

MEETING OF THE PARLIAMENT

Wednesday 26 November 2003
(*Afternoon*)

Session 2

£5.00

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2003.

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

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

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

CONTENTS

Wednesday 26 November 2003

Debates

	Col.
TIME FOR REFLECTION	3595
SCOTTISH PARLIAMENT FOUNDING PRINCIPLES	3597
<i>Motion moved—[Karen Gillon].</i>	
Karen Gillon (Clydesdale) (Lab)	3597
Mr Kenneth Macintosh (Eastwood) (Lab)	3598
Stewart Stevenson (Banff and Buchan) (SNP)	3605
Mr Jamie McGrigor (Highlands and Islands) (Con)	3607
Alasdair Morgan (South of Scotland) (SNP).....	3609
Susan Deacon (Edinburgh East and Musselburgh) (Lab).....	3611
Donald Gorrie (Central Scotland) (LD)	3613
Tommy Sheridan (Glasgow) (SSP)	3616
Alex Neil (Central Scotland) (SNP).....	3619
Mr Brian Monteith (Mid Scotland and Fife) (Con).....	3621
Mr John Home Robertson (East Lothian) (Lab)	3622
Mike Rumbles (West Aberdeenshire and Kincardine) (LD)	3625
Robin Harper (Lothians) (Green).....	3627
Mike Watson (Glasgow Cathcart) (Lab)	3629
Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP).....	3632
Phil Gallie (South of Scotland) (Con)	3633
Des McNulty (Clydebank and Milngavie) (Lab)	3635
Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD).....	3638
Lord James Douglas-Hamilton (Lothians) (Con)	3639
Brian Adam (Aberdeen North) (SNP)	3641
The Minister for Parliamentary Business (Patricia Ferguson).....	3643
Iain Smith (North East Fife) (LD)	3646
BUSINESS MOTION	3651
<i>Motion moved—[Tavish Scott]—and agreed to.</i>	
Bruce Crawford (Mid Scotland and Fife) (SNP)	3652
The Deputy Minister for Parliamentary Business (Tavish Scott).....	3652
PARLIAMENTARY BUREAU MOTIONS	3655
<i>Motions moved—[Tavish Scott].</i>	
DECISION TIME	3656
EUROPEAN PARLIAMENT (NUMBER OF SEATS)	3657
<i>Motion debated—[Nicola Sturgeon].</i>	
Nicola Sturgeon (Glasgow) (SNP).....	3657
Irene Oldfather (Cunninghame South) (Lab).....	3659
Richard Lochhead (North East Scotland) (SNP)	3661
Nora Radcliffe (Gordon) (LD)	3662
Phil Gallie (South of Scotland) (Con)	3663
Stewart Stevenson (Banff and Buchan) (SNP)	3664
Mark Ballard (Lothians) (Green)	3666
Alex Neil (Central Scotland) (SNP).....	3667
Christine May (Central Fife) (Lab)	3668
Rob Gibson (Highlands and Islands) (SNP)	3669
The Deputy Minister for Finance and Public Services (Tavish Scott)	3671

Scottish Parliament

Wednesday 26 November 2003

(Afternoon)

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

Time for Reflection

The Deputy Presiding Officer (Murray Tosh):

Good afternoon. Our time for reflection leader today is Father Thomas Boyle, parish priest of St Joseph's, Wemyss Bay.

Father Thomas Boyle (Parish Priest of St Joseph's, Wemyss Bay): Presiding Officer, I wonder, if I were to ask you who the patron saint of politicians and statesmen is, whether you or any of the members here present would know the answer. He is someone whom the present Pope describes as

"a source of inspiration for a political system which has as its supreme goal the service of the human person",

and someone whose life

"teaches us that government is above all an exercise of virtue."

In case you do not know, the answer is St Thomas More, member of Parliament, Speaker of the House of Commons, and Lord Chancellor to King Henry VIII of England. Unfortunately, your patron was beheaded. Thomas could not accept what the King asked of him. He withdrew from his offices and eventually paid with his life for his refusal to submit. He could not offend his conscience; what the King asked of him was too much. He could not repudiate all that he had believed in and all that he had stood for his whole life. Robert Bolt, in his play "A Man for All Seasons", puts in Thomas's mouth the words,

"the King's loyal servant, but God's first."

Integrity was More's great quality. All the pieces of his life fitted together; nothing jarred; nothing stuck out; there were no contradictions. All of us, whether private individuals or public figures, think of ourselves as people of integrity and think that there are no contradictions in us. It is others—and perhaps this is more intense for those in the public eye—who see the contradictions in us that diminish our integrity.

Politics is about ideals, but we also know that politics sometimes imposes compromise on us. When we cannot achieve our ideals, we settle for what we can achieve, but if our conscience does not allow us to compromise on a particular issue, we pay a price for that. If we have to tell our leader

and colleagues, our party or even our constituents that we do not agree with them, and we stick to that position in public as well as in private, we follow More's example and serve, as the Pope says,

"not power but the supreme ideal of justice."

I pray, Presiding Officer, that your integrity and that of the members here may be safeguarded. Through the prayers of St Andrew, St Margaret and St Thomas More, your patron, may the blessings of Christ be on all your deliberations and all your decisions.

Thank you.

Scottish Parliament Founding Principles

The Deputy Presiding Officer (Murray Tosh):

The next item of business is a debate on motion S2M-603, in the name of Iain Smith, on the previous Procedures Committee's report on the founding principles of the Scottish Parliament.

14:34

Karen Gillon (Clydesdale) (Lab): I am pleased to be able to make some preliminary remarks in the debate. I am delighted that so many members have indicated that they wish to speak and I look forward to what I think will be, given the number of recommendations, an interesting debate.

The motion before us has been lodged by the Procedures Committee to facilitate a debate on the report by the previous Procedures Committee into the founding principles of the Parliament, namely, access and participation, equal opportunities, accountability and power sharing.

The report is based on an inquiry that began early in 2000 and covered almost three years of evidence-taking until its conclusion in March 2003. A considerable volume of evidence was accumulated in that time and some 135 recommendations were made. Some of those recommendations I can agree with and some I fundamentally disagree with. As others are in a similar position, I am sure that we will have an interesting debate.

Given the detail of the report and the pressure on parliamentary business at the end of the previous session of Parliament, there was no time for a debate on the report. It was therefore the view of the current Procedures Committee that the report should be debated to allow the Parliament to pass its comments. That is why we are here today.

The format of today's debate will be slightly different in that, although I am introducing the debate, I will not go into the detail of the report but will allow my colleague, Kenneth Macintosh—a member of the previous Procedures Committee—to do that.

The current Procedures Committee wishes to take a back seat and listen to the views of Parliament. It is important that we listen carefully to the views that are expressed and the proposals and recommendations that are made, as they will shape our thinking and work over the months and years ahead.

Since the publication of the report, there have been a number of discussions about specific areas of the report by the bodies and individuals to

whom the recommendations are made. I understand that some of those people might participate in today's debate.

Today, all members of this new Parliament have the opportunity to give their views and, if appropriate, to make alternative suggestions that the committee can take forward. We are open to suggestions for the improvement of working practices from any quarter. It is important that our thinking around the issues involved be imaginative and creative, but it is also important that any changes that we make to our working practices are subject to full and detailed scrutiny. For that reason, I do not believe that it would be appropriate at this time to support the amendment in the name of Tommy Sheridan.

The Parliament has achieved a great deal in its four years, yet the public has become disillusioned with us and with what we do. It is important for us to recognise that that has happened. There have been many reasons for that. Holyrood has been a contributing factor, but there have been other reasons as well. The Parliament and the Executive must face up to the responsibilities that are before us. We have a duty to find ways of re-engaging with those who lined the streets on 1 July 1999 and whose hopes and expectations for this place were high. I believe that the procedures of this Parliament can help in that process and that is what I hope that today's debate will be about.

I move,

That the Parliament takes note of the previous Procedures Committee's 3rd Report, 2003 (Session 1), *The Founding Principles of the Scottish Parliament* (SP Paper 818); continues to endorse the four principles of access and participation, equal opportunities, accountability and power sharing as the guiding principles for the Parliament, and encourages all members to play a part in applying these principles throughout the range of their Parliamentary work.

The Deputy Presiding Officer: At this point, we were going to go immediately to the mover of the amendment, but I understand that Mr Sheridan is not moving the amendment. It will be my intention, therefore, to call Mr Sheridan to speak early in the open part of the debate.

14:38

Mr Kenneth Macintosh (Eastwood) (Lab): I thank Iain Smith, Karen Gillon and the members of the Procedures Committee for asking me to open the debate on behalf of the members of the previous Procedures Committee. My abiding memory of opening Procedures Committee debates in the previous session is of seeing the chamber empty when I got to my feet. I am encouraged by today's attendance, but I assume that that is because Karen Gillon was the first speaker.

We members have a tendency to recognise the importance of parliamentary procedure only when it lets us down or goes wrong. The report that we are discussing, however, has an importance beyond that of ensuring that we run a smooth ship. Our inquiry was into the principles on which the Parliament was founded and, in many ways, it was an attempt to assess whether the devolution project had been a success.

The Scottish Parliament came about as a result of a civic movement as much as a political one. The resounding result of the devolution referendum was due at least in part to pent-up democratic frustrations, built up over the years, that found expression in support for the new Scottish Parliament. As a result, the Scottish Parliament was founded on great expectations. For many people, it was the vehicle for restoring their faith in democracy. I feel, and I hope that everyone in the chamber shares the feeling, that although some of the gloss might have rubbed off, we still carry those hopes in everything that we do and in the institution that we are helping to shape.

The Parliament was founded on a set of principles and our inquiry was set up to examine whether we have been true to those principles and whether they were the right ones. It is interesting to note, in passing, that the principles were not set in stone, despite our tendency to regard them in that way. They were always designed to be more practical than that, and we must continue to resist the tendency to regard all our brand-new procedures as permanent. There is a danger that customs will become fossilised before they have been established as the best ones for their intended purpose.

Our inquiry was exhaustive, not to mention exhausting, in its range. I doubt that there were many people with something to say who were not given the opportunity to contribute. Before going any further, I thank the individuals who contributed so much of their time to the inquiry, not only those who gave evidence but our special adviser, Professor David McCrone, Andrew Mylne and his predecessor, John Patterson, and the clerking team for its huge input.

The report was two years in the making and it includes some detailed, prescriptive suggestions for changes and reform as well as considers the underlying principles. I cannot examine all the report's themes but I will touch on a few of the more prominent subjects, including privacy, the role of back benchers, the time that is allowed for debates and bills, power sharing, and representative versus participative democracy.

In general, the evidence that we heard suggested that the Parliament fared better on the first principle, access and participation, and on promoting equal opportunities, than on

accountability or power sharing. Power sharing was a particularly difficult concept for many to grasp, parliamentarians and public alike.

In evidence, many individuals and organisations praised the openness and accessibility of the new Scottish Parliament. Particularly in comparison with Westminster, there was almost gratitude that we were willing and able to make ourselves available to Scottish groups, companies, organisations and individuals. However, there was a slight concern that we were just making ourselves available to the same people in several different ways. As well as write to us, the so-called usual suspects could now speak to us in person, give evidence to our committees and e-mail us with their views, but disadvantaged urban communities were as remote and excluded as ever. The Parliament has made strong efforts to tackle that democratic deficit and the committee was keen to emphasise the continuing need to build on that work.

The issue of privacy vexed all the members of the committee. There was a clearly articulated view that more and more committees were tending to meet in private or, by implication, in secret. Some observers and participants were beginning to feel excluded. The concern affected all committees but was directed particularly at the Parliamentary Bureau, which for some had overtones of the Soviet Politburo. We were anxious to send out the clear message that we did not envisage the Parliament developing in that way and, indeed, that many such criticisms were misplaced.

The report contains a strong recommendation that committees should presume to meet in public unless there are strong reasons not to do so. Perhaps the most testing example of that is when committees meet to discuss draft reports. It is interesting to note that the Procedures Committee met in public throughout its discussion on the draft report, although it is, of course, not the most politically contentious of subjects. As we all know, the problem is that coverage of a political report is likely to focus on the areas of disagreement in the draft rather than on the concluded agreement in the final report. There is a danger that the process will become more important than the conclusions—that dynamic is likely to encourage grandstanding rather than consensus. Of course, private does not have to mean secret, nor does it even have to imply a lack of transparency.

As long as committees explain why they are going into private session and what they intend to discuss, I believe that everyone can have confidence in the process. However, it was difficult to reach agreement about meetings in private and we must encourage, rather than try to impose, a new way of working. It is clear that big questions

about privacy and openness remain to be considered and will develop over time; perhaps most importantly in the context of the Parliament's relations with the Executive and the civil service.

Tommy Sheridan (Glasgow) (SSP): Before the member moves on from the issue of committees meeting in private session, will he say whether he believes that the report adequately takes on board the founding principles of the Parliament, in which there was an assumption that committees would meet in open session more often than in private? Does he agree that the balance is not right?

Mr Macintosh: We discussed that at length and agreed that there was a perception that that was the case, but I do not think that we found that perception to be accurate. We wanted straight away to prevent any habit of meeting in private when it was not necessary to do so. Sometimes, as the committee discussed, there are good reasons for meeting in private—not in secret, but in private. It is done to encourage better democratic working and better ways of reaching agreement. We have been true to that, but we have also tried to encourage that more and to avoid drifting into bad habits.

One incident that revealed the limitations of our current system arose during the inquiry into the Scottish Qualifications Authority in the first session. Both the Education, Culture and Sport Committee and the Enterprise and Lifelong Learning Committee had to examine evidence from the civil service under the umbrella of the Official Secrets Act 1989. That did not affect the outcome of the inquiry, but not many of us would like that process to be repeated.

The Hutton inquiry might come to be seen as a watershed in our attitude to civil service confidentiality, as every jot and comma of the innermost workings of Government is revealed. As long as our civil service operates under the constraints of the Official Secrets Act and the cloak of confidentiality, however, we must respect its way of working.

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): Returning to the SQA inquiry, the member will recall that I was a member of the Education, Culture and Sport Committee at the time. Will he agree that, quite apart from the Official Secrets Act, we had a difficulty with requesting United Kingdom ministers to come north of the border to answer questions and give evidence?

Mr Macintosh: I remember that being reported in the papers but, as far as I remember, there was in fact no difficulty. Indeed, we received a letter of clarification from the then Secretary of State for Scotland, John Reid, who said that he was absolutely delighted to appear before the

committee. I think that there was some misreporting at the time.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): On the assertion that Ken Macintosh has just made that, for as long as civil servants are bound by a code of confidentiality, we cannot adopt the welcome practice of Hutton and now Fraser of disclosing civil service advice, is it not the case that the current code of practice leaves it open to the Executive to publish civil service advice when the public interest in the issue in question outweighs the potential risk of harm to the candour of those internal discussions?

Mr Macintosh: I do not want to go into that matter, mainly because that was not in the remit of the Procedures Committee's inquiry. I touched on that subject because it came up in our discussions. However, the Procedures Committee was looking into the workings of the Parliament and its relations with the Executive. We wanted to encourage a process that is already happening: evolution towards more open government. We must respect the manner in which civil servants currently operate. We must encourage greater openness, but I would say that that exists in the Executive already.

Phil Gallie (South of Scotland) (Con): May I make an intervention on the same point?

Mr Macintosh: Presiding Officer?

The Deputy Presiding Officer: You may give way, Mr Macintosh, but it will have to be the last intervention, as you are now close to the end of your speech. I call Mr Gallie.

Phil Gallie: I thank both Kenneth Macintosh and the Presiding Officer. Will the member consider the effects of the new freedom of information business—or rather act. [*Laughter.*] What effect will the Freedom of Information (Scotland) Act 2002 have on the subjects covered by the committee's report, given that the report looks to the future in what it addresses?

Mr Macintosh: If Mr Gallie will forgive me, I would rather not do so; I will leave that to Iain Smith to comment on when he winds up for the committee, if that is all right. That was not really covered by our inquiry. I wanted to touch on that subject in passing, rather than focusing on it.

I hope that the Presiding Officer will be generous enough to allow me a little more time.

The Deputy Presiding Officer: I can give some compensation for the generous interventions that you have allowed, Mr Macintosh.

Mr Macintosh: Thank you very much.

There are implications for other areas of business, such as parliamentary questions. I believe that there needs to be a fundamental

overhaul of parliamentary questions. The system was inherited—in fact, it was copied—from Westminster. It is a clumsy and party-political confrontational method of holding the Executive to account. Unfortunately, I fear that we will be stuck with it, as I have yet to hear of a better method.

I am pleased that the Procedures Committee and the Presiding Officer have put some of the report's recommended changes into immediate effect. Some reforms have at least been piloted. We are experimenting with a new slot for First Minister's question time; we might soon have a new, themed approach for question time; and we have held some longer debates without a vote at the end. It is fair to say that those pilots have not, so far, been unqualified successes, and I will not pretend that I agree with the thinking behind them all. However, we should try out new ways of conducting our business. I particularly commend the new length of speaking time for back benchers. There has been a dramatic improvement, with the move from four to five or six minutes per speech.

Questions around the role and power of back benchers came up many times during the inquiry. As well as promoting longer speaking times for back benchers, the Procedures Committee was very supportive of changes to how we conduct members' business. We felt that the process by which motions were selected for members' business debates could be more transparent and that those debates could occasionally be given a more prominent slot in the parliamentary day. I urge the new Procedures Committee and the Parliamentary Bureau to consider how to take that recommendation forward.

Another running issue is that of finding the appropriate amount of time for Parliament to debate issues properly and to scrutinise bills thoroughly. It will always be difficult for the Parliamentary Bureau and business managers to know in advance exactly how much demand there will be for certain topics. However, we would encourage systems that allow better dialogue with members and that give enough notice.

