finds the words “may report” the breach of the code to the Parliament. The wording should be changed to “shall report”. That would reflect the views that were expressed earlier in the debate.

The committee came to the correct conclusion that the bill will allow the commissioner and the Parliament adequate powers to scrutinise any breaches of the code that are reported to them. However, I am concerned that the commissioner does not have to report any breach that he or she finds. That provision needs to be tightened up at stage 2. I feel that I know a loophole when I see one.

The bill appears to be clear when it sets out that section 2(8) applies:

“In any case where—

(a) it appears to the Commissioner that the code of practice has not been complied with;

(b) the Commissioner has intimated that fact to the Scottish Ministers; and

(c) the Commissioner considers that—

the code of practice is unlikely to be complied with within a reasonable time”.

For the bill then to use the words “may report” the case to the Parliament is something that the committee should re-examine.

The committee report states:

“should the Bill successfully complete its passage through Parliament, it will be a matter for the Parliament to decide whether to establish a dedicated Public Appointments Committee to manage its new scrutiny role.”

That is an extremely important point. Although it is perfectly right and proper for the Parliament to decide that, I am concerned about how the mechanism for setting up such a committee would work. Would the Local Government Committee produce a report to the Parliament on the matter? I would like the committee convener to give an assurance that the most appropriate route to take would be for it to be a parliamentary issue.

John Young mentioned ageism, as did Colin Campbell. I hate to draw comparisons, but the Parliament has approved the Scottish Parliamentary Standards Commissioner Bill. We examined the issue of an age limit at committee and, having taken advice, we removed it because to have an upper age limit is ageist.

Given those caveats, I warmly welcome the bill. It is a real step forward, but I would like to see the adoption of those few changes.

16:43

Bill Aitken (Glasgow) (Con): The debate has been low key, but I find the air of consensus in the chamber unusual and sadly depressing. Nevertheless, we are talking about £9 billion of public funds, which is a significant part of the Scottish block. It is clear that we wish to ensure that the bodies that deal with that amount of money are properly constituted and run.

A number of useful speeches have been made. Keith Harding rightly highlighted the difficulties that could arise under the terms of the commissioner’s appointment. The duration of five years for the commissioner’s term of appointment is hardly likely to encourage someone to leave a reasonably highly paid and responsible job in the outside world to take the appointment. Given that people look for continuity of prospects, five years is not long enough.

The age restriction is another issue that has been flagged up. John Young, in an extremely

articulate speech, highlighted the issues that can arise in that respect. Ten or 20 years ago, we would have agreed that 65 was the appropriate age limit. Indeed, we might even have said 60. However, we now face an era in which people will have to work longer and longer. Gordon Brown has pillaged pension funds and, as a result of the Labour Government, the economy is in such a state that many people will have to work well into their 70s, purely to survive.

What about the famous bonfire of the quangos? Members will recall when Angus MacKay stood in Peter Peacock's place and promised that all the quangos would be done away with. However, what is the position today? Although ancient monuments are being demolished, very little else is.

John Young: Now that is ageism. [*Laughter.*]

Bill Aitken: It could well be.

Why has that happened? Of course, the reason is that jobs are at stake. They might not be jobs for the boys, but jobs for the girls. In any case, we are certainly talking about jobs for the comrades and Alex Neil was quite right to point out the figures in this respect. If I extrapolate on his figures, it appears that, on the basis of the 1 per cent reduction this year, it will take another 20 years before the Labour party gets its fair share. Obviously, it will not happen that way, because its share of the vote will fall. That means that it will take much longer than 20 years.

How on earth has the Labour party managed to get away with this for so long? It seems that every deadbeat councillor and half-baked politician from the Labour side who has been unable to hack it in elected office has been shunted off into a quango.

Iain Smith: Will the member give way?

Bill Aitken: I am sorry—I am in my last minute.

I see that Colin Campbell has left the chamber, presumably to have a conversation with Trish Godman, who was far from happy with his highly ungallant remark about her age. Although we talk about positive discrimination, such a step is very retrograde in many ways. Being serious for all of five seconds, I should point out that we want appointments that are made not on the basis of positive discrimination, but on the basis of ability. That said, anything would be an improvement on previous positive discrimination measures, in which many appointees have been appointees of the Labour party. Such a situation cannot continue.

16:47

Michael Russell (South of Scotland) (SNP): As Mr Aitken pointed out, there has been some consensus in the debate. I want to address three

issues, the first of which is the ageism that John Young mentioned. There is no doubt that paragraph 4(1)(c) of schedule 1 should be struck from the bill. It is completely outrageous to say that someone must retire at the age of 65, particularly someone who might be doing a very successful job. Having spent some days with Mr Young in Quebec, I can bear witness to the fact that at whatever age he is—it would be equally ungallant to say that in the chamber—he is well able to keep up with the best of us in all activities that we choose to undertake. I leave those activities to people's imagination.

Another point that was debated concerned the duty of the commissioner. I find it strange that although some of the commissioner's duties, such as the duty to promote diversity, are instructed in the bill, the basic duty of enforcing the integrity and honesty of the structure is not. That is the point at which we should examine carefully the bill's wording. Mr Rumbles and Tricia Marwick are right: the change of one word would make all the difference, and Trish Godman's point, which was that there might be minor breaches that required no action, can be taken care of by that, too. Changing "may" to "shall" at the beginning of section 2(8)(a) does not force the commissioner to take any action after reporting it. After a breach, action would still be discretionary, but reporting would not. That answers objections on both sides. It would not insist that action is taken in the case of what Trish Godman called a minor breach, but it would mean that Parliament would know if ministers had breached the regulations. That change should be made, or at least debated extensively, as the bill goes through Parliament.

The Scottish National Party offers its support to the legislation, but only with the sense that it does not go nearly far enough. Alex Neil's influence on pushing the issue in Parliament has rightly been acknowledged.

There has been general concern in Scotland that the process of public appointment must be transparent and open in the sense that the Parliament is transparent and open. It is to be regretted that the Executive was pushed or pulled into introducing the bill. It is to be regretted that the bill does not yet have the total openness that Alex Neil was seeking, in a bill that I supported. However, the minister and his colleagues are to be commended for the fact that, at least, we have the bill now and we can progress. The bill will be supported, but it will be changed and developed as time goes on.

As a member of the Education, Culture and Sport Committee, I have been most concerned about the Ancient Monuments Board and the Historic Buildings Council for Scotland. There is no doubt that, as the evidence session progressed

when we examined the matters, there was mounting incredulity in the committee. The points that were made by Sandra White and echoed by Karen Gillon are true—we had an open and accountable discussion with Professor Michael Lynch of the Ancient Monuments Board. We had an open and accountable discussion with Pat Chalmers—who is here today—who spoke on behalf of the Historic Buildings Council. We had a completely closed and unaccountable discussion with Graham Munro, the chief executive of Historic Scotland. He was unable—I say unable because it was not his fault entirely—to tell us about certain aspects of his work because, as he represented an Executive agency, his advice to ministers could not be discussed. That presented a problem for members of the committee. I am surprised that Iain Smith did not understand the report because it was crystal clear. The problem is that the process of listing can be difficult for those people whose buildings are subject to it. There must be an independent review and some scrutiny. There must be a level of expertise and judgment in the Historic Buildings Council, which does not come from Historic Scotland.

This morning, I was interested to note a message about today's debate from the Royal Incorporation of Architects in Scotland, which was sent to some members. First, it says that an independent representative body is needed because of the problems that exist. Secondly, it says that ministers need the help of such a body so that they understand some of the wider issues. Thirdly, it says that such a body must be accountable to Parliament. Alas, Historic Scotland is not directly accountable in many ways. That message concludes, as I will conclude, with the words

"This implies a structural review of the role of Historic Scotland."

