

MEETING OF THE PARLIAMENT

Wednesday 15 January 2003
(*Afternoon*)

Session 1

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Scottish Parliament

Wednesday 15 January 2003

(Afternoon)

[THE PRESIDING OFFICER *opened the meeting at 14:30*]

Time for Reflection

The Presiding Officer (Sir David Steel): To lead our time for reflection this afternoon, we welcome Sister Marie O'Dea, the project leader of the Wayside day centre for homeless people in Glasgow.

Sister Marie O'Dea (Wayside Day Centre for Homeless People): Good afternoon. I thank you for inviting me to share this time with you. The inspiration for my reflection comes from my time working with homeless people in London and Glasgow.

Homeless, disillusioned, bereft of contact with family and friends and struggling with his dependence on alcohol, Jim was at his lowest ebb when he observed a child being chased by a dog. She was running towards him with her arms outstretched. Momentarily disregarding the consequences of his actions and what he may have been accused of, Jim took her in his arms and comforted her until the child's mother arrived to shake his hand and thank him for his efforts, saying, "I hope things will improve for you." The little girl smiled and waved at Jim. At that moment he knew that life would get better for him because somebody had believed in him and trusted him. Jim's life changed. He sought help for his drink problem, got accommodation and eventually returned to work.

Some of us here may have had experiences of people who have touched our lives and helped us to realise our self-worth and value as human beings. Over the years, I have been privileged to meet a number of homeless people who, despite their circumstances, have inspired and challenged me with their courage and thoughtfulness. Down through the ages, people from all walks of life have inspired and challenged others by their way of life. In Scotland, we have had people such as St Margaret and St Mungo. Further afield and in more recent times we have had Catherine McAuley, Martin Luther King and Oscar Romero.

Recently, we celebrated the birth of Christ. Those of us who are familiar with the scriptures know how he touched the lives of those with whom he came in contact—the woman at the well, the woman who had committed adultery and the

soldier who watched him dying on the cross. That same God continues to touch people's lives today through each of us. We are his instruments and, if we allow him, he can do great things through us. I pray that the Scottish Parliament's deliberations will be inspired by God's love for his people, especially the marginalised in our society.

God of passionate life, fill us with your radiance, enkindle us with your love and touch us with your goodness. May the truth that we seek and accept shine through all that we are and do.

Amen.

Commissioner for Children and Young People (Scotland) Bill: Stage 1

The Presiding Officer (Sir David Steel): The first of our debates today is a debate on motion S1M-3689, in the name of Karen Gillon, on stage 1 of the Commissioner for Children and Young People (Scotland) Bill. I call Karen Gillon to speak to and to move the motion on behalf of the Education, Culture and Sport Committee.

14:34

Karen Gillon (Clydesdale) (Lab): Members are sometimes surprised by how relevant the topic at time for reflection is to the debate that follows. Today's time for reflection was certainly relevant to the debate that we will have as we consider some of the most marginalised members of our communities among our children and young people.

I am delighted to introduce a committee bill that seeks to establish a commissioner for children and young people. The bill represents the culmination of extensive consultation with organisations, children and young people and I am delighted that some of those children and young people—from the MacRobert youth centre in Stirling, from Northfield Academy in Aberdeen, from Oban, from Morgan Academy in Dundee and from South Lanarkshire youth council—are in the public gallery. When I came into the chamber, I also noticed one or two other people who have come along on their own steam—some of them gave us quite a hard time and made their views clear at the event that we held in the chamber.

In particular, I thank committee reporters Jackie Baillie and Irene McGugan, who have worked on the detail of the bill, and all committee members and clerks past and present for their commitment and hard work in making the bill a reality. On behalf of the committee, I also thank all those in the non-Executive bills unit who put in an inordinate amount of work to ensure that the bill reached this stage.

The ability of committees to initiate legislation sets the Scottish Parliament apart from many other Parliaments. The bill is unanimously supported by members of the Education, Culture and Sport Committee and is an excellent example of the effectiveness of the committee system in delivering bills. It has shown what can be achieved by committees and the Executive working together to bring forward bills.

In 1989, children's rights were recognised internationally in the United Nations Convention on

the Rights of the Child, from which children's commissioners the world over have taken their inspiration. I pay tribute to the voluntary organisations that have campaigned for years for a children's commissioner to be established in Scotland. A children's commissioner was established in Wales in 2000, there is a bill for a commissioner in Northern Ireland and at least 18 other countries worldwide have a children's commissioner. If the bill survives parliamentary scrutiny, there will be a Scottish commissioner for children and young people by this time next year.

The bill's key proposal is the establishment of a commissioner for children and young people, whose general function will be to promote and safeguard the rights of children and young people. The bill gives children's rights the attention that they deserve. It will establish a commissioner whose sole interest is the rights of children and young people. The commissioner will have a remit that covers all—not just some—children in Scotland. Many existing organisations do a fantastic job in relation to children's issues and the Executive has delivered many initiatives to ensure that all children and young people get the best possible start in life, but there is no one who can take an independent view over the whole range of issues that affect children and young people in Scotland. The commissioner will be able to do so. That will be the unique value of the post that we seek to establish through the bill.

Of course, the commissioner will need to prioritise issues on which he or she will focus. It is not for the Parliament to prescribe which issues should be considered a priority. The commissioner should be free to take up issues that he or she sees as the most important. However, we would expect a focus on where there is greatest need—that is, on children and young people who are particularly vulnerable. That said, within the broad framework of fulfilling his or her functions, it will be up to the commissioner to decide which issues to tackle and to justify those decisions.

I will go through some of the main proposals in the bill. The appointment will be made by the Queen on nomination by the Parliament. In the worst-case scenario, removal will also be by the Queen, following a resolution of the Parliament. Of course, the commissioner can resign if he or she wishes to do so.

The maximum period for which anyone will be able to serve as a commissioner will be two five-year terms. We expect the appointment to be a full-time appointment and that the terms of appointment will prevent the commissioner from holding a post that might create a conflict of interests—for example, they could not become a member of the Scottish Parliament. We fully expect that the appointment procedure will adhere

as far as possible to the Nolan principles and that no one who has been an MSP, a member of Parliament or a member of the European Parliament in the previous year will be eligible for appointment. As an outgoing committee, we strongly recommend that any future committee with responsibility for education reviews the commissioner's progress at least annually.

The commissioner will cover all young people in Scotland up to the age of 18 and those up to the age of 21 who have been looked after by an authority. That reflects the age range covered by the United Nations Convention on the Rights of the Child while recognising the particular vulnerability of those who have been in the care system.

The bill will give the commissioner a number of functions including: to promote the rights of children and young people; to review law, policy and practice; to promote best practice by service providers; to undertake research; and to conduct investigations. Through those functions, the commissioner will encourage everyone in Scotland—including children and young people themselves, service providers, parents, the Executive and the Parliament—to find out about and take account of the rights of children and young people. In other words, the commissioner will take a mainstreaming approach.

That will not be an easy task and, with such a wide remit, it is important that the commissioner's role should be to encourage change rather than to try to impose it. The commissioner is set up to be a persuasive voice—a children's champion—but he or she is not intended to be an alternative to the courts. There is no role in appeals or indeed in individual cases. Moreover, the commissioner's role is not an alternative to the duty of MSPs to represent their constituents. Instead, the commissioner can endeavour to ensure that existing bodies work better for children and young people.

During the consultation process, one of the most contentious issues was the carrying out of investigations. Although we fully expect that that will be only a small part of the commissioner's work, it is in relation to investigations that the bill provides the strongest powers. The commissioner can consider the extent to which a service provider has taken account of rights, interests and views in any action or decision concerning children and young people. However, the commissioner cannot, in an investigation, duplicate the proper function of another organisation or investigate a case that concerns only an individual child.

The bill provides similar powers to those that are available to parliamentary committees in inquiries, notably the power to require the production of documents and the attendance of witnesses. The

outcome of an investigation will be a report to the Parliament. There are no statutory sanctions attached to the outcome of investigations. However, other sanctions are available. There is the powerful sanction of publicity and there is the ability to raise issues with the Parliament. We expect the commissioner to make good use of both those.

The commissioner might, after a couple of years of experience, want to take the opportunity to comment on whether the powers provided have proven adequate. That comment could perhaps be presented to Parliament in the annual report. We do not consider that there is any need to make statutory provision for a review of powers. If a review is needed, I am certain that the commissioner will undertake one and prepare a report for the Parliament's consideration.

The commissioner's functions set out a framework for action rather than prescribing the detail of everything that the commissioner will do. Much of the day-to-day detail will need to be filled in by the commissioner once he or she is in post. We feel that that is appropriate. Once the Parliament has laid down the broad principles, the commissioner will be best placed to develop the detailed implementation.

However, the bill gives direction to how those working methods must be developed. The commissioner is required to have regard to the relevant provisions of the UN Convention on the Rights of the Child. In particular, in accordance with key principles of the convention, the commissioner must listen to children's views and consider their best interests. In addition, and reflecting the mainstreaming approach of the bill, the commissioner must encourage others to act according to those principles.

Taking inspiration from article 12 of the convention, the commissioner will be under a duty to involve children in his or her work. The bill therefore ensures that the commissioner's work will be informed by children and young people. In order to achieve that, the commissioner will have to be accessible and will have to be out and about. We cannot prescribe how that will happen. We live in a society in which the media of communication change quickly. However, the commissioner must ensure that he or she speaks to and involves young people and that he or she works in partnership with other organisations.

The most important point relates to the independence of the commissioner, which is crucial to the post. The commissioner will be independent of the Executive, political parties, statutory bodies and the Parliament. On occasion, the commissioner might be critical of the Scottish Parliament. We should not be afraid of that and we should respect the commissioner's right to be so.

We are getting used to criticism.

By supporting the establishment of a commissioner for children and young people, the Parliament will send a message that we are committed to young people and to ensuring the highest regard for their rights. We are creating an office that will make a difference to the lives of children and young people in Scotland. I, for one, would certainly not support the bill if I believed that it provided for another talking shop that would let children and young people down. The post is one with meaning and commitment.

I move,

That the Parliament agrees to the general principles of the Commissioner for Children and Young People (Scotland) Bill.

14:46

The Minister for Education and Young People (Cathy Jamieson): Like Karen Gillon, I welcome in particular the young people who have come to the public gallery to listen to the debate. The debate centres around the best interests of children and young people in Scotland, so it is important that they get the opportunity to hear us restate some of the commitments that we have made previously.

I congratulate the Education, Culture and Sport Committee on the work that it has done in considering the case for a children's commissioner and in bringing forward a bill to establish a commissioner in Scotland. Today is one of the days in the Parliament that I will remember, as someone who over many years has been involved at various stages in the campaigns and in some of the preparation work for such a post. I am sure that others who have been involved in the process will also remember this day. We can take this opportunity to reflect on the fact that the existence of the Scottish Parliament has allowed us to consider children's issues in a way that was not previously possible.

Children are at the heart of the Scottish Executive's agenda. We are committed to building a Scotland where every child matters and where every child and young person gets the best possible start in life and can realise their potential. The First Minister has established a Cabinet sub-committee on children's services. Our budget plans for the next three years confirm our commitment to supporting children and their families and build on the wide range of work that we have undertaken during the past few years to close the opportunity gap for Scotland's children.

We continue to support the better-integrated delivery of children's services throughout Scotland. We have established the changing children's services fund to try to bring about

changes in the way in which local authorities, health boards and the voluntary sector work together to deliver better outcomes for some of the most vulnerable and disadvantaged young people.

I believe that we have come a long way in the past few years and I want to say a wee bit about how we have progressed in respect of encouraging the involvement of children and young people. What happens now is a far cry from the days when I worked with various youth organisations—we sometimes had to beat a path to the door of people in local and central Government. Young people now have the right to be consulted on issues that concern them. We have stressed the importance of consulting children in children's services plans and we have provided practical tools to enable people to do that. Through the national debate on education, we are engaging with children as well as with parents, teachers, employers and everyone else who has an interest in education. We have involved young people, including from the Scottish youth parliament, in a range of consultations. That is now expected and is becoming the norm.

Just last Wednesday, we discussed the important issue of child protection, following the recent report of the child protection audit and review. The week before that, we issued the interim report of the working group on young runaways and children abused through prostitution. We are committed to developing a children's charter to centre the child protection system around the needs of the child. Children and young people will, of course, be closely involved in the development of that charter. We are also in the process of consulting on an improved approach to child witnesses to ensure that children's voices are heard. Through the Protection of Children (Scotland) Bill, we seek to establish a list of adults who are unsuitable to work with children.

That is by no means an exhaustive list of the work that has been taken forward in the past year, but it is an indication of the way in which the Executive and the Parliament have been able to focus on children's issues. I want the Parliament to take every opportunity to improve the lives of children and young people. That is why I welcome the proposed establishment of a commissioner for children and young people.

A commissioner for children and young people could provide a strong voice for the most vulnerable and disadvantaged children in Scotland. A commissioner could help to make a real difference to the lives of children and young people, particularly those who often feel that they are not listened to. We have an opportunity through bill to establish a commissioner who can achieve all those things—a commissioner who can

have a positive impact on the lives of children and young people. To achieve that, we need to ensure that the role, remit and powers of the commissioner will allow them to build on the strengths and address the weaknesses of the present system.

I welcome the bill's focus on promoting children's rights and its reference to the UN Convention on the Rights of the Child. We need to raise awareness among children and the wider public—parents, professionals and, indeed, politicians—about children's rights, including the right to be kept safe from harm and to be protected from exploitation and abuse.

The bill's focus on involving children and young people is also to be warmly welcomed. A commissioner should seek to engage with children and young people, listen to their views and reflect those views in his or her work. A commissioner should provide a voice for children and young people, especially those who are most excluded.

The question whether a commissioner would be able to conduct investigations has aroused considerable interest, as Karen Gillon said. It is important that the commissioner's remit allows him or her to undertake generic policy investigations and reviews. That would allow him or her to focus on specific areas, to identify systems' strengths and weaknesses and to make recommendations for change. I welcome the fact that the bill provides that investigations will not relate to reserved matters. That is in line with the Executive's view that the commissioner's overall remit should mirror that of the Scottish Parliament.

The commissioner will need to build strong links with other agencies. He or she will have a wide remit and, inevitably, there will be significant overlap with the work of other statutory and voluntary organisations. I am sure that a commissioner would want to build on the expertise of existing organisations and to develop co-operative working arrangements with other agencies and ombudsmen, including the human rights commission that we are committed to establishing. It is important that the bill encourages such partnership working and I hope that the ad hoc committee will examine that point carefully. It is important that the commissioner does not unnecessarily duplicate the work of other organisations and I welcome the recognition of the importance of ensuring that a commissioner adds value.

We need to be sure that the bill does not prevent the commissioner from carrying out investigations in areas that may also be of concern to other bodies. There may be situations where the commissioner is better placed than other organisations to conduct an investigation or where a joint investigation is appropriate. It would be

helpful if the ad hoc committee could carefully consider those matters to ensure that we strike the right balance and do not inadvertently preclude such partnership working.

The committee will also wish to ensure that the bill strikes the right balance between providing clarity to organisations about whether they are included within the commissioner's remit and ensuring that the legislation is sufficiently flexible to cover the range of issues that impact on children.

I welcome the introduction of the Commissioner for Children and Young People (Scotland) Bill. The Education, Culture and Sport Committee has done a considerable amount of work on it and a considerable amount of work will still have to be done as the bill goes through the process. I look forward to working with the convener and other members of the ad hoc committee to ensure that we have a commissioner for children who will deliver for children and young people throughout Scotland.

14:53

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

I begin by conveying apologies from Michael Russell, who is, unfortunately, unwell this afternoon. On a happier note, I congratulate Karen Gillon on her comprehensive introduction to the debate. Not a lot more needs to be said, although perhaps we are still required to say something.

During our previous debate on the subject, I suggested that

"the first line of the proposed bill should read, 'There shall be a Scottish commissioner for children and young people'."—[*Official Report*, 25 September 2002; c 14049.]

Although that precise wording was disallowed, I am pleased to report that section 1(1) reads:

"There is to be a Commissioner for Children and Young People in Scotland."

And yes, I like that, too. For me, this is not just another debate on another piece of legislation, because I have a long-standing commitment to the establishment of a children's commissioner, which I can now see being realised.

I have been privileged—I use that word deliberately—to act as one of the Education, Culture and Sport Committee's reporters on the bill and to work on its detail. That has been a fascinating and rewarding experience. I express my thanks to the clerks and to the non-Executive bills unit for the assistance that they have given us in that task. I record my appreciation of the efforts of my co-reporter, Jackie Baillie, whose previous experience with bills proved to be extremely useful.

Even as it stands, the bill will ensure that there is a commissioner who will be a powerful, independent—I like that word, too—voice to represent the interests of all children and young people in Scotland. This significant and unique post will provide a focused approach to the promotion of the rights of children and young people. The commissioner will be able to influence decision making at the highest level.

Anyone who remains in doubt about whether such a post is required should read the interview with Peter Clarke, the Welsh children's commissioner, in the *Sunday Herald* this weekend. He said:

"Despite the huge goodwill that came with this office I am continually disappointed by the public's attitude towards children."

He is of the opinion that a "bi-polar outlook persists" in our perception of children:

"You either have the poor wee kids who you've got to protect—which is obviously correct in cases of abuse. And then at the other end of the scale children are uncivilised vandals".

In Wales, that adult prejudice is more than compensated for by the enthusiasm of children, who, he says, are extremely pleased

"to have someone to listen to them about what they think and feel".

Peter Clarke is in no doubt that in its first year the office of the children's commissioner for Wales has made life-changing differences to children. He confirms to us the value and benefits of investing in young people. He said:

"Children are highly creative powers who can help us develop ... policies."