I have touched on the role of the Parliamentary Bureau, which several witnesses raised. In particular, there was concern over the weighting that is given to the political parties within the Parliamentary Bureau. More generally, there was concern over the party politicking that is clearly still part and parcel of the Scottish parliamentary system. In broad terms, a clash undoubtedly exists between the expectations of many people in civic Scotland—who want a more participative Parliament with less party influence—and the expectations of those of us who were elected as members of political parties and who are the product of representative democracy. I will not

pretend that we are able to resolve that contradiction to everyone's satisfaction. The committee recognised the legitimate role of political parties, of whipped votes, of an Executive and an Opposition. That is not to say that we wanted to encourage what is sometimes referred to as yah-boo politics, but we recognise that it exists and that it is actually fair for majority parties to exercise their democratic majority.

On the sharing of power with the Scottish people, the Public Petitions Committee has been one of our big success stories. However, we still do not give it enough room or resources truly to flourish. I feel that we apply double-standards to the committee and that we often do not take it seriously enough.

If I may digress slightly, there used to be a live programme on Radio Scotland with Eddie Mair, who would pick up the phone to anyone who called in. It was a great idea, but of course, without any kind of screening, discernment or quality control, there would be an array of contributions from the well argued and topical to the incoherent, rambling and, indeed, drunk. I do not wish to stretch the analogy too far but, in the early days, the Public Petitions Committee had trouble discriminating between petitions on which the Parliament could act and petitions that, to be frank, were a waste of time. If we are to be truly participative, we should embrace the ability of individual citizens to petition the Parliament.

Presiding Officer, do I have time to continue?

The Deputy Presiding Officer: I would certainly appreciate it if you would bring your remarks to a close fairly quickly.

Mr Macintosh: All right—I will miss out a part of my speech.

I would like to thank everyone who has contributed to the Procedures Committee report on the founding principles of the Scottish Parliament. I want to thank them for taking the time to give their continuing support to what is still a fledgling institution that is finding its way. I am conscious that many hopes rest on our success. This report is very positive. The principles themselves have been endorsed; many procedures have been modified but they have not been entirely discarded; and the list of praiseworthy innovations and procedures is lengthy indeed—including our gender balance, our education service, our e-Parliament and use of information and communications technology, our accessibility, our petitions system and our committee work generally. I commend the report of the previous Procedures Committee.

The Deputy Presiding Officer: I now call Stewart Stevenson. Mr Stevenson, you will have eight minutes. I am afraid that I will not be able to

give quite as generous margins to the other opening speakers as I have just given.

14:53

Stewart Stevenson (Banff and Buchan) (SNP): Two weeks ago, Rosie Cunningham apologised for not being me—strange but true. Today, I apologise for not being Fiona Hyslop. She was going to open this debate but, unfortunately, the virus has caught up with her. In the interests of everyone here, she decided not to share it. I also apologise for the fact that I will be withdrawing from the chamber in about an hour's time. I have a previously arranged meeting with a minister.

The report before us is an exceptionally substantial piece of work. Representing, as it does, three years of effort, it predates my arrival in the Parliament in June 2001. I have therefore seen only part of the evolution of the report.

One thing that impresses anyone who picks up and reads the report is the quite exceptional number and variety of people—across the width of civic society and society generally—who have given their views on this subject to the Parliament. On that basis alone, we must consider what they have said extremely seriously. I will look in a little bit of detail at some of that evidence, and make some observations on it.

Praise of this Parliament from outside this Parliament is a pretty rare commodity. Were it to be too common, it would merely confirm us in our ways. Praise does not actually change anything. Criticism, on the other hand, should make us step outside our daily patterns of behaviour and force us to re-examine what we achieve and whether, in what we do in the Parliament, we support or inhibit the institution's founding principles.

Let me start with a mild word or two of criticism. When she was reading the response of the conveners of our committees, Fiona Hyslop found something that she wished to say. I will say at once that the conveners have an extremely tough job; one has only to ask any of them who have had me on their committee to confirm that. During my two and a half years in the Parliament, I have visited seven—or possibly six—committees and I have been very much taken by their general willingness to be driven by evidence at the expense of dogma. However, we have yet to reach nirvana—the standard of perfection that we wish to achieve.

The Conveners Group's response to the Procedures Committee's report was a little disappointing in its tone and content. The conveners might choose to reconsider their response to the report and to pick from the report those things that have most bearing on their activities.

Recommendation 106 attracted all-party support. It asked for increased powers over our internal processes. In the previous session of Parliament, our inability to increase the number of Presiding Officers, even temporarily, created a substantial increase in work load for the two remaining Presiding Officers when their colleague was unavailable for a period of time. This morning, the Queen's speech to the Westminster Parliament has made it clear that the Scotland Act 1998 will be opened up to allow one part of it to be changed. Westminster ought to be able to respond to a request from the Scottish Parliament to make the non-contentious and widely supported changes that recommendation 106 proposes.

I will turn to some of the evidence that was put before the Procedures Committee as it drew up its report—in particular, to the evidence that was taken at the three public meetings, which were held in Hawick, Paisley and Ullapool. It was important that the committee went out to meet people in wider Scotland face to face—people whom they would have been unlikely to have heard from through other mechanisms.

I commend my colleague Bruce Crawford, because he has carried the concept of meeting the public to even greater excesses and has suffered great pain in the course of doing so, by going as far as the Netherlands with members of the public to hear their views on how the Parliament operates.

Mr Brian Monteith (Mid Scotland and Fife) (Con): I thank the member for giving way. Will he tell me whether Mr Crawford's consultation was as successful as the rest of his trip?

Stewart Stevenson: I believe that the consultation was the only part of his trip that gave him any enjoyment whatsoever. His wife, his bank manager and his family shared his pain—his excuse was that he took one of his offspring with him.

I will return to the subject at hand—engagement with the public. In Hawick, there was widespread approval for the Parliament coming out and speaking to the people, because it was felt that that would reverse apathy. In Paisley, on the other hand, we heard that answers to parliamentary questions were often obfuscating. I ask the Executive please to listen to the public, even if it often does not listen to some of us members who share the same views.

A more difficult point was raised in Ullapool, where it was observed that, on issues such as genetically modified crops and fish farming, the Executive has appeared to ignore the Parliament's view. I will not make a political point by developing an argument along those lines. There is a genuine difficulty, in that in promoting policy positions it is

of course not always possible to please everyone. Perhaps we must communicate better on how we do that.

Other points that arose include the insufficient time that is given for responding to consultations and concerns about subordinate legislation.

The Deputy Presiding Officer: You have one minute.

Stewart Stevenson: In my final minute, I want to address recommendation 48, in which the committee expresses a desire that further research should be done on Sewel motions. I suggest that the research should consider whether the frequency of such motions is appropriate. My position and that of my colleagues is well enough known for me not to rehearse it. More to the point, the research should also examine whether Sewel motions are effective in delivering faster legislation and better law. The recent development whereby committees consider Sewel motions is a substantial improvement and I welcome it.

We have experimented with subject debates. My personal view is that the matter is a clear “not proven”, so they are perhaps not a good idea at all.

In closing, let me say that I think that it is better for us to aim for perfection in our processes and to fail, than to aim for failure and succeed. I commend the report to those members present.

15:01

Mr Jamie McGrigor (Highlands and Islands) (Con): I start by congratulating the Deputy Presiding Officer on his personal contribution to the previous Procedures Committee and to the report. As a member of the current Procedures Committee I do not intend to use all of my allocated time; I would prefer to hear the views of other MSPs. However, I will comment on a few general points.

Iain Smith's motion endorses the founding principles of the Scottish Parliament. Although the Scottish Conservatives welcome a review of those principles and of the committee structure, we are certainly not in favour of any recommendations that would lead to unnecessary interference in the committee system. We believe that the committee system should retain flexibility and, above all, independence in order for it to act as guardian of the founding principles. As the Scottish Parliament does not have a second chamber, it was understood from the start that the committee system would be robust enough to fulfil the scrutiny that is undertaken by second chambers in other Parliaments. It is imperative that nothing impede that.

Any recommendations from the Procedures Committee should not detract from committees'

ability to scrutinise the Executive and to provide an efficient and effective check on the Executive. We think that committees should not work in conjunction with the Executive in developing policies. I have already said that the job of committees is scrutiny; it would be very difficult for a committee to scrutinise its own work. How can a committee scrutinise the policies of the Executive if that committee has helped to develop those policies?

As we are discussing the founding principles of accountability, openness and transparency, I feel compelled to mention the progress of the recent experiment with the timing of First Minister's questions. People may well remember my own and the Scottish Conservatives' vehement opposition to the detaching of oral questions to ministers from First Minister's questions. We were also against First Minister's questions' being moved to the midday slot. During that debate, we argued that the actions would result in oral questions losing their appeal to the public and MSPs, and that viewing figures for First Minister's questions would fall as well.

Unfortunately, our entreaties fell on deaf ears. However, the latest viewing figures—which I have obtained from the BBC parliamentary unit—show that the average audience for the afternoon slot of First Minister's questions between March and September this year was 63,000. Since the changes were made, the viewing figures have slumped to an average of 18,000 between 6 September and 6 November. In fact, viewing figures have been as low as 7,000. That rather vindicates our approach and I hope that the figures will be taken into account when the experiment ends.

My point is that by denying access and, therefore, transparency and participation, we are failing the founding principles that are mentioned in Iain Smith's motion. The figures show that members who believed that viewers would follow First Minister's questions to the new slot were completely wrong.

In effect, the changes have lost two political audiences: one that watched First Minister's questions in the afternoon and another that was interested in Westminster politics—the timing switch also lost thousands of viewers who watched First Minister's questions on “The Politics Show”. We are told constantly that the country is apathetic towards politics and politicians, but those who mistakenly voted for the change have effectively discouraged the people who were interested in politics. In today's edition of *The Daily Telegraph*, the First Minister tells MSPs to do better and to ask ministers more spontaneous questions. However, it is mainly because of him that far fewer people now hear the answers.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Surely the point of the exercise was that it was a trial to see whether we could increase viewing figures. Perhaps Jamie McGrigor is right that the BBC's figures are down, but surely that was not the point. The point was to try innovative ideas to increase viewing figures and participation. Was the member against such a trial?

Mr McGrigor: I always believe that if something is not broken there is no point in trying to fix it.

If the Parliament intends to be family friendly by shutting up shop every evening at 6 pm, we should spare a thought for the families of civil servants, many of whom sit up all night preparing briefs for ministers on stage 2 amendments for bills. More time could be found for scrutiny of amendments because there is often not enough time for MSPs to grasp what amendments mean.

Finally, as a former member of the previous session's Equal Opportunities Committee, I oppose recommendation 32, which proposes that each committee should have a champion for equal opportunities. That would turn equal opportunities into a single-member pressure group when it should be an all-encompassing concept. The recommendation is contrary to the intention of the founding principles to mainstreaming equal opportunities.

The Deputy Presiding Officer: At this stage, we move to open debate. I intend to call Alasdair Morgan to be followed by Susan Deacon. If I am to call everyone who wants to speak, I would appreciate it if members could speak for about five minutes rather than the normal six.

15:06

Alasdair Morgan (South of Scotland) (SNP): I have been asked to speak on behalf of the Conveners Group about the recommendations that affect committees. When the Conveners Group discussed the matter last week and it was suggested that someone should express the Conveners Group's view, I was sceptical—I did not think that we would reach consensus. However, after we went through the recommendations one by one, I was proved wrong; we were able to arrive at consensus on almost all of the recommendations that would affect committees. The only problem was that most of our conclusions were negative, or we had significant reservations about what was in the report, so I am sorry if that disappoints my colleague Stewart Stevenson.

As far as the recommendations that would affect committees are concerned, our view is that the report leans in the direction of being far too prescriptive. It does not seek to provide

committees with the flexible working practices that are necessary if we are to achieve the high-quality scrutiny that is the committees' main task.

I turn to some specific recommendations. Kenny Macintosh talked about the recommendations on conducting meetings in private. There are very strong arguments in favour of committees' considering draft reports in private. The first is the desirability of achieving robust consensus on such reports. Some conveners seem to appreciate that members will more readily reach consensus that is, for example, critical of the Executive if they are able initially to discuss draft reports in private—given, of course, that the report will become public.

Tommy Sheridan: Did the Conveners Group discuss recommendation 75 in relation to members' bills? As Alasdair Morgan knows, a member who has introduced a bill is currently excluded from a private committee meeting if he or she is not a member of the committee. It is a contradiction that a member is not allowed to take part in discussion of his or her bill.

Alasdair Morgan: If I recall correctly, we did not discuss that specific recommendation because of the pressure of time. Certainly, I was not going to refer to it in my speech. I accept that there might be specific issues about members' bills, but I would like to think a bit more about that specific question.

Karen Gillon: Will the member take an intervention?

Alasdair Morgan: I will take another intervention, although I am almost out of time already.

Karen Gillon: Does Alasdair Morgan agree that the role of committees is to scrutinise bills and that it would therefore be difficult for a member to be on a committee that was to scrutinise a bill that that member had introduced? Similarly, it would be inappropriate for a minister to be a member of a committee that was discussing an Executive bill.

Alasdair Morgan: That is a good point, but it was not covered when we discussed the report.

The second reason why we should discuss draft reports in private is that drafts are not committees' drafts but are the result of work by the clerks or the convener, or an amalgam of the two, depending on who is in charge of the committee. Therefore, the initial drafts that members receive might well be less robust than members would like if those drafts become public before their having been exposed to the views of the committee.

There may be an argument for there to be a later drafting stage, when the draft clearly sufficiently reflects the committee's view for it to be in the public domain; however, that should

certainly not be the case with the first draft. The presumption should be that draft reports be debated in private. There was no distinction to be made between inquiry reports and stage 1 reports, which seem to be exactly the same.

Mike Rumbles: Would the member take an intervention on that point?

Alasdair Morgan: I am sorry, but I suspect that I am into my last minute.

We felt that the reason for going into private session to discuss a draft report should simply be that there will be discussion of a draft report. We did not feel that it is necessary to get into big debates about why committees are going into private session to discuss draft reports because that simply opens up the process to grandstanding by some committee members.

On mainstreaming equalities, I agree with Jamie McGrigor's remark. Committees have already accepted the principle of mainstreaming equality. Recommendation 32—that each committee should have a champion of equal opportunities—goes against the grain of what we are trying to achieve. Surely the essence of mainstreaming is that equalities issues belong to all the members of the committee and are the responsibility of all the members of the committee. They should not just be something that can be shoved off as a token to one member of the committee.

I am almost at the end of my time. A lot has been said about civic participation and involvement of third parties. We have to think carefully about what the role of committees is: it is, in the final analysis, to scrutinise the Executive. We need to involve stakeholders imaginatively, but we need to do so in such a way that we avoid their being seen as simply the usual suspects, and as part of the establishment.

15:12

Susan Deacon (Edinburgh East and Musselburgh) (Lab): I apologise for leaving the chamber briefly and thereby missing part of the previous two speeches.

As a member of the previous Procedures Committee I am delighted that the report has finally seen the light of day in the chamber—there was many a long hour when those of us in the committee thought that it might never do so. I am sure that members have read thoroughly all the volumes of the report and have consigned its recommendations to memory. However, they could be forgiven if they have not done so, because it is perhaps not as accessible a document as it could have been. I am sure that the committee could have learned a thing or two from that.

That said, a number of the points and recommendations that are contained in the report need to be actively progressed in Parliament. I hope that colleagues will approach the report with open minds and will consider further those points.

I want to highlight a few themes. Several colleagues have commented on the issue of committee business being transacted in private. I recognise that there are strong views on the issue and I have seen the Conveners Group's comments on the matter. I underline some of the points that Ken Macintosh made earlier: those of us who sat on the former Procedures Committee listened to witness after witness tell us that they regarded the discussion of committee business in private as one of the biggest failings in the way that we were working. That must be taken seriously—it was said in the context of widespread recognition of the openness and transparency of our decision-making processes. However, there was a sense that there is a bit in the middle of inquiry processes and the formulation of reports: after an open evidence-taking session at the beginning, the doors close for weeks or sometimes months, then something comes out of the sausage machine at the other end. People often could not understand the reasons why conclusions had been reached.

Like Ken Macintosh and others, I recognise that going into private session is necessary on many occasions, but I urge members—whether they are conveners or simply committee members—to consider with open minds the views that are expressed on the matter in the report.

Karen Gillon: Susan Deacon has sat on both sides of the table, so does she appreciate that sometimes it is better to have an honest discussion behind closed doors than it is to have a grandstanding political discussion in public that achieves nothing more than to air people's stated political views? Private sessions allow members to move the debate forward and to produce positive solutions to practical problems.

Susan Deacon: As politicians, we should be able to have open and honest political debate in public—the public know when members are simply grandstanding. That said, I stress that it is right and proper to go into private session at times. The former Procedures Committee also urged committees to allow evidence to be taken in private when it was right to do that. I am sure that the discussion will continue, but I hope that today's debate has provided an opportunity to highlight concerns.

Another subject that the committee discussed at considerable length was how we could improve activities in the chamber to make them more meaningful for members and to address some of the public's concerns. I do not have time to go into

the detail of that. I know that a package of work on oral parliamentary questions is under way and I simply ask members to read in the report some of the practical suggestions that were made; for example, to consider adjusting speaking times—which I acknowledge has happened to an extent—and to examine alternative ways of selecting business for debate.

As Ken Macintosh said, a more transparent system for selecting motions for members' business debates should be considered. Many people outside the Parliament think that if many members sign a member's motion on a cross-party basis, that motion will be debated. They do not realise that such decisions are still taken in the Parliamentary Bureau. I am not saying that that involves anything sinister, but we must address the gulf between the public's expectation and the practical reality of how we operate.

The previous Procedures Committee also considered the role of political parties. If I may say so, we were mildly critical of the consultative steering group for not really considering the role of political parties in its report. We felt that we have to live in the real world, in which political parties are an integral part of the democratic process. We acknowledged the need to respect and to recognise the role of parties in developing their policies in Government or in Opposition. However, we thought that there was space to loosen the reins of party control that are exercised through whipping and influencing the flow of debate in the chamber. That is not an easy nut to crack. No political party is better or worse than any other on that and I hope that we can consider the matter with open minds.

The report contains 135 recommendations and goodness knows how many thousands of pages and paragraphs. Some people inside and outside the Parliament who listen to the debate will say that it is yet another example of the anoraks gathering in Parliament. I stress that the committee made it clear in the report that a good process is a means to an end, but not an end in itself. We know that, as the report says:

"the ultimate test of our effectiveness is not simply *how* the Parliament operates but what it achieves."