I hope that the minister will say in his summing up that we will not simply tinker with some of the bill, but that we will examine closely the role of Historic Scotland and other bodies to try to get it right. Presently, the role of Historic Scotland is the main obstacle to getting it right.

16:52

Peter Peacock: The debate has been interesting and there have been many good speeches. I have listened to all of them and I will try to respond to as many points as I can.

I thank members in general for their support for the general principles of the bill. As some members said, there is considerable consensus about the direction of travel and a number of interesting, detailed points have been made. The key points of support related to the independence of the commissioner and the independent

assessors that the commissioner will recruit, train and support and to the fact that the system of public appointments in Scotland must be conducted on the basis of merit—which was the sense of Marilyn Livingstone's point. That will give the confidence in the system that we require to have and it will encourage more people to become involved in the process and to help the governance of Scotland. I am grateful for the expression of consent for the principles.

One thing that has not surprised me, but has confirmed the views that ministers were forming, is that almost every member has asked questions about the Ancient Monuments Board and the Historic Buildings Council.

Rhoda Grant (Highlands and Islands) (Lab):

On that point, will the minister consider a review of the accountability of Historic Scotland? As an example, I mention the case of Castle Tioram in my constituency, where plans were submitted for its development and Historic Scotland was called in as a statutory consultee. That led to a public inquiry to which Historic Scotland appointed a reporter to give evidence. Then, a ministerial decision on the inquiry was issued. Historic Scotland was judge, jury and executioner.

Peter Peacock: Rhoda Grant, Mike Russell, Bill Butler, Margaret Jamieson, Ian Jenkins, Sandra White, Karen Gillon, Iain Smith and Trish Godman have all made points about the successor arrangements, to which I listened carefully. I tried to make it clear in my opening speech that we want time to consider how best to respond to the points that have been made on that issue. I do not think that I could make it any clearer that I intend to respond, but I want to respond appropriately. Although members have raised concerns about Historic Scotland, I know that they relate only to some of Historic Scotland's functions and not to all of them. I am trying to be constructive and helpful. We are listening and we will consult the committees further on how to make progress on the matters that have been raised, particularly by Karen Gillon, about the successor arrangements.

A question has arisen about the words "shall" or "may" in relation to the new power that we have given the commissioner to report breaches of the code to Parliament. I stress that the commissioner's power to intervene in the appointments process is new. The points that members have made so far on the matter have not convinced me. The post will be independent and the commissioner, who will be appointed by the Queen on Parliament's recommendation, will be a person of considerable substance.

Mr Rumbles *rose*—

Peter Peacock: I am short of time and I gave way earlier. I would like to make progress.

It is important that the independent post has discretion. It will be for the commissioner to determine when to report to Parliament. The power will exist absolutely in the commissioner's hands and he will exercise it if he chooses. Other options would get us into problems of definition. Iain Smith made the valid point that to change the bill might raise the threshold at which the commissioner would report to Parliament, which would be wrong. I will think further on the points that have been made, but so far I am not persuaded.

Mr Rumbles: Will the minister give way on that important point?

Peter Peacock: I will not give way.

The proposed parliamentary committee is a matter for Parliament. I would have to see Parliament's specific proposals before committing the Executive to supporting them. We have made clear our position on the general issue of such a committee.

I am grateful for members' support on the diversity strategy, which aims to widen the range of people who take part in Scotland's public bodies. We are not as successful on that issue as we should be. We want more women, more people from ethnic minority backgrounds, more people with disabilities, more people from outwith the central belt and more people from different socioeconomic backgrounds to serve on Scotland's public bodies. The commissioner's role will be vital in making progress on that.

A number of points were made about the bill's short title. I heard what was said about that and no doubt the parliamentary authorities also heard it. The particular reason for the title is that the bill has two separate limbs. To qualify both those limbs and to ensure that both of them apply in Scotland, we had to use the convention that was mentioned. I am sure that the appropriate people have heard the debate on the matter.

Keith Harding indicated the Conservatives' support for the bill, grudging though it is. The Conservatives would be wise to support the bill because in large part it is designed to clear up the mess that they left behind. As Iain Smith rightly said, the Conservatives invented cronyism in the public appointments system. At the height of their disrepute, the Tories' approach was so discredited that they had to involve the Nolan committee to try to tidy up the mess that they had left. Our proposals take Nolan's work considerably further and are appropriate to Scotland's circumstances.

Tricia Marwick accused us, wrongly, of a U-turn and said that we did not act until Alex Neil introduced his Public Appointments (Parliamentary Approval) (Scotland) Bill. If Tricia Marwick looks back at the records she will discover that we

intended to introduce the Public Appointments and Public Bodies etc (Scotland) Bill prior to the introduction of Alex Neil's bill.

Tricia Marwick: If the minister intended to change the system, why did he say in September that the procedures with which he was working were open, transparent and working fine?

Peter Peacock: Our procedures have become increasingly open and transparent and we wish to make further progress on those matters.

I understand John Young's point about the commissioner's age. Our proposal is not intended to be ageist. The job is pensionable and we have applied the same rules to it as are applied to any other pensionable job in the public sector.

Mr Rumbles: Will the member give way?

Peter Peacock: I cannot. I must make progress.

In an extremely muted speech given his past record on such matters, Alex Neil indicated that there is a chance that he might be recovering from his paranoia about the Labour party. Clearly, the therapy of being an MSP might be working for him. Alex Neil must be consistent. He was happy to use the procedures that he now denigrates and criticises when seeking to have some of his SNP cronies appointed as independent assessors. He was successful in that, and that was right because those people were appointed on merit. Alex Neil was also noticeably silent when his old pal, Jim Sillars, was appointed to Scottish Enterprise and reappointed by Henry McLeish.

Ms Margo MacDonald (Lothians) (SNP): On a point of order, Presiding Officer. I am sure that it cannot be in order for any member to suggest that my husband was appointed by Michael Forsyth and then endorsed by Donald Dewar on anything other than merit.

The Presiding Officer (Sir David Steel): I thought that I heard Peter Peacock say that Jim Sillars was appointed on merit.

Peter Peacock: I gather that Jim Sillars is an old pal of Margo's as well.

Ms MacDonald: Sometimes.

Peter Peacock: Alex Neil needs to be more open and transparent. He went on to argue that we ought to have a quota system for appointments to ensure political balance. However, the purpose of the whole exercise is to appoint people on merit, whatever their political affiliations.

The bill is another major step forward in the delivery of the Executive's pledge to modernise the approach to public appointments. It will ensure the de-politicisation of the appointments process; it will guarantee openness, transparency and accountability; it will underpin our commitment to

make appointments on merit; and it will encourage a more diverse range of people to participate in public life. The bill is an important step in building the post-devolution Scotland that we want to see—a Scotland in which public service is respected and admired. I commend the bill to the Parliament.

Public Appointments and Public Bodies etc (Scotland) Bill: Financial Resolution

17:01

Motion moved,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Public Appointments and Public Bodies etc. (Scotland) Bill, agrees to any increase in the sums payable out of the Scottish Consolidated Fund in consequence of the Act.—[*Peter Peacock.*]

Parliamentary Bureau Motions

17:01

The Presiding Officer (Sir David Steel): We have three Parliamentary Bureau motions and have received no notice that any member wishes to oppose them. To save time, I ask Euan Robson to move all three together.