The most important piece of advice that he passes on to his prospective Scottish counterpart is:

"Do not lose touch with the children you are there to serve."

It is immensely satisfying that the bill is strong on precisely that issue. It contains a duty to involve children and young people in the work of the commissioner and a requirement to prepare and keep under review a strategy for maintaining that involvement effectively.

There is also a requirement to consult children and young people on the work that the commissioner will undertake. We felt that it was appropriate that the bill should make it clear that, when carrying out those duties,

"the Commissioner must pay particular attention to groups of children and young people who do not have other adequate means by which they can make their views known."

I am sure that all members accept the importance of that focus.

In arriving at the proposals that are outlined in the bill, the committee listened to a great deal of evidence from a wide range of agencies, although the most compelling evidence came from children and young people. I, too, am pleased that some of the contributors are present in the gallery today. As the policy detail was formulated, we embarked on further discussion and held a number of meetings to allow for greater dialogue. Not only was that good practice that conformed to the Parliament's principles of openness and transparency, but it provided a useful means of on-going communication between MSPs and all those with an interest in the establishment of a commissioner post. The meetings allowed concerns, issues and details to be considered and explored as the bill was progressed and drafted. As a result, we can be reasonably sure that the general principles of the bill have the support of much of civic Scotland. I anticipate that the bill will also receive the support of the Parliament today.

I commend to members a comment that was made to us by one of Scotland's children. She said:

"We think that having a children's champion would make a difference because it would help children all over Scotland to stand up for their rights, it would make children feel safer, and it would help children who are sad or depressed. It would also make children happier to know that their ideas had been listened to or maybe acted on."—*[Official Report, Education, Culture and Sport Committee, 13 November 2001; c 2781.]*

I trust that today the Parliament will move us one step closer to realising those aspirations.

14:59

Murdo Fraser (Mid Scotland and Fife) (Con): I offer the apologies of my colleague Brian Monteith, who is not able to be with us for the whole of this afternoon's debate. Unfortunately he is attending a family funeral, but he hopes to be with us later if time allows.

As deputy education spokesman for the Conservatives, I am pleased to contribute to the debate on the bill to create a children's commissioner. I do not deny that my party's approach has been rather sceptical from the outset, as members of the Education, Culture and Sport Committee will be aware. I do not apologise for that; indeed I sometimes wish that there were more scepticism about legislation.

It is to be regretted that so many people—especially some of those elected to the Parliament—believe that the Parliament's success should be measured by the quantity of legislation rather than by its quality. To borrow a phrase from manufacturing, it is not the productivity that matters but the build quality. Lawmaking is a serious business, and it is important that we

examine whether other approaches might be used before we commit ourselves to legislation.

It is crucial that an initially attractive idea about the need for a children's commissioner was challenged and justification sought. I believe that the Education, Culture and Sport Committee understood its role in that regard and that it has made a case for a children's commissioner that we will support. It is our belief that the evidence that was presented justified the introduction of the committee bill and I congratulate the convener on her introductory remarks.

Evidence from witnesses who are active in the field of child law, protection and care have made a compelling case, especially for giving looked-after children a voice. During the evidence sessions, my colleague Brian Monteith said that a commissioner should be able to walk before he or she can run, and I am glad that the committee has resisted calls to give the commissioner even greater powers than are provided for in the bill.

Account has been taken of a number of our concerns, such as the possible threat of family and parental rights and responsibilities being challenged. The possibility of the commissioner taking up individual cases has been reined back and the suggestion that the commissioner would represent the views of Scotland's youth has, quite properly, been disposed of.

Let us have a commissioner who can consider how we can better protect children and how the public services that seek to protect them can be more attentive to their needs than to those of the producers. Let the commissioner report to the Parliament so that we can debate what further measures, if any, must be taken to right wrongs and to relieve injustices. Once the commissioner has had time to bed down and to show what can be done and what might be a weakness in how he or she operates, the Parliament can reconsider—in 10 or more years' time—whether fine tuning or new legislation is needed.

The Conservatives are willing adherents to the bill and we will give it our support in the vote later this afternoon.

15:03

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): There is a sense of déjà vu about this debate, because it is not long since committee members talked about the report that established the case for the appointment of a commissioner for young people in Scotland. I welcome this short debate as the next procedural step on the way to establishing that post. I pay tribute to the work of the committee members, to Karen Gillon's convenership, to Jackie Baillie and Irene McGugan's work as reporters, to the work of

the clerks, advisers and the non-Executive bills unit and to our witnesses, including the young people who are here today. I also warmly welcome the Executive's support. As Karen Gillon said, the bill is a good example of a committee and the Executive working together.

We have established that the key function of the commissioner should be to promote and safeguard the rights of children and young people. The independence of the post is important and, as others have said, the commissioner will be required to have regard to the views and best interests of children and young people. We have also established the commissioner's right to undertake investigations. All that is important, as is the commissioner's function of reporting to Parliament annually—given that Parliament created the post—and when investigations are carried out. I can also imagine times when the commissioner will be asked to give evidence to committees on legislation—not just education legislation, but other legislation, too.

Recent debates have covered the kind of territory that might be of interest to the commissioner. We have discussed bills that deal with such issues as the protection of children, reviews of child protection, the treatment of young offenders, safety on the internet and the regulation of care. We have also discussed issues relating to education in its widest form, including provision for particular groups of young people. For example, we have considered the way in which young disabled people, refugee children and young people with special needs are dealt with. Sport in schools, school meals provision and health and physical activity are other issues that might be of interest to the commissioner. The remit is wide.

As Murdo Fraser and others have said, it is true that, initially, people questioned the need for the commissioner. Karen Gillon, the convener of the Education, Culture and Sport Committee, has acknowledged that, although she began by being sceptical, she was convinced by the evidence.

On a previous occasion, Brian Monteith reminded us that a range of individuals and bodies—MSPs, ministers, local authorities and voluntary organisations—are already charged with caring for young people. The title of the recent report of the child protection audit and review—"It's everyone's job to make sure I'm alright"—indicated that it is everyone's job to look after children. However, when everyone is supposed to be doing a job, the network that is created often has flaws that mean that each agency is in danger of leaving elements of responsibility for others to pick up.

It is important that the commissioner will be charged with having an overview of all children's issues and with spotting relevant issues,

challenging them and drawing people's attention to them. The commissioner will have primary responsibility for promoting and protecting the interests of young people. He or she will be dedicated to that task. The commissioner's independence will avoid the baggage of political bias, and ministers will have to respond to comments and challenges from a powerful advocate of children's needs.

As others have said, the commissioner's access to children is a central issue. The Parliament has tried to consult children at every stage and we wish to expand such consultation. However, the ways in which we can do that are cumbersome. The commissioner will be more agile in being able to meet and deal with children. The commissioner will be able to move around the country more easily than we can. That is an important aspect.

I want to comment on the commissioner's ability to conduct investigations. It was suggested that the commissioner should be able to investigate individual cases, but the committee, in framing the bill, decided against that. We were right to do so for two reasons.

First, the commissioner's time could be dominated by individual cases, to the extent that his or her ability to have a general oversight of children's issues might be threatened. Secondly, it is important that the commissioner's perspective should be broad. Conflicts can arise between the rights of an individual and the rights of those around them. A legal case might seek legitimately to elevate the rights of an individual client above the rights of others who have been affected by the case. The commissioner should always have a broader view—he or she should have the interests of children as a whole in his or her sights.

I look forward to the bill's swift progress through the Parliament and to the appointment of a commissioner who will focus sharply on the remit that we have outlined in the bill. I know that he or she will pursue that agenda with vigour and I hope that he or she will be focused and persuasive in advocating the interests of children. I hope, too, that the commissioner will not be a zealot and will recognise that, as well as human rights, we have responsibilities, and that the wider issues of children and young people are best served when their interests are acknowledged proportionately, within society as a whole.

The commissioner will be a champion and an advocate of children's rights. Yesterday, the First Minister indicated that he wished to establish better monitoring and inspection regimes for public services. At the highest level, the commissioner will be a powerful and respected monitor and scrutiniser of the way in which Scotland treats its children.

The Presiding Officer: In the open debate, we have time for two short speeches of three minutes each.

15:09

Jackie Baillie (Dumbarton) (Lab): I add my thanks to the clerks, to NEBU, to my parliamentary colleagues on the Education, Culture and Sport Committee and, in particular, to Irene McGugan. Such cross-party working shows the Parliament at its best.

George Bernard Shaw once wrote:

"It's all that the young can do for the old, to shock them and keep them up to date."

He was undoubtedly feeling his age. However, it is true—dare I say it—that us wrinklies need constantly to be kept up to date. We need to pay particular attention to the way in which our children's world is changing. Today, children have a host of new opportunities available to them and it is essential that they are helped to make the most of them. At the same time, children are exposed to new dangers via the internet and through drugs and crime. As vulnerable members of our society, they deserve our protection.

Bernard Shaw was also right that, from time to time, we are shocked; but we are shocked not so much by the way in which children behave as by the fact that, in a country such as Scotland, children can still be abused through prostitution or bullied to the point that they want to harm themselves. That beggars belief.

Time and again, in discussions of children's rights, references are made to the need for communication and a joined-up approach to children's services. However, as yet there is no one individual or office dedicated exclusively to children and to promoting their interests and constantly working to seek improvement. The creation of a commissioner for children and young people in Scotland will fill that gap.

The commissioner will be more akin to a guide dog than a watchdog. Through the commissioner's significant powers of investigation, he or she may, indeed, snap at the heels of underperformers in children's services, but the role provides for a much broader and much more proactive remit than that. The commissioner will have the duty to guide service providers towards best practice.

The commissioner will also have the job of acting as our eyes and ears in relation to concerns and the welfare of children up and down the country. I particularly welcome that aspect, because it is hard to focus on so many of the different needs of children simultaneously, yet those needs must not, and cannot, be neglected. An independent and permanent office of the

children's commissioner will ensure that the welfare of our young is never marginalised by political considerations and that children's voices are not lost in the clamour for the Parliament's attention.

When the Education, Culture and Sport Committee set up the inquiry into the need for a children's commissioner, we did what some would have considered unthinkable: we consulted young people. We consulted not just a few young people, but hundreds. One 14-year-old girl who participated in a seminar said:

"Adults don't listen to children but they would listen to a Commissioner for children."

She has a point. I ask the chamber to support the principles of the bill.

15:12

Donald Gorrie (Central Scotland) (LD): Speaking as a genuine wrinkly—unlike the young ladies on the Labour benches—I have been actively involved in discussing and promoting this subject over the past 10 years or so. As I have played no part in the bill, I pay genuine tribute to those who have worked together to make the idea a reality. I congratulate both the committee and the Executive on going along with this encouraging proposal despite their initial doubts.

I hope that the commissioner will concentrate on the right of young people to be involved in and to play an active part in local activities. Young people have a duty to take part, but we often prevent them from fulfilling that duty because we do not involve them enough. I hope that the commissioner will help young people to sort out things and will get the authorities to give young people power to sort out more of their own affairs, instead of merely parachuting down on them excellent wrinkly schemes.

As I may be a member of the committee that will deal with the bill, I should probably not say anything else in case I am ultra vires or put in jail or something, but it is a good day when such a bill is introduced.

The Presiding Officer: We now move to closing speeches, which should be of three minutes.

15:14

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I congratulate Karen Gillon and the Education, Culture and Sport Committee on introducing the bill. In years gone by, I was a member of the committee, but I see that it is doing well in my absence—well done. I also congratulate the parliamentary staff on helping to bring such an excellent bill before us.

Ian Jenkins: I take it that Mr Stone is speaking as a smoothie, rather than as a wrinkly.

Mr Stone: As they said in "Beyond the Fringe", Esau was a hairy man, but I am a smooth man.

Sorry, Ian Jenkins has thrown me, completely and utterly.

Like all the other members who have spoken, whom I congratulate on their speeches, I support the bill. I want to make two important points that follow on from what Jackie Baillie and Donald Gorrie said.

Reference has been made to the Scottish youth parliament, which is a splendid initiative by the Executive. I hope that the youth parliament will be rolled out to Scotland's more rural local authorities.

As Donald Gorrie rightly said, it is often the case that wrinklies parachute in their policies. I do not think that the commissioner will do that, but if he or she takes the route of telling children what subjects he or she wants to hear their views on, that would be wrong. I hope that in every classroom and scout hall, and wherever there are children, there will be a notice that tells children that if they want to make their views known to the commissioner, they should call this number or write to that address.

Jackie Baillie said that the commissioner will reflect the children's views back to us rather than reflecting our views to the children, and that is the right way to go about it. We must be careful not to fall into the trap of just telling children our views. I am sure that that is a danger. The children of Scotland must feel that they own their commissioner. If that is not the case, he or she will just be yet another old wrinkly who is on the establishment's side.

How often do we MSPs go to community councils and local authorities and hear them blaming the children and asking what should be done about the mess on the streets? They decide to write to the rector of the school and make the usual fuss. That is not what the children's commissioner will be about, and I believe that the minister recognises that.

I underline my earlier point: I hope that the commissioner will take the example of the Scottish youth parliament and ask each of the 32 local authorities what it is doing about including children and young people in their decision-making processes. They should not just have the occasional chat in a modern studies class; they should convene, for example, a Highland youth parliament or an Ayrshire youth parliament. Let us roll out the idea.

The bill presents a terrific opportunity and I say to the committee, "Well done." Sir David, a committee bill such as this is an example of where

you and the others on the Scottish Constitutional Convention designed a powerful tool for the Parliament, and it is nice to see that tool being deployed as effectively as it is being deployed today.

I congratulate my erstwhile colleagues on the Education, Culture and Sport Committee and I look forward to seeing the bill progress through the Parliament.

15:16

Mr Brian Monteith (Mid Scotland and Fife) (Con): I thank the Presiding Officer for allowing me to arrive late for the debate following my attendance at a family funeral. I am pleased to be able to make a contribution even if it will be brief.

Obviously, I am unable to respond to the many excellent speeches that have undoubtedly been made, but I can congratulate Murdo Fraser on his excellent contribution, because I wrote it and I was meant to deliver it myself. I also pay tribute to Lord James Douglas-Hamilton, in his absence. I always like to mention his role and the work that he did for children and children's care back in the 1990s. That work rather set the ball rolling and I am pleased that the committee has been able to pick up on what still has to be done.

I am often a critic of parliamentary committees; I think that their achievements are often inflated. However, on this occasion, I believe that the Education, Culture and Sport Committee has handled the matter well and has shown a proper degree of scepticism in establishing and agreeing the case, and in involving children and young people in seeing how it might work.

It is also worth mentioning the work of Jackie Baillie and Irene McGugan, who took a lot of the work load off the committee and worked out the detail together with the bill team. The bill is a good example of what committee work can achieve, when hard questions are asked and the right approach is taken to finding a balance, so that we walk before we can run. As a result, the bill does not set up an all-singing, all-dancing commissioner, but one who will make a difference and whom we can all support as an independent person representing young people.

I am pleased to indicate the Conservative party's support for the bill.

15:18

Fiona McLeod (West of Scotland) (SNP): I begin by congratulating the committee on the work that it has done. The Parliament should also thank the committee for the work that it has done on the bill. It is quite an achievement.

I remember what I think was the first meeting of the Education, Culture and Sport Committee in 1999, when we sat about and said, "What are we going to do for the next four years?" The children's commissioner was one of the items raised at that time, and it is an achievement that, before the end of the parliamentary session, we will have the ability to appoint a children's commissioner in Scotland.

I followed the germination of the bill. Donald Gorrie and I are perhaps the only members to take part in today's debate who have followed the bill's progress from afar. That interest might allow me to bring to the stage 2 discussions some issues that could be considered so that the bill is exactly right. I mean no criticism of the work that has been done, but that would lend a fresh eye to some of the work.

The investigations that the commissioner will be able to undertake will be a huge part of the commissioner's work. The Education, Culture and Sport Committee took a great amount of evidence on that matter. I know that the committee rejected the idea that the commissioner should be able to investigate individual complaints. That is clearly stated in section 7(3)(b). I remind the stage 2 committee that we are talking about human rights, and children have human rights as well. The Paris principles, which relate to the monitoring of human rights, do not proscribe commissioners and regulators from investigating the cases of individuals who feel that the system has let them down. I offer a word of caution, because there may well be times when individual young people and children feel that they have exhausted the processes that are available to them.

Karen Gillon: Does Fiona McLeod accept that we have created a new public services ombudsman and that the Parliament should say to the ombudsman from the outset that they must take seriously complaints from children and young people and do so effectively? It would be absolutely wrong for the commissioner to become the last port of call once people have exhausted every other opportunity available to them. The commissioner should not be the last court of appeal.

Fiona McLeod: I am not looking for the commissioner to be the last court of appeal, but having talked about exhausting the process, I hope that there will always be someone to whom children and young people can turn if they feel that the system has let them down. I put that point to the stage 2 committee.

The chamber will not be surprised to hear that I have concerns about section 7(3)(a), on reserved matters. Children's lives in Scotland do not fit into the schedules to the Scotland Act 1998, so I hope that, although the commissioner will not be

allowed to investigate reserved matters, he or she will always feel confident and free to comment on reserved matters that impact adversely on the lives of children in Scotland. Ian Jenkins mentioned refugees and asylum seekers. Recently, we have discussed such issues regularly in Parliament, in relation to asylum-seeking children attending local authority schools. That is a reserved matter, but I hope that the commissioner will not feel constrained.

I would like to comment on a few other areas, but I see that the Presiding Officer is asking me to wind up, so I will simply state that a few technical issues will have to be examined at stage 2. I am pleased that the bill and the explanatory notes recognise that when we establish the role of commissioner, it will not be set in stone but will be continually reviewed. I am also pleased that the commissioner will be able continually to review his or her role, and that the Parliament will be able to continue to expand that role as necessary.