However, if we improve our processes, we can achieve more and be respected more. That is the big prize that sits behind the report and today's debate.

15:19

Donald Gorrie (Central Scotland) (LD): I apologise for having missed some speeches. Like Susan Deacon, I was led out of the chamber to do a soundbite for the BBC because I am a veteran of the previous Procedures Committee.

While we walked up the street, a colleague said that I was a procedures anorak, which I accept. However, as other speakers have said, the Parliament's procedures are fundamental to whether we do our work well.

Ken Macintosh and Susan Deacon covered a lot of the issues very well. The report is a massive report—I think that it took two years to compose.

I will concentrate on one or two points. The first is the canard of a second revising chamber. The idea was floated by David Steel, but it was one of his less brilliant ideas. If we improve our procedures, we will not need to have some sort of House of Lords. Who would appoint its members? The answer is that it would be the usual suspects. The idea is rubbish.

We need better consultation of people before the bill process starts. We could explore whether we could combine Executive and Parliamentary consultation in some way that would make it stronger and include less duplication.

Alasdair Morgan: I am puzzled as to how that idea would work. How could a committee, in pursuance of scrutiny of a bill at stage 1, scrutinise the conclusions of the Executive consultation if the committee was also part of that consultation process?

Donald Gorrie: I see no problem at all—committees would get a second bite at the cherry. Both parties would undertake some overall consultation, the Executive would publish its proposals and the committee could say that it did not like A, B or C or that it would consult on all of the proposals. I do not think that it would be a problem.

We need to slow down the bill process. If we do that intelligently, we will have passed just as many bills at the end of four years, but they will be much better bills. We need more time between stage 1 and stage 2 to allow members to consult interest groups and those who really know about the subject so that members can compose their amendments sensibly. We need to have more time between lodging of amendments and the moment when they are debated. Very often, the Executive produces amendments in response to points that were made at stage 1. Members need to consult the people who really know the score as to whether the amendments meet the point at issue. As I said, the bill process needs to be slowed down.

A new stage needs to be added between stages 2 and 3, which could be called stage 2b or stage 3a. At that stage, a committee could examine a bill and say, "It has got out of shape. We need to do X, Y and Z." Consultation could then be held with the Executive. I also envisage two sets of amendments: the stage 2b set and the stage 3

set. We need to scrutinise bills better in order to avoid the problems that David Steel identified correctly but to which he offered the wrong solutions.

Mr Stone: One of the problems that I have identified at stage 2 of a bill is that, when a minister replies to an amendment that a back-bench member has lodged, ministers have the full power of Her Majesty's civil service—including legal advice—behind them. The back-bench member is in a weak position to make a challenge. We need legal advice and support for our amendments. Does Donald Gorrie agree on that point?

Donald Gorrie: The point is correct. That is why we need to get outside advice from specialist interest groups. They can tell us whether civil servants' views are a load of rubbish. They can also tell us how to word our amendments better.

We also need to have a full debate at stage 3. It is quite disgraceful that amendments have in the past been agreed without any debate at all. The timetable has to be much more flexible. We have excellent Presiding Officers, but they feel constrained by the existing rules: they must be given far more scope to allow debates to flow where necessary. Very often, it is possible to save time in another debate.

Brian Adam (Aberdeen North) (SNP): Donald Gorrie has not yet addressed the Executive's practice of lodging significant new amendments late in stage 3 of the bill process. That practice does not allow any consultation, let alone the opportunity for members to scrutinise properly the amendments, because such amendments do not go before a committee. Does the member agree that that is a weakness in the current system? Should the new Procedures Committee address that matter?

The Deputy Presiding Officer: Before Mr Gorrie answers that question, I should explain that I have allocated him the eight minutes to which he is entitled as the opening speaker for the Scottish Liberal Democrats.

Donald Gorrie: I appreciate the Deputy Presiding Officer's generosity and I will make a favourable comment about the convener of the Procedures Committee in the first session of the Parliament.

I agree entirely with Brian Adam. Part of the argument that I am making is that the timetable is far too fast. If the Executive lodges amendments, there has to be a proper procedure in which those amendments can be evaluated and consulted on with outside people who know about the subject. They must be dealt with more sensibly because we go wrong at the later stages of the bill process. Moreover, as Susan Deacon pointed out, we must

introduce a monitoring system that allows us to find out whether, two years or so after it has been passed, a bill has achieved what it was supposed to achieve.

The point about earlier deadlines applies as much to ordinary motions and amendments as it does to amendments to bills. At the moment, a motion or amendment simply appears at the last minute. Party groups could engage in far more intelligent negotiations than the present system allows in order to find some wording that makes sense and says something.

As for giving back benchers more power, my colleagues on the Procedures Committee did not accept my suggestion that we should have a back benchers' trade union: indeed, the proposal might well be wrong. However, there must be some way in which the Parliament can speak with a particular voice. Although I accept that we work within a party-political system, we are MSPs as well as being Labour or SNP MSPs.

Alex Neil (Central Scotland) (SNP): Will the member give way?

Donald Gorrie: I think that I am just about to finish. *[Interruption.]* Well, all right.

Alex Neil: Does the member agree that, as far the speaking times in debates are concerned, back benchers make up about 75 per cent of the membership of Parliament, but usually receive less than 50 per cent of the debating time?

Donald Gorrie: Now that the standard length of speech has increased from four to six minutes, the system has been improved. That said, we need to consider how we develop real democracy in Parliament.

I also want to mention the relationship involving the Parliament, the Executive and the civil service. That relationship is currently too confrontational. For example, whenever members ask a question, people beaver away at finding out what sort of wicked plot we are hatching. Very often, we are not involved in any wicked plot; we simply want information. As we are all supposed to be governing Scotland better, we should form a kind of three-legged stool, the three legs of which must co-operate better if we are not to fall over.

15:27

Tommy Sheridan (Glasgow) (SSP): As I am assured that the report will come back to the Parliament—through other committees, I hope—several times before we reach any concrete conclusions, I feel that it is not necessary for me to move my amendment to the motion.

This discussion is very good and necessary. After all, we are only four years of age, and it is

important that we assess and analyse how we have tried to adopt the principles on which the Parliament was founded. There is evidence that the Parliament has achieved some good results, but there is also evidence of some poor results.

While listening to the preceding speeches and exchanges, I could not help thinking about what happened with my own Abolition of Poindings and Warrant Sales Bill and cannot help but conclude that if the bill had been introduced in the second or third year of the first session, it would not have been passed. Indeed, it is important that it was introduced within the first six months of that session, because at that time members had a greater desire to be less party political and perhaps to analyse the matters before them more objectively. In fact, at several points during the committee's consideration of the bill, members felt open enough to say that they had changed their mind about the issue in the course of the debate.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): I do not agree with the member's comments. The Parliament passed the bill because a majority of the parties supported that way forward.

Tommy Sheridan: I hope that that is the case. However, since the debate on that bill, party managers—particularly those on the Executive side—have had a desire not to let such a situation happen again. What happened then was that the Parliament imposed itself on the Executive instead of the Executive imposing itself on the Parliament. I worry about whether that will happen again. I hope that there will be independence of thought.

Mr Macintosh: I take the opposite view. Rather than a hardening of attitudes, I think that there has been a loosening of attitudes. Very early in the Parliament, I remember moving amendments to the Standards in Scotland's Schools etc Bill on the subject of sustainable development. There was one committee meeting at which Robin Harper, Nicola Sturgeon and I all moved three separate amendments to introduce sustainable development measures into that bill. None of the amendments was passed and none of them was mutually supported, as the voting divided down party lines. I do not think that we would make the same mistake now; we have matured and come a long way since then.

Tommy Sheridan: I hope that committees will be encouraged not to split down party lines, but the evidence is that, in the majority of cases, they do. It is difficult to address that in the party-political atmosphere of the Parliament, but we must still try to do so.

I mentioned my member's bill because I think that it is a particularly appropriate example. The thing about members' bills is that, on most

occasions, they arise from ideas that have not been debated in the course of the previous election. There should therefore, one would hope, be more open-mindedness among MSPs. If political parties do not have a line on an issue, members should be willing to discuss things objectively rather than in a party-political fashion. That is a difficult situation to arrive at, because we have keen debates and there are lots of disagreements across the parties. However, I hope that each and every one of us will try to encourage individuals on committees to vote the way that they think is right rather than the way that they believe their party wants them to vote.

A journalist contacted me about four weeks ago saying, "Your party has voted a different way on several debates. Is this evidence of anarchy within your party?" I said, "No, it's evidence of people thinking for themselves." I do not think that we should be frightened of individuals voting in different ways, particularly when we are having debates on subjects that have not been flagged up before elections and are therefore genuinely new.

I hope that the report's 135 recommendations will be seriously considered, but there are some that deserve to be considered more urgently than others. I was struck by the discussion about the number of committee meetings that are held in secret. We seem to be saying that it is wrong to allow heated or strong debate at committee level on stage 1 reports or on whether a committee should support the general principles of a bill. The suggestion seems to be that we should not do that in public because it will appear not to be consensual.

The truth is that, when the report comes to Parliament, the member of the committee who disagreed with the recommendation will invariably make his or her point known anyway. Is it not better that we are open and transparent and that we actually have that debate? People say, "Oh, politicians will grandstand." For goodness' sake, of course we will grandstand; that is what politicians do. Let us not be frightened of that. We may lose the idea of cosy consensus, but what we gain is transparency and honesty. That is much better and more applicable to the founding principles of the Parliament. I therefore hope that the recommendation on the number of committee meetings that are held in private will be seriously considered.

My final remark relates to members' bills. Karen Gillon said that it is difficult for a member of a committee to analyse and scrutinise a bill of which he or she is the author. That happens and it can be difficult, but it is wrong that a member who is pursuing a bill through committee is not allowed to sit in on the private meeting that is discussing the bill in detail. It leads to less informed debate,

because there are some issues of detail that the member may be able to comment on during those deliberations, but currently that opportunity is denied. I believe that that should certainly also be considered.

The Deputy Presiding Officer: Mr Sheridan was the final member to be down originally as an opening speaker. We must stick to the time limits from now on.

15:35

Alex Neil (Central Scotland) (SNP): As usual, I will speak as a non-grandstander.

I want to take members back to 1999. I remember the Parliament's first day, the expectations surrounding the Parliament and the anticipation of people in the streets outside about what the Parliament would deliver. A feeling of disappointment and disillusionment will be found among some in the streets now, not just as a result of the fiasco over the Holyrood building but because there is a general feeling among the public that we have not delivered according to expectations.

I am a nationalist and obviously believe that the main reason for that disillusionment is that too many powers are reserved to Westminster and that the Scottish Parliament does not have real power—particularly in respect of economic affairs—that allows us to deliver. However, I will park that issue today and concentrate on another area in which we have not lived up to the principles and ambitions of the CSG and all those people who supported those principles. I will deal with some issues that have become noticeable since the last election—to be fair to the previous Procedures Committee, perhaps these issues were not as prevalent in the previous session as they are in this session.

The first issue is the Parliament's agenda. More than all the technical procedures, it is the Parliament's agenda to which people out there pay attention. We hardly debate the big issues that we should debate, such as the economy, the European Union constitution and many other big issues. If we do, we squeeze the debate into an hour and a half or two hours. We appear to allocate more time to peripheral issues than we do to big issues. Many issues that appear on our agenda are more akin to those that appear on the agenda of a county council or a parliamentary committee than those that should appear on the agenda of a parliamentary chamber.

Mr Stone: I would like to push Alex Neil a little further. Is he saying that, logically, the balance between the powers of the Parliamentary Bureau, which sets the agenda, and those of the Presiding Officer should be revisited?

Alex Neil: I will come to that issue. The balance should be revisited, but the bureau—and in particular the Executive, which dominates the bureau—has a special responsibility. The First Minister gave an interview last week in which he said that he wanted the Parliament's reputation to grow. However, since the election, the Parliament's agenda has been dumbed down. When the Parliament was set up, many people said that they were worried that it would be another Strathclyde Regional Council. There are days in which we do not even reach its standard in the substance of chamber debates.

Des McNulty (Clydebank and Milngavie) (Lab): I can confirm that members, especially on the SNP benches, do not reach the standards of Strathclyde Regional Council.

Alex Neil: That was an exceptionally helpful intervention. Des McNulty must have been up all night thinking about it, as usual. I have to say that there were exceptions in Strathclyde Regional Council.

We need to consider the Parliament's agenda. I will give an example. The manufacturing sector in Scotland is in deep trouble. I disagree with the Executive about the reasons for that and about how we should solve the problem, but we should devote much more time to the crisis in our economy. We could go through many sectors—such as transport, health and education—in which there are major issues to confront, but those issues are hardly ever debated in the chamber. If they are debated, not enough time is allocated. Why should a day and a half not be devoted to the Scottish economy? Instead of squeezing in speeches even to a daft six minutes, members could be given time to put forward an argument and articulate a case.

Recently, I read Iain Macleod's biography. In his maiden speech in the House of Commons, he spoke for an hour and a half. Members will be glad to hear that that is not one of my ambitions in this chamber.

The Deputy Presiding Officer: One minute.

Alex Neil: I thank the Presiding Officer for his timing.

Surely to goodness we can raise our level, lift our horizon and unchain ourselves from some of the silly rules that are being used to gag us.

There should be a better balance between the front benches and the back benches. With all due respect to our Presiding Officers, who are three excellent people, the fact of life is that David Steel sold the jerseys to the party bosses right at the beginning of the Parliament. I say to our new Presiding Officers that they should take back the reins of power. They should not let the party

bosses determine who speaks, when they speak and for how long they speak. If they care about it, they should free up the Parliament and make it worthy of being a truly national Parliament.

15:41

Mr Brian Monteith (Mid Scotland and Fife) (Con): I had not intended to speak in the debate until, like Alasdair Morgan, I attended the Conveners Group meeting. I am particularly glad that I decided to speak in the debate, because I agree whole-heartedly with the words of Alex Neil. I am particularly thankful to Des McNulty for illustrating Alex Neil's argument so well in his timely intervention.

Not only are many of the recommendations well meant, they represent best practice. Many conveners will seek to apply many of the recommendations when they chair committee meetings. The only difficulty that I have with most of the recommendations is that they appear prescriptive. The Parliament could take guidance from the intention in the report and use it to good effect.

I will give some examples to illustrate what I mean. There has been much debate about draft committee reports being discussed in private. It is right and proper that, as recommendation 73 states, we should decide whether a report is discussed in private on a case-by-case basis. I think that that is generally what happens, but there is no harm in reminding committee members and conveners that that is how we should operate.

Mike Rumbles: Does Brian Monteith share my disappointment in Alasdair Morgan's response on that point earlier in the debate? The reply from the Conveners Group to recommendation 73, on the fact that decisions to take the finalising of reports in private have come to be taken automatically, is, "We already do it." That is a complacent response, because it is clear that that is not the case. Conveners do not obey standing orders and look at each issue case by case.

Mr Monteith: I did not take that intent or tone from Alasdair Morgan's comments. I believe that he was imparting the idea that committee conveners already take the question whether to discuss draft reports in private on a case-by-case basis. If there are examples of where that is not happening, members should bring those to light. I am sure that Mr Rumbles's skills in attracting media attention on those matters will serve him well.

We must differentiate between committee reports on bills and reports of inquiries that committees hold. There is an important difference. I agree with Tommy Sheridan that we should strive to discuss stage 1 reports on bills in open session.

I see no difficulty in having a debate in public about the merits and principles of a bill—after having received some evidence—and formulating a report. We will, as politicians, have a similar debate in the chamber throughout the other stages. It is useful to start teasing out at as early a stage as possible what people are thinking.

Mr Sheridan will recall that on a number of occasions the Education, Culture and Sport Committee debated the report that it was drawing up on another of his member's bills—the School Meals (Scotland) Bill—in open session so that people could be aware of the information that the committee was evaluating.

The issue of reports on inquiries is different. Inquiries such as those on the SQA and the Hampden project involved people's and organisations' reputations. When information that has been given in confidence has to be aired and discussed, it is only right and proper that a committee might feel it to be appropriate to discuss its report in private. Imagine a political party having a meeting to discuss its manifesto in open session.

Mr Macintosh: We do.

Mr Monteith: A member of the Labour Party professes that it does that in open session. Imagine Her Majesty's Inspectorate of Education, having visited a school and gathered information, meeting in open session to say what it thought of how each teacher taught and how the school performed. When preparing a report, organisations and committees of the Parliament need to consider certain issues in private. It is best that the committees should take that decision.

On First Minister's question time, I come to the aid of my colleague Jamie McGrigor. The point that I took from what he said was that, although the Conservatives were concerned about the changes to First Minister's question time, we were not concerned with making no change. The BBC warned that the changes that were advocated could result in a serious fall in viewing figures. We should consider changes that will improve the viewing figures, participation and openness. The move towards themed questions of ministers that is under discussion is a step in that direction and would receive the support of many Conservative members. However, the idea of offering conveners the opportunity to question the First Minister—as if conveners are separate animals—is flawed because it would put conveners in an invidious position. We should pass over that idea.

15:47

Mr John Home Robertson (East Lothian) (Lab): Presiding Officer, I am supposed to address you in that way because that is what the

Scotland Act 1998 says, although I would prefer not to, because it sounds like a piece of jargon that has been conjured up by parliamentary draftsmen—which is exactly what it is. I am not sure what to do about that. As John Farquhar Munro is temporarily absent, I will suggest that we could introduce a bit of character into proceedings by using the Gaelic term “ceann comhairle”.

I have spent most of my life campaigning for a Scottish Parliament and I apologise for any bad habits that I have picked up along the way at Westminster. If I did not know Scotland as well as I do, I might have expected people in Scotland to be enthusiastic about, and even protective towards, their new Parliament, which took so long to achieve. However, life is not like that in this country—everybody kent all oor faithers, so members should not be surprised that our fellow citizens regard us with what one might call a healthy disdain. That can be demoralising, but I think that most people support the principles of the Parliament, even if they will never set their parliamentarians on pedestals. That is what we would expect from the Scotland that we all know and love.