Motions moved,

That the Parliament agrees that the Justice 1 Committee be designated as lead committee in consideration of the draft Legal Aid (Scotland) Act 1986 Amendment Regulations 2002.

That the Parliament agrees that the Justice 2 Committee be designated as lead committee in consideration of the Combined Police Area Amalgamation Schemes 1995 Amendment (No.2) (Scotland) Order 2002 (SSI 2002/458).

That the Parliament agrees that Sarah Boyack be appointed to replace Paul Martin on the Audit Committee.—
[*Euan Robson.*]

Decision Time

17:02

The Presiding Officer (Sir David Steel): There are 11 questions to be put as a result of today's business, so let us please concentrate. The first question is, that amendment S1M-3507.1, in the name of Mike Watson, which seeks to amend the motion in the name of Michael Russell, on broadcasting and the media in Scotland, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Alexander, Ms Wendy (Paisley North) (Lab)
Baillie, Jackie (Dumbarton) (Lab)
Barrie, Scott (Dunfermline West) (Lab)
Boyack, Sarah (Edinburgh Central) (Lab)
Brankin, Rhona (Midlothian) (Lab)
Brown, Robert (Glasgow) (LD)
Butler, Bill (Glasgow Anniesland) (Lab)
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Curran, Ms Margaret (Glasgow Baillieston) (Lab)
Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
Eadie, Helen (Dunfermline East) (Lab)
Ferguson, Patricia (Glasgow Maryhill) (Lab)
Finnie, Ross (West of Scotland) (LD)
Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
Gillon, Karen (Clydesdale) (Lab)
Godman, Trish (West Renfrewshire) (Lab)
Gorrie, Donald (Central Scotland) (LD)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Iain (Edinburgh Pentlands) (Lab)
Henry, Hugh (Paisley South) (Lab)
Home Robertson, Mr John (East Lothian) (Lab)
Hughes, Janis (Glasgow Rutherglen) (Lab)
Jackson, Dr Sylvia (Stirling) (Lab)
Jackson, Gordon (Glasgow Govan) (Lab)
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
Kerr, Mr Andy (East Kilbride) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Livingstone, Marilyn (Kirkcaldy) (Lab)
Macdonald, Lewis (Aberdeen Central) (Lab)
Macintosh, Mr Kenneth (Eastwood) (Lab)
MacKay, Angus (Edinburgh South) (Lab)
Maclean, Kate (Dundee West) (Lab)
Macmillan, Maureen (Highlands and Islands) (Lab)
Martin, Paul (Glasgow Springburn) (Lab)
McAllion, Mr John (Dundee East) (Lab)
McAveety, Mr Frank (Glasgow Shettleston) (Lab)
McCabe, Mr Tom (Hamilton South) (Lab)
McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
McLeish, Henry (Central Fife) (Lab)
McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
McNeill, Pauline (Glasgow Kelvin) (Lab)
McNulty, Des (Clydebank and Milngavie) (Lab)
Morrison, Mr Alasdair (Western Isles) (Lab)
Mulligan, Mrs Mary (Linlithgow) (Lab)
Munro, John Farquhar (Ross, Skye and Inverness West) (LD)

Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, 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)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Elder, Dorothy-Grace (Glasgow) (Ind)
 Ewing, Dr Winnie (Highlands and Islands) (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)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Harper, Robin (Lothians) (Grn)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North-East Scotland) (Con)
 Lochhead, Richard (North-East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGregor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeod, Fiona (West of Scotland) (SNP)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 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)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 Wallace, Ben (North-East Scotland) (Con)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)
 Young, John (West of Scotland) (Con)

ABSTENTIONS

Sheridan, Tommy (Glasgow) (SSP)

The Presiding Officer: The result of the division is: For 65, Against 49, Abstentions 1.

Amendment agreed to.

The Presiding Officer: Brian Monteith's amendment is pre-empted and falls.

The second question is, that motion S1M-3507, in the name of Michael Russell, on broadcasting and the media in Scotland, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Canavan, Dennis (Falkirk West)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)

Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, 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)
 Cunningham, Roseanna (Perth) (SNP)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Elder, Dorothy-Grace (Glasgow) (Ind)
 Ewing, Dr Winnie (Highlands and Islands) (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)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Harper, Robin (Lothians) (Grn)
 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)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeod, Fiona (West of Scotland) (SNP)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 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)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 Wallace, Ben (North-East Scotland) (Con)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)
 Young, John (West of Scotland) (Con)

ABSTENTIONS

Sheridan, Tommy (Glasgow) (SSP)

The Presiding Officer: The result of the division is: For 67, Against 46, Abstentions 1.

Motion, as amended, agreed to.

Resolved,

That the Parliament recognises the vital importance of broadcasting and the print media to the cultural, social and economic life of Scotland; recognises the importance to Scotland of UK, Scottish and regional television programming and production; believes that these interests are enhanced by diversity in media ownership, and believes that it is vital that the relevant regulatory bodies reflect those Scottish interests in respect of UK broadcasting regulations and other media matters.

The Presiding Officer: The third question is, that amendment S1M-3511.2, in the name of Ross Finnie, which seeks to amend the motion in the name of Richard Lochhead, on fishing, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)

McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLeish, Henry (Central Fife) (Lab)
 McLetchie, David (Lothians) (Con)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Young, John (West of Scotland) (Con)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Cunningham, Roseanna (Perth) (SNP)
 Elder, Dorothy-Grace (Glasgow) (Ind)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Wallace, Ben (North-East Scotland) (Con)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

ABSTENTIONS

Harper, Robin (Lothians) (Grn)

The Presiding Officer: The result of the division is: For 80, Against 34, Abstentions 1.

Amendment agreed to.

The Presiding Officer: Jamie McGrigor's amendment is pre-empted and falls.

The next question is, that motion S1M-3511, in the name of Richard Lochhead, on fishing, as amended, be agreed to.

Motion, as amended, agreed to.

Resolved,

That the Parliament rejects the wholesale closure of Scottish fishing grounds as politically unacceptable and economically ruinous for Scotland's fishing communities; welcomes the fact that the Scottish Executive is working in close collaboration with the Scottish fishing industry to identify alternative approaches, and urges all concerned to pursue a longer-term strategy that will reverse the historic decline in key fish stocks and secure a sustainable basis for our fisheries-dependent communities.

The Presiding Officer: The next question is, that motion S1M-3224, in the name of Andy Kerr, on the general principles of the Public Appointments and Public Bodies etc (Scotland) Bill, be agreed to.

Motion agreed to.

That the Parliament agrees to the general principles of the Public Appointments and Public Bodies etc. (Scotland) Bill.

The Presiding Officer: The next question is, that motion S1M-3349, in the name of Andy Kerr, on the financial resolution in respect of the Public Appointments and Public Bodies etc (Scotland) Bill, be agreed to.

Motion agreed to.

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Public Appointments and Public Bodies etc. (Scotland) Bill, agrees to any increase in the sums payable out of the Scottish Consolidated Fund in consequence of the Act.

The Presiding Officer: The next question is, that motion S1M-3515, 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 1 Committee be designated as lead committee in consideration of the draft Legal Aid (Scotland) Act 1986 Amendment Regulations 2002.

The Presiding Officer: The next question is, that motion S1M-3516, 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 be designated as lead committee in consideration of the Combined Police Area Amalgamation Schemes 1995 Amendment (No.2) (Scotland) Order 2002 (SSI 2002/458).

The Presiding Officer: The last question is, that motion S1M-3517, in the name of Patricia Ferguson, on membership of committees, be agreed to.