15:23

Cathy Jamieson: I welcome the opportunity to say a few words in closing for the Executive. The debate has been short but useful. All members have given a clear commitment to support the principle of a children's commissioner who can give useful support to children and young people throughout Scotland. I was struck by Ian Jenkins's comment that sometimes, when everybody is supposed to do a job, nobody does it. In this time of joined-up working, we need to remember that we must have systems that will monitor the situation, and which will ensure that we make a difference. Yes, there will be times when having a commissioner for children and young people might not be comfortable for the Executive and might challenge us, but that is not necessarily a bad thing.

I am reminded of an occasion when I was doing a course, when I had to write something on whether, if we had a minister for children and young people in a—at that time—mythical Scottish Parliament, we would also need a children's commissioner. My answer then was yes. My answer is still yes, because although we all have different jobs to do, ultimately we need to get the best deal for children and young people, and we need to have the right resources in place to do that—that includes the commissioner.

It is worth reflecting on Donald Gorrie's view that the wrinklies should not dispense the policy from on high. Children form one fifth of Scotland's population and are in more than 25 per cent of all households. I would like to think that that does not mean that the other four fifths of us have moved into the wrinkly population. For once in my life, I would quite like a middle way.

On a serious note, children and young people are a substantial part of our population. They deserve no lesser services than anybody else. It is important that we send that message today. That was summed up in some of the comments about the need for people to work together and in Karen Gillon's helpful comments about the role of the Scottish public services ombudsman.

As I said, the debate has been useful and constructive. It is clear that several issues will continue to be discussed in the ad hoc committee, but I am pleased that everyone who spoke today gave their support in principle for the bill.

15:26

Cathy Peattie (Falkirk East) (Lab): I thank all the members who participated in the debate. The response has been positive, even from the wrinklies and the smoothie—wherever he is.

The bill provides an opportunity to change the lives of children and young people in Scotland. I welcome the minister's comments, her support for the bill and her commitment to children's rights.

I will deal with the issues that Fiona McLeod raised about individual investigations. Throughout the Education, Culture and Sport Committee's inquiry, the issue of individual investigations arose. Even young people were clear that if a children's commissioner spent his or her time simply dealing with individual investigations, they would be unable to do the important work that they will need to do.

It is clear that the commissioner must act within the Scottish Parliament's remit, but the commissioner might occasionally need to comment on reserved issues, if they are incidental to work in which the commissioner is involved.

The Education, Culture and Sport Committee took evidence from several agencies. Statutory and voluntary organisations welcomed the establishment of a children's commissioner. More important, the committee took evidence from children and young people—some of whom are in the public gallery—through seminars, participation events, video links and even a video.

Young people made strong representations on the need for a young person's champion—a tsar, ombudswoman, ombudsman or commissioner. Regardless of the commissioner's title, the three principles of consultation, participation and accessibility should underlie everything that the commissioner does. The commissioner should have a particular remit to engage with children who are vulnerable or who might not be involved in consultation exercises—those kids whom people talk about but whose voices are seldom heard.

Children and young people should be involved and they should know what the commissioner does and how to make contact. As some of the young people who contributed to the committee's inquiry suggested, the commissioner should be in touch with young people and should be someone with whom young people can be in touch.

The commissioner's work will support and enhance the excellent work that statutory and voluntary agencies perform. The minister is correct to say that the commissioner's role will build on the networks and develop co-operative ways of working with relevant agencies.

The bill will establish a significant new office for children and young people in Scotland. The children's commissioner will work to ensure that policy makers and service providers prioritise the interests of children and young people. One of the commissioner's core functions, as set out in section 4 of our bill, is to

"keep under review the law, policy and practice relating to ... children and young people with a view to assessing the adequacy and effectiveness of such law, policy and practice".

The office of the commissioner will be new and unique. As we have heard from all the debate's participants, it will be unique in several ways. Those include its coverage of all children and young people, which will provide a focus for co-ordinating and promoting children and young people's rights, and its ability to develop an overview of issues that pertain to children and young people's rights. I do not think that the commissioner could do the job that they will set out to do if they had to deal solely or primarily with investigations of individual cases.

Children will inform the work that is to be undertaken and its prioritisation. As Karen Gillon stated, no other single agency has the same combination of breadth of remit, independence and statutory status. The commissioner will be informed by the views of children and young people and will represent their views to the Parliament, the Executive and others. As Irene McGugan said, the commissioner will have a clear duty to engage actively with young people. The commissioner will also develop networks and consider imaginative ways of ensuring accessibility.

Finally, as Karen Gillon has done, I thank all those who were involved in supporting the bill. I also thank voluntary organisations such as Save the Children for their role in developing a participation process; the Scottish Parliament information centre for its excellent research; the committee's wonderful clerks; the non-Executive bills unit; all the committee members who worked on the bill from the start, including Fiona McLeod; and all the people who worked on the bill and the

participation events to pull things together. I particularly thank Jackie Baillie and Irene McGugan for their hard work in progressing this important legislation.

The bill is an excellent example of cross-party co-operation. It is also a good example of how a minister can work closely with a committee. We thank Cathy Jamieson for her support. The bill will give children and young people a voice. As I said in September:

"The proposal is an idea whose time has come."

The bill will put Scotland at the cutting edge in the struggle to improve children's rights. I commend it to the Parliament.

Rail Industry

The Deputy Presiding Officer (Mr George Reid): The next item of business is a debate on motion S1M-3754, in the name of Bristow Muldoon, on the Transport and the Environment Committee's 15th report 2002 on its inquiry into the rail industry in Scotland. I will allow a few minutes for members to exit the chamber.

15:33

Bristow Muldoon (Livingston) (Lab): Before I proceed to speak to and move the motion, I ask the chamber to note that among my registered interests is my membership of the Transport Salaried Staff Association.

The piece of work that the Transport and the Environment Committee carried out into the rail industry represents one of the most substantial and important pieces of work that it undertook in the past year. I am pleased that we have the opportunity to debate the report in the chamber this afternoon.

I will outline the reasons why the committee decided to undertake the inquiry and the key conclusions that we reached. I will then focus on the responses to the report from the Scottish Executive and the Strategic Rail Authority.

There are a number of reasons why the committee's inquiry is well timed. First, there seems to be a widespread feeling of public disenchantment about aspects of Scotland's railways and a recognition that the railways have the potential to make an important contribution to economic development, environmental protection and social inclusion. Railways also have a major role to play in the Executive's overall policies on reducing congestion in our major cities. Too often the potential benefits of the railway system have not been realised due to the difficulties in the operation of rail services in recent years. In the course of the evidence that we took, we heard many complaints from rail users that basic elements such as punctuality and reliability are not being delivered. We wanted to address those concerns.

The second reason our report is well timed is that considerable change took place in the railway industry during 2002. That change reflected the many problems that had become apparent during the early years of privatisation and the actions taken, initially by the UK Government, to address them. In particular, I am referring to the establishment of Network Rail as the successor body to Railtrack; the Executive's launch of the transport delivery report, which sets out many of the Executive's key transport priorities; the

forthcoming review of the SRA's strategic plan; and the re-letting of the Scottish rail passenger franchise. We took the opportunity to reflect on those developments and to take a fresh look at how the rail industry operated in Scotland and how key industry bodies worked together.

The third reason the committee thought the inquiry was important was because we identified a desire in the industry both for clear leadership on the direction that should be taken and for a coherent vision for the industry and rail development in Scotland. Several witnesses called for clearer guidelines on where the priorities of the Executive and the SRA lay. They also wanted to know where funding for major initiatives would come from.

As we began the inquiry, we tried to hear from as broad a range of witnesses as possible. Our witnesses included representatives from the SRA, Railtrack, ScotRail, Strathclyde Passenger Transport, the Rail Passengers Committee Scotland and the Scottish Trades Union Congress. We also heard from the Minister for Enterprise, Transport and Lifelong Learning, Iain Gray. I thank all those who gave evidence, many of whom I have not mentioned. I also thank the committee's adviser throughout the inquiry, Tom Hart, who is chair of the Scottish Transport Studies Group. He brought a lot of expertise to the committee and certainly helped us to draft the final report. The report has provided a valuable opportunity for many key players in the Scottish rail industry, including Government figures, to discuss and exchange views, and I hope that many of our recommendations will be accepted.

Before I move on to discuss the report's detailed recommendations, I should point out that, prior to the publication of the final report, the committee made a series of recommendations on the Scottish rail passenger franchise. When the Executive issued draft directions and guidance for the replacement of the franchise early in the summer, the committee took the opportunity to express its views on that document. I am pleased to say that the Executive accepted some of our key recommendations. In particular, we called on the Executive to draw up a more disciplined and focused set of priorities for the new franchise and recommended that the franchise bids should set out bidders' positions on fare levels and structures.

Furthermore, we recommended that safety should be given a specific headline position in the new franchise and that stakeholders should have a greater voice in the franchise's development. All those recommendations, which the Executive accepted, represent improvements to the draft directions and guidance to the SRA. I welcome the fact that the Executive was prepared to engage with the committee in that respect.

I also note that, in a written answer that was published today, the Executive has confirmed that, although the franchise process is still on schedule to be completed by 2004, there might well be a few months' extension of the existing ScotRail franchise to allow full implementation of the new franchise. I am sure that the minister will refer to that in his speech.

I now turn to some of the key recommendations that the committee made in its report. First, we encouraged the Scottish Executive to ensure that the SRA takes Scottish interests fully into account. In particular, there should be closer contact between the Executive and the UK Government to ensure that an appropriate allocation of SRA funds is made available in Scotland. We also recommended an increase in direct Scottish Executive funding for rail projects that would go beyond even the increases that were announced in September 2002.

Secondly, we recommended that there should be a new concordat between the Scottish Executive and the SRA. Although the arrangements for the franchise process for Scotland's passenger railway were already in place, we suggested that there should be a new concordat to deal with the delivery of a range of other projects, including infrastructure projects. In addition, we recommended the establishment of a substantial SRA office in Scotland to deal with franchise supervision and rail enhancements and to work in partnership with the Executive on infrastructure improvements in the industry. We also recommended that there should be more clarity about funding levels in the years ahead and, specifically, that there should be time frames for the delivery of projects.

Thirdly, we recommended initiatives to remove some of the barriers to short-term rail delivery. Specifically, we proposed the use of a virtual board model to encourage key players in the industry to work on co-ordinated priorities and plans for action. We also recommended action to address complaints that the current performance regime inhibits the delivery of new projects; new staff training initiatives from the Executive; the use of qualified external contractors to progress the delivery of projects; and clarity in the funding of some of the smaller rail enhancement projects that have been identified in the SRA's plans.

Fourthly, in addition to medium-term projects, such as the enhancement of Edinburgh Waverley, we recommended that certain other priority projects identified in the report should be given clear time frames for completion and that the funding for those projects be agreed between the Executive and the SRA.

I could touch on a number of other recommendations but, for reasons of time, I will

leave them for now. In the latter part of my speech, I will address the responses that we received from the Executive and the SRA.

There have been some positive contributions from the Executive. One of the report's recommendations was that the Executive should make progress on the enhancement of ScotRail's rolling stock capacity. I welcome the Executive's conclusion of a deal in December 2002 and its compliance with the target that the committee set. On that basis, perhaps the Executive would wish the committee to set all its targets—it might then achieve more of them. From a constituency point of view, I also welcome that announcement because one of the lines to benefit from that investment will be the Bathgate to Edinburgh line, which serves two important stations in the Livingston constituency.

The Executive and the SRA accepted the need to develop a strong concordat between the two organisations and to review performance regimes. They also recognised that new targets for freight transfers should be set—in fact, such targets have been set for the period after 2003.

The publication of the SRA's review of its strategic plan, which will be important, is due by the end of January. The review will indicate which projects will still be delivered and which might be subject to some modification since the SRA produced its original plans. Some funding difficulties and cost overruns have become apparent in the past year, particularly for the modernisation of the west coast main line and other projects.

I welcome the progress made by the Executive and the SRA last month in agreeing various capacity improvements, which will benefit the Edinburgh to Bathgate line, the Dunblane line and the Fife circle among others. Along with the implementation of the rolling stock projects, that indicates that the organisations expect to make progress on those issues.

I realise that I am reaching the end of my allocated speaking time; in fact, I have probably overrun it already.

The report provides an opportunity to ensure that action is taken to address immediate problems in the rail industry. I have detected more cohesion between the Government, the SRA and the major players in the industry, which will allow them to tackle many key concerns about reliability, overcrowding and the future enhancement of the network. The concordat that we proposed, which will be developed, will set out a clear framework within which a programme for improving rail services can be delivered. The top priority for Government and the industry is to focus on early improvements for rail users and to deliver them.

Only by focusing on achieving those short-term deliveries will the foundations be laid for longer-term improvements, including improving people's confidence in the industry. I commend the Transport and the Environment Committee's report to Parliament.

I move,

That the Parliament notes the 15th Report 2002 of the Transport and the Environment Committee, *Report on Inquiry into the Rail Industry in Scotland* (SP Paper 674).

15:44

The Deputy Minister for Enterprise, Transport and Lifelong Learning (Lewis Macdonald): The Executive welcomes the work done by the Transport and the Environment Committee in its inquiry report. We also welcome the opportunity to respond to its recommendations today. We have, of course, made a full written response to the committee's findings, but I want to highlight a number of specific issues, the implementation of which will contribute to the vision that we share with the committee of a bigger, better and safer railway in Scotland. To ensure that we can deliver that, we must build on the good partnerships that already exist among the various players in the Scottish rail industry. Most important, we will continue to work closely with our UK colleagues and with the Strategic Rail Authority to agree and develop our investment priorities.

We agree with the committee's recommendation that we should have a productive and well-defined working relationship with the SRA. We have had a close working relationship with the SRA since it was established and we intend to continue that partnership approach. The committee has recommended that a concordat should be established and I am pleased to confirm that work has already begun on drawing up such an agreement. The intention is that a concordat between the SRA and the Executive will be drawn up. The concordat will be subject to annual revision to ensure that it continues to be a contemporary and relevant document.

The committee further recommended that the SRA should have a substantial presence in Scotland. That recommendation has also been taken forward. Since giving evidence to the committee in May last year, the SRA has established two offices in Scotland. The office in Glasgow is for the Scottish stakeholder relations manager, who is responsible for day-to-day contact with the Executive, Strathclyde Passenger Transport, the Rail Passengers Committee Scotland and local authorities. The other office, which is located in Edinburgh, is responsible for work specifically on managing the replacement process for the Scottish passenger rail franchise. It must also be noted that there is a regular

presence in Scotland of SRA directors and managers in general and that the full range of SRA resources is deployed as required to address specific issues as they arise.

Several other recommendations made by the committee cover issues that have now been addressed by the directions and guidance that we have issued to the SRA in relation to the Scottish rail passenger franchise, or which will be addressed by the new franchise. Those issues include service improvements and enhancements, performance regimes and fares integration.

As Bristow Muldoon said, I answered a written parliamentary question this morning about the progress that is being made towards re-letting the new passenger rail franchise. I want to provide the Parliament with a little more detail about that important matter. It is worth reminding ourselves of the various roles and responsibilities of the stakeholders in the re-letting process. The Executive is responsible for issuing directions and guidance to the SRA. We approve the specification and we will fund the franchise once it is let. The SRA procures the franchise on our behalf and is a co-signatory to it. In turn, Strathclyde Passenger Transport specifies the service for its area and is also a co-signatory to the franchise. Although the SRA is responsible for the administration and day-to-day management of the re-letting process, it is acting as our procurement agent and is at the behest of the Executive in delivering that new franchise.

As members know, we issued the directions and guidance for the next franchise to the SRA at the end of June 2002, ahead of the deadline set for re-letting to be completed on time. Following that, the Executive and SPT set up a franchise team to work on the re-letting process and the SRA, in turn, set up a franchise team of its own to work on the Scottish rail franchise. At the end of October, the SRA formally invited expressions of interest in bidding for the next franchise. Ten expressions of interest were received from a wide range of transport operators, including UK and continental railway operators. One has since been withdrawn, but the nine existing expressions of interest constitute a healthy level of competition, which can only be of benefit to rail users in Scotland.

Members of the committee will also be aware that, in early November, the SRA published its new franchising policy for the passenger rail industry throughout Great Britain. That policy reflects the development of thinking within the SRA about how to secure the greatest benefits from public money invested in rail passenger services. That new approach by the SRA placed a greater focus on service delivery and on improved services for passengers, such as reliability, punctuality and reducing overcrowding. The shift

in SRA thinking closely reflected our thinking for the ScotRail franchise. Our directions and guidance to the SRA, which was issued some four months previously, had already identified the top priorities of improved punctuality and reliability and of reduced overcrowding.

We also took the opportunity that arose from the SRA review to look again at the length of the next franchise. When we published our transport delivery report last March, we indicated, in line with the SRA, that a 15-year franchise was our preferred option at that stage. However, we were careful not to specify a franchise length when we issued our directions and guidance to the SRA, in order to retain the flexibility to take account of changes in the industry. Events over the past year have confirmed that that was the right approach.

Last month, Iain Gray announced our intention to set a seven-year franchise with the possibility of a further extension of up to three years. That decision reflects some of the big changes that have taken place in the industry. It also fits much more closely with the pattern of the real, major investment that we and our partners are making in our rail services. Bristow Muldoon touched on some of that investment in his speech.

Substantial additional resources were secured for transport in the recent Scottish budget. They will contribute towards the delivery of key strategic projects such as rail links to Glasgow and Edinburgh airports, the development of Waverley station and the development of the Airdrie to Bathgate line.

Sarah Boyack (Edinburgh Central) (Lab): The minister will recall that we had a members' business debate last year about Waverley station. Can he bring us up to date with progress on the Waverley project and the working group that he talked about last year? Has there been progress on time scales and commitments from the SRA to advance the project?