As colleagues have said, we are doing fairly well on access and equal opportunities. However, as colleagues might expect me to say, I believe that our temporary premises are a serious handicap. We do not have sufficient space or physical accessibility and, most important, the random cluster of buildings that surround Deacon Brodie's tavern does not have the ambience of a Parliament. The Holyrood complex will be infinitely better for citizens, visitors, parliamentary staff and even MSPs. The fact that the building has taken so long and has cost so much is a serious problem and an embarrassment, but I am confident that the building will allow our new democracy to function far more efficiently for the people whom we represent.

Mr Stone: Does John Home Robertson agree that, most important of all, the new Parliament building will be supremely accessible for the disabled, which is a subject that is dear to my heart?

Mr Home Robertson: Yes. That measure was in the design brief from the beginning and will be a big step forward.

Turning back to the report, I say, perhaps a little flippantly, that I have a problem with the principle of power sharing. I am not sure how Phil Gallie can be expected to share power with Tommy Sheridan or Alex Neil, and I have noticed that it can be difficult enough for Liberal Democrat colleagues to share power with one another, never mind with the rest of us in the partnership. However, to be serious, I suggest that the Parliament is a little handicapped by an electoral

system that is skewed in favour of minorities, which get an inordinate share of limited parliamentary time, which can convey the impression that the Parliament is obsessed with obscure issues or extreme politics.

Mike Rumbles: We are all minority parties.

Mr Home Robertson: Yes, indeed we are, but as a back bencher in the largest party, I simply say that it represents most of the constituencies, which have a right to be heard.

If we want to engage in proper debates, we need more time. I am not sure how we are going to do that, but the Procedures Committee and the rest of the Parliament need to find a way. It is simply not possible to develop an argument properly—let alone take interventions—in a speech that is restricted to four minutes or thereabouts. Members do not have to be ex-Westminster windbags to understand that point.

Alex Neil: I could not agree more with John Home Robertson on the need for more time for particular debates. Does he agree that the first thing to do is to stop having so many debates on peripheral subjects and to concentrate on the bread-and-butter issues that people in Scotland worry about?

Mr Home Robertson: That is the point that I just made, but as Alex Neil has drawn attention to himself, I will address his conspiracy theory about stage managing debates. Last Thursday, three Labour members took part in the debate on Iraq. I was one of them and was the only one who supported the party line on the matter. It is not possible to stage manage people easily. Members can expect some of us to express dissent on the imposition of a strange new electoral system on local government, but that is a matter for the future.

I conclude with some words on the biggest issue of all—accountability. We should all be aware that the Scottish civil service has been doing its own thing in its own inimitable way for a very long time. When it comes to obstructing and manipulating elected ministers and parliamentarians, Sir Hamish in Edinburgh can put Sir Humphrey in Whitehall into the shade. I had a brief glimpse of that during my time at the Scottish Executive Rural Affairs Department. There is a deeply ingrained culture of control and manipulation at the top of the civil service. The civil servants have been running rings round the elected representatives of the people of Scotland for generations and our ministers deserve all the help that they can get in the task of making the Government machine in Edinburgh truly accountable to the Parliament that represents the people of Scotland. That is a big task and we should work together to do it. We should submit our ministers to proper scrutiny, but

we should also support them when they are trying to carry out policies that the people support. That is the business of democratic devolution that John Smith and Donald Dewar would want us to finish and we owe it to our long-suffering constituents to deliver that priority.

I hope that we can take those ideas forward, and I pay tribute to colleagues on the Procedures Committee for the constructive work that they have brought before the Parliament.

15:53

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): I welcome the opportunity to debate the Procedures Committee's report. Although it contains many constructive recommendations, I will concentrate on only three. I will start with equal opportunities. Recommendation 24 says:

"We recommend that MSPs should always apply equal opportunities principles in their work."

Well, tomorrow, we have another debate in the Parliament about domestic abuse. I believe strongly that we need to tackle that issue and am fully supportive of the actions that the Executive has taken to raise awareness of and to deal with the matter. However, I question whether the Executive motion for that debate shows that the equal opportunities principles identified in the committee's report, which says that we should always follow those principles, have been understood and acted on. I hope that, for the next debate on domestic abuse, the Executive will lodge a motion that is inclusive of all victims, rather than exclusive, and that the Parliament will be able to debate a motion that is consistent with our founding principles. I hope to say more about that in the debate tomorrow.

Mr McGrigor: Does Mike Rumbles agree that, if all members are aware of equal opportunities and try to apply them, recommendation 32, which is to have

"a 'champion' for equal opportunities"

on each committee, is pretty pointless?

Mike Rumbles: Those two recommendations are not mutually exclusive; they are complementary.

Recommendation 44 suggests that the timetable for stage 3 debates should be advisory, to ensure that those who wish to speak on amendments for which time has not been allocated can do so. During the stage 3 debates on some controversial legislation, such as the Protection of Wild Mammals (Scotland) Act 2002 and the Agricultural Holdings (Scotland) Act 2003, members were unable to speak to new amendments that appeared at the last moment, even though some

of them had spent a great deal of time on the legislation over the years. That was a fault not of the Presiding Officer but of the system. That situation is completely unacceptable and it needs to be changed.

My last point concerns the principle of power sharing and issues relating to committee reports and privacy. The Procedures Committee was concerned that decisions about finalising reports in private have come to be taken automatically. Earlier this afternoon, Alasdair Morgan's complacent and disturbing response to that point confirmed that the committee was right to be concerned. The standing orders say that every committee must examine each issue on its merits. However, we need only read the *Official Report* of a lot of our committee meetings to see that, often, the convener says simply, "Is everyone agreed to move into private session?" and is answered by members nodding their heads. In the Rural Development Committee in the first session and the Health Committee in this session, I have become fed up with trying to convince colleagues that we do not need to move into private session.

The Procedures Committee's report says that committees

"should guard against holding every discussion of draft reports in private; and should be prepared to finalise reports in private only where there are powerful reasons advanced for so doing."

As Brian Monteith made clear, the report also recommends that reports on non-legislative matters should be decided by committees in public and that that should become normal practice.

Recommendation 77 says:

"opening up to the public the rationale for committee choices could be helpful in allowing those competing for committee attention both to understand the pressures on committee time, and the reasons why committees make the choices they do."

I could not agree more. Recently, in the Health Committee, we had a discussion about hepatitis C that it would have been helpful for all the communities that are involved in the topic to have heard, as that would have enabled them to understand why the committee—unanimously, I have to say—made the decision that it did. However, the decision was made in private and the people who are upset about that have every right to be.

When I was convener of the Standards Committee in the previous session, we held meetings on committee reports in public. We also held our work programme meetings in public and were even able to take legal advice from the Parliament's legal services in public. I am disappointed that the Health Committee, like the Rural Development Committee in the previous

session, has been far too eager to take such business in private. I take almost every opportunity to raise the issue in committee, but I have found that some colleagues seem to want to take that business and other so-called housekeeping business in private.

In the previous session, the then Presiding Officer sent umpteen missives to conveners urging us to dismiss the official report staff and to move into private session as often as possible, for reasons of cost. I resisted that and asked the members of the Standards Committee to do so as well. However, I believe that it has become all too common for conveners to recommend that we move into private session almost on the nod. Technically, the conveners might be correct in how they go about doing that—the matter of taking the items in private is on the agenda and each item is addressed individually—but it makes a mockery of the process that we are engaged in. That is a great mistake and we must do all that we can to resist the trend. Obviously, there are times when committees need to meet in private, but they should be few and far between.

15:59

Robin Harper (Lothians) (Green): The public are the people to whom we need to listen most in this debate. The Parliament has talked about power sharing through consultation, but we need to improve the chances for meaningful participation by the public. We have no second chamber, so our equivalent measure must be to include the people. Our main opportunity to build confidence in the Parliament in this new session will come through improving participation rather than merely having consultation.

The Scottish Civic Forum event that took place yesterday evening in this chamber was revealing. In civic Scotland, there is an appetite for assisting the Parliament to deliver the power sharing that was promised. There is fatigue with the volume of consultation, but there is also fatigue with those who seek only to bash the Parliament. We must work to improve the Parliament and to build on our foundations—we owe that to civic Scotland and to the people.

To many people, the Parliament appears to be locked in a discourse between the organisational and the adversarial—between the civil service and the politicians. I can hardly lift the set of documents that form the third report of the previous Procedures Committee. If one hit the secretary of a community council with the report, it would knock him out, but it would also produce a feeling of apathy and despair at the prospect of trying to respond to such a big document. There are too many sizeable documents with thousands of pages arriving on people's desks for

consultation. When that happens, there is a perception that minds have already been made up and that the consultation is just a matter of going through the motions. Reports should be concise and easy to read, not huge piles of paper that cause apathy and despair. It is vital that we address that question.

Susan Deacon spoke about the need for feedback on consultation responses. People often have no idea why their contributions have been ignored. It is bad practice not to provide feedback and it will not foster faith in a system that claims to be consultative, never mind participative. The views of communities and people in Scotland need to be seen to be taken seriously through participation and power sharing; people should not be consulted and then ignored.

I was glad to hear a number of members call for committee meetings not to be taken in private when we discuss draft reports. We complain about the lack of press and media interest in the committees and yet we lock the media out of the committee business that is of the greatest interest to the people of Scotland and to the people who contributed to that business. That is absurd and counterproductive. Like many other members who have spoken today, I believe that we must take it for granted that committees will always meet in public unless there is a compelling reason for them to meet in private.

Alasdair Morgan: Surely one of the objectives of producing a report is to produce a good one that—we hope—will have some influence on the people at whom it is aimed, whether those are members of the Executive or other bodies. Does the member really think that, in the majority of cases, a report would be as good or better if the session had been taken in public? If so, will he explain why he thinks that?

Robin Harper: Surely we can trust ourselves to debate reasonably, concisely, accurately and in a listening mode in a committee that is in public session. If we can do that in private, we can do it in public. We trust one another to debate in such a way in public in the chamber in the members' business debates at 5 o'clock. Debate after debate has been conducted in which there has been no grandstanding, but in which members have listened and the Executive has responded in a considered manner. If we can debate in such a way at 5 o'clock, we can do so in committee.

The Parliament is not truly transparent. More openness is needed in the Scottish Parliamentary Corporate Body, which should be renamed to reflect the fact that its job is about staff and buildings—perhaps it should just be called the parliamentary body. Moreover, the Parliamentary Bureau should be more open and make fuller minutes and agendas publicly available.

Donald Gorrie, Jamie McGrigor, Jamie Stone and others made the extremely important point that there is not enough time for people to participate during the passage of bills through the Parliament. That is especially true at stage 2, when the pace can outstrip the ability even of professional organisations to keep up and participate. We need to meet the needs of communities, not of politicians and civil servants. The Parliament should be seeking out the unheard voices. To do so, we must give ourselves more time for the passage of bills and more time for debate on the big issues—I thoroughly agree with what Alex Neil said about that.

The Parliament is more diverse than it was four years ago. The Scottish Civic Forum appreciates that diversity and it is important that we maintain it. We need to change the culture so that members vote with their conscience, rather than simply along party lines. We must develop a culture in which it is normal for the Government to lose parliamentary votes without feeling threatened by collapse. That would be a sign of maturity and it is something that the Greens will champion among the noise of the yah-boo behaviour that occasionally erupts in the chamber. We will seek to work across the political divide in that regard.

The Deputy Presiding Officer (Trish Godman): I will try to call all members who want to speak in the debate, so we will move to five-minute speeches.

16:05

Mike Watson (Glasgow Cathcart) (Lab): I just failed to get in under the wire, I see.

There has been a lot more good than there has been bad in the debate, as there is in the conclusions of the Procedures Committee's report on the consultative steering group principles. Incidentally, it is good to see Canon Kenyon Wright, a man who played such an important role in the CSG, in the gallery. It is typical of him that he has come to the chamber today to hear our deliberations.

I will start by talking about increasing access to and participation in the work of the Parliament. Recommendation 5 refers to

"increasing the breadth of those who engage with the Parliament".

There is some concern that the people who either contribute to pre-legislative consultation or who act as advisers comprise too many academics, industrialists and the so-called great and the good. Not enough people from voluntary organisations, trade unions and community groups get to participate in the process and we need to consider ways of increasing their numbers.

I would like us to follow the pattern used by the national lottery funds. The Community Fund and the New Opportunities Fund have had a fair-shares system to ensure that those who are currently not applying for funding, for whatever reason, are given the necessary assistance to do so. We could consider the use of ring-fenced resources in a similar way. That could be covered under a proposed SPCB outreach programme, as described under recommendation 6 of the report. I hope that we can set up such a programme, so that we can reach people who are marginalised, whether through income, geography or both, and allow them to participate more.

The Parliament's education service does a tremendous job. However, there are schools in Scotland that, for financial reasons, cannot undertake visits to the Parliament. We should consider increasing ring-fenced resources for that. Schools in the Highlands and Islands might need overnight stays in Edinburgh in order to visit the Parliament and we should ensure that they have the means to do that.

Like Robin Harper and about eight other members, I was here last night for the Scottish Civic Forum event, which was stimulating. The forum came up with a number of positive suggestions. I would like recommendation 3 of the committee's report to be implemented. I notice that the Executive has welcomed the recommendation, but I was a bit disappointed that George Reid, the Presiding Officer, does not accept it in his response and I think that the matter perhaps needs to be revisited. Implementing the recommendation would restate the importance of the Civic Forum and the role that it can play. On the basis of what I heard last night, I would say that the Civic Forum has to broaden its basis, too. There is therefore a double-edged sword with regard to the Civic Forum broadening its involvement with the Parliament.

Disappointment with members' business debates was expressed at the forum's meeting last night. It was said that members of the public who turn up for a members' business debate frequently find that there are more of them than there are members. That is understandable in some ways, but we can also understand the disappointment of members of the public when that is the case. I am pleased to see the committee's recommendation on that issue and its desire to create some time for members' business within the Parliament's normal working day, if I may put it that way. I am pleased to note the Executive's positive response on the matter and I would like some way of implementing the recommendation to be found. As somebody said to me last night, "If MSPs can't be bothered turning up to those debates, why should we turn up to them?"

I agree with Alex Neil on the amount of time that is available for speaking in debates. Four minutes is just not long enough. I have five minutes today and members speaking before me had six minutes, but we should feel privileged to have that, because it is longer than normal. We need a new system of allocating time for speeches. However, I am not as concerned as Alex Neil is about debating the major issues. I want major issues to be discussed in the Parliament, but I want those issues to be ones that we can influence and on which we can achieve something through our vote in the Parliament, rather than just simply issues of international importance. There is a time and a place for such debates, but they should not be held at the expense of the issues on which we can legislate or make decisions.

I suggest that back benchers should apply under a ballot system to be able to speak in debates such as this one. Eight minutes should be available for each speech and speeches should be allocated taking into account the weighting of political parties and the amount of time members have spent speaking in the chamber recently. By my calculation, that would let in 11 or 12 speakers in the morning session and 14 or 15 speakers in the afternoon session. Even though there would be fewer speakers, I believe that we would be putting quality over quantity. Members would be able to put more into their speeches, to develop their arguments and to take interventions. That last point is important because, after all, we are talking about what are supposed to be debates.

My final point echoes what Mike Rumbles said about stage 3 consideration of bills. I have been concerned on more than one occasion that not enough time has been allowed for amendments to be dealt with. In its response to the report, the Executive says that, in the vast majority of cases, that has not been a problem. I agree. However, in a number of cases, members either have not been able to move amendments at all because time has run out, or, at best, have been allowed much less time than was allowed for members speaking to amendments at the beginning of the stage 3 debates.

Stage 3 is the end of the process; there is nowhere to go after that. We will have to be a little more flexible in the time that we are prepared to make available in the Parliament. I am all for family-friendly hours, but in any job people sometimes have to work late. If we know in advance that a bill is at stage 3, people can make allowances. We may have to stay on until 7 o'clock, as we have done before, and, if we cannot complete the debate in that time, we may have to schedule another session. We have to be more flexible. Stage 3 is an important part of the process; passing legislation is fundamentally what we are here for.

16:11

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): This debate has been remarkably free of party politics. To carry on in that vein, I will start by disagreeing with the views eloquently expressed by my colleague Alasdair Morgan. I have come to the view that Mike Rumbles expressed: the reasons for holding some committee discussions in private, although valid, are largely outweighed by the need to be seen to have openness in those discussions. I have come to that view primarily because I cannot really see what we would want to keep secret. Alex Salmond once told me, "If you express a view in politics, don't be surprised if it finds its way into the newspapers. If reading that view in the newspapers would be, for you, an unwelcome experience, don't utter that view in the first place."

If the publication of a discussion on a report, rather than on legislation, shows that people like me will—as members will appreciate—compromise on various issues at various times, I cannot see what is wrong with that. There is always the option of having a minority report or of expressing one's dissent. If members compromise—in the interests, as Alasdair Morgan said, of achieving a committee report that is strong and therefore more likely, in theory at least, to influence the Executive—I do not see what is wrong with those members being seen to have compromised or being seen to have said, "On account of the views that Mike Watson has just expressed, I have modified my views slightly." In expressing that view, I genuinely disagree with my colleague Alasdair Morgan. However, that is the kind of principle that the CSG would expect us to support.

The report's recommendation on ultra-long ministerial answers has been dismissed rather casually by the Executive, which says that there is no need to alter standing orders. Time and again, we have heard the Presiding Officer say that he has no power over the answers that are given. Time and again, members—including me, the chamber might be surprised to hear—are cut off by the Presiding Officer because they go on for too long. That is to keep order, but why is it that ministers can ramble on and on, taking up inordinate amounts of time and not actually revealing a great deal?

Susan Deacon: Will the member also acknowledge that the Procedures Committee commented on the volume of written questions—not that the member would have any particular reason to acknowledge it? Does he support the committee's recommendation, to which Ken Macintosh referred, for a review of the parliamentary questions system?

Fergus Ewing: I noticed only today that Des McNulty seems to be trying to submit the highest number of written questions—at least according to recent business bulletins. Of course I support the recommendation of a review. Responses to parliamentary questions are, to be frank, appalling. Recently, a snooty sort of addition at the end of answers refers the questioner to a website.