Motion agreed to.

That the Parliament agrees that Sarah Boyack be appointed to replace Paul Martin on the Audit Committee.

The Presiding Officer: Thank you. That concludes decision time.

Edinburgh Waverley Station

The Deputy Presiding Officer (Mr George Reid): The final debate is a members' business debate on motion S1M-3406, in the name of Sarah Boyack, on Edinburgh Waverley station. The debate, as usual, will be concluded without any question being put. Those members who wish to contribute to the debate should press their request-to-speak buttons as soon as possible.

Motion debated,

That the Parliament notes the importance of Edinburgh Waverley Station to the national rail network; welcomes plans for the development of regional and local services across central Scotland; further notes that current projections state that the station will reach its capacity in 2003; recognises the station's significance as part of the historic core of Scotland's capital city and its potential as a modern, accessible transport interchange; further welcomes proposals to upgrade the station to enable the significant expansion of rail provision on the east coast, and encourages the Scottish Executive to continue to work in partnership with Her Majesty's Government, City of Edinburgh Council, the Strategic Rail Authority and the railway industry to accelerate the delivery of this vital project.

17:08

Sarah Boyack (Edinburgh Central) (Lab): First, I thank all the members who supported the motion and I thank them particularly for staying for the debate. Having been lobbied by several of those members, I know that they will be using Waverley station later tonight and I suspect that some of them will have points to make in the debate.

I am grateful for members' support because I think that we should speak with one voice on the Waverley upgrading project, which is critical for the expansion and improvement of our rail services, throughout not just Scotland but the United Kingdom. The project is certainly central to Labour's ambitions in Scotland.

This is a time of opportunity for our railways in Scotland. The first new stations in Edinburgh for years have opened—the Gyle, Newcraighall and Brunstane, in Susan Deacon's constituency. In a few months, Edinburgh Park station will also open. However, Waverley station is the crux of all the new railway developments and we urgently need new capacity to enable the expansion that we desperately need.

There is scope for us to debate the issue and, I hope, encourage the prioritisation of the project, which is of UK importance. In terms of the main east coast line between London and Inverness and Aberdeen, Waverley station is a critical UK railway junction. It is important in terms of its Scottish location on the east coast, for central Scotland's capacity and particularly for the

Edinburgh to Glasgow capacity. Further, it is of regional importance for those of us who live in the Lothians and Fife, and I know that many members want new services to come through the ScotRail franchise. It is important for the opportunities in the Borders and, locally, Waverley is central to the development of crossrail projects and the council's plans to integrate a network of trams.

I acknowledge that there has already been progress. I know that the Scottish Executive has allocated resources to help to work up the project options and I am aware that the Strategic Rail Authority has included the project in its list of important projects and that Network Rail has started a two-year programme of signalling renewals in the area to improve reliability. However, the next steps are vital and time is of the essence. We cannot afford to let this project slip. We need to get a scheme agreed.

First and foremost, there has to be a clear priority for better services and a better experience for passengers. In that context, it is important to recognise that the destination for passengers coming to Waverley is not the station but somewhere else. Therefore, the proposals have to provide better interchange facilities and links with buses, taxis, bike routes and pedestrian routes. We also need an improvement in the quality and the range of services for passengers who use the stations. Many tourists' first experience of Scotland is Waverley station and there has to be proper information and easy transfers. For passengers with disabilities, we need a modern station that is fit for the 21st century, not the old-style Victorian experience that people have to suffer at the moment. Regular commuters—many of whom are here today—want to be able to pass through the station as if on autopilot, picking up a paper and a cup of coffee on their way to a train that departs on time.

It is important to acknowledge that the station's beautiful location is one of the most historic in Europe. It contributes to Edinburgh's world heritage site designation and that means that we need a design of the highest possible quality.

Partnership is vital if we are to deliver those objectives as there are a range of stakeholders. The Scottish and UK Governments are important, as are Great North Eastern Railway, Virgin and ScotRail, local authorities, passengers and businesses.

The next step is for the SRA to push ahead on the selection of the project. It is important that the management of the project is thought through well in advance. The last thing that any of us wants is for Waverley station to close down during the first week of the Edinburgh festival. I am sure that that would not happen, but I mention the possibility to illustrate the fact that a lot of thought is required.

I urge members to think about the relationship between Waverley and Haymarket station, which also needs to be refurbished. That is not as sexy a project and it is certainly not as expensive. However, the station needs disabled access and lifts as well as bus, taxi, cycle and tram access. Depending on the shape that the Morrison Street development eventually takes, the station could have to deal with 1,000 extra workers every day. We need to take action on Haymarket now so that we can minimise the disruption to passengers when work on Waverley starts.

I understand that everybody is thinking about this issue. The council is planning the interchange. Network Rail has plans for the lifts, but no timetable. Further, the Disability Discrimination (Scotland) Act 1995 kicks in in 2004 but, having met the key parties, I do not think that the issue is at the top of anyone's agenda. That has to change.

The next few months are critical. I would like the Waverley and Haymarket projects to be included in the next Strategic Rail Authority update in January. I would like there to be consultation on the project selection and capacity. Let us fix the station not for the next five to 10 years, but for the next 50 years. The issue of railways is about long-term investment.

We must get on with this project and support it in our Parliament. I do not underestimate the challenge that it represents. Pulling together the railway industry after the experiences of the past couple of years will be difficult but can be done. There will have to be work by the Scottish and UK Governments and I hope that the minister will put on record tonight his commitment to action taking place at Waverley and Haymarket as part of an overall vision of expanding railways in Edinburgh and east and central Scotland.

I hope that we hear a commitment from the minister to help to drive the project forward. We need to keep up positive pressure on the SRA. We also need to continue to work with my Westminster colleague Alistair Darling. He is the local MP and the Secretary of State for Transport. We need to ensure that everybody works together. I know that the will exists, but we need progress.

I thank members for coming tonight. This is the start of the debate in the Parliament about Waverley station. The SRA is coming along with its next project and, next week, the Rail Passenger Committee is meeting in Scotland, which is another chance for us to push ahead on railways in Scotland. The ScotRail franchise is coming up for renewal soon. We have a time of opportunity, but only if we grasp the moment, work together and ensure that our colleagues at UK and Scotland levels work together. The project can be delivered. I know that the will and determination exist.

Waverley station is nearly full up. When I look round the room, I see colleagues who have aspirations for improved railways—whether totally new railways, longer trains or more frequent trains. If we are to fulfil those aspirations, we need to fix Waverley station sooner rather than later.

The Deputy Presiding Officer: We have quite a full house for a members' business debate. Thirteen members have requested to speak and they will not all fit in. I am prepared on this occasion to take a motion without notice to extend business to 6 o'clock.

Motion moved,

That, under Rule 8.14.3, the meeting be extended until 6 pm.—[Mr Murray Tosh.]

Motion agreed to.

The Deputy Presiding Officer: Is that convenient for the minister?

The Deputy Minister for Enterprise, Transport and Lifelong Learning (Lewis Macdonald): Yes.

The Deputy Presiding Officer: That will work, but only if members keep their speeches to three minutes.

17:16

Mr Kenny MacAskill (Lothians) (SNP): I congratulate Sarah Boyack on securing the debate and on an excellent speech. I heartily endorse much of what she said.

Sarah Boyack is correct to identify the development of Waverley station as a vital infrastructure project. There is a great myth among the general public that the project is a retail development and a simple upgrade or tarding up of Edinburgh's primary station. The project goes beyond that. It is not simply about improving the station for passengers; it is about improving capacity for the network. It is not simply about improving transportation for the city of Edinburgh; it is fundamentally about improving transportation for the whole of Scotland, and certainly the whole of the east of Scotland. It is important that we realise that.