Lewis Macdonald: Sarah Boyack will recall from that members' business debate that a steering group has been set up to make progress on that project with Executive support, taking into consideration all the options for the redevelopment of the station and the implications for Haymarket station. I expect the initial output from that work to be available to us in the spring. I also expect the SRA to carry that work forward with us.

A result of all those major planned investments in infrastructure is that a series of significant new services is likely to come into play on the Scottish rail network in the second half of this decade. Those new services will now coincide more closely with the end of the next franchise and the seven-year plan that we have announced. That will allow us to re-let the franchise for the following period in

a way that will reflect the extended rail system and which will achieve the best match between the franchise and its operator.

As part of its policy review, the SRA recognised the complexities of the franchise process and the significant costs involved. It has sought to simplify and improve the process and to invite bids from a smaller number of bidders for a single stage of bidding, which will involve a comprehensive best-value bid. We think that that is movement in the right direction, although it means that considerably more work is required from the Executive and the SRA at the front end of the process. That is why we have made it clear that the possibility exists that we will need to take up the option in the current contract of a six-month extension. That is a non-negotiable extension and does not require us to return to the existing franchise holder; it can simply be put in place, if it is required, on 1 April 2004 to allow the mobilisation of the new franchise to be completed quickly and efficiently, in line with the SRA's new plans.

It was important to take the opportunity to explain some of the background to the process and how we have got to where we are. I give the Parliament a reassurance that the franchise process remains very much on track. We have made the necessary provision for any delay, but we do not expect that delay to be significant or to throw the process in any significant way. Along with implementing the recommendations that have come from the committee—for example, our development of a concordat with the SRA—we will carry forward our plans for the railway industry in a way that will help to bring tangible benefits throughout Scotland. I look forward to working on those plans with the Transport and the Environment Committee in the years ahead.

15:54

Mr Kenny MacAskill (Lothians) (SNP): The SNP welcomes the report and the debate. As a member who does not sit on the committee, I pay tribute to the politicians and civil servants who sat through the inquiry and—more important—to the members of the public and the industry who gave their time and ideas to benefit and advance the matter and to complete the report. It would be remiss of me not also to pay tribute to the convener, who has an affinity with and affection for the industry that goes beyond simply his past employment in it.

I commend the report and see it as a basis for taking work forward. We have received the Scottish Executive's response, and I welcome the matters that have been intimated to date. All parties recognise the importance of advancing the rail industry not just to commuters' comfort but to the social and economic progress of our country.

The report's early paragraphs clearly state that transparency is important. That is a fundamental point. Following the post-privatisation fragmentation of the rail sector, it has been difficult for those in the industry—never mind those outside it—to follow what has been spent, where it has been spent, who spent it and what it has been spent on. Such matters cause considerable difficulty. I will return to some of the points that the committee made.

A benefit of the Parliament's committee system is that we can reach accords on various matters where there is consensus in a broad arena of political, social and economic interests in Scotland. That is the basis for driving forward matters on which there is committee agreement.

The SNP disagrees with some parts of the report and, to an extent, my colleagues minuted those disagreements in the report. I do not wish to spend too much time on such matters, as they will be the subject of debate in due course as we approach the election. However, my disagreements with the report relate more to the pace and extent of development and—perhaps most important of all—to the level of authority to be given to the Parliament and the Scottish Government. We will doubtless return to that matter in the prelude to 1 May and it will be debated in arenas other than this chamber; however, it is important that I outline for the record the parts of the report with which the SNP disagrees.

Paragraph 39 of the report mentions stability over the next five years. We believe that stability is a good thing, but the present situation is unstable. A window of opportunity exists that allows us to rethink radically in order to lay the framework for developing the strategy that has, to an extent, been enunciated and encapsulated in the report.

We have seen Railtrack change into Network Rail and the minister commented on the ScotRail franchise. A change in the length of the franchise from 15 years to seven years may not have been put into the framework document, but it was certainly anticipated that we were looking at a lengthy franchise—indeed, the previous minister alluded to that. The possibility of an extension of six months, which the legislation allows, has been acknowledged. Most important of all, within the past two days, Network Rail south of the border has acknowledged and taken into public ownership—if I can put it that way—some of the engineering and care-and-maintenance facilities on the London to Reading line, as it has recognised that privatisation has not worked. We do not believe that stability exists, but an important opportunity exists to drive matters forward.

We believe that the situation in which a public operator—in particular the Scottish Government or

United Kingdom Government—is precluded from bidding for franchises is absurd, particularly when it is okay for German, Danish or French railways that are wholly owned by their Governments to be operators within the UK or Scotland. It is bizarre and absurd that we trust the public sector of a foreign country, rather than one that is in our own domain and jurisdiction. However, such matters are for the future and it would be churlish to concentrate on the negative as opposed to accentuating the positive.

Transparency is vital. It is also important that we have accounts from the SRA. Mr Bowker did not bless us with his presence at the last Rail Passengers Council meeting that I attended with other members, but when I asked his colleague whether he could provide accounts for the SRA in Scotland, I was told, if I recall correctly, that the SRA certainly did not produce such accounts and that, apparently, it was not possible to produce them. There is a separate Scottish franchise and a separate rail division, and it is incumbent on the SRA to provide us with separate accounts so that democratically elected members of the Scottish Parliament can see what money comes in and what money is spent. That is important.

Paragraph 42 of the report, which deals with passenger transport executive models, is important. I do not believe that all PTEs need to mirror the bureaucracy that may exist in Strathclyde, but we need to enhance and empower the south-east Scotland transport partnership and the north-east Scotland transport partnership, for example. At the end of the day, the board of the newly constituted Forth Estuary Transport Authority has more powers than such partnerships, although they cover a wider area and are arguably as important. Such matters must be dealt with.

Perhaps the most important part of the report is in paragraph 119, where there is an acceptance that the Executive must be the major driver. The only way in which we will be able to make progress on the railways is when we, the democratically elected representatives of Scotland, take the matter within our grasp and drive it forward, subject to the scrutiny of this Parliament.

I welcome the report. It provides us with a framework within which we can make progress on the matters on which we are agreed. There are issues relating to taking the matter further or making progress faster, but those will be dealt with in the election campaign and I commend the report as it stands.

16:00

David Mundell (South of Scotland) (Con): Investment in transport infrastructure delivers

economic and social benefits to all of us. By increasing our capacity to transport people and goods throughout Scotland, we maximise economic growth and, in turn, create more jobs and stimulate the economy.

The Scottish Conservatives welcomed the Transport and the Environment Committee's inquiry into the rail industry and I echo the congratulations that Kenny MacAskill expressed to those who were involved. The report provides a clear picture of the problems that face the rail industry in Scotland. It is good that a committee has brought this report to the Parliament because, so far, it has been left to the Opposition parties to ensure that rail and transport issues are debated in the Scottish Parliament.

As a train user, I share the public sentiment that our train services are all too often slow, inefficient and unreliable. It is entirely unacceptable, in 2003, that bottlenecks in the network delay journey times and hinder our ability to deliver fast rail transport. The punctuality of ScotRail trains remains below the target of 90 per cent, with more than one in five trains arriving at least five minutes late. According to the Rail Passengers Council, some workers regard their commute to work by rail as the most stressful part of their day. With 5 million people in Britain suffering from work-related stress, inefficient rail and other transport services are clearly failing commuters and our businesses. The fact that bad rail transport is being linked to bad health, which is evident from the UK Government's commitment to investigate the ill effects of commuting by rail, is indicative of how bad the situation has become.

The worth of any committee report is measured by the Government's response. As the response has only just been published, we will have to wait with anticipation for whatever action might follow in the lead-up to the election. However, past performance does not make us hopeful, as it appears that the Scottish Government's approach to rail issues has consisted only of spin over substance. After all, how many press releases have successive ministers eked out of the few million pounds that have been spent on studies into studies about Waverley station without there being any substantive commitment to the funding that is needed for the redevelopment project to go ahead?

Although it is pleasing to see the Government in Scotland making a commitment to producing an annual progress report on its transport delivery programme, as recommended by the committee, the progress will be measured on limited indicators, some of which have not yet been finalised. The overriding challenge of tackling urban congestion in Glasgow, Aberdeen, Dundee and Edinburgh to stabilise road traffic at 2001

levels by 2021 seems unachievable according to the Government's figures, which clearly show that Glasgow road traffic, for example, will increase by 40 per cent with targets compared to 24 per cent without targets by 2021.

I agree with the Government's point that the number of journeys is a key indicator for increased investment in public transport, but that must be linked to infrastructure investments. Rail passenger numbers are not now as high as they might be expected to be, with the total number of passengers originating in Scotland falling by 4 per cent in one year. In other words, there were 2.4 million fewer rail passengers in 2001-02 than there were in 2000-01.

Given that the rail industry faces engineering skill shortages, which extend to freight services, it is to be welcomed that the freight providers are seeking to address those problems and that the SRA is committed to establishing a national rail academy. However, one year after the announcement, little progress has been made.

We are still awaiting final decisions from the Executive on major infrastructure projects such as the long-awaited airport rail links for Glasgow and Edinburgh and the Waverley station development, which Lord James Douglas-Hamilton will discuss further.

One thing that is for sure, on which I think we can all agree, is that the Executive has perfected its waiting game. We will have to wait and see whether we finally hear something of substance in the weeks before the election. As we draw nearer to the election, recent funding announcements have given the impression that the Executive is investing substantially in transport, but that must be seen in the context that the Executive has conceded in the past that transport has been sold short. According to the Government's adviser, Professor David Begg, Scotland has by English standards been underfunded by £90 million between 1997 and 2004. After the raft of studies and reports, of which the committee report is one of the most welcome, the time has surely come for Scotland to get what it needs—a fast, efficient and reliable transport infrastructure. I am sure that during the election campaign, to which Kenny MacAskill referred, the Scottish Conservatives will make clear their commitment to deliver that, starting with the key rail infrastructure project: the redevelopment of Waverley station.

16:06

Iain Smith (North-East Fife) (LD): Perhaps Mr Mundell's speech, and his party's commitment, would have been more credible had his party not been responsible for the systematic running down of Scotland's railways while it was in government

between 1979 and 1997, which ended with the botched privatisation, and had those governments made some commitment in their budgets to rail transport rather than to road, with which they seemed to be obsessed.

As a regular rail user, I am well aware of the problems that commuters face. My constituents tell me about those problems regularly when I am on the trains coming to the Parliament in Edinburgh and going back. The problems of overcrowding, delays and unreliable services have been caused not by something that the Executive has done, but by the systematic underinvestment in our rail network for many years.

We are at a junction on rail transport. We can take it forward, improve it and make it an invaluable part of our transport network that provides efficient, reliable, economic and environmentally sensitive services, or we can allow it to continue to decline, as it has done for many years. If we do the latter, there will be more overcrowding, more safety problems, poor service quality and unreliable services, which will mean that fewer and fewer people will use them. Perhaps the fall in passenger numbers for 2001-02 is the result of the problems that the rail network suffered during that year because of safety issues and other problems.

During the 1980s and 1990s, most of Europe saw a renaissance in its rail network, while in the United Kingdom we saw stagnation. Rail was shunted into the sidings while investment was concentrated on roads.

As I said, privatisation was a disaster. It was ill thought out and fragmented and it increased costs to the public purse although fewer services were provided. Privatisation resulted in poor accountability and put profits before safety. Prior to the 2001 UK election, the Liberal Democrats proposed that a new rail safety body should be abolished, that Railtrack should become a not-for-profit company and that there should be a simplified regulatory regime. Perhaps more by accident than design, the Labour UK Government has adopted all those proposals. That is what we felt was needed to set us on the right track. We are moving in the right direction with our rail services.

I welcome the committee's report, which highlights some of the ways in which we can make positive improvements to our rail services at reasonable cost. One matter about which I am perhaps slightly disappointed is the lack of coverage that the committee gives to freight, on which there are only a few paragraphs in the report. Perhaps a future Transport and the Environment Committee will devote more time to examining freight, because it is important that we address how to get more freight off our roads and

on to alternative forms of transport, including rail and water-borne transport. The committee is right to state that the Executive should set targets—I look forward to seeing them—for the shift from lorries to rail and water from the end of 2003.

In paragraph 125 of the report, the committee rightly makes the point that the principal Anglo-Scottish bottlenecks for freight are in England, not in Scotland. That is why the SNP's approach, which is about the structure and having separate Scottish companies, is wrong. Many of the problems that we face on our railways must be tackled at UK level. We cannot solve the bottlenecks in our freight network in Scotland; they must be solved at UK level. That is why I think that the SNP's approach is fundamentally flawed.

The committee raises a number of issues that are of particular relevance and interest to my constituents. I was interested in the comments in paragraph 94 of the report, on fares:

"The SRA has indicated that the time may have come to increase rail fares on congested routes in order to cut severe overcrowding".

To say, "The trains are overcrowded, so let's increase the fares to stop people using them," is a bizarre and completely nonsensical approach to rail services. We have suffered from such an attitude for many years in Fife, where exactly that approach has been taken. Fares in Fife were artificially high because the authorities wanted to discourage people from using the services. Surely we ought to be moving away from that approach and improving services so that people can use them, rather than putting up fares to stop people using the services.

I support the report's comments on the need to simplify the fare structure. Another ludicrous situation in Fife is that people who want to go from Leuchars to Glasgow cannot go via Dundee if they want to benefit from the cheap fare, but have to go via Edinburgh, which is a busier, more overcrowded and more congested route. That does not make any sense, so please let us have some simplicity in the fare structure.

I am a little concerned about some of the comments and proposals on cutting journey times. We have to be careful not to get obsessed with cutting journey times between the cities while forgetting about those of us who live between them. We want short journey times too; we do not want times to be increased because every train that we are on has to stop at every station, while the express trains from Aberdeen to Edinburgh zoom past. We do not want the frequency of trains to be decreased, because that will affect the number of journeys that can be made and discourage people from using rail services. That would be counterproductive to what we want to achieve.

I welcome the Transport and the Environment Committee's report and most of its recommendations. It is important that Fife sees the changes that the recommendations would make on improved reliability and on tackling overcrowding and the bottlenecks in the network. Those recommendations are relevant to Fife in the contexts of longer trains, dealing with the capacity problems at Waverley station and diverting freight from the Forth bridge via a reinstated Stirling to Alloa line. We want improvements to the networks too, including the Edinburgh airport link and the Borders rail link.

We have spent the past four years planning for improvements to our rail service; the next four years must be about delivery.

16:12

Helen Eadie (Dunfermline East) (Lab): I congratulate the members and clerks of the Transport and the Environment Committee on the report on the committee's inquiry into the rail industry in Scotland. I thank the Scottish Executive ministers for the recent funding announcements for Fife, which will assist a much-troubled area in the context of the rail industry. I do not need to document that today—the Executive knows from its filing cabinets full of material on the matter just how big the problems are in Fife. I am sure that Iain Smith and Scott Barrie endorse that point.

From the size of the committee's report and the detail within it, I can say that producing it has been no mean feat. I have taken an interest in rail matters not only since I have been a member of the Scottish Parliament, but before that when I served as spokesperson for Fife Council's strategic development committee on transport matters.

I have not been able to read all of the committee's report in the time available, but I searched it for areas that are of interest to me. I am pleased to note the variety of submissions of written evidence that the committee received, as well as the oral evidence that it heard. In particular, I congratulate the Engender women's budget group on its submission. It is a challenge for the people of Scotland to keep pace with the work of the parliamentary committees when they call for written evidence, but that is an important aspect of helping to shape policy in tandem with Scotland's new Parliament.

I do not mean to pour any cold water on the report, but it is always important to highlight an area of disappointment when we see one. I searched the report in vain for issues concerning the interests of disabled people. This year, 2003, is the European year of people with disabilities, and I hope that all members of the Parliament and

the Executive will strive to ensure that all policy documents have at their heart considerations for disabled people in Scotland. I say that as a member who represents a constituency that is near the top of the league of UK constituencies for the numbers of claimants of disability benefit and Motability car users.

I welcome the committee's support for the Scottish transport appraisal guidance, especially in the light of comments from various witnesses. In particular, John McCormick of the Scottish Association for Public Transport stated:

"The way in which the financial investigation of the rail schemes is carried out needs to be examined. Schemes are examined on a financial basis, without enough account being taken of the potential environmental benefits".—*[Official Report, Transport and the Environment Committee, 5 June 2002; c 3186-87.]*

Politics will always be the dominant factor in the decision-making process, but information will be better rounded to reflect not just financial considerations but wider societal concerns over the environment, for example.

I welcome the suggestion that the Scottish Executive should pay the majority of passenger transport access charges directly to Network Rail. That would replace the current arrangements, under which funding is provided to the Scottish franchise holder, who in turn pays track access charges to Railtrack. Such a change would inevitably benefit the situation in Scotland.

The report sets out a variety of options for change to the structure of the rail industry in Scotland. In my view, we need to avoid more changes to the structure of the rail industry. This is a time for bedding down the changes that have already been made and for letting industry users move on.

I have forgotten to thank the many people in Scotland who have been involved in helping to shape policy. They include both amateurs—those whom some people might call anoraks—and professionals, who have helped to inform the report. I have always found them to be people who, like Bristow Muldoon, are absolutely enthused by this work. I also thank Sarah Boyack and the Deputy Minister for Enterprise, Transport and Lifelong Learning, who have helped to shape the report.

This is a very good report. I would like to say a great deal more about it, but my time has run out. I commend the report to members of the Parliament.

16:16

Christine Grahame (South of Scotland) (SNP): Members will not be surprised to hear that I intend to return to the issue of the Borders

railway line. It is extremely disappointing—not for me, but for the many people who signed the petition for reinstatement of a Borders rail line and for the many businesses in the Borders who require it as a matter of extreme economic necessity—that paragraph 80 of the report, on key priorities, does not mention the Borders railway line.