I do not subscribe to the view that parliamentary answers cost any money, because they are dealt with by civil servants who would be there anyway and, in many cases, the information should already have been provided. Regardless of whether parliamentary answers cost money, what about the caveat at the end of them, about reading the website? That is just patronising.

Mr Macintosh *rose*—

Cathie Craigie: Will the member take an intervention?

Fergus Ewing: No. I have obviously stirred things up a bit, but I want to move on.

Alex Neil: Members can read his website.

Fergus Ewing: Indeed.

The contrast between the approach to freedom of information in this Parliament and the approach that has been illustrated in the Fraser inquiry could not be starker. We are getting to find out the truth about what happened with Holyrood for the first time, because civil service advice is being published.

If the Executive carries on keeping things secret on spurious grounds—contrary to the provision to which I referred in my intervention on Ken Macintosh—it can expect to be roundly condemned by me. I fully expect that the Executive will continue to keep all such matters absolutely secret. That is totally in breach of the CSG principles. The fact that everything to do with Holyrood was kept secret is perhaps the key to why people are scunnered with the Parliament. That information is now coming out. The Executive's approach on Holyrood and on sharing information with elected MSPs and the public has been lamentable; it is rather akin to the desire of squirrels to share their nuts prior to hibernation.

16:16

Phil Gallie (South of Scotland) (Con): Fergus Ewing talked about people being scunnered with the Parliament and Karen Gillon talked about people being disillusioned with the Parliament. However, are people scunnered with the Parliament or with the Executive? When we consider our procedures for the future, we must emphasise that there is a separation in that regard. The Parliament's job is to scrutinise and

oversee the Executive. The Parliament's actions in scrutinising are all important, even though there might be majority of members who are there to give support to the Executive.

The report contains 135 recommendations. We must congratulate all those who spent so much time putting them together. It was my intention to go through a number of points that I had highlighted—I had picked out 30 of the 135 recommendations, but there is no way that I will be able to cover them all.

I will pick up on one or two of the recommendations that have not been mentioned. Recommendation 13 draws attention to the success of the Parliament's education service, which I believe has met the CSG objectives in the way in which it has promoted the Parliament to our young people. Its work is very important.

Recommendation 20 suggests that the Parliament needs more press gurus. I am concerned that that smacks slightly of spin. Recommendation 21 calls for committee conveners, the committees and the Presiding Officers to have greater contact with the press. Although I feel that that will have no harmful effects, I do not like the idea of having more press officers.

On equal opportunities, I do not go along with the idea of an opportunities champion on each committee. In my view, we could not have just one such champion; we would have to have two to ensure gender balance.

I believe that recommendations 38 to 40, which discuss the timing of the analysis of bills as they go through stages 1, 2 and 3 in the Parliament, are the most important. I identify with Donald Gorrie and the other members who have emphasised that there has to be change on that issue. I cannot see why tight time lines have to be applied at stage 3. What does it matter if a debate has to be adjourned and perhaps carried over until the next day so that new amendments can be considered? That proposal should be taken on board, as it appears that it would be welcomed by members of all parties; it is most unusual that one of my proposals should receive such support.

John Home Robertson said that it would be difficult to imagine an issue on which I agreed with Tommy Sheridan. I point out that recent voting traits indicate that we have agreed on a number of issues. However, that highlights the important point that members of the Parliament should decide how to vote according to the issues, not on predetermined party dogma.

Moving on, I pick up on the issues surrounding the secrecy of committee meetings during compilation of draft reports. I have seen some advantage from that practice in recent times, as

going into closed session can give those who have the minority view on the committee an opportunity to use their powers of persuasion to greater effect. That happens just occasionally. However, I have no objection to putting the reports under the full public gaze, although I wonder whether harm could come if those reports had to be published beforehand. Expectations could be raised that are not fulfilled in the longer term. However, as I have stated from the early days, I believe that the requirement for committees to go into closed session for such issues should be kept to a minimum.

On oral questions and First Minister's questions, I again identify myself with the comments made by my colleague Jamie McGrigor. One issue that I feel strongly about is that the Presiding Officer should be able to some extent to control responses from ministers. Ministers should stick to the point of the question. Members are obliged to do that and Presiding Officers ensure that they do. There should be no exceptions for ministers in those circumstances.

16:21

Des McNulty (Clydebank and Milngavie) (Lab): When Fergus Ewing tries to be non-partisan, he should be treated with great caution. Otherwise, we might end up like the Trojans who did not beware the Greeks bearing gifts.

Like other contributors, I think that the committee system is one of the most positive features of the Parliament. In most cases, the committees do an excellent job, with members from all political standpoints working together to scrutinise Executive policies and performance. It is important that the proper function of committees—in particular, the production of serious and worthwhile reports on legislation and other matters—is not undermined. Regrettably, there are some addicts in the chamber whose existence is confirmed only when their name appears in the newspapers. We should not pander to those people in the name of openness. Alasdair Morgan was quite right to say that, if draft reports have to be taken in private to prevent grandstanding by individuals, so be it.

I enjoyed Alex Neil's speech, even if it did not quite reach the standards of Strathclyde Regional Council. Debates in the council were generally about matters for which the council was responsible and were therefore meaningful. Of course, this is the same Alex Neil who, in an earlier life as a party apparatchik, chucked Sam Galbraith out of the Scottish Labour Party provisional wing for being too left-wing. Alex Neil criticises party domination yet, with half a dozen exceptions, the incumbents of the Opposition parties are all here at the behest of party managers.

I am sure that Alex Neil understands political straitjackets, having been tied into one by his party colleagues. However, the biblical spectacle of the lion of Patna lying down amidst a flock of directionless lambs should not distract attention from the fact that the electoral system that we use to determine who gets into the Parliament is seriously flawed. Mr Swinney's suggested changes to the methods of selecting SNP candidates are not, in my view, designed to ensure that candidates are ranked on the basis of ability.

Alex Neil: Will the member give way?

Des McNulty: I will carry on a wee bit before coming back to Alex Neil.

The direct accountability of elected members to communities rather than to party managers is a crucial principle of accountability in any parliament. Not every constituency corresponds to natural communities, but each constituency MSP knows that he is here to represent about 60,000 people who live in a defined area. If the people are not satisfied, they can replace their constituency MSP. That is the strongest incentive that any of us can have to do the job properly.

I argue that our procedures in the Parliament have become a wee bit too informal. At Westminster, it is customary for members to be called to speak as the member for Clydesdale or wherever. That reinforces the link between the representative and the place and people who are represented. I would be happy to be described as the member for Clydebank and Milngavie. I am sure that we could find an acceptable terminology for list members that would recognise Patrick Harvie's preference not to be known as the assisted places member for Glasgow.

However, the system under which list members are elected creates differential mandates. Perhaps the Procedures Committee should have faced up to that in its deliberations. In Glasgow, 77,000 votes for Labour candidates were disregarded so that, under compensatory arrangements, two SSP members were elected with 31,000 votes.

Fergus Ewing: On a point of order, Presiding Officer.

Des McNulty: A Green MSP got in with 14,570 votes. The system—

The Deputy Presiding Officer: There is a point of order Mr McNulty.

Fergus Ewing: I know that we have five volumes of a report before us, but I am struggling to work out what possible relevance there is in Mr McNulty's references to the SNP's internal procedures and the Scottish Parliament election outcomes. Those matters are completely irrelevant to the debate.

The Deputy Presiding Officer: That is not a point of order, Mr Ewing, and I think that you know that.

Des McNulty: It was certainly not a point of order.

My argument is that none of those matters was considered by the previous Procedures Committee, but ignoring them impedes democratic accountability, which is the most important of the four founding principles of the Scottish Parliament.

If we count all the votes that were cast, the smaller parties' share of the vote comes to 12.5 per cent—not 15 per cent, as claimed by Tommy Sheridan.

Alex Neil: Will the member give way?

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

Des McNulty: If we acknowledged the wishes of the voters when they cast their second votes by not disregarding the votes cast for the most strongly supported party in the constituency ballot, the SSP would have two representatives, the Greens might have four, the SNP would get 12 and Labour would have 19 list seats.

Bruce Crawford (Mid Scotland and Fife) (SNP): On a point of order, Presiding Officer.

Des McNulty: The SSP claims that it is under-represented but—

The Deputy Presiding Officer: Mr McNulty, there is another point of order. Please sit down.

Bruce Crawford: Presiding Officer, I seek your guidance. We are supposed to be having a debate on Karen Gillon's very considered motion on a report from the Procedures Committee about the CSG principles. So far, this has been a very good debate on those issues. However, surely Mr McNulty's contribution strays way beyond the content of the motion and is therefore out of order. It is in danger of bringing the whole process into disrepute and is showing disrespect to the Procedures Committee.

Mr Macintosh: Further to that point of order, Mr McNulty might wish to know that the committee considered the differences in the responsibilities of list members and constituency members. The committee recognised that there is a problem.

The Deputy Presiding Officer: Mr Crawford, you were correct; that was a point of order. The motion is wide-ranging and it covers a great deal, but you were correct to point it out. Mr McNulty, will you please sum up now?

Des McNulty: The SSP is over-represented relative to the number of votes that were cast. It did not help the case for the SSP amendment that

the party failed to take up the place on the Subordinate Legislation Committee that it was allocated.

On the list system, virtually every member of the SNP, even those who won constituencies—

The Deputy Presiding Officer: Mr McNulty, you have to finish now.

I move to winding up speeches and call Mr Jamie Stone.

16:28

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): The debate has been most interesting. We have heard mention of several issues by many speakers.

Alex Neil: On a point of order, Presiding Officer. As a result of Mr McNulty's behaviour, the final SNP speaker on the list, Brian Adam, was unable to speak. Is it not therefore fair that the summing-up speech from the Labour party should be scrubbed in favour of Brian Adam's speech?

The Deputy Presiding Officer: Mr Neil, you know that it is entirely up to me who I call to speak. Two members of your party raised points of order, which meant that I could not call Mr Adam to speak.

Mr Stone: The issue of courtesy has rightly been mentioned by several speakers. Stewart Stevenson took us into the interesting area of recommendations 105 and 106, to which I will return. He also mentioned Sewel motions.

I associate myself with the remarks made by Mr Jamie McGrigor about First Minister's questions. Let us be honest: the disconnection between FMQs and ministerial questions has meant that, between 2.30 pm and 3.40 pm, the gallery in the chamber is virtually empty. The question times should be linked back together as soon as possible. What we have at the moment is not working, no matter how well intentioned the notion was.

The scrutiny of amendments at stage 2 has been mentioned. Alasdair Morgan and many other members mentioned public participation. Given the founding principles of the Parliament—the people and their involvement in the workings of the Parliament—we fail to consider public participation at our peril.

Susan Deacon rightly mentioned the choice of members' debates and some work must be done on that front.

Donald Gorrie fired a very dangerous torpedo at any notion of a Scottish House of Lords, and I associate myself with his remarks. He also talked about involving people. In particular, he made an

impassioned plea for slowing down the process of bills moving through the Parliament.

Tommy Sheridan made an appeal for free thinking—would that that was the case among us all. Alex Neil made a big issue of the agenda of the Parliament, comparing our debates with the standard of speaking in Strathclyde Regional Council. He made a plea for the Presiding Officers to take back the reins of power. John Home Robertson—wrongly or rightly—took a swipe at the civil service and made a plea on behalf of my colleague Mr John Farquhar Munro for the Gaelic term for Presiding Officer or Speaker to be considered.

I turn to the main point of my speech. During time for reflection, Father Thomas Boyle referred to Sir Thomas More, who was a Speaker of the House of Commons. Stewart Stevenson then took us to recommendations 105 and 106 of the report. I ask members to think on this: a back bencher of this Parliament is a back bencher, and a back bencher at Westminster is a back bencher; a minister of this Parliament is a minister, and a minister at Westminster is a minister; and the civil service is the same everywhere. Yet “Speaker” is the word that we dare not use in this Parliament.

The US state legislatures have Speakers and other devolved legislatures have Speakers. I believe that the term would reflect the dignity, stature and authority of the position, and it would reflect on the Parliament itself. We are not a council: we legislate, just as Westminster legislates; the Scottish Executive governs, just as the UK Government governs. I believe that we should have the guts to use the word “Speaker” in this Parliament. I know that it is controversial and that many members do not agree with me; however, I am not talking about wigs for George Reid or about trying to usurp the UK Parliament.

The issue is linked to all that Alex Neil and other members have been saying about the Presiding Officers needing to take back the reins of power. Let us call them Speakers: let us not be feart to use that word. It was done away with in the Scotland Act 1998 because people thought that its use would undermine Westminster. That is not where I am coming from—I am talking about the sovereignty of this Parliament. We should be honest, call a spade a spade and say it loud and clear to Westminster: the Scotland Act 1998 will have to be revisited. We have had pleas about reforming the electoral system. I hope that when it is revisited, the issue of what we call things in recommendations 105 and 106 is revisited as well.

16:32

Lord James Douglas-Hamilton (Lothians)
(Con): I welcome today's debate. When Alex Neil

mentioned the MP who had spoken for 90 minutes, the Deputy Presiding Officer intervened immediately to inform him that he had only one minute more. That reminded me of the cautionary tale of the advocate before the judge, who said, “I do hope that I have not gone on too long.” The judge looked down and said, “You have exhausted time and encroached upon eternity.” I feel that encroaching upon eternity is not part of the job description of any member of the Parliament. Nevertheless, a good point was made by Mike Watson when he said that we ought to be allowed a longer debate at stage 3 when a substantial number of amendments have been lodged on an important issue.

We have debated the issue of when First Minister's question time should be, and some members—Jamie Stone, Jamie McGrigor and Brian Monteith—have argued that the timing should be changed back. First Minister's question time now has an average broadcast audience of 18,000, and it requires no spin to highlight the fact that that is 45,000 fewer than the average broadcast audience of 63,000 before the changes were introduced. That has not helped to raise the stature of the Parliament in the public's mind. The Parliament is now less accessible and less open to thousands of people, which must be a matter of regret.

The committee structure of the Parliament acts as the Parliament's second chamber. Therefore, although we welcome a review of the founding principles and committee structure of the Parliament, we are opposed to recommendations that would lead to unnecessary interference with the committee system. We believe that it is working well. I accept Mike Rumbles's suggestion that private sessions should be few and far between. We would not object to drafting in private—if that were a committee's decision—but major policy issues should be discussed in public.

Tommy Sheridan said that we must have regard to the four founding principles of the Parliament. On sharing power, although we favour more efficient working and dealings between the Executive and the committees, committees should not work too closely with the Executive, as they must retain their scrutinising responsibility. For example, it would be difficult for committees to scrutinise Executive policies that they had helped to develop. Fergus Ewing mentioned squirrels sharing nuts, but I remember that squirrels fight like anything over nuts. We would not want that either.

Any recommendations must mainstream equal opportunities. As for accessibility, we are in favour of greater civic participation, which is one of the surest ways to further the founding principles. Nevertheless, that should be as flexible as

possible, to allow each committee to decide how best to create participation. We want the Parliament to be more accountable and we would welcome the setting aside of more time to deal with petitions.

The report is helpful and has been a useful contribution. The hallmark of what we believe in is on the mace: the need for compassion, wisdom, justice and integrity.

I would be grateful if the minister gave the Executive's assessment of whether First Minister's question time might be changed. Once when asked what qualities a politician required, Winston Churchill replied:

"The ability to foretell what is going to happen tomorrow, next week, next month, and next year. And to have the ability afterwards to explain why it didn't happen."

I guess that the Executive believed that it could foretell that changing the format and timing of First Minister's question time would lead to a better working Parliament. I will be interested in seeing whether the minister has Winston Churchill's ability to explain why that did not happen.

16:37

Brian Adam (Aberdeen North) (SNP): One of the important aspects of Parliament is the opportunity to speak. It is good that individual members do not choose who speaks and that we must co-operate and rely on the judgment of others. Considerable debate may be had about those decisions. I understand well why speakers seek and take more time to speak, which means that occasionally people become rather angry, as I did a little earlier when I thought that I had been denied the opportunity to participate.

A key function of a Parliament is its ability to legislate. This Parliament is different because it has pre-legislative consultation. The Scottish Executive's proud answer to recommendation 2 in the report is that we had 611 consultation exercises in the previous parliamentary session, which lasted less than four years. That makes one consultation every two days. It is no wonder that we have to create mechanisms for talking to various interests. I am worried that the Scottish Civic Forum and other similar bodies will become part of the usual suspects. It is important to consult, but I have doubts about the number of consultations and their relevance to large parts of our society.

In the previous parliamentary session, we passed 64 bills, or close to that number. For every bill, there were 10 consultations. I am not sure what the other 560 consultations were about and whether we are to expect another 560 bills. We have not quite refined the process.

The CSG principles were good principles that were based on experience and how we might improve on that. It is good that we aim to improve our procedures further. One of the major weaknesses, however, of the first session of the Parliament was the time scale that was allocated to the legislative process.

My particular disappointment was the fact that, in a number of cases, the Executive felt it necessary to lodge major amendments at stage 3, some of which introduced new material that had not passed through the pre-legislative consultation stage in any way. We will have to address that weakness in the system and the Executive will have to give serious thought to the practice. If new material is to be introduced, a stop should be put on the legislative process so that the bill has to go back into the system again. We have to allow appropriate time for legislation.

We also have to strike a balance between debates on general matters and debates on legislation. The balance is not correct at the moment. Certainly, in the first few months of the second session of the Parliament, we have spent a lot of time discussing subjects over which there is no likelihood of legislation. Perhaps that time might have been better spent on committee work. A balance has also to be struck between committee work and plenary debates.

We have not made the best use of plenary time so far in the second session of the Parliament. That is largely because consultation on the legislation that the Executive wants to introduce is not yet complete. Perhaps the time would have been better spent on some of the other work that the Parliament should undertake. I am thinking of committee inquiries and about members getting out there to engage in wider debates with the public.