It is also the case that the project is not simply about passengers, but about freight. Improving the infrastructure at Waverley station will allow the opportunity for freight to be throughput, as opposed to having to go on the south suburban line, which slows matters up. It would also allow a far better distribution system. Rather than having to unload at out-of-town depots, we could allow goods to be brought into the city centre and distributed. That would save road miles and consequent pollution.

We must also hear from the minister on various matters. We have various pledges from the

Strategic Rail Authority. It has made some efforts, but we must see delivery.

The first question that must be answered is on responsibility. I accept the points that Sarah Boyack made on partnership—I would be the first to criticise the Executive if it were not involved—but who is in charge of the project? It is certainly not ScotRail and it is certainly not Network Rail. Ultimately, the SRA must be in charge of the project. Consequently, it seems to me that it is the body that will have to fund the project. We must have a clear statement from the Executive that the project is an SRA project, that the Executive will seek to ensure that the SRA delivers it in a reasonable time scale—sooner rather than later—and that the SRA will fund it. Considering the project's nature, it is correct that the Executive should contribute seedcorn money, as it has done. However, it is about time that the Scottish taxpayer and rail user saw some delivery from the SRA as opposed to seeing their money going into investment south of the border. We will not neglect that investment, but we must ensure that investment is also delivered in Scotland.

We need to know who is in charge. The SRA must be in charge. If that is not the case, we will go round and round chasing our tails. The Executive's role is important, but the SRA must realise that actions speak louder than words. It must deliver a key infrastructure project for Scotland. Moreover, notwithstanding whatever comments the UK Secretary of State for Transport makes, we must be convinced that the SRA will have more than a brass plate and one member of staff in Scotland. We must have confirmation that the SRA will deliver the project in a reasonable time scale and that it will pay for the project.

17:20

Lord James Douglas-Hamilton (Lothians) (Con): I warmly congratulate Sarah Boyack on her success in obtaining this significant debate, which is of importance to Scotland as a whole. I wholeheartedly support her motion. The redevelopment of Waverley station is the key to increasing rail capacity for the whole of Scotland. As Sarah Boyack suggested, it is of supreme importance for citizens, passengers, disabled people and tourists alike. With the future rail link, the station will be very important for the Borders and the south of Scotland. That development will help with many services in the future.

Waverley is vital to the economic prosperity of Edinburgh, and its upgrading has the potential, in our view, to achieve real social and economic benefits. There is a strong business case for the infrastructure project, which I am glad to support.

The most effective way to generate growth is through the provision of a fast, efficient transport

system. The proposed investment in infrastructure simply has to be a priority of the Government. The harsh reality, however, is that there will be a significant funding gap. We are yet to receive a costed time frame for delivery by the Executive, despite the fact that the proposed redevelopment of Waverley station was mentioned in the September spending review. We are still no closer to knowing exactly how much funding will be allocated by the Executive. Perhaps the minister could kindly enlighten us on that matter.

The continuing delays before the Executive clarifies its intentions do little to convert our transport system into one that is fit for the 21st century. It is significant that Sarah Boyack, supported by many colleagues, has lodged the motion before us, urging the Executive not to delay in redeveloping Waverley station, a project that is vital for the planned rail upgrading in Scotland.

The Executive has stated that the number of trains using Waverley has increased from 380 per day in 1988 to 575 per day in 2000, which means that it will soon reach full capacity. That means that it is essential

“to accelerate the delivery of this vital project”,

as Sarah Boyack has requested in her motion.

In March, Wendy Alexander’s vision for transport was published. It stated that

“increasing capacity on the rail network in and around Edinburgh through the re-development of Waverley Station, Edinburgh”

was one of the Executive’s top 10 priorities. I think that Wendy Alexander also stated that expanding the capacity of Waverley station was vital in order to deliver better services all over Scotland.

The process started with Sarah Boyack; could we have an assurance from the current minister that the Executive will help to deliver the redevelopment of the station? Sarah Boyack has given and is giving support to what is a national project, and I appeal to the minister to respond as favourably as possible to the motion by making certain that Waverley station will be redeveloped.

The Deputy Presiding Officer: That was a perfect three, Lord James. Thank you.

17:23

Donald Gorrie (Central Scotland) (LD): I am happy to speak in support of what is an excellent motion. A transport network is only as good as its weakest part. At the moment, Waverley station is one of the weaker parts. It really needs attention. This is not just a parochial issue, as some people have suggested; it is of national importance, and we must take account of that. For example, the

people whom I seek to represent in Central Scotland would benefit greatly if Waverley was much better.

From long experience in Edinburgh, I would urge the people developing the proposals to try to carry along with them the various heritage groups. Anyone who finds themselves head to head with the preservation people in Edinburgh is, honestly, on a loser—or at least on a great delay. Some of them carry their views to an extreme of purism, but if the commonsense, ordinary preservationist-type people can be carried along with the proposals, that will greatly help them to progress.

I greatly regret the fact that Alistair Darling ruled out any new fast rail service between central Scotland and the south of England. That is very mistaken. There are some good proposals—I was studying one this afternoon—for new, high-speed, continental-gauge lines that would join Glasgow, Edinburgh and central Scotland to London, the midlands, the Channel tunnel and the continent with both freight and passenger services. That would do the Scottish economy an enormous amount of good on the freight side, and it would help diminish the number of aeroplanes that whiz between Edinburgh and Glasgow and London, to the great pollution of the atmosphere.

I strongly urge the Executive to re-examine proposals for a better connection between Scotland and England, and to encourage the Secretary of State for Transport to do something about the matter. If we are serious about having an integrated transport system, being green and preventing pollution, we must make much greater use of trains and less use of planes. We must make greater use of freight trains and less use of lorries. Let us get into that.

17:25

Angus MacKay (Edinburgh South) (Lab): I join colleagues in congratulating Sarah Boyack on securing this evening’s debate.

I want to take a more parochial approach to the debate. As has been said, Waverley station is a very important national transport hub for Scotland. However, it is also a very important local transport hub for Edinburgh—in particular, for south Edinburgh.

My parochial angle is the Edinburgh south suburban line, which has been a chestnut for people in south Edinburgh and the rest of Edinburgh for many years. Hopefully, that chestnut is about to ripen and fall off the tree. Non-passenger services have run for many years on that line. Passenger services were introduced much later. From the moment that they first ran, those services faced competition from other forms of transport, such as Edinburgh’s first-ever tram—

a horse-powered tram that was introduced on 6 November 1871. From that date, there was competition between different forms of public transport. As recently as 1958, diesel locomotives were introduced on the south sub passenger service, giving a 10-minute journey time from Blackford hill to Waverley station. Such a journey time is almost unimaginable for any other form of transport, even today.

Sadly, the passenger service was closed on 10 September 1962—two years before I was born. The stations along the route closed in 1964—the year in which I was born. For obvious reasons, the reopening of the south sub is important. It is also very relevant. Proposals have been made from a number of sources to engage actively with the issue—not necessarily by using public funds—and again to run suburban passenger services on the line. That begs the question whether there will be further competition between public services—I am sure that there will. Any proposal to reopen the south suburban line will depend on our having an integrated approach to public transport across Edinburgh.