The Executive response to the report states that a central Borders rail link—we are talking about a line to Tweedbank at the most—is

“likely to become operational towards the end of the decade.”

That is far too long to wait to put an economic artery back in place.

I refer back to the debate that took place on the Borders railway line nearly three years ago. Our heart and soul is with the reinstatement of the line, but the money has not been invested and there is a lack of vision. This is not just a transport issue, but an economic issue, as is so often the case with transport. In the debate three years ago, Sarah Boyack said:

“I accept without reservation that improving the transport links between the Borders and the rest of the country is a prerequisite to the area’s economic regeneration and for its social and environmental well-being.”—[*Official Report*, 1 June 2000; Vol 6, c 1218.]

Why is the railway line not a priority? If there is one priority for all the hundreds of thousands of people who live in the Borders, it is that line.

Lewis Macdonald: Does Christine Grahame accept that it is an agreed priority that the Borders rail project should be developed, that the responsibility for doing so lies with the Waverley Railway Partnership and that it will be for the Parliament to decide whether to approve a private bill to make that happen?

Christine Grahame: I am coming to that issue. It is a great sadness that the Executive is leaving it to three local authorities to grub around to raise funds for an essential economic link. The investment should be made by the Strategic Rail Authority.

I support what Kenny MacAskill said about its being imperative, as paragraph 119 of the report suggests,

“that the major driver in improvements across Scotland should be the Scottish Executive working in conjunction with the SRA”.

I do not see that push happening.

Paragraph 149 of the report states:

“The Scottish Executive should act to ensure Scottish interests are fully represented by the Strategic Rail Authority (SRA).”

I do not think that that is happening. It is not good enough to expect three local authorities to put

together £170 million to lay down a railway that should be laid down from UK funds, to which all taxpayers in Scotland contribute.

My second point relates to freight. I am glad that Iain Smith raised that key issue. Sometimes I agree with the member—although he is telling me not to. For the southern half of the Borders rail line, freight would be the way into Strategic Rail Authority funds. In the debate that took place way back in June 2000—

Helen Eadie: Will the member give way?

The Deputy Presiding Officer (Mr Murray Tosh): The member is in her last minute.

Christine Grahame: I apologise to the member, but I must continue.

I have received a letter from Scottish Enterprise Borders that refers to a LAMA. I found out that that is not an animal, but a local area modelling assessment. The timber transport forum received a request from the Borders timber transport group for a local area modelling assessment to be carried out. The group is examining the implications of taking timber from the Kielder forest, which is the largest forest in the UK, along trembling little Borders roads to trembling little Borders villages and putting it on to a railway line. It will report in March and I hope that the Transport and the Environment Committee is listening to this, because I am referring to a way of getting to the honey pot of the funds.

I come to my last point in the dying seconds of my time. Way back in 1999, the Scottish Executive’s central research unit said of the Borders:

“The most pressing issue for the Council is the economic imperative against a background of large-scale job losses, with remaining jobs largely in depressed sectors with declining incomes.”

The plus ça change is that the situation is getting worse. The railway line is an imperative and it should be top of the Executive’s priorities.

16:20

Maureen Macmillan (Highlands and Islands)

(Lab): As a member of the Transport and the Environment Committee, I recommend that members accept the report. I believe that our railway network is of enormous strategic importance to Scotland. It is also of enormous environmental importance, given that if we are to cut the number of car and lorry miles that are travelled on our roads we must make rail passenger and rail freight journeys more attractive.

It is nothing short of a tragedy that the rail network fell into such disarray and disrepair

because of privatisation. I am thankful that Railtrack has been superseded by Network Rail, which is looking critically at the companies that are contracted to maintain the track and sacking members of them when they are incompetent. What we need most definitely is a period of stability rather than further disruption of structures, which the SNP proposes.

I want to underline how important the state of the UK rail network is for Scotland. Although I endorse the committee's recommendations that there should be transparency about the amounts of money coming to Scotland to support the Scottish network and a stronger presence in Scotland of the SRA—I welcome the minister's announcement on the concordat—I do not support the creation of a Scottish rail network. I am not impressed by arguments about comparisons between the amounts of money that are spent in Scotland and England. Money that is spent on English infrastructure has a profound effect on services that are crucial to my constituency, such as the sleeper from London to Inverness and Fort William.

I am deeply concerned to improve the west Highland sleeper, but there will have to be track repairs and enhancement and possibly the extension of the platform at Euston if we are ever to restore sleeper services to Oban. The west Highland sleeper is underused and underadvertised, but has tremendous potential for development as a tourist attraction once the track problems further south have been fixed. I am pleased that the Executive has confirmed its faith in the service by including it in the rail franchise, but I believe that the franchisee must be made to commit to a strong advertising campaign to maximise its use.

The committee considers that improving the existing network is preferable to network expansion, although that has not been ruled out. Over the past four years we have seen significant improvement in local Highland rail services, particularly commuter services around Inverness with the Invernet. There is growing demand for rail services throughout the day in the Moray firth area and I hope that the new franchise will build on the current provision.

The committee recommended investment in new trains just before Christmas. We are told that such new trains will impact on the Highland main line, although we do not yet have details, which I would welcome. We in the north hope that it will mean extra rolling stock for the Invernet and an enhancement of services in the north.

I endorse the part of the committee report that asks for transparency in awarding the new franchise and consultation on the enhancements that bidders are offering. People in the Moray firth

area, Lochaber and north Argyll want to know what is on offer and to have a way of indicating their preferences.

We have to examine fare structures, which are far too complicated and are a barrier to people's using rail. The low prices on the Invernet—the Inverness commuter service—combined with the reopening of village railway stations have attracted many passengers who would otherwise be using their cars.

The Scottish Executive made it clear in its evidence that it wished there to be an on-going expansion of rail services and I am confident that that commitment will extend to the Executive's continuing to enhance the service on the west Highland and northern networks.

I thank our adviser Tom Hart, who has a deep and wonderful knowledge of all things to do with the railways. The committee really appreciated his expertise. I also thank the clerks, who, as usual, worked above and beyond the call of duty and helped us to produce an excellent report. I also thank those who gave evidence to the committee. A great range of people gave evidence on all aspects of the railway industry and their evidence helped to inform the committee in a deep and interesting way. I commend the report to the Parliament.

16:25

Lord James Douglas-Hamilton (Lothians) (Con): The Transport and the Environment Committee is to be congratulated on producing a very good report. Although I support the Borders rail link, which Christine Grahame spoke about, I wish to raise the issue of the modernisation and redevelopment of Waverley station.

The Conservative party believes that the most effective way to generate growth is through the provision of a fast and efficient transport system. Therefore, investment in the infrastructure has to be a Government priority. Bristow Muldoon was right to mention that. I wish to reiterate the sentiments that I expressed in the members' business debate on 31 October. Completion of Edinburgh Waverley station is the central project that is required to increase capacity for the whole Scottish network.

Waverley is vital to the economic prosperity of Edinburgh and it has the potential to provide a significant increase in business efficiency through the provision of improved transport services. It will have a continuing benefit in relation to job creation.

The track and platform capacity of Waverley station is fully taken up, so I am pleased that the committee identified the expansion of the station

as a funding priority, which could be completed within budget by 2007. That time scale is perhaps optimistic. The estimated cost of the project is more than £400 million. Given recent press reports, the revamp might be scaled down, even though there is a clear commitment to the Waverley infrastructure project.

I welcome the assurance that the minister gave to Sarah Boyack. It would be helpful if the minister would say a little more about the public-private finance arrangement that might be entered into and would expand on the potential time scale.

The committee's report highlights the Scottish Government's commitment to investing in the development of rail links to Glasgow and Edinburgh. I draw members' attention to paragraph 82, which linked those developments to the redevelopment of Waverley. It is of some concern that the Strategic Rail Authority appears to favour better airport bus services. That undermines the delivery of the proposed new infrastructure projects. The fact that the SRA seems to be prioritising investment in the existing rail network is worrying, given that both airport rail links will need to attract some funding from the SRA.

We must remember that the Scottish Government has made official commitments to both airport rail links. They are featured among the Executive's top 10 priorities in its transport delivery report. Investment in those infrastructure projects will deliver a fast and efficient transport service for air passengers and will enhance Scotland's ability to attract business investment and tourists, which will benefit Edinburgh, Glasgow and the rest of Scotland. In my view, Edinburgh and Glasgow are on a par in relation to the proposed links. Completion of the projects would go some way towards addressing the congestion on the busy road routes to both main airports.

I warmly welcome the report, as it goes some way towards addressing a plan of action to improve rail services in Scotland. The Administration needs to live up to its responsibility of making certain that investment in existing and new infrastructure projects is delivered. We want a fast and reliable transport infrastructure and we see the redevelopment of Waverley station as the cornerstone in the arch; it will make an enormous difference to Scotland.

16:29

Robin Harper (Lothians) (Green): I must declare that my outside interests include membership of Capital Rail Action Group, the cross-party group in the Scottish Parliament on Borders rail and the Scottish Association for Public Transport.

I want to draw the Parliament's attention to the Executive's response to the Transport and the Environment Committee's report. The response states:

"The overarching objective of the Transport Delivery Report is traffic stabilisation over the next twenty years".

I find that to be singularly unambitious. Under the Kyoto treaty, we should be aiming for traffic reduction to 1990 levels so that we can bring about reductions in the amount of carbon dioxide that is produced by traffic. I acknowledge that the Executive might achieve traffic stabilisation over the next 20 years, but that is not the most ambitious of targets.

I thoroughly endorse what Christine Grahame said, but I want to draw the Executive's attention to paragraphs 78 and 79 of the committee's report. Although paragraph 72 states that

"the Committee considers that improving the existing rail network, rather than network expansion, should be the key priority",

that priority can, in my view, be for only the short term. That paragraph expresses what the committee felt at the time, but the long-term priority is clearly expressed in paragraph 79, which states:

"The Committee recommends that the development of these projects"—

that includes the Borders rail scheme—

is advanced to the next stage in the planning process."

The Executive must take note of that clear recommendation from the committee.

The final matter to which I draw the Executive's attention is the proposals for the Scottish transport appraisal guidance. I believe that the revised STAG proposals, if they have not already been finalised by the Executive, are on their way. The Executive will have received a detailed response to its consultation on that issue from the Scottish Association for Public Transport. I want to highlight for the Executive the SAPT's view, which carries considerable force, that the weighting aspects in STAG must be thoroughly and clearly worked out.

The weightings and appraisals in STAG are based on environment, safety, economy, accessibility and integration, and value for money—the meaning of which is currently not very clearly expressed. The Executive must accept that the environment can be valued and that investment in transport that is kind to the environment represents value for money. It must also accept that transport investment that provides for social inclusion, integration and accessibility represents value for money. Those matters must, within the new STAG appraisal, take a central place. There must be no manipulation of the revised STAG in such a way as to relegate those

aspects to a lower status. I say that because I fear that if the revised STAG grants in any way place a lower priority on those aspects, projects such as the Borders rail link might not get the necessary assistance from the Executive.

16:33

Elaine Thomson (Aberdeen North) (Lab): I joined the Transport and the Environment Committee only recently, so I was not a member during its deliberations on the rail industry. However, the committee has clearly made a number of useful recommendations on the future of rail in Scotland, for which it is to be commended.

The improvement of transport links of all kinds is vital to many parts of Scotland, but improvements in rail links are particularly important, especially in areas such as Aberdeen and the north-east, where congestion is increasing rapidly. The rail industry has been through a long period of upheaval, but there is now an opportunity for stability on which to rebuild Scotland's railways.

We are already beginning to see some of the effects of new investment, given the introduction of modern trains. I look forward to the 22 new trains that will come on stream. Extra money is also going into railway stations. We recently heard about extra investment to help tackle some of Aberdeen's problems regarding rail connections to Aberdeen airport, which will start to connect up different modes of transport.

As congestion on roads increases, people are considering the public transport alternatives. I always think that it might not be fair, but it seems that there is far greater acceptance of rail than there is of buses, and that there is more willingness to use trains than to use buses. Rail passenger numbers are beginning to grow. I know that Fife has problems with congestion.

Maintaining and supporting that growth to further increase passenger numbers by 5 per cent by 2006 will depend upon improvement of reliability, timetabling and comfort on trains. The Transport and the Environment Committee recommends greater and more transparent decision making by the Strategic Rail Authority, and that the authority should have a more visible presence in Scotland. I support that recommendation.

The current situation with the east coast line is disappointing. The line north of Edinburgh is no longer considered to be part of the east coast main line, so it is no longer considered in some discussions. Stronger representation about that could be made to the SRA. The line north of Edinburgh to Aberdeen and further has real growth potential that is currently being hindered by infrastructure problems, some of which are quite

major. Many other people have been campaigning on that for a long time and we must address the fact that the drive from Aberdeen to Edinburgh is faster than the train journey.

The east coast line's problems are not all about infrastructure upgrades and that is true of lines elsewhere in Scotland. A lot can be done by considering issues such as timetabling. People who are travelling from Aberdeen to Edinburgh tend to want arrive between 9 and 9.30 am, but the current timetable does not facilitate that. I look forward to that issue being addressed as part of the new franchise.

I am also interested in what the Transport and the Environment Committee has to say about the potential development of a Scottish express rail network. I look forward to hearing whether the Executive will consider that.

There is also a need to promote park-and-ride facilities and cross-modal ticketing. As a regular train user, I cannot think of any occasion on which I have been asked whether I wanted to buy a rail and bus ticket. That could be addressed as part of the new franchise.

Many positive things are happening and the committee has recognised that. The report mentions the Glasgow crossrail, but I would like to mention the Aberdeen crossrail project and the commitment to it from the Scottish Executive. I look forward to seeing that project being developed further, but it will work best if we consider the development of seamless links with other types of transport, whether we mean links with buses or allowing cycles to go on trains and connecting that facility with cycle lanes.

Finally, I would like to mention rail freight. The Executive's rail freight grants have been hugely successful in encouraging companies all over Scotland to consider alternatives to road haulage, and they are helping to reduce congestion. I look forward to further development of that.

I note—the committee mentioned this—that some of the problems with rail freight concern the height of railway bridges and the size of modern containers. Those problems must be resolved.

I will wind up at that. I commend the committee's report to the Parliament.

16:38

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): This has been a short but substantial debate on an important subject and on the substantial report on it that has been produced by the Transport and the Environment Committee. I welcome Lewis Macdonald's information about the progress that has been made on the rail franchise.

In the debate, we have heard a variety of suggestions about the way in which the rail industry in Scotland should be structured and financed. As ever in such matters, the constitutional issue has been a feature of the discussion. However, to be fair to Kenny MacAskill, he put his reservations in an acceptably measured and legitimate way. As Mr MacAskill said, in truth the issues to which he referred cannot be resolved at this time and the voters will have a chance to make their views known in the not-too-distant future.

The committee report shows that the Parliament has a legitimate wish that the relationships among the various authorities, agencies, operating companies, the UK Government and the Scottish Executive should all be closer. The administrative arrangements in relation to where offices are or how the companies are split up might be less important than good and practical relationships, concordats and understandings among management.

The fragmentation of the rail industry and the historical lack of investment in it have certainly caused complications, and further discussion will have to take place on how things can be organised and simplified into a more direct and accountable form. However, everyone recognises that in terms of investment and reorganisation, this is a crucial time for the rail industry. All the logic and rhetoric about integrated and sustainable transport and about pollution and congestion reinforces the view that the railways must have a continuing and increasingly important role in our forward thinking on transport.

In a sense, the Transport and the Environment Committee's report deals with rail as an industry, but it is important that we always acknowledge that it is also a service. In that respect, it is clear that in its discussions about railways, Parliament must pay attention to the needs and recommendations of rail passengers. There is a sense in which passengers will be less concerned about structures than they are about the services that they receive.

The Rail Passengers Committee Scotland welcomed in a briefing the proposed investment in new trains, and it emphasised the importance of tackling overcrowding, of exchange facilities, of through-ticketing advice, punctuality, and reliability, and of access to stations with park-and-ride facilities. Those are all urgent issues that need to be addressed in all our thinking. If we do not give the passengers what they want, they will be driven back on to the roads that we want to keep them away from. Iain Smith's comments on the transport problems in Fife were particularly cogent in that regard.

As well as providing a service to passengers, a proper rail infrastructure will help to deliver policies

that are to the advantage of the people of Scotland. I will not go into that in detail because I am short of time, but it is clearly important that we get as much freight as possible off the roads.

Members will not be surprised that I wish to mention the importance of the extension of the rail network to include the reopening of the Waverley line to the central Borders as a first step towards a full link to Carlisle.

On page 3 of the report, the Transport and the Environment Committee recognises the importance of the rail industry in Scotland and its

"wider benefits - in terms of promoting economic growth, social inclusion and sustainable development".

In paragraph 12, Bill Ure of the Railway Passengers Committee Scotland states that rail projects need to be measured against

"a matrix of economy, environment and social inclusion".

Nick Brown of ScotRail states:

"Railways fulfil a wider economic and social role in the community. They do not exist simply to benefit those who travel on them ... The economic and social costs of not having a railway ... must be important elements in any value-for-money calculations."—[*Official Report, Transport and the Environment Committee*, 6 June 2002; c 3197.]

In the light of those comments, I return to a well-trodden argument—which was accepted unanimously by Parliament in Glasgow—for the re-establishment of a rail link to the Borders. That would be a huge driver of expansion of the local economy; it would connect the Borders to the rest of Scotland in economic and social terms, help to ease congestion and housing pressures in Edinburgh, and provide employment opportunities for the Borders and Edinburgh. Progress is being made on the project and details are being prepared on the alignment. Communities are being consulted and people are being negotiated with.

The Deputy Presiding Officer: I must hurry you.