I share the concerns that were expressed by the Procedures Committee about the quality of the answers that we receive to parliamentary questions. I endorse the comments of other members with regard to the accountability of ministers for their responses at question time and for their written answers. Some of that is the responsibility of those who draft the answers—undoubtedly, answers are drafted by civil servants.

I endorse a number of the recommendations, particularly those that propose to revisit some of the issues around who is responsible for titles and functions in the Parliament. There will be an opportunity at Westminster to make some changes. Perhaps today's debate is not the main opportunity to raise those changes. The Executive's response to those recommendations was disappointing to say the least, as they concern an area that is non-contentious and not party political. However, as my time is up, I will finish on that point.

16:42

The Minister for Parliamentary Business (Patricia Ferguson): I say at the outset that I welcomed the opportunity to listen to the views that colleagues expressed in the debate. I say that not least because I am one of the legions of former members of the Procedures Committee who sat through some of the meetings at which the committee began to compile the report. I watched the progress of the report with interest. I do not think that those of us who began the report envisaged that it would become as large as the tome that Robin Harper brandished in the chamber; nevertheless, a lot of the report makes good reading.

I start by recording the appreciation of Scottish ministers and the Scottish Executive for the detailed and thorough work that members of the former Procedures Committee undertook. I thank also the committee clerks and other parliamentary staff who serviced the committee. The report is the result of a great effort of work by a number of people.

The CSG principles embody Scotland's aspirations for a new political culture. Scottish ministers are keen to work in partnership with the Parliament and others to fulfil that vision of inclusive governance. We are committed to open, accessible and accountable government. I would argue that we have demonstrated that in the best possible way—by our deeds and by our actions.

The Executive published its response to the committee's report in August. We expressed our whole-hearted support for the CSG principles and our commitment to reflect those principles in every aspect of our work. We are keen to find ways of improving parliamentary scrutiny of the Executive wherever possible. That is why, at the beginning of the new session, the First Minister proposed changes to the timing and duration of First Minister's question time.

As many members said, the new arrangements are in place on a trial basis. Lord James Douglas-Hamilton asked me to comment. I think that he wants me to confirm that the new arrangements are not the way forward. I say to him that that is a matter for the Parliament and not the Executive to decide. I was interested to read one of the pieces of information that the Procedures Committee garnered from a survey that it undertook of people who watched First Minister's question time, which showed that 53 per cent thought that the way in which First Minister's question time is now being done is the correct way to do it. We must give the trial time and then review it. As many colleagues have said, we must not be afraid to make changes, review them, take them forward if they work, or say so if they do not.

Devolution brought the political process closer to the people. With that in mind, we are seeking the widest possible participation in the development of policy and proposals for legislation. We value the knowledge and experience of public service deliverers, interest groups, users of services, experts and the Scottish people. We want to hear what people have to say about what we are doing, not only because we believe that that is the right thing to do in principle, but because it makes for better policy. We are also committed to power sharing while ensuring that we retain proper accountability as the elected Government.

I emphasise that—as John Home Robertson and many other members pointed out—the Scottish Executive is also addressing its relationship with civic society through a programme of organisational improvement called "Changing to Deliver". That document recognises the challenges that devolution has created and will ensure that we continually evaluate our behaviours and systems; improve the service our civil servants provide for Scotland; and focus on the needs and views of ordinary people.

A number of members mentioned consultation; certainly Brian Adam felt that there was too much of it. The Executive has initiated participation events to gather views on policy proposals such as school meals and antisocial behaviour. Indeed, I argue that the Executive's consultation on antisocial behaviour over the summer broke new ground in reaching out to hear the views of people in communities. I very much hope that we have more such events in future and I know that the Executive is committed to that approach.

As we were determined to ensure that that event should not be a traditional, paper-driven consultation exercise, over the summer ministers went to more than 30 constituencies to talk to people on the ground. We talked to people in the front line who dealt with antisocial behaviour in their communities and visited specific projects and initiatives aimed at dealing with the consequences. Above all, we went to listen to what ordinary residents had to say about what was happening in their areas. That approach very much accords with the points that Ken Macintosh made in his speech.

Brian Adam: Will the minister clarify for my benefit and the chamber's benefit that the 611 consultations mentioned in the Executive's response to the report were not carried out on 611 issues and will have included, for example, 30 consultative meetings on antisocial behaviour?

Patricia Ferguson: In our response, we were talking about individual consultations that have been conducted. Not every single consultation exercise leads to a piece of legislation, although it might well inform some of our other work.

It is also important to stress that people should receive feedback from responses to consultations. In fact, we are always seeking to improve our practice. For example, in the next month, we will issue revised internal good-practice guidelines on consultation and will set standards across the Executive in relation to what people can expect in return for their contribution to a consultation.

Susan Deacon: Will the minister give way?

Robin Harper: Will the minister give way?

Patricia Ferguson: Not at the moment. I want to develop my point.

As a result, we recently committed £4.1 million to ensure that people from disadvantaged communities can participate in the decisions that affect their lives. I very much take on board the point that many members made that we should reach out to people other than the usual suspects and ensure that people who have something to say about the legislation or whose lives will be affected by it are able to make their point.

The Executive's public internet access point initiative aims to create more than 1,000 internet access points in communities across Scotland and has 700 points up and running so far. Work is now starting to target access improvements on disadvantaged groups to ensure that everyone has the opportunity to respond to us if they so wish.

We are also keen to be proactive about developing our civic participation strategy and want to share best practice with the Parliament as we do so. It is self-evident that the institutions of the Parliament and Scottish Executive alone cannot set the governance agenda; civic society must be brought fully into the dialogue. In that respect, we are pleased that Canon Kenyon Wright was able to organise the recent people in Parliament event and are glad to note that the event took place.

A number of things were said in the course of the debate that I will not have time to respond to today, but I would like to pick up one or two points. The Parliamentary Bureau very much takes on board the views that it hears from all the business managers who participate in it, as well as from the clerks to committees, in formulating the amount of time that is made available for a stage 3 debate. We do that with the best of intentions, to try to focus on the areas that we are told will have the greatest amount of interest. As a result, the debate on the Housing (Scotland) Act 2001 was allocated two days, although we used only one of those days, and that has been the case in a number of situations. We can learn to do things better, but we rely very much on the information that we have about what will be of interest and concern to members, and we genuinely try to reflect that in the amount of time that is available.

I feel obliged to comment on Alex Neil's points. We have discussed the economy and we have also discussed transport in just the past week or so. Tomorrow, we will have what is, in my view, an important debate on domestic abuse. However, it is not just in this chamber that we discuss important issues; we do so also in our committees. It is their role to consider the issues in great detail and to come forward when they have something they want to say about the work that they have undertaken. We should not underestimate the work that they do, which I think Alex Neil was pretty close to doing in his contribution.

I also want to respond to Fergus Ewing's points. He suggested that the answers to questions are often too long. Very often, the question itself is long and complex, and it is important that ministers are able to respond to the points that are made. He also said that reference was made to a website. I point out to him that that would have been done to indicate to him that the material is already available in the public domain and that he would not really have needed to ask his question if he had thought to look in another place.

I close by giving two brief examples of my own experiences of written questions. On one occasion, I phoned up the member and said, "I am not quite sure what you want to elicit from this. Can you give me information?" I was told, "I am sorry. I don't actually know. I'll go and check with my researcher and come back to you." The member never did. On a second occasion, I phoned up and said, "I'm really sorry, but is this what you're looking for? The question you've asked me is very bland and the answer you're going to get back is equally bland." I was told by the member in question, "That's fine. If you give me back a bland answer, it just means I can ask another question." Needless to say, Presiding Officer, neither of those members is here with us in the chamber today.

This has been a good debate. The Executive is always willing to work with the Parliament and with the committees to improve our procedures, and I shall always make myself available to attend meetings of the Procedures Committee to give evidence in that regard.

The Deputy Presiding Officer: I call Iain Smith. You have nine minutes, Mr Smith.

16:52

Iain Smith (North East Fife) (LD): Thank you, Presiding Officer, or Speaker, or Cean Comhairle, or Chair, or Convener, or whatever you would like to be called. I do not think that what you are called is important. It is the job that the Presiding Officer of the Parliament does that is important, not the title. I do not get overly hung up on those things.

It has been an interesting and useful debate. When the current Procedures Committee was considering its forward work programme at an away day during the summer, we wondered how best to take forward the report of our predecessor committee. It was a difficult task to decide. As a committee, we did not necessarily have to endorse the recommendations of our predecessors, and the Parliament had not endorsed them. We felt that, rather than try to take forward the report in a vacuum, it would be better for us to get the views of the various bodies to which recommendations were addressed: the Scottish Parliamentary Corporate Body, the Parliamentary Bureau, the Conveners Group, the Executive and the parliamentary authorities. We also wanted to get the views of the Parliament, by having an open debate to find out how members feel about some of the recommendations in the report.

We also felt that it was important for the Parliament to have the opportunity to endorse its founding principles once again. That is why the motion before us today is framed as it is, noting the report in general, but also providing an opportunity to endorse the four founding principles. That has been a useful mechanism and, although many members have told me that they were confused about how the debate was meant to operate, it has been interesting and useful and a number of valuable contributions have been made.

In summing up, I shall try to cover some of the points that have been raised. There seem to be three or four key areas that the current Procedures Committee must address in more detail and about which it will have to present further thoughts and recommendations to the chamber. I will try to pick up those areas as I go through the points that have been raised.

First, I thank Ken Macintosh for moving the motion and for giving a good explanation of the background to the report. I wonder whether the committee was slightly disappointed in reaching its final conclusions and realising that the report had 1,001 paragraphs rather than just 1,000 paragraphs. The committee seemed to have a target of reaching that millennium figure. That said, the report is useful and interesting and makes 135 important recommendations.

Stewart Stevenson opened for the SNP and I want to take issue with a couple of points that he made. One point related to the Executive's ignoring the Parliament's recommendations on issues such as GM. It is important to note that committees' recommendations are not the Parliament's recommendations. Such recommendations are the views of the committee until they are endorsed by the Parliament. The Executive might take a different point of view from

the view that a committee takes in a report or in a recommendation and, unless a committee report has been endorsed by the Parliament—the Parliament has sometimes rejected committee reports—the Executive is entitled to take a separate view and to put that view to the Parliament.

Stewart Stevenson: I would like to clarify what I said. I simply quoted what a member of the public said—I did not express a personal view.

Iain Smith: I accept that entirely. I am merely trying to clarify that there is a difference between the views of committees and the views of the Parliament until the Parliament has endorsed such views. [*Interruption.*]

The Deputy Presiding Officer: Order. There is too much noise.

Iain Smith: On what Jamie McGrigor said, I do not want to discuss question time and First Minister's question time in this debate. The Procedures Committee is reaching the end of a lengthy inquiry into question time in general and issues such as themed question times and the timing of questions will be addressed in its report.

On the timing of First Minister's question time, the Parliament agreed that we would have an experiment until the end of the year and that the Procedures Committee would review that experiment early in the new year. It is hoped that, early in the new year, the committee will present a balanced report to the Parliament that will say whether we should continue the experiment, consider another time or revert to the previous time. I do not want to go into detail on the matter and pre-empt such important discussions.

Alasdair Morgan made some important points on behalf of the Conveners Group. A big issue that has come out of the debate is the division of opinion on whether draft reports should be considered by committees in private. The issue is not straightforward and will have to be addressed in more depth. In principle, I tend to believe that as much business as possible should be discussed in public, but there is an issue with draft reports. Such reports might make comments and suggestions that are not endorsed by the committee as a whole. Views that are in draft form are not the committee's views, but might appear in the public domain and be attributed to the committee. We have experience of committee draft reports being leaked. If a committee takes different views from those in a draft report, that could be seen as a U-turn or the result of the Executive putting pressure on the committee, although that would not be the case and the committee will simply have considered a draft report to reach a view.

We must be careful. If we start to hold all

meetings to consider draft reports in public, those reports will have to be in the public domain. How they would be handled not by committees or members but by outside agencies such as the media might be an issue to take into account.

Mike Rumbles: There is possibly a distinction to be drawn between committee reports on legislation and reports on non-legislative issues.

Iain Smith: I am aware of that. The matter would have to be considered as part of the overall legislative process. However, it is up to each committee to consider the matter. I have been a member of committees in which we have had important and useful discussions on stage 1 reports in private that I do not think we could have had in a public forum. The current Presiding Officer was the convener of that committee. Some of those discussions were much more helpful by being in private than they would have been if they had been in public. Publicly, members must take a stance on issues, but in private they might be willing to discuss openly and frankly ways of taking forward the agenda. That issue must be borne in mind when such points are considered.

Donald Gorrie made other important points about timetables for legislation. I think that the Procedures Committee will return to that issue during the session. We must consider whether the balance is right in the timetable for stages, between stages and at stage 3, and whether there should be any intervening periods. Donald Gorrie made an interesting suggestion in that respect. Somewhere between stage 2 and stage 3, the committee and the Executive could sit down and consider the shape of the bill and find out whether issues have arisen from amendments at stage 2 that will need to be addressed at stage 3. That might be a useful forum and good practice, although it is not necessarily something that would require changes to the standing orders.

There was some discussion about the timetabling of stage 3 debates. On occasion, we have got that badly wrong. Sometimes we have given far too little time to stage 3 debates and on other occasions we have given them far too much time. Members have to make clear to their business managers whether there are major issues that need to be debated at stage 3. Stage 3 debates are often a repeat of what happened at stage 2. The same members speak about the same issues again, because they are the only members who have in-depth knowledge of the bill. We must be careful that we do not get too hung up on that.

The parliamentary timetable was raised by Alex Neil. He has some points, but if he wants a debate on the manufacturing industry he can have one next week when there is an SNP opposition day. If he thinks that that is an important issue, he should

lobby his business manager to have a debate on the manufacturing industry in the SNP's time rather than have a debate about a matter that is not the responsibility of this Parliament, which is too often the case in opposition day debates. As has been said, we have had important debates on health and transport.

I do not have time to cover all the other issues that were raised. Members of the committee will read the *Official Report* and consider carefully the points that were raised along with the other comments that we have received.

I thank Tommy Sheridan for not moving his amendment. I give him the assurance that, while I am convener of the Procedures Committee, I will do everything that I can to ensure that the Parliament operates on the basis of proportionality and that every member of the Parliament has the same right to be heard as every other member. We must ensure that there is proper proportionality between all parties, which means that no party should get more than its fair share and no party should get less than that.

Business Motion

The Deputy Presiding Officer (Trish Godman): The next item of business is consideration of business motion S2M-657, in the name of Patricia Ferguson, on behalf of the Parliamentary Bureau, which sets out a business programme.

Motion moved,

That the Parliament agrees the following programme of business—

Wednesday 3 December 2003

2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Executive Debate on Modernising Access to Legal Advice, Information and Representation

followed by Business Motion

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 4 December 2003

9.30 am Scottish National Party Business

12 noon First Minister's Question Time

2.30 pm Question Time

3.10 pm Executive Debate on Protecting Bathing Water Quality

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 10 December 2003

2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Executive Debate on Fisheries 2004

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 11 December 2003

9.30 am Scottish Conservative and Unionist Party Business

12 noon First Minister's Question Time

2.30 pm Question Time

3.10 pm Preliminary Stage Debate on Stirling-Alloa-Kincardine Railway and Linked Improvements Bill

followed by Business Motion

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business—[*Tavish Scott.*]

The Deputy Presiding Officer: One member wishes to speak against the motion. I call Bruce Crawford, who has five minutes.

17:02

Bruce Crawford (Mid Scotland and Fife) (SNP): The Home Office has announced that it will seek new powers to put the children of failed asylum seekers into care. That decision has ramifications for both domestic and shared policy. The care of children is devolved and management of the dispersal of asylum seekers is a shared responsibility under the "Concordat between the Scottish Executive and the Home Office". The concordat states, at annex C on joint working:

"Joint working will be particularly relevant in the following cases and could usefully be covered by working level agreements: ... arrangements for the dispersal of asylum seekers and the designation of reception zones."

The Home Office's decision was described by Maeve Sherlock, director of the Refugee Council, who stated:

"Breaking up families harms children and should be done only when there is absolutely no alternative. ... The government should abandon this plan and work instead to improve the efficiency and effectiveness of the asylum system."

When the Minister for Communities, Margaret Curran, spoke in a debate on Dungavel, she stated:

"Wherever possible, keeping a child with its parents is the right thing to do."

She continued:

"The implication of separating children from their parents is enormous and cannot be side-stepped or diminished.—[*Official Report*, 11 September 2003; c 1602]

It is obvious that the minister's views are in conflict with the position of the UK Government. Therefore, given the announcement by the Home Office and its implications for policies and practices in Scotland, it would be appropriate for the Parliament to have the benefit of a ministerial statement on the Executive's view of the Home Office proposals and on what consultations took place prior to the announcement. The Parliamentary Bureau should be instructed to include such an opportunity in the business programme. I implore members to take that chance.

17:04

The Deputy Minister for Parliamentary Business (Tavish Scott): I understand that those issues were discussed at the Parliamentary Bureau this week. I understand that the Minister for Parliamentary Business intimated to Mr Crawford that, as Mr Crawford said, some of the issues are reserved and the implications of the

other aspects of the debate are being actively considered.

The specific points that Mr Crawford has raised are the subject of advice that is being sought. He will be furnished with that advice as soon as it is available. I hope that, on that basis and on the basis of the assurances that Patricia Ferguson has given, Mr Crawford will withdraw his opposition to the business motion, as we seek to come forward with the very advice that he is looking for.

The Deputy Presiding Officer: The question is, that motion S2M-657, in the name of Patricia Ferguson, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Ms Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)

Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Martin, Campbell (West of Scotland) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 71, Against 31, Abstentions 0.

Motion agreed to.

Parliamentary Bureau Motions

17:06

The Deputy Presiding Officer (Trish Godman): The next item of business is consideration of three Parliamentary Bureau motions. I ask Tavish Scott to move en bloc motion S2M-652, on the designation of a lead committee; motion S2M-653, on the approval of a Scottish statutory instrument; and motion S2M-654, on the designation of a lead committee.

Motions moved,

That the Parliament agrees that the Communities Committee be designated as lead committee in consideration of the Fire Sprinklers in Residential Premises (Scotland) Bill at Stage 1.