For that reason, it is critically important that Waverley station and those who control it take a very broad view—not just nationally but locally—of the importance of the improvements that they can make and how those can help. The proposals privately to reopen the south suburban line do not depend on public subsidy. They do not depend on significant improvements being made to Waverley station. It would be possible to run services with a 30-minute frequency. That is not good enough for those of us who want regular services, but it is a good start.

As the Transport and the Environment Committee recommended in the report on its inquiry into the rail industry in Scotland, we want the improvements to Waverley station to be completed within five years. Were that to happen, the frequency of services on the south suburban line could be increased to between 15 and 20 minutes. Improvements to Waverley station would bring into play communities in south Edinburgh such as Gracemount, Southhouse, Burdiehouse, Gilmerton, Hyvots and Moredun, where social regeneration and housing improvement are taking place, and access to employment is improving. We now want genuine inclusion of those communities in the rest of the city.

I ask ScotRail and those who control Waverley station to remember the importance of Waverley to the south sub.

17:28

Robin Harper (Lothians) (Green): I congratulate Sarah Boyack on securing this evening's debate. As members have emphasised, the issue is very important. It does not affect Edinburgh alone; it is a matter of national importance that Waverley station should be improved.

Donald Gorrie spoke about competition with air travel. There is no reason for us not to use technology that is already being used in Europe and that would provide us with a train service to and from London that is not only competitive with air transport, but faster and more convenient. Such a service would allow people to work and dine in comfort on journeys between Edinburgh and London. If they booked far enough in advance, they would be able to travel more cheaply by rail than by air. That is achievable if we set our minds to it. It is ludicrous that so many people fly between London and Edinburgh. Occasionally I have had to fly between London and Edinburgh, but I bitterly resent that, as it is a total waste of time. On a train one can always do some work.

Sarah Boyack mentioned the links with buses. It is important that the Executive makes absolutely sure that, as well as all the improvements that are carried out at Waverley station, the links between the station and bus services in Edinburgh are improved. At the moment the links between Waverley station and bus services are tenuous.

The second important point that Sarah Boyack raised related to Haymarket station. We must not lose rail passengers while Waverley station is being improved. It is critical that the Executive should be prepared to spend a lot of money on upgrading Haymarket before we start on the improvements to Waverley station. That might include putting in some sort of cafeteria facilities on platforms 1, 2 and 3, as the only facilities that we currently have are the cafeteria on platform 4 and the little coffee bar at the top of the stairs. We could improve and extend the seating for people who are waiting for trains.

We could also improve access for taxis and buses, which will involve changes to the car parking facilities at the back of the station. We might even make modifications at street level and to traffic flows outside the station so that people can access buses easily and frequently. We need to consider the fact that people have to cross the road to get on buses if they are going eastwards into the city and into other parts of Edinburgh.

The Deputy Presiding Officer: I call Bristow Muldoon, to be followed by Margo MacDonald. I apologise to Bristow Muldoon for not having called him earlier as convener of the Transport and the

Environment Committee, but his card shows him to be Maureen Macmillan.

17:31

Bristow Muldoon (Livingston) (Lab): I am sure that Maureen Macmillan will be even more distressed than I am at that news, Presiding Officer. I hope that my card did not show me to be Maureen Macmillan at decision time tonight, or I might get a carpeting tomorrow for not having been present.

I congratulate Sarah Boyack on bringing the issue before the Parliament. Everyone in the chamber acknowledges her personal commitment to railways in general and to the expansion of Edinburgh Waverley's capacity, both in her time as the minister with responsibility for transport and as the member for Edinburgh Central.

Several members have mentioned the strategic importance of Waverley, which I fully acknowledge—perhaps more than most members, given that I spent about 10 years of my working life based there. We should put the greatest emphasis on the fact that Waverley has the potential to unlock a lot of railway capacity on all the major routes into Edinburgh.

One of the Scottish Executive's key objectives is to stabilise congestion in the city. I contend that that will be impossible unless the project at Edinburgh Waverley is completed early. Anyone who travels around the Lothians and Fife will acknowledge that all the major road arteries into Edinburgh are fully congested. That problem is compounded by the condition of the A71. If we are to give more people the opportunity to use rail, we have to be able to run more train services into Waverley station.

Certain projects will be worthy of support once the capacity at Waverley is delivered. Perhaps not surprisingly, from a West Lothian perspective, I think that the expansion of the Bathgate line all the way through to Glasgow is worthy of support. I acknowledge the commitment that the Executive showed in its recent award of £500,000 to a study of engineering works in relation to the line. That is important, because the reopening of the Bathgate to Edinburgh line back in the 1980s was one of the major drivers of the economic resurgence of West Lothian. It enabled many people in West Lothian to access job opportunities within the city and people from the city to access job opportunities that emerged in West Lothian. Extending that line through to North Lanarkshire and connecting other towns in West Lothian would create new opportunities for many people living there.

The final issue to which I will draw the minister's attention relates to the Transport and the Environment Committee's recent report. I ask the

minister to consider how we can ensure in the next year or two, as we move to the ScotRail refranchising, that there is no hiatus in investment in railway capacity, particularly in rolling stock. I urge the minister to examine the possibility of introducing rolling stock investment before the franchise is relet. That could have immediate benefits for areas such as Fife and West Lothian, as well as for the Glasgow to Edinburgh line.

The Deputy Presiding Officer: In relation to Bristow Muldoon's phantom Maureen Macmillan persona, the records indicate that Mr Muldoon did not vote this evening. I accept his assurance and will write it into the record that he was present at and voted in decision time.

17:35

Ms Margo MacDonald (Lothians) (SNP): If you would like, Presiding Officer, I will be John Swinney—he is not here either.

I express my gratitude to Sarah Boyack for lodging the motion and I thank my fellow southsider Angus MacKay for tackling what he described, somewhat disparagingly, as the parochial point of view. From where I am sitting, there is nothing parochial about south Edinburgh.

I will think globally by reminding members of the attraction of New York Central station, which is an integral part of the city, its society, its culture, its tourism and its day-to-day life. We should aim for that for Edinburgh. It can be done. Franco's station in Barcelona, which was in a state of ruin—its condition was much worse than the present state of Waverley—was completely refurbished for the 1992 Olympics. Its refurbishment was considered to be central to the drive to ensure that people saw Barcelona on the world stage. Members should see that station now.

I point out that the Barcelona refurbishment was done quickly. We must concentrate on the urgency of the issue. We should not wait until 2008, when it appears that all sorts of things will happen. We must start to put in the services that will get people on the railways, keep them there and keep Edinburgh's economy turning over. It is self-evident that we need to facilitate the new services to the Borders and the airport. We must get those projects through the planning stage as quickly as possible.

It is also self-evident that the Strategic Rail Authority must prioritise Waverley. Kenny MacAskill asked who the lead agency would be. About three weeks ago, Iain Gray told me that the SRA would be the lead agency, which was very good. He saw no reason why things should not be scheduled for 2008, but he did not say who would pay. Kenny MacAskill asked the right question. Will the SRA pay, if it is nominated as the lead agency?

Kenny MacAskill was sensible in suggesting that the SRA should have an office in Scotland. The SRA needs an office in Edinburgh, because construction firms in Edinburgh are experiencing huge difficulties with the supply of skilled tradesmen in the local labour market. To do the job, we need an organisation that is on top of the local market situation. That suggestion is a good one, which we should push.

Let us not throw the baby out with the bath water. We have a responsibility to maintain our world heritage site status. Waverley could be a beautiful station. We should investigate keeping operations under the glass roof. That can be done—it was done with the Reichstag and with Scottish Widows up the road. I am told that similar attempts are being made at the bottom of Holyrood Road, but I am waiting to see. We start with something good and we can make it better. Development to the west of the station should not even be contemplated; we should develop to the east, by using the ground off Market Street. That is my plea and I hope that someone listens to it.