Ian Jenkins: I should say clearly—I have been cut short a little—that the Liberal Democrats are committed to ensuring that progress is maintained and that the re-establishment of the Waverley line remains firmly on the Executive's programme and as one of Parliament's high priorities for the rail industry in Scotland.

The Deputy Presiding Officer: At least the runaway train is working this afternoon, Mr Jenkins.

I call John Scott to close for the Conservatives. You have four minutes—try to stick to them, Mr Scott.

16:43

John Scott (Ayr) (Con): I welcome the report on the rail industry in Scotland and I thank the Transport and the Environment Committee's clerks for all their hard work in preparing that enormous piece of work. I thank Tom Hart and Austin Smyth for their contributions, and I thank members of the industry who gave evidence to the Transport and the Environment Committee. I welcome the largely constructive contributions from all parties on what is one of Scotland's thorniest problems—the future of our rail industry.

It is obvious that our railways are at a crossroads—no pun intended—and, in management terms, are apparently lurching from one crisis to the next. The reasons for that are more complex than mere lack of investment. We in Scotland have to decide what future we want for our railways and other forms of public transport or we will be driven to conclusions that we might not otherwise embrace. The key driver, as has been mentioned, is the increase in road traffic growth. A projected 27 per cent increase in the next 20 years means that our roads will simply clog up unless something is done. David Mundell spoke about that.

With our limited budget for transport solutions, we in Scotland have hard choices to make. We must accept that some of our train services are already inefficient because the railways are operating in excess of their optimum capacity; we must therefore improve them.

We need to develop a coherent sense of direction and a transparent decision-making process. Above all, we need stability in our industry, because a lack of it is frightening away investment. For example, the Executive could not make up its mind about what length of new franchise it should offer. Should it be seven, 15 or 20 years? The Executive has now settled on seven years with a three-year extension, but some people in the industry feel that that is not long enough.

We need to develop a more focused Scottish approach to our problems. It was vital that a Scottish office of the Strategic Rail Authority be established in Scotland and I welcome the minister's announcement that two offices have been established. We also need a more transparent approach to the use of public funds. That is why STAG evaluation and appraisal are vital to the provision of key projects and the delivery of value for money.

The committee's report recommends a higher passenger transport target than the 5 per cent increase by 2006 to which the Scottish Government made a commitment in its spending review. The Executive has gone some way

towards increasing passenger capacity by acquiring 22 new three-carriage trains, but we should surely strive for a higher year-on-year increase.

We also welcome the creation of virtual boards, and we support moves to encourage more freight off the roads and on to the rail network, where capacity exists. However, the solution comes back to money, the establishment of priorities and wise spending. For instance, we need investment in Waverley station more than we need any other project and now that the minister has given a commitment to that—which was reiterated today—we need starting dates. Lord James Douglas-Hamilton and Sarah Boyack spoke eloquently on that subject.

I know from experience that lines in Ayrshire need longer platforms and better signalling. Longer platforms are also needed on the lines to Bathgate, East Kilbride and Fife, which Helen Eadie mentioned. More trained engineering staff are needed just to keep the network going. We need a clear funding commitment from the Executive and we need to decide whether, as Robin Harper said, spending on the rail network delivers value for money in comparison with other infrastructure projects.

We cannot afford to do everything and we certainly cannot afford still-greater levels of taxation, which constrains economic growth. Even if we cannot expand significantly our rail network, we must maintain what we have. New developments must be put in place, but only when a clear-cut economic case exists for doing so.

Those are the hard choices that we must make. I urge the Government to consider carefully, but positively, all our options.

The Deputy Presiding Officer: That was a model of impeccable timing.

16:47

Fiona McLeod (West of Scotland) (SNP): Bristow Muldoon opened with a good explanation of the starting point for the Transport and the Environment Committee's inquiry. He talked about the frustration of travellers and of other rail network users. He also said that the moment is opportune, because it has been and is a time of great change for the railways in Scotland and the UK. His opening remarks and the opportune timing give the lie to some of our opponents' comments about the SNP's view of the need for change to the railway structure.

I will take a few minutes to consider some of the rail network problems that the committee's report threw up and that have not been dealt with by the changes that have been mentioned or in the

replies that we have received from ministers. It took a while for STAG to be mentioned in the debate, but I am glad that Robin Harper and John Scott, among others, referred to it. The Transport and the Environment Committee is committed to that guidance. We are concerned that some parts of STAG conflict with the SRA's guidelines and that must be resolved, but the committee recognises the strength of STAG and we must ensure that the SRA recognises it. Perhaps a more Scotland-focused SRA would be more amenable to guidance on that from the Executive.

Another matter that concerned the committee greatly was financial transparency. Great debate was held about whether the evidence showed a Scottish gain in railways investment over the Scottish collection of Railtrack access charges. Railtrack did not help that debate. Janette Anderson told the committee that

"we do not produce sets of accounts for Scotland, as we are not a separate subsidiary."—[*Official Report, Transport and the Environment Committee*, 15 May 2002; c 3072.]

We have learned that we have not moved forward from that position. We might not have Railtrack any more but, as we heard from my colleague Kenny MacAskill, the SRA does not produce separate accounts for Scotland.

The minister agreed with the committee about financial transparency. In paragraph 44 of the report, the Minister for Enterprise, Transport and Lifelong Learning is quoted as saying:

"Transparency on track access charges can only be helpful."—[*Official Report, Transport and the Environment Committee*, 12 June 2002; c 3280.]

The phrase "can only be helpful" has to be one of the biggest understatements that has been made about Railtrack financing.

Those points led the SNP to dissent from the committee's view that there was no need to create a separate Scottish network rail company; however, if we went down that route at this time of change, we would be sure that money that was raised in Scotland was invested in Scotland. We could do something about the frustrations of rail users, which was the starting point of the committee's report.

Problems have arisen in respect of transparency and accountability of relationships; those problems are not as yet resolved. In annexe B to the report, ScotRail is quoted as saying that

"key policy decisions affecting present and future investment in Scotland's railways"

are

"being taken in London."

That led the committee to make extensive recommendations in paragraph 47 about the

priorities for investment and progress in Scotland's railways. We also warned in paragraph 46 that, if we do not see those priorities coming to fruition in decent time, we might have to revisit structural reform of the railways in Scotland.

The committee hopes that its detailed recommendations, its list of prioritised projects and the problems that it highlighted are addressed. The minister listened courteously throughout the committee's inquiry—he must now show determination to deliver for Scotland's railways.

The Deputy Presiding Officer: I call Nora Radcliffe to close for the Transport and the Environment Committee.

16:52

Nora Radcliffe (Gordon) (LD): I am pleased to be summing up in what Ian Jenkins described as a "short but substantial" debate and to have an opportunity to thank all the people who contributed to the inquiry through written and oral evidence. I also want to thank my fellow committee members and our convener Bristow Muldoon, who started the inquiry with the advantage of his considerable first-hand knowledge of the rail industry. I thank our clerking team for the power of work that they put into organising the inquiry and helping to draft the report; the Scottish Parliament information centre for its series of excellent briefing notes; and, last but not least, our special adviser, Tom Hart.

As Bristow Muldoon outlined, the inquiry was very timely because of the number of important changes and events that are taking place. In particular, I refer to the transfer of certain funds to Scottish ministers, the process of the changeover to Network Rail, publication in Scotland of the transport delivery report and the Strategic Rail Authority's strategic plan, and the preparatory work on the re-letting of the Scottish rail passenger franchise. The committee's work on the Scottish Executive's draft proposals for its directions and guidance to the SRA contributed to the improved final document. It was interesting to hear the minister's update on that and other matters.

As the inquiry proceeded, I got the impression that the various industry players appreciated the opportunity that was being afforded them to share their knowledge and experience and to put on record their views on the issues that face the industry at a pivotal point in its history. I welcome the opportunity that today's debate presents for members to raise or highlight matters of importance relating to the rail industry and I welcome the fact that members have availed themselves of that opportunity.

It is not a surprise that our Borders colleagues reiterated with passion and cogency the case for the reinstatement of the Borders railway. Kenny MacAskill outlined his party's different view of some of the opportunities, but he agreed about the importance of financial transparency and that the major driver for improvement will be the Scottish Executive.

David Mundell outlined some of the ways in which rail services fall short and took a critical look at some of the targets that have been set. He advocated swift action on the key development of Waverley station; a point that was endorsed by Lord James Douglas-Hamilton, who also highlighted the importance of rail links to airports.

Iain Smith identified that this is a pivotal time for the railway industry and that we have the choice of initiating our own rail renaissance. He made some good points about what needs to happen to facilitate the transfer of freight to rail and he articulated the aspirations of rail users in Fife. I picked out from Helen Eadie's speech the important issue of proper access to rail services for everyone.

Maureen Macmillan highlighted the untapped potential of sleeper services to the west coast and she mentioned local provision around Inverness, while Robin Harper was disappointed by the lack of ambition in the traffic targets. His main points related to STAG appraisal, to which Fiona McLeod also referred.

I was pleased that Elaine Thomson's speech highlighted the north-east's perspective—that saves me from having to do so. She mentioned through-ticketing, to which I do not believe any other member referred. Such ticketing is certainly a useful way forward. John Scott neatly summed up his contribution by calling for a careful and positive appraisal of all the options.

The Transport and the Environment Committee's recommendations are based on a number of things, including identification of a framework within which a coherent programme for delivery improvements in rail services can take place, and the idea that it is necessary and important to identify what can realistically be achieved within short, medium and long time frames. All of that was underpinned by what the committee felt were the key principles of financial transparency, and fair and objective prioritisation of rail projects against each other and against other modes of transport. The appraisal of rail projects should give due weight to environmental and social benefits, as well as to economic considerations. Furthermore, the importance of what might be described as rail awareness in other policy areas—for example, land-use planning, social inclusion and economic development—should not be overlooked by either the Executive or local government.

The quality and thoroughness of the work that went into the report are reflected in responses to it from the Executive and the SRA. The fact that some of its suggestions have been implemented since the report was published and that many of its other points have been either taken on board or given serious consideration, has been gratifying. I particularly like the paragraphs in which the Executive's response begins with the single word, "Agreed".

I have enjoyed being involved in useful and positive work that makes progress towards more, better and safer rail services in Scotland.

Parliamentary Bureau Motions

16:58

The Presiding Officer (Sir David Steel): The next item of business is consideration of four Parliamentary Bureau motions. In view of the time, I ask Mr Euan Robson to move the motions separately.

Motions moved,

That the Parliament agrees that the Justice 2 Committee be designated as lead committee in consideration of the Act of Sederunt (Fees of Solicitors in the Sheriff Court) (Amendment No.4) 2002 (SSI 2002/568).

That the Parliament agrees that the Justice 2 Committee be designated as lead committee in consideration of the Act of Sederunt (Fees of Sheriff Officers) (No.2) 2002 (SSI 2002/567).

That the Parliament agrees that Rule 5.6.1 (c) be suspended for the Meeting of the Parliament on Wednesday 29 January 2003.

That the Parliament agrees under Rule 11.2.4 of the Standing Orders that Decision Time on Wednesday 29 January 2003 be taken at 7.00 pm.—[*Euan Robson.*]

The Presiding Officer: Mr Robson, perhaps you could take a few seconds to explain motion S1M-3771, on the suspension of standing orders.

16:59

The Deputy Minister for Parliamentary Business (Euan Robson): Motion S1M-3771 allows for business to be extended beyond 5 o'clock on Wednesday 29 January, when we will undertake stage 3 consideration of the Water Environment and Water Services (Scotland) Bill. Motion S1M-3772, on decision time, will give further effect to that proposal.

The Presiding Officer: I will take all four motions, together with motions on the earlier business, at decision time, which will be in 30 seconds.

In fact, I will start now and allow a minute for the first vote, just in case any members are late.

Decision Time

17:00

The Presiding Officer (Sir David Steel): Six questions will be put as a result of today's business.

The first question is, that motion S1M-3689, in the name of Karen Gillon, on stage 1 of the Commissioner for Children and Young People (Scotland) Bill, be agreed to.

Motion agreed to.

That the Parliament agrees to the general principles of the Commissioner for Children and Young People (Scotland) Bill.

The Presiding Officer: The second question is, that motion S1M-3754, in the name of Bristow Muldoon, on the Transport and the Environment Committee's report on its inquiry into the rail industry in Scotland, be agreed to.

Motion agreed to.

That the Parliament notes the 15th Report 2002 of the Transport and the Environment Committee, *Report on Inquiry into the Rail Industry in Scotland* (SP Paper 674).

The Presiding Officer: The third question is, that motion S1M-3768, 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 Act of Sederunt (Fees of Solicitors in the Sheriff Court) (Amendment No.4) 2002 (SSI 2002/568).

The Presiding Officer: The fourth question is, that motion S1M-3769, 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 Act of Sederunt (Fees of Sheriff Officers) (No.2) 2002 (SSI 2002/567).

The Presiding Officer: The fifth question is, that motion S1M-3771, in the name of Patricia Ferguson, on the suspension of standing orders next Wednesday, be agreed to.

Motion agreed to.

That the Parliament agrees that Rule 5.6.1 (c) be suspended for the Meeting of the Parliament on Wednesday 29 January 2003.

The Presiding Officer: The last question is, that motion S1M-3772, in the name of Patricia Ferguson, on the suspension of standing orders on the same day, be agreed to.

Motion agreed to.

That the Parliament agrees under Rule 11.2.4 of the Standing Orders that Decision Time on Wednesday 29 January 2003 be taken at 7.00 pm.

Glasgow to Barra Air Link

The Deputy Presiding Officer (Mr George Reid): The final item of business today is a members' business debate on motion S1M-3758, in the name of Duncan Hamilton, on the Glasgow to Barra air link public service obligation. The debate will be concluded without any question being put. I invite those members who wish to contribute to the debate to press their request-to-speak buttons now.

Motion debated,

That the Parliament notes with concern the decision to announce a one year contract for the Glasgow to Barra air link; recognises that such contracts are normally awarded for the three years of a public service obligation (PSO) order; recognises the unanimous view of the community that any loss of the direct air link would result in damage to the local economy and tourism and create hardship for those attending hospital and receiving life-saving treatment in Glasgow and beyond; notes that the Deputy Minister for Transport, Lewis Macdonald MSP, attended a meeting on the island of Barra and assured islanders that their genuine concerns would be taken seriously and fed into the Scottish Executive review; further recognises that this proposal is undermining confidence in the long-term viability of the air service, and considers that the Scottish Executive should ensure that the review is completed on or before the end of March.

17:02

Mr Duncan Hamilton (Highlands and Islands) (SNP): I am delighted that the minister has finally found his seat—not something that he would be able to do on the new Barra service if he got his way.

There has been considerable notice in the press and a lot of discussion of the issues surrounding the future of the Barra to Glasgow direct air link. Today presents an opportunity for the people of Barra, through their representatives, to have their day in their national Parliament.

I start by recognising the cross-party nature of support for the motion. In particular, I mention Alasdair Morrison, John Farquhar Munro and Jamie McGrigor, who attended this morning's handing-over of a petition. It has added considerably to the case that support exists on a cross-party basis.

I also want to make the point—

Maureen Macmillan (Highlands and Islands) (Lab): Did the member not notice that Rhoda Grant and I were there too?

Mr Hamilton: With the greatest respect, I will carry on. Self-promotion is not a problem that the member usually has.

The point of the debate is not to get into that kind of SNP-Labour division. It is rather to emphasise the difference between the view of the Parliament and the view of the Executive, because we are discussing an Executive decision.

I want to reflect the anger and the frustration of the people on Barra and I want to examine the Executive's case for why the air link should be under threat. We should highlight the inconsistencies and, in particular, the lack of transparency at the heart of the Executive approach. I want to make the case for the long-term viability of the service on Barra and not just for getting us through the next few months.

First, we should consider the arguments raised by the Executive in favour of its proposal. The first argument is worth knocking down quickly. The argument is that somehow it is a requirement of the European Union regulations that the Executive should act as it does in this regard. Emphatically, I say that it is not; that is a bogus argument and we do not want to hear any more of it today or in future discussions on the matter. The definition of the operation of a public service obligation that is contained in European Council regulation 2408/92 makes absolutely clear what the Executive is required to do and what it is not required to do.

It is interesting to go through that regulation. Paragraph 15 of the explanatory memorandum says that the Executive has the option of reviewing the continuity, regularity, capacity and pricing of services. Those are operational matters that the Executive can look at if it wishes. Indeed, that is a sensible thing to do. However, there is nothing in the regulation about a requirement to review the very existence of the PSO on a route, and that is where the debate has become more polarised. Peripherality is the only basis on which a PSO should exist and, as far as I am concerned, the island of Barra is not getting any nearer. Any argument from the minister that the European Union is making him do it is simply not true. It is the minister's decision and it is an Executive policy and an Executive proposal. At the very least, we should have the honesty in this debate to say that that is the case.

The second and main argument that the Executive put forward is that we should consider the matter on the basis of value for money. That is nearer the truth, but even that aspect is shrouded in mystery. The question that we are all left with is why we are doing this. At no point in the process has the Executive sought to give Parliament or the people of Barra any definition of the phrase "value for money". We do not know whether it includes the costs of future unemployment as a result of that measure, the future costs of depopulation or a tourism downturn, or the additional costs of travel. There is no document and there are no

parameters to the debate. There is no objective measurement of whether the measure would be positive or negative, other than the consultants' report, to which I will turn later in my speech.