That the Parliament agrees that the draft Proceeds of Crime Act 2002 Amendment (Scotland) Order 2003 be approved.

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) 2003 (SSI 2003/538).—[Tavish Scott.]

Decision Time

17:06

The Deputy Presiding Officer (Trish Godman): There are four questions to be put as a result of today's business. The first question is, that motion S2M-603, in the name of Iain Smith, on the previous Procedures Committee's report on the founding principles of the Scottish Parliament, be agreed to.

Motion agreed to.

That the Parliament takes note of the previous Procedures Committee's 3rd Report, 2003 (Session 1), *The Founding Principles of the Scottish Parliament* (SP Paper 818); continues to endorse the four principles of access and participation, equal opportunities, accountability and power sharing as the guiding principles for the Parliament, and encourages all members to play a part in applying these principles throughout the range of their Parliamentary work.

The Deputy Presiding Officer: The second question is, that motion S2M-652, 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 Communities Committee be designated as lead committee in consideration of the Fire Sprinklers in Residential Premises (Scotland) Bill at Stage 1.

The Deputy Presiding Officer: The third question is, that motion S2M-653, in the name of Patricia Ferguson, on the approval of a Scottish statutory instrument be agreed to.

Motion agreed to.

That the Parliament agrees that the draft Proceeds of Crime Act 2002 Amendment (Scotland) Order 2003 be approved.

The Deputy Presiding Officer: The fourth question is, that motion S2M-654, 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) 2003 (SSI 2003/538).

European Parliament (Number of Seats)

The Deputy Presiding Officer (Trish Godman): The final item of business is a members' business debate on motion S2M-553, in the name of Nicola Sturgeon, on the European Parliament seat numbers.

Motion debated,

That the Parliament notes the reduction of UK seats in the European Parliament from 87 to 78 to accommodate enlargement of the EU; welcomes the accession of 10 new countries in 2004; believes, however, that Scotland, with no seat on the Council of Europe, no Commissioners and fewer MEPs than comparably-sized independent member states, has little enough influence in the EU, and therefore believes that the Scottish Executive should resist the reduction in Scotland's MEPs from eight to seven.

17:09

Nicola Sturgeon (Glasgow) (SNP): I hope that the debate will avoid party-political disagreement and focus instead on how Scotland's Parliament, notwithstanding the different views that members have on Scotland's proper place in the European Union, can ensure that the nation's interests are well represented in Europe.

It will come as no surprise to members that I am a nationalist and that I believe that Scotland should be independent in Europe and represented in our own right in all the European Union's decision-making bodies. If that is good enough for Malta, which has a smaller population than the city of Edinburgh has, how can it be wrong for Scotland? I know that other members do not agree and want Scotland to remain part of the United Kingdom, but surely even they must agree that it is in Scotland's best interests to have as loud a voice and as big a say as possible in the EU's decision-making forums. That is what the motion is all about.

I am an enthusiastic supporter of EU enlargement. The accession of 10 new countries next year, many of which were still part of the Soviet bloc little more than a decade ago, is without doubt the most important development since the European Economic Community was founded in the 1950s. It is an enormous, significant step towards the post cold-war reunification of Europe, and I hope that enlargement does not stop with the accession of those 10 countries, but that it continues in 2007 and far beyond.

Enlargement has many consequences for countries that are already in the European Union. It is right and inevitable that existing member states will be required to make compromises and

concessions to accommodate the new countries that are about to join the EU, and the cut in the number of UK seats in the European Parliament must be seen in the context of existing member states' making room for the new countries that are set to join us.

That said, Scotland should not share the burden of that reduction and agree to a reduction in its MEPs from eight to seven. The reason for that is simple: Scotland is not the same as every other electoral region in the United Kingdom—in fact, Scotland is not a region at all—but, in deciding where the axe will fall, the Electoral Commission has treated Scotland as if it were a region that is the same in character as every other electoral region in the United Kingdom, which is manifestly not the case. The Scottish Parliament, as we know, has extensive legislative powers, and, in many of the devolved areas in which this Parliament has competence and over which it has responsibility—health, education, justice, fishing and agriculture, the environment and a host of other matters—the European Union also has the power to legislate. As we also know, laws that the European Union enacts on those issues are binding in Scotland and must be given effect by the Scottish Executive. That is why we must ensure that Scotland's voice is heard loudly in the decision-making processes. That is the only way in which we can ensure that our national interests are protected when the EU legislates on matters that affect all of us and that, in devolved Scotland, are this Parliament's responsibility.

In the European Union, generally speaking, laws are initiated by the European Commission and enacted by the Council of Ministers and, in some cases, by the European Parliament. At the moment, Scotland has little direct influence in the European Union. We have no commissioner, but if we were independent we would at least until 2009, have one commissioner. We have no direct representation on the Council of Ministers and, as we have seen on the important issue of fishing, we have no guarantee that the United Kingdom's votes will be cast in Scotland's national interest. If we were independent, we would have seven votes in the Council of Ministers—the same as other small, independent countries such as Denmark, Ireland and Finland.

However, even now, we have a direct say in the European Union through the European Parliament. At present, Scotland is represented by eight members of the European Parliament. Obviously, I think that two of them in particular do a splendid job, but I concede that all eight of them speak up for Scotland's interests in the European Parliament. However, it is worth noting in passing that even eight MEPs is five fewer than we would have if Scotland were an independent country.

We should protect the eight seats that we have at present, because to cut the number of members that we have in the European Parliament would reduce the already limited influence that we have in Europe's decision-making bodies. The decisions that the EU takes affect our areas of responsibility directly, therefore it would be irresponsible—as well as politically wrong, although I accept that others do not agree on that—for the Scottish Parliament to agree to such a move.

I began by stating that this should not become a party-political issue and I want to end by repeating that view. For that reason, I am absolutely delighted that the European Committee, which has members from many parties, has agreed—unanimously, I believe—that Scotland should oppose the reduction in the number of our MEPs from eight to seven and demand that we retain our seats in the European Parliament. I commend the committee for taking that view.

There will be no vote tonight. However, if those who contribute to the debate express strongly the view that the volume of Scotland's voice in Europe should not be turned down, the minister will be in a position to argue Scotland's case strongly, passionately and robustly in London—because, unfortunately, it is in London that this decision will be taken. I ask members to consider the motion and speak in favour of it and to ensure that we can come together across the party-political divide and say, quite clearly, that the Scottish Parliament wants Scotland's voice to be heard as loudly in the European Parliament after the next election as it is just now.

17:16

Irene Oldfather (Cunninghame South) (Lab): I hear Nicola Sturgeon's appeal, but the sentiments that she expresses are not reflected in her motion. That disappoints me. Normally, I would not speak in a members' business debate if I had not signed the motion or did not agree with it, but today I felt compelled to do so. I am more than a little surprised that a members' business debate is being used to debate this motion and I think that it should have been the subject of an Opposition debate that we could vote on. As it is not, Nicola Sturgeon should have proposed the motion in different terms if she wanted the co-operation that she has spoken about.

I have some sympathy with the European Committee's suggestion that we should retain eight MEPs from Scotland. Bill Miller MEP gave evidence to the committee and has firmly supported the principle on geographic grounds, talking about the peripheral and rural nature of parts of Scotland. I can understand that reasoning and think that it makes sense. That said, I doubt that any of the 15 member states is entirely happy

with the reduction in the number of MEPs but, in accepting the treaty of Nice, they have all agreed to it. That is the world of mature politics. With enlargement must come reform, because the benefits of enlargement will far outweigh the costs. When push comes to shove, we have to ask ourselves whether a drop in the number of UK MEPs from 87 to 78 is a price worth paying for enlargement. Would we say no to that?

Enlarging the European Union is a good thing. It will bring more prosperity, more trade and more jobs. Research suggests that it will create more than 300,000 new jobs in current member states and around 2 million jobs in the candidate countries.

Nicola Sturgeon: I agree with Irene Oldfather that there is a price to be paid for enlargement and I do not oppose the reduction in the number of the UK's seats in the European Parliament. I am asking members to recognise that Scotland has a distinctive position in the UK and that, unlike the other regions that will have their numbers of seats cut, Scotland has a Parliament with legislative powers in the same areas in which the European Parliament has legislative powers. That means that we have more of a case to have our voice heard loudly and clearly where those decisions are taken.

Irene Oldfather: Scotland is not unique in that position and other areas in Europe are also accepting reductions in their MEP numbers. Europe is about negotiation and accepting that compromises have to be made. The SNP is in danger of becoming an isolationist party if it constantly advances arguments for why Scotland should not accept compromises that other regions and member states have to accept.

There is a basic contradiction in Nicola Sturgeon's motion. On the one hand, it says that enlargement is welcome but, on the other hand, it says that the UK should not be affected by it and that it should not have to pay a price. That position is not tenable. Scotland has the best of both worlds, as it is represented in the European Council through the UK Government, plays an active role in the Committee of the Regions and the group of regions with legislative powers—Regleg—and enters into networks directly with key players on the European stage such as Catalonia, Tuscany, Flanders and other such regions with a lot of power in Europe. We work with such regions directly and play a full part in the United Kingdom delegation. Scotland's interests are represented in every ruling body of the European Union.

Even with the number of MEPs reduced to 78, we will still form one of the largest member states in the EU and will be behind only Germany. If Nicola Sturgeon does not yet recognise the influence that that brings, perhaps she will do so

when she is a member of the Committee of the Regions—I understand that she is going to that committee as an alternate—and perhaps she will then have a better understanding of the weight that the big countries carry in negotiations and discussions.

17:20

Richard Lochhead (North East Scotland) (SNP): During the past 300 years, many people south of the border complained that Scotland was over-represented in the Westminster Parliament. The whole of Scotland united in opposing that view and said that we are distinctive, that we have to protect our cultural identity, and that Scotland is not simply a region but an ancient nation. Likewise, that is why we should argue to retain 8 MEPs and why the UK Government should not adopt an across-the-board policy in determining the number of European Parliament seats that parts of the UK should have.

As convener of the European and External Relations Committee, I have paid close attention to the issue, as indeed has the committee, which has considered the issue in detail and expressed its views. Nicola Sturgeon is right to point out that Scotland should retain eight MEPs, to take into account the distinctions that we have in this country. I wrote to the Electoral Commission on 7 October,

“to reaffirm the view of the Scottish Parliament’s European and External Relations Committee that the number of MEPs from Scotland selected for the next mandate of the European Parliament should remain at 8”.

The committee also wrote to the UK Government; as convener, I wrote to Lord Falconer, Secretary of State for Constitutional Affairs, on 5 November. I said that the committee considers that the situation

“is neither balanced nor fair and does not take into account any contributing factors, such as peripherality or the rural nature of most of Scotland, which may have led to a different outcome”

We received a response from the Electoral Commission. The committee was interested to know what formula had been used by the Electoral Commission to determine how many MEPs Scotland should have and one of the main difficulties that the committee identified is that the consultation process was, in effect, a sham. The Electoral Commission appears to have been in a situation in which none of the formulae that it considered could have arrived at any number other than seven. We challenged the commission about that, but it was clear that it could not do much about the situation because its criteria had, in turn, been set by the UK Government.

The committee also noted the fact that the vast majority of submissions to the Electoral Commission, including our own, argued for the retention of eight MEPs from Scotland.

The UK Government has now responded to the committee. On 18 November, we received a response from the Parliamentary Under-Secretary of State in the Office of the Deputy Prime Minister, Christopher Leslie MP, who says that arguments have taken place in the past, but adds:

“However, Scotland is a constituent part of the UK in Europe and constitutes just one of twelve UK European electoral regions.”

I hope that the whole Parliament is united in agreeing that Scotland is not simply one of the UK’s regions. It is a nation, which has been recognised in the past and should continue to be recognised in the future. That means retention of 8 MEPs. The letter goes on to say:

“It would not be right to single out one electoral region of the UK for special treatment, beyond the minimum requirement of 3 MEPs each, particularly since a disproportionate increase for one region would necessarily be made at the expense of another region.”

The letter goes on to refer to the terms of the European Parliament (Representation) Act 2003, which was, of course, passed by the UK Government before the Electoral Commission embarked on its consultation.

The bottom line is that the consultation exercise that was run by the Electoral Commission was a complete sham and was meaningless. The submissions to that consultation were not taken into account and were not worth the paper that they were written on, which is very disappointing. The only option that is left to us is for Parliament to come together to express a view to the UK Government and to hope that when the appropriate order is before Westminster, the UK Government will change its mind and amend the order, as it is perfectly entitled to do. I hope that the minister will take on board the views of the European and External Relations Committee and of members who have spoken in this debate, and that he will decide to fight for Scotland on the issue.

17:24

Nora Radcliffe (Gordon) (LD): I think that everybody accepts as a starting point that there should be a ceiling on the number of MEPs and that, to accommodate the new member states, existing member states will have to cut the numbers of members that they send to the European Parliament. Everyone is happy with that, but then we have to get down to the business of who will bell the cat and who will bear the pain of reduced numbers of MEPs.

I am prepared to accept that sending one fewer Scottish MEP is perhaps a reasonable and fair contribution for us to make. The impact of seven Scots in a Parliament of over 700 members will not be significantly less than was the impact of eight.

The proposals that are to be presented to the forthcoming inter-governmental conference—on matters such as privileged status for regions that have legislative powers, more direct access to Brussels and enhanced consultation rights at the important pre-legislative stage—are far more important for presenting Scotland's case and for Scotland's influence in Europe. Such potential changes in arrangements would be far more powerful, useful and effective than having eight MEPs rather than seven.

17:25

Phil Gallie (South of Scotland) (Con): I will pass on Nicola Sturgeon's good wishes to her two favourite MEPs, who I presume to be Struan Stevenson and John Purvis. I back Nicola Sturgeon on the idea that the Scottish Executive should argue that Scotland should retain its current number of MEPs. That is logical, and I do not believe that it cuts across any great principles in the wider European argument.

Perhaps the number of Scottish MEPs should reflect the situation that existed at Westminster prior to the establishment of the Scottish Parliament, when Scotland had more than its fair share of MPs, in the main because of its geographical spread. I would have liked similar factors to have been taken into account by the Electoral Commission. Sadly, however, the commission was given a formula that did not allow it to do so.

There is hope, however. My party has pursued the goal of enlargement for many years now, and we welcome the fact that 10 new countries are to join the European Union. We also welcome the fact that the enlargement process will continue. I look forward to a day in the not-too-distant future when Bulgaria and Romania, and perhaps Turkey, will also join. I am sure that all our thoughts are with those who live in Turkey—people from Scotland and local residents—following the terrible happenings of recent times.

I return to the opportunities that exist with respect to the number of MEPs. The arrangements are not all done and dusted. In the letter to which Richard Lochhead referred, the Government said that it would put the matter to the Westminster Parliament. Before the matter is considered by that Parliament, however, Europe has to approve its new constitution, which I believe is far from being achieved at present. There are

many arguments that may well prevent agreement.

I do not, however, see a problem there; enlargement will go ahead irrespective of whether we adopt the new constitution. I am pleased that the Government south of the border seems to recognise the implications of signing up to the constitution. There are differences between Gordon Brown, Jack Straw and the Prime Minister on the issue, but I am delighted, if ministers have now read the fine print of the constitution and have seen the dangers, that they will sign up to if they adopt it.

One of the main reasons for drawing up the new constitution was to allow the 10 new nations to enter. The constitution is not a necessity, however. All that we needed was a bit of tinkering with the rules—perhaps a change in electoral representation. Instead, however, there is to be a major change in the responsibilities of a Government of Europe, which I deplore. I certainly do not go along with that change.

I return to the issue of the number of Scottish MEPs. As Nora Radcliffe suggested, it is perhaps not all that important if we drop from eight to seven MEPs, recognising the total number of members of the European Parliament and the fact that the length of time for which they are allowed to speak is less than the length of time that we are allowed here in the Scottish Parliament, about which there was plenty of complaint during the previous debate today. I do not think that the reduction in the number of MEPs would have a major impact from the point of view of speaking or involvement in the European Parliament, but there could be an impact on the representation of constituencies. It is in that area that I feel that we should give some support to Nicola Sturgeon's main recommendation, which is that we hold on to eight MEPs rather than drop to seven.

17:29

Stewart Stevenson (Banff and Buchan) (SNP): The Electoral Commission's findings are interesting. A key part of the formula is that the minimum number of representatives of a region must be three. One implication of that is that Northern Ireland, which currently has three members, will continue to have three members. I entirely support that, based on the special and distinctive needs of Northern Ireland. Indeed, I wish all the people of that part of these islands all the best in today's elections.

The Electoral Commission's findings are fair enough, given the rules. However, they ignore the basic fact that Scotland has a Parliament that has considerable powers. Scotland has a legal system and it adopts European law. Without

representation at the top table, we are stymied. However, and even more important, we are unable even with today's eight members to cover all the committees of the European Parliament. If we had 14 members—as we would if we were an independent country—we would have leverage in the practical workings of the European Parliament, which we need to represent Scotland's interests and its separate legal and legislative environment.

Irene Oldfather: To follow that comment to its logical conclusion, is Mr Stevenson suggesting that we expand our membership? If we do that for Scotland, for how many other legislative Parliaments across Europe would we do it? We would end up exactly where we were—which we have all agreed is unworkable.

Stewart Stevenson: I am very happy that other countries that are incorporated in unions, as we are, should fight their corner. I am sure that they will do so very effectively.

The United Kingdom Government says that it represents our interests and it says that we are stronger in a delegation of 78—as the delegation will be—than we would be in a delegation of 14. There is something interesting about that particular argument; the assumption behind it appears to be that the 14 Scottish MEPs would on each and every occasion perversely take a different line from the MEPs from the other countries of the United Kingdom. In reality—with much shared heritage, and some shared geography—we would very often be fighting together for the same things. The UK would benefit, just as Scotland would benefit, from an independent Scotland. That said, very often Scotland's interests do, in fact, diverge from those of the UK. Our priorities are often different.

I represent Banff and Buchan, so I turn inevitably to fishing. The Irish have one member of the European Parliament for every 260,000 of their population. We would have one for every 625,000. It is no wonder that the Irish do relatively well in negotiations in the European Parliament and that they have people from their civil service and their political classes embedded at the highest level in the councils of Europe.