17:39

Susan Deacon (Edinburgh East and Musselburgh) (Lab): I congratulate Sarah Boyack on securing the debate. I acknowledge the work that she has undertaken in relation to Waverley, both in her time as the minister responsible for transport and in her capacity as the member for Edinburgh Central. Many members are grateful for her work.

I am delighted that my constituency has benefited directly from the progress that there has been in our rail network. I was delighted that not one but two new stations opened in my constituency this year as part of the £10.5 million crossrail development. I recognise that those stations at Newcraighall and Brunstane must be part of a wider development of crossrail, which must continue through into Midlothian and ultimately to the Borders. They must also be part of wider links to the west of the city, so I am glad that the Edinburgh Park station is planned for next year. However, I recognise that all those connections require improvements in the capacity at Waverley, where the bottlenecks must be addressed. Those are real and immediate questions to me and to my constituents.

The same is true of the services at Musselburgh and at Wallyford, which serve my constituency and John Home Robertson's constituency of East Lothian. Those have been welcome developments over recent years, but they are now being hampered by the unreliability of services that is caused by the bottlenecks at Waverley about which we have heard so often.

I make a plea to the minister, and to those others who have a say in such developments, for the needs of the east of the city to be borne in mind as the Waverley station project develops. Wider track-capacity issues must be considered. Given the continued growth that is taking place in the east of the city and through into East Lothian, those are immediate concerns.

In the brief time that is available, I want to add a few words on a couple of my hobby-horses, which are germane to tonight's debate. As the Waverley station is developed, which will happen in the near future, I hope that the issue of integration is considered. I strongly echo Robin Harper's comments about the need to integrate rail services with bus travel.

As part of that, I hope that there will be a continued effort to integrate ticketing systems by supporting and promoting such schemes as the one-ticket south-east Scotland transport partnership initiative. The SESTRAN initiative is now in place, but I believe that it needs to be promoted much more actively than it has been.

I hope that the opportunity is taken to address fare collection issues. Surely, with the technology that is available, it should not be beyond the wit of man or woman greatly to improve our capacity to collect fares. The redevelopment of Waverley station should form one part of a process to ensure that we do just that. Such an improvement is in everyone's interest.

For now, I am pleased simply to add my voice to those of other members. Those who have the money and the decision-making powers to make the Waverley project happen should ensure that it does so quickly.

17:42

Mr Murray Tosh (South of Scotland) (Con): As a South of Scotland member, I am delighted to support Sarah Boyack's excellent motion.

I am aware that we must be close to the point at which the Scottish Executive must make a decision in principle on whether to support and fund the construction of the Borders rail project. That decision must come before the promoters can lodge the parliamentary order, which they hope to do in the early part of next year. I am also conscious that, when that order is placed and the project begins its path towards delivery, it will in effect book the one remaining pathway into Waverley from the east and south-east of Scotland.

As a member of the Borders rail forum, I am only too well aware that the Borders rail project is not the only project that is in the pipeline. Midlothian Council is close behind the Borders in looking to

develop services down the Loanhead line. I am also aware of aspirations for improved rail services along existing routes in East Lothian, such as to Haddington and perhaps inevitably to the substantial new settlements that are expected to arise in East Lothian as a result of the land releases that are instructed in the current Lothian structure plan. There is also the Edinburgh south suburban line, which Angus MacKay mentioned.

For some of those services, it is reasonable to expect through services, but one cannot do that unless additional track capacity is created between Portobello and Edinburgh Waverley and unless additional platform capacity and capacity for through routes is made available in Waverley. The point that Sarah Boyack made at the beginning of the debate—that the Waverley project would serve to meet the aspirations of many different projects—is very pertinent. We require a clear decision to go ahead with the Waverley project.

The project has been identified as a priority by the Scottish Executive and the SRA. However, we still do not know what that means. It is clear that the SRA is taking an increasingly firm grip of the railway network and all forward planning. It is also clear that the SRA's focus is on making the existing network work. The SRA is plainly talking down some of the aspirations for funding for major rail infrastructure projects, some of which have been described in the mood music as grandiose and futuristic. We need to know where we stand vis-à-vis the SRA and the Waverley project.

It is critical, politically as well as financially, that, in a major area of funding where the Barnett formula does not apply and where bids must be made by project, the Scottish Executive is able to demonstrate that it can operate the system and the funding and work with the SRA to deliver investment to Scotland where it is needed for its current and prospective rail services.

17:46

Rhona Brankin (Midlothian) (Lab): Like other members, I am delighted to take part in tonight's debate. As the member of the Scottish Parliament for Midlothian, I fundamentally agree with Sarah Boyack about the urgent need for the Waverley development in order to develop the range of important rail projects about which she spoke.

Let me be parochial, and I make no apology for that. The development of the Waverley, Penicuik and Loanhead line is essential for my constituents in Midlothian. Currently, 60 per cent of people who live in Midlothian travel to Edinburgh to work. They can only do that by road. Increasingly, people from Edinburgh are travelling out to the Roslin Institute, the Pentland science park and to the veterinary

school at Easter Bush and they, too, can only do that by road.

Midlothian is the only constituency close to Edinburgh that does not have rail access in and out of Edinburgh. The project is vital for my constituents. Those members who have struggled with the Sheriffhall roundabout or the A701 at rush hour will understand the urgency. We also understand the urgency because of the traffic congestion in Edinburgh.

People in Midlothian want to get out of their cars and get on to the railway. That was shown by the results of the Waverley project consultation, which came out a few months ago.

I have a few points about the new plans for Waverley station. As the parent of a daughter with ability difficulties, I echo Sarah Boyack's plea that developments at Waverley and Haymarket should be friendly and appropriate for people with disabilities. I mention in particular the beautiful, white—probably false—marble floors. Those floors are an absolute nightmare. The issue is not just as simple as putting in lifts. We need stations that are friendly and appropriate for people with disabilities.

Any new plans must be of the highest possible architectural design. Margo MacDonald raised that issue. Waverley station is right slap-bang in the middle of a world heritage site. Any development must be sensitive and add to rather than detract from Edinburgh's wonderful built heritage.

I take this opportunity to ask the minister to restate his commitment to the Waverley line. I would also like to finish by congratulating Sarah Boyack on bringing the motion before the Parliament. As the MSP for Midlothian, I am delighted to support it.

The Deputy Presiding Officer: We have time for Scott Barrie and Nora Radcliffe. It would be helpful if the length of their speeches could be nearer two minutes than three.

17:48

Scott Barrie (Dunfermline West) (Lab): I will try to keep my comments brief. Like everyone else, I congratulate Sarah Boyack on securing the debate on an exciting, worthwhile and well overdue project.

In her opening speech, Sarah Boyack indicated that the redevelopment of Edinburgh Waverley is on the agenda of many different organisations; however, it is not necessarily at the top of any of those agendas. I hope that if tonight's debate achieves anything, it will help to push the redevelopment of Edinburgh Waverley much further up the agendas of those organisations—particularly the SRA, which has a key role to play in the redevelopment.

We should be honest. Edinburgh Waverley has been redeveloped over the past few years. The facilities in the station are considerably better than they were 20 years ago, but better waiting facilities, bars, coffee shops, a Boots and a WH Smith will not get people home quicker and will not necessarily make their enjoyment of rail travel any better.