There should be an objective appraisal under STAG—the Scottish transport appraisal guidance. The civil service describes it as required practice that the Executive should conduct such an appraisal to examine the economic benefits or damage resulting from Executive action. There is a need for appraisal, but I am not sure whether that appraisal has been done by the Scottish Executive. If it has been done, will the minister publish that report? There was also supposed to be a transport economic efficiency report, to look specifically at the key benefits of the development of infrastructure such as airports. That is precisely what the minister should have been doing. Has he done it and will he publish it so that we can have the informed debate that we need to have? At the moment, what the minister is asking is that those of us who oppose his measures somehow go in to bat with one hand tied behind our backs. We need to see those statistics and that appraisal to have the proper analysis.

Another aspect of the value-for-money debate was revealed in a letter of 14 January, which I got sight of only this morning. In that letter, the Executive, in the guise of its aviation policy branch, says:

"The Scottish Executive wishes to ensure that the Glasgow-Barra air service and Barra Airport"—

and that is important—

"continue to be tenable given our substantial investment in enhanced ferry operations."

That lets the cat out of the bag. The Executive is forcing the people of Barra into an either/or choice. The argument is that if there is an improved ferry service, the case for a vital direct air link is somehow diminished. That is an idiotic approach, which builds in the perverse view that to improve one area of transport must inevitably lead to a reappraisal of the other areas of transport. That is no way to conduct a transport or economic development policy.

Let me give an example. If the road to Campbeltown, which is also the subject of an air PSO, were improved, would that mean that the air link to Campbeltown would be revisited? It should not. If we want to encourage more visitors and more business viability, the point is to have the maximum capacity for transport and infrastructure.

If the minister is now using the argument that the improved ferry service should mean a diminution of the air service, why did he not tell the community? Why did he not tell the people on Barra that that was the appraisal and that that would be the rationale? Had he done so and had

he given them the choice, he would have found that the unanimous view on Barra was for the direct air link to be kept. The people of Barra have been kept in the dark. If the minister wants to dispute that, I would be interested in hearing his argument. It is only now that he is saying that both the air link and, which is important, the airport are under threat.

The minister hinted recently that there may be a stay of execution and that there may be a further period of a year, or maybe two years, in which to have a full evaluation. That is not good enough either, because there must be certainty for tourism businesses, and people who want to know whether to make their lives on the island of Barra need to know that the Executive and the Parliament are committed to the future maintenance of those links. All that the Executive really has the opportunity to do is to review the technical requirements of the route. What is really being called into question is the very future of the principle of PSOs on lifeline routes. Today it is Barra. Maybe tomorrow it will be Campbeltown, then Tiree. What we need to hear from the Executive and from the minister today is a categorical guarantee that this is not the start of a review of the principle of PSOs and that the Executive is committed to those routes. If we do not get that assurance, this debate is about much more than a little local difficulty, although the minister might think of it as such; it is a national debate about the future of Scotland's islands.

It is important that we do not get lost amid the statistics but remember that there is a real human cost. A report has been produced by SQW Ltd, economic and management consultants, which has tried to reflect what it would mean for the people on Barra if they lost the service. I shall cite some of the statistics in the report. If people have to travel via Benbecula, that will mean a five-hour return journey in addition to their journey at the moment. If they go by public transport, it will take 12 hours longer than at present. There is also a cost to businesses of the increased travel time, as the additional cost for each return journey would be £230. I quote the conclusion of the consultants' report, which was passed to Western Isles Enterprise:

"Nevertheless, improved intra-island linkages should not be seen as a replacement of the air route."

It goes on to say:

"From being one hour from the largest city in Scotland, Barra would become one of the most isolated communities in the UK, placing the island at a competitive disadvantage against virtually every other community within Scotland."

That is simply unacceptable.

What would the loss of the route mean to people in terms of health care? People currently have to

travel to the mainland for paediatric care, orthopaedic care, surgery, gynaecology and oncology. The people on Barra understand that they may have to travel to the mainland, but they should not have to make a potential 12-hour round trip. What would it mean for ill people who would have to go through that? What would it mean for relatives who wanted to be with their loved ones? What would be the real human cost? What would it mean for people who wanted to have their kids educated on Barra? What would it mean for the retention of staff? Every area of island life will be under the microscope.

We need to hear from the minister that there will be a guaranteed three-year service. We need him to end once and for all the uncertainty surrounding the air link and the airport, and we need a guaranteed secure future for the island. I repeat what I said at the beginning of my speech. The minister chose to start this review; today, or in the very near future, the minister can end it.

The Deputy Presiding Officer: As Alasdair Morrison is the constituency member, I will allow him five minutes.

17:12

Mr Alasdair Morrison (Western Isles) (Lab): Thank you, Presiding Officer. I extend a warm welcome to my constituents from Barra who have travelled down over the past two days to attend this debate and present a petition to the Public Petitions Committee. I hope that they will take up the welcome invitation from the convener of that committee to come back to give oral evidence to the committee.

I firmly believe that this debate has come just at the right time. Since the announcement of the review a few months ago, I have had the privilege of attending priority meetings with the 14 workers at Barra airport. I also attended an excellent public meeting involving 300 islanders on Barra. A week ago yesterday, Lewis Macdonald visited the island and flew back to Glasgow using the air service. It is worth stating that at no time did Lewis Macdonald or any other minister state that we were going to lose the air service. All that we have is the review, and I see it as my duty to inform that review process. With due respect to all members and to this evening's debate, I firmly believe that Lewis Macdonald's visit to Barra last week was the most significant development in the review to date, and I will refer to that visit later.

I could cite many reasons to support the air service. I could mention the oil workers, the deep-sea mariners—of whom there are many in Barra—the fishermen, the students and the tourists, all of whom are frequent users of the service. However, I shall focus on the health service dimension. My

constituents in Barra need a direct air service to get to hospital for life-saving treatment in Glasgow hospitals and beyond.

Since the Western Isles Council was formed in 1975, it has had a strategic objective to link all its islands. That has happened. It is no accident that the momentum of establishing the links between all those islands increased after the election of my colleague Calum MacDonald in 1987. Our dreams were realised on the day that the Eriskay causeway was completed and on the day that the Eriskay causeway was opened. Many benefits followed. It is important that, since the opening of the Eriskay causeway, none of my constituents in any part of the Western Isles has had to travel by ferry to catch a plane to usher them in comfort to Glasgow hospitals and on to other national health service centres of excellence.

Eriskay causeway represents greatly improved internal communications, but it was never seen as a replacement for or a viable alternative to the direct air link. Without a direct air service to Glasgow from Barra, patients would have to cross the sometimes turbulent waters of the Sound of Barra by ferry. A further car journey to board a plane in Benbecula would be required. That journey would take many hours and would not represent progress. I know that that will never be allowed to happen.

There was a notable incident during the minister's visit last week. We took the ferry to Barra with the minister and his civil servants. The day was moderately calm, but a fit young person was seasick. I am not referring to the minister or the MSP for the Western Isles, but to a civil servant. The sight of the contents of a civil servant's stomach being projected across a car deck reinforces my argument. However, to be serious, that person could have been an expectant mother en route to the Queen Mother's hospital in Glasgow or a patient en route to Glasgow for life-saving chemotherapy or other procedures. Currently, such an ordeal is not part of the service that the national health service provides and that my constituents in Barra receive.

It is worth recording in the *Official Report* that since the Western Isles temporary car ferry started to run on 5 March last year, it has not made a blind bit of difference to the numbers who use the Glasgow to Barra air service. The Western Isles Enterprise economic appraisal that I gave to the minister last week—which will be a public document as of tomorrow and will be available in Barra—is an important document. It and other data will help to inform the minister's review.

The minister's announcement last week on Barra that he would come back to the community with an opinion about the possibility of extending the review period—and, by definition, extending

the tender period—was welcome. Indeed, the first voice of welcome was that of the Barra councillor, who does not as a rule praise or welcome announcements from Labour ministers. I hope that the minister will announce an extension of the review period—as he indicated and which was clearly understood by those in Barra last week—and extend the tender period to the same cycle as the Tiree and Campbeltown tender. An extended review would allow us to examine the entire Barra to Glasgow and Barra to Benbecula transport package and the issue of Tràigh Mhòr, which is the current landing area. An extended review will allow calm, informed and sensible discussion at local and national levels about long-term arrangements. We all know that the wonderful beach landing is not the long-term option.

I thank the minister for his response to date and for agreeing to meetings at short notice. I also thank him for the way in which he has seriously engaged with the community in Barra and for making his visit to Barra his first ministerial engagement of the new year.

17:18

Mr Jamie McGrigor (Highlands and Islands)

(Con): I congratulate Duncan Hamilton on securing the debate and the people of the isle of Barra air service campaign group on their good organisation. It is obvious that those people are worried about their air service and they will be glad to hear Alasdair Morrison assuring them that the air service will continue.

Barra is a famous and historic island and transport issues have always ranked highly there. In fact, there is a local legend that, before the great flood, Noah was good enough to put out an early equivalent of an e-mail that asked various parties whether they would like to come on board. The Macneil of Barra is reputed to have replied, "Thank you, but I already have my own vessel."

During the recent inquiry into integrated rural development—the report of which has just been published—the issue of transport links was raised again and again. While we were on Colonsay, local people suggested that there was a two-tier policy for islands and that Colonsay was in the second-class section. I hope that that is not the case. If it is, I hope that the same does not apply to Barra, although that unfortunately appears to be so.

I want to make several points. There is no requirement from Europe for a survey to justify a public service obligation. The issue is down to the Scottish Executive. It is necessary only to have a review to fix ticket prices, seating capacities and the regularity of flights. Such matters need to be discussed between the member state and the

carrier, which in this case is Loganair. There would be no need to review the PSO unless there was evidence that the peripherality of Barra had been removed. However, how a 50-minute passenger ferry link in a flat-bottomed boat between Barra and Eriskay could possibly be seen to make up for the loss of an hour-long flight that links Barra directly to Glasgow, which is Scotland's biggest city, is beyond me and beggars belief.

The vast majority of people on Barra would prefer to keep the air service, but the question has never been asked of them. They have certainly not had the chance to respond to any consultation. If Lewis Macdonald or anyone else is saying that the impact of the extra ferry service changes definitions of peripherality and lifeline services, there could be huge implications for air services to other islands and to peripheral mainland areas such as Campbeltown and Wick. It would be unreasonable if a consultation exercise on this subject did not include people from those areas.

The building of the Eriskay causeway and the new ferry link to Eriskay, for which I remember campaigning in 1997, are good for Barra and the Uists, and fit in with the sensible policy of linking island archipelagos. However, if the result of those projects is the loss of Barra's air service, which would make Barra the most peripheral island in Scotland, the price is far too high to pay.

We are trying to support rural communities. Barra is a strong community and it is valuable in relation to saving the Gaelic language. It is important to stress the fact that the school has a Gaelic-medium unit. I cannot believe that a backroom deal was done whereby the loss of Barra's airport was traded for the construction of the Eriskay causeway, but I have heard that suggested. If that were true, it would be scandalous. I ask the minister to confirm that the rumour is untrue.

The Barra air service has existed for 80 years. It provides great value for businesses in Barra and to the health and education services of the island. It certainly provides value for money, which seems to be the other criterion on which the Scottish Executive is judging the case. The service is costing £340,000 a year, which is easily justified if one considers the alternative expense of bringing in helicopter ambulances at five times the cost of an air journey at the moment. Of course, the other alternative is forcing sick people, who are often in pain, to make a ferry journey, possibly in bad weather, followed by a long drive to Benbecula and a flight to Glasgow or Stornoway to get to a hospital. The psychological benefit of being only one hour from Glasgow is most reassuring to residents, businessmen and holiday visitors, who know that they will be able to leave quickly in the event of any emergency.

Barra's 1,200 residents have a propensity to fly that is double that of the rest of Scotland. I will fight to keep Barra airport and the air service, even if that means that a new airport has to be built for modern air traffic.

I know Barra well. It can be a paradise, a jewel set in deep blue sea, one of Scotland's finest possessions. There is a wonderful community on Barra that should be encouraged to prosper. The Scottish Executive makes much of an inclusive Scotland, so I say to it that it should not isolate Barra by removing the vital air service. It would be ironic if the advent of devolution and a Parliament in Scotland heralded the demise and the exclusion of an island such as Barra.

17:23

Tavish Scott (Shetland) (LD): John Farquhar Munro advises me that, unfortunately, Jamie McGrigor got the punch line to his story slightly wrong. Apparently, the line is that the Macneil of Barra thanks Noah, but says that he has a boat of his own. I am sure that Mr Morrison will want to reflect on that.

I welcome the opportunity to comment on the wider issue of public service obligations, but I also applaud the work that has been done on the subject that we are debating—air links are important for any island community. Alasdair Morrison, the constituency member, and others deserve credit for the work that they have done to progress the matter and to push ministers in the direction in which they should be pushed. That is the role that everyone who represents a constituency has a responsibility to fulfil. I see that the SNP members are giggling away at that idea, but I note that SNP members who represent constituencies also play that role. No one should get sanctimonious about that.

The debate serves to emphasise the importance of islands' air services, especially at this time of year with the pertaining weather circumstances, and it offers us an opportunity to raise the issue of integrated transport. I was envious of the causeways that Alasdair Morrison talked about. I wish that my constituency had as many causeways as his does. People's ability to travel safely to an airport by car or another form of motorised transport without having to go on a ferry is a serious issue for those travelling for medical treatment in Glasgow, Aberdeen or Inverness.

It is sometimes difficult for those who do not live on islands to appreciate the cost of island life. One of the essential features of PSOs is that they can take into account not only the frequency and standard of service, but the cost. The cost to individuals is high, particularly for those booking at the last minute, perhaps because of a

bereavement and the need to travel quickly to attend a funeral. The cost to a family of four people travelling between, for example, Sumburgh and Aberdeen can be as high as £1,200. No family can treat such a sum lightly.

The cost to the public purse is also high. My research indicates that the health boards that serve the island communities of Orkney, Shetland and the Western Isles pay the lion's share—about £4 million—of the costs of air services for the kind of journey that Alasdair Morrison described. I believe that there are ways in which we can use PSOs effectively and I hope that ministers will come back to the matter in the future.

In the case of Barra, the fear is, as members have said, that the PSO will be lost. Many island groups still look to the day when PSOs can be introduced to tackle the problems that have been mentioned. In these days of cheap budget airlines, why are island fares so high and why do they compare so badly?

The solution is made up of two parts. The first relates to the regulations that apply to airports. The operational rules that apply to Heathrow should not be the same as those that apply to Barra or to Sumburgh or Tingwall in my constituency. I hope that the operational standards will be considered in representations that the minister makes to his colleagues south of the border. There is no question about the need to ensure appropriate safety standards, but standards should be appropriate to the island context rather than to the situation that pertains to Heathrow.

The second part of the solution is to use PSOs on main routes for the specification of fares, standards and services. That would be a considerable step forward for many island areas.

I support the sentiments that have been expressed and the way in which the issue has been brought to the chamber today. In that spirit, I very much support the motion.

17:27

Mr Kenny MacAskill (Lothians) (SNP): I congratulate my colleague Duncan Hamilton on securing the debate. The issue is crucial to Barra and significant to other remote and island areas in Scotland. Duncan Hamilton has ably dealt with the specifics relating to Barra; I will deal with the generalities and, to some extent, the principles.

It is said that a society can be judged not by how it treats its most powerful or wealthy, but by how it treats its poorest and weakest. The corollary may be that a nation can be judged not by how it treats its wealthiest or most powerful areas, but by how it treats its most peripheral and marginal ones. Barra

is not big in size or in population and it is most certainly not big in political clout or muscle. If the Parliament is to look after it and represent it, we must ensure that it is treated with every courtesy and dealt with on equal terms with Bathgate, Baillieston or any other area.

Recent history shows that islands in Scotland can be evacuated. I recall that my grandmother's neighbour was an evacuee from St Kilda. Unless the Parliament ensures that there is a strategy to deal with remote and peripheral islands, members can probably take it as read that at the start of the 21st century we will see evacuations as living islands die because the lifeblood to their communities is stopped.

This is not special pleading. There is no giro or dependency culture in those areas. The issue is about islanders' rights as citizens. Those rights are taken for granted in other areas. However, just because the island areas are on the extremity geographically does not mean that they must be so socially or economically. Nations such as Norway and Sweden ensure that their peripheral areas are brought into the hub and fulcrum of society. Hence, Sweden has the concept of making Sweden round—irrespective of where someone resides in that country, they are entitled to participate in the fruits of that society's benefits and labours. I believe that the concept of and term "lifeline services" is somewhat pejorative. It conjures up images of medevacing out the wounded and the sick, as opposed to providing a service that entitles the communities concerned to participate in the social and economic centre of society.

The community of Barra seeks little. People there do not have what most of us take for granted, such as a railway station within a reasonable distance by car if not on foot. They do not even have the systems that people in urban areas take for granted, such as street lighting everywhere. However, to some extent the perception is that the Barra community is asking for another bale-out or dole-out. The fact is that the transport link is their right and entitlement.

It is unacceptable that the PSO is lasting only a year. The situation must be treated as it was before, and with good reason: if we undermine the service in Barra, we will undermine other services. As my colleague Duncan Hamilton said, the provision of an alternative, improved and enhanced boat service should not result in the removal of the air service. If we were to complete a rail link to the Borders, there would be no suggestion of removing or undermining the equivalent road links; as we improve road and rail links elsewhere in Scotland, we do not do down the ones that already exist. Barra does not have the alternative road or rail links that other places

have. Therefore, we must ensure not only that we maintain the ferry service, but that we enhance and improve the air service to the island.

17:31

Mary Scanlon (Highlands and Islands) (Con): Kenny MacAskill has spoken about peripheral areas being brought into the hub. I draw to his attention the fact that members of the Health and Community Care Committee—Duncan Hamilton, Margaret Jamieson and I—visited Barra, where we had the pleasure of landing on the beach and where we heard about the health care needs of the people of the island. We were later met by the member for the Western Isles, Alasdair Morrison, in Stornoway, where we discussed our findings from the other islands. We made much use of our experiences on Barra during all stages of our consideration of the Community Care and Health (Scotland) Bill. Many committees attach great importance to island communities and that has particularly been the case with the Health and Community Care Committee in relation to health care.