Phil Gallie: Will the member take an intervention?

Stewart Stevenson: I am sorry—I do not have time.

We have a choice. Can we benefit Scotland by going independent and having 14 members? Because of the greater strength, those 14 members would often collaborate with the members from the rest of the United Kingdom, to the benefit of all. However, when our policies and requirements diverged from those of the UK members, we would build our own alliances with

the small successful nations across Europe. I am happy to support my colleague's motion.

17:34

Mark Ballard (Lothians) (Green): I support the motion. Scotland has a geographic and political case for retaining eight members of the European Parliament, and that case has been made.

The previous election to the European Parliament was the first election in this country to be fought under a system of proportional representation. The PR system was forced on the UK by the European Union. Because the previous system was so grossly unfair, we had to have a PR system. That is why there are now members of the European Parliament from Nora Radcliffe's party and from Phil Gallie's party who represent Scotland. It was really important that we took that step towards a fairer electoral system.

Stewart Stevenson mentioned Northern Ireland, from where I have just come back. Today, people are voting in the Northern Ireland Assembly elections; a single transferable vote proportional representation system of election is being used. In a year's time, people in Northern Ireland will use that same system of election in their European elections.

Given the anorak nature of the debate on the Parliament's founding principles, I will not go too far into the advantages and disadvantages of the STV system, but I draw members' attention to one aspect of it. If we shift from having eight members of the European Parliament who represent Scotland to having seven members, we will increase dramatically the threshold for party representation from Scotland in the European Parliament. We will create a situation in which, unlike that in the Scottish Parliament, where we have greater diversity, we might have less diversity of voices. Having an election in which only seven members can be elected will mean that an increased number of votes will not lead to the successful election of a candidate.

However, under the STV system, no vote is a wasted vote. If the candidate to whom a person gives their first vote does not get elected, the vote transfers to another candidate until it is used to elect someone. In a situation in which we are increasing the threshold, there will be great advantages to changing the electoral system that we use in Scotland for the European elections to the same system that is used in another part of the UK—Northern Ireland.

I agree that we need to continue to have eight members who represent Scotland to maintain diversity, but I also think that we ought to consider changing the electoral system that we use in Scotland for the European elections. A system that

is good enough for Northern Ireland is good enough for us. Rather than face the prospect of using four different methods of proportional representation in the four elections in the next four years, we should use the STV PR system, which we are glad has been proposed for local government in Scotland in the partnership agreement. We should use that system for Europe, but we should use it to elect eight members rather than seven.

17:37

Alex Neil (Central Scotland) (SNP): In supporting the motion, I want to make two basic points, the first of which is the importance of the expansion of the European Union. Like Nicola Sturgeon, I welcome the expansion of the EU and I hope that it will continue to expand over the years. However, let us not kid ourselves—the expansion has a downside for Scotland.

In our manufacturing industry, for example, we have already seen companies move their manufacturing capacity abroad. Volvo has moved capacity from Ayrshire to Poland simply because of the incentives that it can get there, as well as the cheaper labour rates.

Irene Oldfather: Will the member give way?

Alex Neil: Unfortunately, I do not have time.

There have been other cases in which manufacturing capacity has already been moved to parts of eastern Europe. We are also going to find it very difficult to compete with parts of eastern Europe on direct investment. Once they are inside the EU, they will be allowed to offer far greater incentives than we will be able to offer. The downside to expansion could be important for Scotland. That is why it is important to have every possible Scottish voice at every level inside the EU—to protect Scotland's interests, if nothing else.

My second point is more substantial; it concerns constitutional issues in Europe. Essentially, the EU recognises three tiers of government: state, nation and region. As far as representation in the European Parliament is concerned, a combination of population and constitutional status determines how many MEPs represent each member country and the parts within each member country. The UK Government should make a distinction between a nation within a state, such as Scotland, and an electoral region. We have regions in Scotland; we call ourselves a nation, not a region. Obviously, I look forward to the day when we can call ourselves a nation state, but at the moment we are only a nation within a state. It is a fact of life that, if we were a member state, we would have 13 or 14 members of the European Parliament. However, as we are not a member

state but a nation within a member state, we have a special status that is above and beyond that of a mere electoral region within the member state of one of the other nations.

What Nicola Sturgeon is asking for is not just about a numbers game but a matter of principle. The principle is that nations within member states should be recognised as such. They should not be regarded as merely another electoral region. Therefore, they should not get just proportional representation in relation to population. As happens at the European level itself, representation should be a combination of population and constitutional status. That is why, in addition to the numbers game, it is important that we ensure that we maintain eight representatives, rather than have only seven.

That will be a step on the way to the day when we can be fully represented with 13 MEPs as a member state within the European Union. I am sure that, given his position on the common fisheries policy, the Deputy Minister for Finance and Public Services might one day agree with us on that as well.

17:41

Christine May (Central Fife) (Lab): Nobody likes to give up any element of their influence. I agree with what others have said. I would like us to keep our eight MEPs if we possibly can.

However, let me look at the arguments that have been advanced for keeping eight MEPs to see whether they stack up. It has been argued that Scotland is not a region. We may be a proud nation but, nonetheless, in European electoral terms we are a region, as are Bavaria and other areas. That brings me to the second argument, which is that, as Scotland has a Parliament with significant legislative powers, it is therefore not the same as other regions. Again, I do not think that that argument stands up. Among the regions with legislative powers with which we are associated in the organisation that is now chaired by Jack McConnell, there are regions that have similar and sometimes greater legislative powers. Neither of those arguments stacks up.

Stewart Stevenson: Will the member give way?

Christine May: Let me get going.

I passionately want to see Scotland's European interests promoted at all levels. I do not like the expressions "tiers of Government" or "levels of Government", which seem to imply that there is a greater legitimacy at a higher level than there is at a lower level. I prefer the term "spheres of Government".

The essence of working in Europe is co-operation. That is my European experience

alongside Irene Oldfather and others. I congratulate Nicola Sturgeon on her forthcoming appointment to the Committee of the Regions. I hope that she enjoys the work there, but I think that, like us, she will find that it is necessary to forge alliances to achieve anything on the Committee of the Regions. Sometimes those alliances are across party-political lines and sometimes they are across national lines, when alliances are made with other nations. That co-operation is the key.

Stewart Stevenson: Can the member tell us of any other legislature in an incorporating state that has an entirely different legal system with a different tradition and origins?

Christine May: If Stewart Stevenson could, I am sure that he would have done. I would perhaps bow to his much superior experience of those matters. I cannot think of one off the top of my head, but I will get back to him.

We need to consider the spheres of influence that we currently have. I have already referred to the regions with legislative power and Jack McConnell's position on that body. We also have members on the Economic and Social Committee, the Committee of the Regions and other European bodies. Although those bodies may not be what some might call the top table, nonetheless they have important roles to play in the development of policy. They influence Commission proposals and can adapt those proposals once they are on the table for debate and discussion.

With those representatives and our MEPs—I will return in a moment to the question whether our number of MEPs should be reduced to seven—we have the opportunity to forge new alliances with the accession states, perhaps with those whose industrial base and culture is similar to ours.

If the number of MEPs is reduced to seven, I think that we will nonetheless have significant influence in that delegation of 78, across cultural and other interests. I support Bill Miller in sustaining the argument on the grounds of rurality, peripherality and geography and those are the arguments that the European and External Relations Committee and the Parliament should be making. I hope that we are successful but, if not, let us co-operate and get the best deal for Scotland.

17:45

Rob Gibson (Highlands and Islands) (SNP): It is good to see that most of the parties in the Parliament are taking part in the debate. Five of the parties are represented—they are the ones that are interested in European matters, whereas one party does not seem to be interested.

Britain is governed in various ways. Northern Ireland has been mentioned, but the point is that the electoral system in Northern Ireland was changed a long time ago to take account of the particular circumstances there. That decision was taken in London before we all went over to proportional voting for European elections.

It is ironic that today, again in London, the proposal for a bill to maintain the 129 members of the Scottish Parliament went before the Westminster Parliament. A variety of approaches is being adopted to recognise the status of Scotland as a nation and the amount of work that is required to be done by MSPs. That leads me on to suggest that, if we have fewer MEPs, it will be less easy for them to argue that issues of sparsity, problems about fishing and other issues that affect my area, such as the loss of objective 1 funding, should be taken into account.

The United Kingdom Office for National Statistics has admitted that it got its sums wrong when it produced an objective 1 funding bid for the Highlands and Islands. That has meant a cut of many millions of pounds for our local economy. If Scotland were an independent state, we would have our own national statistics office and someone would probably have been sacked by now for making such a stupid mistake. We are an under-represented region and we have less power than we would if there was some recognition of the fact that Scotland should be better represented than it is.

Irene Oldfather: Will the member give way?

Rob Gibson: I am sorry, but I would like to finish.

In this debate, we must find every possible means to argue with the Government in London that Scotland has special status and that we should maintain our numbers and position within the British delegation. Although the European Union is becoming more diverse and more people will be standing up to speak in the European Parliament, it is ironic that Scotland—an ancient nation that has always been in Europe—will have fewer people who are able to take part in those debates.

I support Nicola Sturgeon's motion. I, too, wish that Scotland were independent so that we could have decent representation. If we have more members, our interests will be better served; our experience is that, when we have too few representatives, our interests are badly looked after. Every attempt must be made to maintain the existing number.

17:49

The Deputy Minister for Finance and Public Services (Tavish Scott): Before I begin, I welcome to the public gallery Ian Jenkins, a former colleague of ours. It is nice to see him here. I understand that he is giving Jeremy Purvis his three-monthly road check to see how he is performing.

The debate has been interesting and informative. However, I share Irene Oldfather's view. The SNP has a considerable amount of Opposition time next week and, given the tenor of the SNP's line in the debate, including in Nicola Sturgeon's opening remarks, the subject would have lent itself better to that kind of occasion than to a members' business debate. As an MSP, I believe that members' business debates should reflect constituency and area concerns. I hope that all members will reflect on that matter.

Nicola Sturgeon: Will the minister give way?

Tavish Scott: No, I am just going to finish this point.

I am not in any way decrying Nicola Sturgeon's desire to bring the matter to the attention of the Parliament—that is entirely her and her party's prerogative. However, it is important to reflect on the ways in which we do such things. As for her general contention that these are non-politicised events, well, we will take that with a pinch of salt.

Nicola Sturgeon: Can I take it from the minister's remarks that if, for argument's sake, the SNP were to lodge a simple motion in its debating time next week calling for the Parliament to oppose the reduction in the number of Scottish MEPs, the Scottish Executive would support that motion?

Tavish Scott: No, it would not and I shall explain why. Nicola Sturgeon's general approach—and that of her SNP colleagues—has been to urge independence. Stewart Stevenson is nodding his head. I respect their right to articulate that viewpoint, although I do not agree with it. Similarly, the people of Scotland do not agree with it, which is something on which SNP members may wish to reflect.

The debate is about a reserved matter. The issue of elections to the European Parliament is reserved, under the Scotland Act 1998, and it is for the UK Government to formulate policy and make decisions on the matter. That is why we have members of Parliament representing Scotland in London. I presume that some of the Scottish nationalist MPs will take the opportunity to raise these matters there, as will other members.

Phil Gallie: Every week, we hear the First Minister say that he has had contact with the Prime Minister and other ministers south of the

border. Surely it would not be too much to ask him to make a simple representation. That is all that is being asked for.

Tavish Scott: It is curious that Mr Gallie is now supporting a nationalist line.

Phil Gallie: The issue is not about nationalism.

Tavish Scott: Oh, it is. That is what it is about.

It is important to remember that, as some members have rightly said, Scotland's MEPs do a good job on behalf of Scotland. I believe that that is true of MEPs right across the political spectrum. The Executive works closely with all Scotland's MEPs and when ministers are in Brussels, as they have been this week, they meet MEPs. Ministers will continue to do that to ensure that issues ranging from the quality of bathing water in the European Union to the future of the European convention are properly raised in the European Parliament. There is close co-operation in that sense.

The fact that the number of MEPs who represent Scotland will be reduced is disappointing. However, I believe that the decision is right, given the reasons behind it and the fact that all member states face reductions in the number of their MEPs. Under the terms of the Treaty of Nice, the total number of MEPs who are elected by each existing state of the European Union is to be reduced to accommodate the new member states. As some members have argued, that appears to be right in principle and, at this time, it is the right approach.

SNP members seem to be arguing that the Treaty of Nice should be ignored. If all EU states retained their current levels of MEPs, MEPs from the enlargement countries would add to the total and the European Parliament would grow from the current 626 MEPs to in excess of 800 MEPs. That would mean that new parliamentary buildings would have to be built—a subject on which, I suspect, we should not lecture.

Richard Lochhead: What are the minister's views on the consultation exercise that was undertaken by the Electoral Commission? Does he think that there was any point to that exercise, given that all the submissions were ignored? Did the Scottish Executive make a submission to the Electoral Commission?

Tavish Scott: The Electoral Commission has conducted its work. The matter is reserved and the commission fulfilled its role in that context. These are matters that we will always want to reflect on and look at again—there is no doubt of that.

The contribution of SNP members to the debate has focused on independence. If one believes in independence, perhaps it is appropriate to argue for higher numerical representation. I accept but

do not agree with that point. However, if one believes—as I do—that we should be part of the UK, one should accept that it is necessary to have a fair and equitable distribution of MEPs. Some would argue that—as Nicola Sturgeon and Richard Lochhead implied—England and Wales should lose some MEPs, because overall the UK would be no smaller. However, inevitably, some areas of England and Wales would argue on economic and other grounds that they should be special cases as well. We must be aware that all those arguments can always be presented.

The fact is that the 15 existing member states have agreed to reduce their quota of MEPs to enable the new accession states to be represented on a similar and equitable footing in the new European Parliament. That is surely a small price to pay for the enormous benefits that EU enlargement will bring. I share the view of members who supported the concept of enlargement and who now support its reality next year.

Enlargement will produce benefits such as peace, prosperity and stability. Those benefits cannot be overestimated. We in Scotland take them for granted, but many in the world cannot do that. It is important to reflect on the advantages that an enlarged EU will offer new member states.

New states will benefit from their membership as they adopt European standards and as a higher standard of living spreads to the east of the existing EU. Enlargement will also have benefits for business. The new member states' economies are growing faster than those elsewhere in the EU and will continue to grow after enlargement, which will make those countries exciting and attractive investment destinations. Investment will be easier and safer when the new members join the EU.

The new member states will bring a well-educated and skilled work force into the EU's labour pool. Levels of English are good, which is especially beneficial for the UK and Scotland.

I contend strongly that the number of MEPs is not all that important. What they do and achieve is the important aspect—that is the old quantity-versus-quality issue. The calibre and quality of MEPs are more important than their number. I echo the point that several members made about that.

Scotland will lose one MEP at the next European Parliament election and the UK will lose nine MEPs, but the reality is that, under the new EU constitutional arrangements following the Treaty of Nice, the votes of smaller member states such as Denmark and Finland in the Council of Ministers will go from being a third of the UK's equivalent vote to being a quarter of the UK's equivalent vote. As Scotland is part of the UK and

can call on the UK's vote, we have a huge advantage. I hope that those points will be considered in the overall context of the debate.

The European Parliament (Representation) Act 2003 aims at equality of representation as far as possible among each of the 12 UK electoral regions, of which Scotland is one. We must bear that in mind.

Meeting closed at 17:57.

Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice at the Document Supply Centre.

No proofs of the *Official Report* can be supplied. Members who want to suggest corrections for the archive edition should mark them clearly in the daily edition, and send it to the Official Report, 375 High Street, Edinburgh EH99 1SP. Suggested corrections in any other form cannot be accepted.

The deadline for corrections to this edition is:

Wednesday 3 December 2003

Members who want reprints of their speeches (within one month of the date of publication) may obtain request forms and further details from the Central Distribution Office, the Document Supply Centre or the Official Report.

PRICES AND SUBSCRIPTION RATES

DAILY EDITIONS

Single copies: £5

Meetings of the Parliament annual subscriptions: £350.00

The archive edition of the *Official Report* of meetings of the Parliament, written answers and public meetings of committees will be published on CD-ROM.

WHAT'S HAPPENING IN THE SCOTTISH PARLIAMENT, compiled by the Scottish Parliament Information Centre, contains details of past and forthcoming business and of the work of committees and gives general information on legislation and other parliamentary activity.

Single copies: £3.75

Special issue price: £5

Annual subscriptions: £150.00

WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

Single copies: £3.75

Annual subscriptions: £150.00

Standing orders will be accepted at the Document Supply Centre.

Published in Edinburgh by The Stationery Office Limited and available from:

The Stationery Office Bookshop
71 Lothian Road
Edinburgh EH3 9AZ
0870 606 5566 Fax 0870 606 5588

The Stationery Office Bookshops at:
123 Kingsway, London WC2B 6PQ
Tel 020 7242 6393 Fax 020 7242 6394
68-69 Bull Street, Birmingham B4 6AD
Tel 0121 236 9696 Fax 0121 236 9699
33 Wine Street, Bristol BS1 2BQ
Tel 01179 264306 Fax 01179 294515
9-21 Princess Street, Manchester M60 8AS
Tel 0161 834 7201 Fax 0161 833 0634
16 Arthur Street, Belfast BT1 4GD
Tel 028 9023 8451 Fax 028 9023 5401
The Stationery Office Oriel Bookshop,
18-19 High Street, Cardiff CF12BZ
Tel 029 2039 5548 Fax 029 2038 4347

The Stationery Office Scottish Parliament Documentation
Helpline may be able to assist with additional information
on publications of or about the Scottish Parliament,
their availability and cost:

Telephone orders and inquiries
0870 606 5566

Fax orders
0870 606 5588

The Scottish Parliament Shop
George IV Bridge
EH99 1SP
Telephone orders 0131 348 5412

RNID Typetalk calls welcome on
18001 0131 348 5412
Textphone 0131 348 3415

sp.info@scottish.parliament.uk

www.scottish.parliament.uk

Accredited Agents
(see Yellow Pages)

and through good booksellers