Clearly, we have to achieve an increase in the capacity of Edinburgh Waverley. We have heard that that is of national importance. Other members have declared their parochial interest, and it will come as no surprise that I wish to do exactly the same and make a special plea for the hard-pressed commuters north of the Forth who have to endure the Fife circle. I say endure the Fife circle, because this very morning my train was cancelled at 9.05 and there was not another one until 10.05, which I had to wait for at Dunfermline Town station.

Rail capacity improvements have been made. We have seen new stations opened not just in East Lothian, as Susan Deacon said, but at Dalgety Bay and Dunfermline Queen Margaret in Fife.

Platform 18, in particular, at Waverley is a cold, lonely place to have to wait at night, rivalled only by the experience of waiting on platforms 2 or 3 at Haymarket. It is draughty and awful. As Margo MacDonald said, we must have a much more exciting vision of what can be achieved at Edinburgh Waverley and Haymarket stations.

Signalling problems are a key issue. The problem—which I have encountered often—is that trains have to wait outside the Waverley tunnel for other trains to come through before they can get further along the line. The issue is not just the redevelopment of Waverley station; as Murray Tosh said, it is also one of increasing capacity.

The project is long overdue, and I hope that the minister will give a commitment on the part of the Scottish Executive this evening.

17:51

Nora Radcliffe (Gordon) (LD): I commend Sarah Boyack on her excellent, comprehensive and well-argued motion. I could almost say, "Ditto," and sit down, but I am afraid that I am not going to.

Waverley station is of strategic importance. Its development is fundamental to many other projects, as we have heard tonight. As somebody who regularly sits admiring the shrubbery in Princes Street Gardens while on a train waiting for a platform space, I have no difficulty in endorsing the assertion that the station is at or near capacity. The development of Waverley station is a key

infrastructure project, as Kenny MacAskill said. It should be accorded priority status, done properly and done soon.

I will take a couple of seconds to highlight the people-related aspects and opportunities of the redevelopment, which include proper accessibility for all sorts of disablements, good information, planning for effective onward journeys, and an attractive, safe and welcoming gateway to Edinburgh and Scotland.

The Deputy Presiding Officer: Thank you. That leaves the minister with seven and a half minutes. We have no discretion to go beyond 6 o'clock.

17:52

The Deputy Minister for Enterprise, Transport and Lifelong Learning (Lewis Macdonald): I thank the last speaker for her brevity.

I am particularly pleased to congratulate Sarah Boyack on lodging the motion and providing us with the opportunity to discuss such an important issue. I know that Sarah will understand as well as anyone that the Scottish Executive has long recognised the strategic significance of Waverley as a station that provides a hub for regional and local services. It is central to our aspirations for an enhanced Scottish railway network. As Sarah Boyack said, whether the issue is existing long-distance services, central Scotland services, the proposed new services that a number of members have mentioned, or the existing commuter services from places such as Fife, Waverley is the strategic hub that allows them all to be meshed together, which is why it is right at the top of our list of strategic priorities and is one of the key projects that we recognise must be delivered over the next few years.

Sarah Boyack rightly highlighted capacity as a fundamental issue. As Lord James Douglas-Hamilton mentioned, the number of trains that use the station has increased, even in the past three years, by something in the order of 65 per cent. That number is expected to increase yet further over the next few years simply given the projects that are planned, quite apart from any of the additional aspirations that we have heard about this evening. Other aspirations include: those of Virgin and GNER for increased cross-border services; the reopening of the Stirling-Alloa-Kincardine link, which will free up space on the Forth Bridge for additional passenger services from the north-east and Fife into Edinburgh; the Edinburgh airport rail link; the potential line to Midlothian and the Borders; and the potential opening of the link between Airdrie and Bathgate. All those will have a direct impact on Waverley, which is central to delivering those aspirations.

The Scottish Executive and the Strategic Rail Authority recognise the capacity constraints and recognise that something needs to be done to address them. If we fail to do that, we will constrain the operational flexibility of the station, will cause passengers to spend time delayed in the Mound tunnel or in Princes Street Gardens, and will fail to achieve the potential of Waverley in promoting the growth of further services.

We are keen to make progress on the basis of the best available scheme. Many members will have seen the master plan that Railtrack presented last year for the station's redevelopment. Scott Barrie mentioned that. The master plan involved the construction of an upper storey to house a travel deck and a shopping mall, and important and essential requirements to address capacity issues in the station. Track and platform requirements are central, but Railtrack itself would concede that its master plan is a concept design only and that work was not undertaken behind the plan to allow it to be turned immediately into a detailed and fully costed proposal.

We acknowledge that other options might achieve the required capacity increase without the same superstructure requirements. Technical investigative work is needed. That may support Railtrack's master plan or flesh out other options that would achieve similar improvements and offer better value for money. Before a decision can be made about the final shape of the new, improved Waverley, that investigative work must be completed to assess site conditions and determine other technical factors, before work can get under way.

It is important to ensure that Waverley can handle the growth in train and passenger numbers that we foresee. That is why we must assess objectively all proposed developments at platform level and set them aside from some of the potential commercial developments.

To do that, a steering group was established to develop the project and consider all the options. The steering group, which is chaired and led by the Strategic Rail Authority and includes representatives from Railtrack, the City of Edinburgh Council and the Executive, provides a good example of the rail industry and central and local government working together to progress one of Scotland's key transport priorities. That priority is high up the list for all the partners. To do the work, the steering group created four sub-groups to consider the technical aspects, planning, the commercial aspects and the business case, to attract and produce a funding package.

In response to members' comments, I confirm that every option to be considered will include new and improved facilities for passengers who pass

through Waverley. The chosen option will be planned and integrated to ensure that change is delivered with the needs of all station users in mind and with minimal disruption. Whatever is done will impact on Haymarket station, as one or two members said. The work that is being done on Waverley includes assessment of the impact of any potential projects on Haymarket. Like us, the SRA is mindful of the relationship between the stations. It is too early to discuss the impact in detail and whether Haymarket could become the terminus for some services, for example. It is recognised that the two stations depend on each other.

Angus MacKay talked about the south suburban line. The lead on that lies with the City of Edinburgh Council, as one or two members said. The matter is of some significance. We will continue to follow with interest the city council's proposals for the south suburban line and to work with the council on issues that relate to east Edinburgh and East Lothian, which Susan Deacon mentioned.

As a measure of Waverley station's importance to the enhancement of services under the new Scottish passenger rail franchise, we made available £1 million in May to fund the essential work that is being done.

The sub-groups that I mentioned are investigating several critical issues. Site investigation is being undertaken, which should not be underestimated. Waverley station lies in a glacial valley and geological work is part of what requires to be done. Assessments are also being undertaken of potential passenger growth and platform provision, and future traffic is being analysed. I expect the initial output from that work to be available as a basis for decisions early next year.

I cannot emphasise too strongly that that work must be completed before a final decision on the design can be made. Only when that decision has been made can we examine funding in detail. We will look to the SRA to be part of that picture, but the project is not for the SRA alone. I emphasise the SRA's commitment to several other railway projects.

It lies with the Waverley railway project partnership to produce the funding package for the Waverley line project—the Midlothian and Borders line project. We have given £2 million to allow that to happen. That is a critical matter in which Waverley station plays a key role.

Let me assure members that the work on the redevelopment of Waverley station is progressing as quickly as possible. It is doing so with our full support. The transport delivery report "Scotland's Transport: Delivering Improvements", which was

published in March 2002, identified Waverley station as one of our top transport priorities. We will continue to proceed on that basis in partnership with the SRA and other partners.

Meeting closed at 18:00.

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