Although I do not just want to talk about the impact of transport links on health care, I point out that the Arbutnott formula is based on equality of access to health care. It takes eight hours to travel from Barra to Glasgow over sea and land, whereas a flight takes an hour. Given that, and given the time that it takes to travel to Stornoway or to Raigmore hospital in Inverness, the inequality of access to health care is obvious. The difficulties that people who live on remote islands face in accessing cardiac and maternity services or services for elderly people—not to mention the provisions that we aim to secure under the Mental Health (Scotland) Bill—are quite worrying.

There were 300 return trips to Glasgow for medical reasons in 2002 and 120 return trips on the Benbecula to Stornoway route. As the minister is appraising and reviewing the air service, he should also appraise and review those cases and consider the health hazards and loss of life that might occur if travel time is increased. *[Interruption.]* If there is an increase in the travel time for health professionals working in podiatry, for example, those professionals can spend less time with patients and the provision of health care in the Western Isles becomes more expensive. *[Interruption.]*

The Deputy Presiding Officer: Order. I have been hearing steady chattering throughout the debate. Please continue, Ms Scanlon.

Mary Scanlon: Thank you, Presiding Officer. That takes me back to my time as a teacher—but I am glad that you dealt with it.

Increased travel time also makes employing new staff more difficult. The expense and difficulty of

travelling are a disincentive to prospective employees, who will require higher expenses for getting to interviews on Barra.

My final point is about school pupils. I noted in the survey that was brought to our attention that school pupils in Barra are absent from school for longer and more often than children elsewhere are. That is not because they are more ill than other school pupils, but because, when they have a medical appointment, they require to spend more time outside the classroom. I ask the minister to take that issue into consideration, as well as the fact that the air ambulance was used 86 times in 12 months.

17:35

Maureen Macmillan (Highlands and Islands) (Lab): I congratulate Alasdair Morrison and Duncan Hamilton on securing this important debate on the future of the lifeline air service to Barra. However, it was most ungallant of Duncan not to recognise that Rhoda Grant and I were also present to receive the petition in the black-and-white corridor at lunch time. I thought that he had an eye for the ladies, but obviously I was wrong.

I will not rehearse what other members have said about the crucial importance of the air service to the economic and social future of Barra, as those arguments are self-evident. I want to talk about two issues. One arises from a conversation that I had with Jessie MacNeil at lunch time about how many people in Barra have served in the merchant navy. I remember that, in my younger days, all Barra men were either fishermen or served in the merchant navy; they were probably the most travelled community in Scotland. Of course, the merchant navy went into decline. I must point out to Conservative members that that happened as a result of Mrs Thatcher's policies.

However, I have been told that, in the past few years, between 60 and 70 school leavers from Barra—men and women—who have obtained qualifications at places such as Lews Castle College are working in the merchant navy but still have homes in Barra. That is possible because Barra is accessible quickly by air. Modern shipping companies require their personnel at short notice. Without the direct air service, those young men and women might no longer be able to make Barra their home. That would be a tremendous loss to the community.

The same applies to those people who work offshore in the oil industry. It is very important for them to have an air service directly to their homes, as that enables them to access their work while keeping their homes on the island where they were born and brought up.

The other matter that I want to discuss is the provision of a new runway. That issue must be addressed to secure the long-term future of the service. I remember discussing the subject with former Barra councillor Captain Roddy MacKinnon at a family wedding well before the Parliament was established. As a councillor, he had tried hard to get agreement locally to have a new runway built. However, the plans came to nothing because of difficulty in accessing land. That was the situation a number of years ago. I want to know what is now being done to provide a new runway, as the beach is beginning to deteriorate and the Otter aeroplane is obsolete. How much life is left in the aircraft and the beach?

When the minister replies to the debate, will he give some indication of his thinking about the way ahead as regards provision of a new airstrip? I know that it is romantic to land on the beach and that visitors love it, but we cannot continue in that way—we must consider the long term. The community must accept that a new runway is inevitable and work out how to make available the land that is needed for it.

We should consider enhancing our island air services, not only in the western and northern isles—to which Tavish Scott referred—but in the islands of Argyll and even on John Farquhar Munro's isle of Skye.

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): And in Wick.

Maureen Macmillan: I must inform Jamie Stone that Wick is not an island. As he is the constituency member for Wick, I thought that he realised that.

Communities in remote areas must have direct access to air services if they are to prosper and, indeed, survive. We must do everything that we can to ensure that the air service to Barra survives.

The Deputy Presiding Officer: Before I call the next speaker, I point out that we will need another 10 minutes if we are to get everyone in. With the minister's agreement, I will consider a motion to extend the debate until 6 pm.

Motion moved,

That, under Rule 8.14.3, the debate be extended until 6.00 pm.—[*Mr Alasdair Morrison.*]

Motion agreed to.

17:40

John Farquhar Munro (Ross, Skye and Inverness West) (LD): I apologise to Mary Scanlon for interrupting her flow. I was very interested in what she had to say, but Jamie Stone was so enthused by his visit to Barra that I had to listen to him at the same time.

I am sure that as they sit here in the relative comfort and security of the chamber, it is difficult for many members to appreciate the problems and hardships that are a daily feature of life in the Highlands and Islands. This morning, communities in the Western Isles woke up to Radio nan Gaidheal announcing that no ferry services to the mainland and no inter-island ferry services were operating because of the adverse weather conditions. That was quickly followed by an announcement that the majority of schools in the Highlands and Western Isles would be closed until further notice, because of the extreme conditions.

Today's circumstances are not unusual; they occur quite frequently and they are not confined to our winters. Atlantic gales do not respect seasons; they can strike at any time, causing incalculable disruption to already fragile communities, public services and vital transport links. Communities that live with and overcome those difficulties are to be admired and supported in their valiant daily efforts. We must ensure that every possible means of encouragement is directed at the long-term viability and sustainability of those remote areas.

This evening's debate centres on the remote island of Barra, and I am obliged to Duncan Hamilton for bringing the issue to the Parliament. It is ironic that, owing to improved transport infrastructure in the neighbouring islands, Barra might lose its long-established air link with mainland Scotland. That would have a devastating effect on all aspects of island life and it would particularly disadvantage those attending mainland hospitals for consultations and specialist treatments, which in many instances involve the very young or the more elderly in the community. On top of that, there would be a direct impact on the viability of the business community and on all aspects of island life.

I am pleased to support Duncan Hamilton's motion, but we must ensure that we are able to secure an air-link contract to Barra that extends, I would suggest, for a minimum of three years, as is and has been previously enjoyed. That is the very least that we can do for our island communities. Accordingly, I urge the Scottish Executive to complete its review and to announce its findings at the earliest possible date so that the population of Barra can look forward to a prosperous and confident future.

17:44

Stewart Stevenson (Banff and Buchan) (SNP): I welcome Duncan Hamilton's securing of this debate. I have a great affection for Loganair, which stems first from its being the airline that transported my wife and I away on our honeymoon in 1969. Members might be interested to know that

the aircraft that carried us on what was our first flight is now to be seen in the Museum of Flight at East Fortune. Secondly, I have sat in the co-pilot seat of the Twin Otter that operates the service between Glasgow and Barra. I believe that another member in the chamber has also done that. The Twin Otter is my favourite type of aircraft because of its ruggedness and capability.

The situation that the islanders of Barra appear to face is not a matter for light reflection—it is deadly serious; indeed, it could be deathly serious. We are debating what is literally a lifeline service.

Some members might have noticed the Scottish Executive's pride in launching the Traveline Scotland website a month ago, which is a multimodal look at transport options in Scotland that can work out journeys across the country. I hope that the launch of the website did not presage a decision that has already been taken. Curiously enough, every possible combination that I entered had me travelling from Barra to Glasgow by getting on the ferry, travelling to Benbecula and coming into Glasgow that way, rather than having me go up to the other end of the island to fly directly from the airport at Tràigh Mhòr. It was interesting that the website showed a travel time of 16 hours 26 minutes.

I will give some facts and figures about the air service. The Barra to Glasgow service has a 70 per cent load factor. For such a service, that is an enormous year-round figure. Two thirds of passengers are visitors and 30 jobs are directly dependent on the existence of the airport. That represents a significant contribution to a community of some 1,200 people. Many more tourists are brought in. This year, the fly-in for private aircraft attracted 100 bookings for the 45 places. We understand that one company would leave the island if the air service were to be terminated.

Reference has been made to London Heathrow rules applying to Barra. That is true—they apply to an unacceptable extent.

It is worth noting that Loganair, which has existed for some 40 years, has an excellent safety record, in spite of the challenging air services that it operates throughout Scotland. A passenger has never been killed, although there have been three accidents in 40 years and crew members have not always been so lucky.

I put it to the minister that the Parliament is limited in its powers to deal with some of the issues that affect lifeline air services in Scotland. For example, aircraft statistics show that although single-engine turbine-powered aircraft of similar size to the Twin Otter have a better safety record than the twin-engine version, the Civil Aviation Authority will not allow them to be used. That is

not the case in most of Europe. The minister might want to talk to people elsewhere about that.

We have an important duty to Barra. Let us not forget that Barra has made a significant contribution to the wider community. If one walks up the hill from Castlebay to the magnificent new war memorial, one will find 135 names on it from a population of 1,200. We owe it to Barra—it needs our support.

17:48

Rhoda Grant (Highlands and Islands) (Lab): I, too, congratulate Duncan Hamilton on securing the debate and I also congratulate Alasdair Morrison, who was heavily involved in drawing up the motion.

The debate is extremely timely, given that the community of Barra and Vatersay has come to the Parliament to petition it on the subject. I was glad to meet members of that community at lunch time to hear again about their concerns. The Parliament is about providing access for Scotland's communities, so that they can bring their concerns to the Parliament and have a platform for airing them.

I am concerned that the review has given the community the impression that the Executive wants to diminish services. Anyone who knows the area knows that the review could not possibly conclude that that is the case—the lifeline service to the island is essential. It is essential for existing businesses on the island, as they need fast links to the mainland, and it is even more important for attracting new business to the island. We must attract new business, because the community in Barra is very young. We must give young people the choice of staying on the island when they leave school. To give them that choice, we must create jobs for them.

The need to take people to hospital and back, which Alasdair Morrison referred to, is more important to the community. Asking people who are seriously ill, and who require to make many visits to hospital, to take a ferry to Eriskay and then travel to Benbecula would be inhumane and would put treatments at risks if the weather did not permit the ferry to sail. I am talking about people who need to receive chemotherapy and mothers with new babies, who could be stranded in Eriskay.

The review will not affect the lifeline service; if anything, it will underline its importance. Nevertheless, it is important that the community is proactive in putting forward its case for protecting the service. That is what it is doing here today.

I must say that I am disappointed in the behaviour of the nationalists, who have sought to

whip up concerns and mislead people. They have put party-political point scoring above the needs of the community that they purport to serve. Today's motion has been changed so often that I am left thinking that Duncan Hamilton's only aim was to lodge a motion—any motion—for debate. Had he investigated the situation properly and come to Barra, he would have lodged a competent motion in the first place.

I am disappointed that the posturing has continued today. The community has been misled by being told that lodging its petition this afternoon would put tonight's debate at risk. That is rubbish.

Mr Hamilton *rose—*

Rhoda Grant: Duncan Hamilton should sit down. I urge him to stop abusing the people of the Barra community. He should stand beside them if he wants to support them. If party-political point scoring is his only interest, he should leave them to fight their own battles. They are well able to do that, as they have shown today.

I fully support the people of Barra's campaign. I ask the minister to address their concerns by giving them the reassurances that they need, so that they can leave here happy today.

The Deputy Presiding Officer: I am grateful to Alex Fergusson, who has graciously withdrawn from the debate. That allows the minister eight minutes to conclude the debate.

17:51

The Deputy Minister for Enterprise, Transport and Lifelong Learning (Lewis Macdonald): I am grateful to Duncan Hamilton and to those who have allowed today's debate for providing the opportunity to discuss the Glasgow to Barra air service. The debate also allows me to set out to Parliament the main thrust of the dialogue with the Barra community in which I took part last week. There is also an on-going dialogue with the Western Isles Council, with Alasdair Morrison, who is the constituency MSP, and with those others who have talked to us on the community's behalf.

As I said when I was in Barra last week, the starting point for any discussion of air services that are tendered under a public service obligation is to consider the relevant European regulation that allows a member state to impose a PSO and to offer subsidy for the operation of a service that could not produce a profit if it were run on a purely commercial basis. That regulation requires us to show that air services are essential for the community's economic development and that other transport modes would not adequately meet the community's needs. The Executive supports three air services in that way—Glasgow to Barra, Glasgow to Tiree and Glasgow to Campbeltown.

It is worth recording that our support for the Barra service over the years has been based on demonstrated need. Furthermore, that support has responded to change. For example, in the current three-year franchise we introduced a requirement for a back-up aircraft in order to ensure greater reliability and continuity of service.

It is not the case that we are required by the European Union to take a particular course of action in considering lifeline services to Barra. However, any subsidy that we provide to transport services must be well founded and in conformity with European regulations. The reviews of frequency, capacity and pricing that were referred to simply involve specifying what the operator who wins a PSO service must deliver. Under the same European regulation—that is, regulation 2408/92—we are also required to consider adequacy of the service with regard to whether there is

“recourse to other forms of transport”,

which the regulation mentions particularly in the case of island communities.

We have therefore advertised the next PSO for Glasgow to Barra for one year only. As has been said, that was a ministerial decision, not a European one. It is critical to stress that we have made no decision regarding the future of Barra air services, but we recognise our obligation to have regard to European requirements. It seems to us better that the review should be instituted by Scottish ministers and that it should be undertaken in partnership with our local and Scottish partners so that we can reach properly informed conclusions about the way ahead.

Mr Hamilton: In essence, the minister is saying that the air link—and, according to his letter, the airport—may be under threat because of the potential of other means of transportation. Was the Executive aware of that when the improvements to the ferry came through? Were those concerns shared with the community? If not, why not?

Lewis Macdonald: It is always the case, it has always been the case and it is well known to any who take an interest in public service obligations that there is a requirement to justify any such public subsidy in the context of the transport infrastructure that is serving those communities at the time. Kenny MacAskill suggested that the creation of a rail service to the central Borders might in some way result in the withdrawal of trunk road status or road services. Of course, that does not apply. We are talking about a public subsidy to a transport service that might, under other circumstances, be provided on a commercial basis by a private company.

That gives us certain obligations with regard to the way in which subsidies are provided and it

would be remiss of us not to take those obligations into account. The European regulations ask us to consider recourse to other forms of transport when deciding upon the need for a PSO. As has been said, within a few months there will be a step change in the ferry service that connects Barra to Eriskay and onwards to the Western Isles, including Benbecula and Stornoway.

Of course, when ministers are taking any funding decisions, it is incumbent on them to consider those decisions in the wider context of value for public money.

Mr MacAskill: Is the minister aware of any action taken by the EC on the PSO imposed on the Derry to Dublin service in view of the significant improvement in the road infrastructure in the Irish Republic and north of the border?

Lewis Macdonald: I am not aware of any such step, but I am sure that the Irish Government and the Northern Ireland Administration are both aware of the need for them to conform with European regulations in the provision of public subsidy.

The enhancement to which I refer is not the ferry to which Alasdair Morrison referred and on which I and others travelled last week, but the introduction of a new, larger and, I trust, more stable vessel that is expected to arrive within the next few months. That ferry will make a material change to the connectivity of Barra with the Western Isles. That change has been made possible by significant recent investment in ferries, causeways and harbour facilities.

Mr McGrigor: I am delighted to hear about the new ferry, but does the minister agree that it could not possibly compensate for the loss of the air service?

Lewis Macdonald: It requires that we review the provision of that PSO in the context of the wider transport infrastructure. Our continuing investment in the provision of air transport cannot be considered in isolation. That is why we are conducting a review in the context of a one-year continuing PSO with public support for the air service. That is also why we are working in partnership with the local authority, Comhairle nan Eilean Siar, and with Highlands and Islands Airports Ltd.

We have made it clear that we are committed to an open and transparent review that will be conducted with the involvement of those local parties, and that we will listen to the community's views.

Mr Hamilton: Will the minister take an intervention?

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

Highlands and Islands Airports Ltd is owned by Scottish ministers but, as operator of Barra airport, it is a partner in the review in its own right. Clearly we have invested in the airport through the subsidy that we provide to HIAL. Current capital expenditure schemes for the Western Isles alone amount to £1 million.

Of course, we will continue to work with local partners and to take their priorities into account. During my visit to Barra last week, I was made well aware of the concerns that have been expressed by the community. I also received a report that was commissioned by Western Isles Enterprise on the economic aspects of any change to the PSO service.

The issue is complex. Executive funding of the airport is even more substantial than our funding of the Glasgow to Barra air services. The rising costs of operating that airport and the continuing viability of the beach airstrip and of the aircraft operating there are all issues with which we have to grapple, as Maureen Macmillan said.

Previous discussions on proposals for a hard airstrip in Barra failed to deliver local consensus and the proposal for a hard runway was rejected by the community. Clearly those issues will have to make progress if the air services to Barra are to be retained and the financing of any such proposals would be critical. The review will tackle all those matters. Last week, I visited Barra to give my personal commitment to the openness and transparency of that review. I undertook to reach a decision within the next few weeks on whether a one-year review will be sufficient to allow an in-depth consideration of the future provision of air services to Barra.

I assure members that the issue is being considered as a priority by my officials in partnership with the local authority, and that we will seek to reach a decision in order to agree a basis for future lifeline services to Barra at the earliest possible date.

Meeting closed at 18:00.

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