

MEETING OF THE PARLIAMENT

Wednesday 23 June 2004
(*Afternoon*)

Session 2

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Scottish Parliament

Wednesday 23 June 2004

(Afternoon)

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

Time for Reflection

The Presiding Officer (Mr George Reid): Good afternoon. The first item of business, as it is every Wednesday, is time for reflection. Our time for reflection leader today is His Holiness Sri Sri Ravi Shankar.

His Holiness Sri Sri Ravi Shankar: Good afternoon. It is wonderful to be with you all. Time for reflection—beyond. Every human being needs to sit back for a little while, if possible every day, and find that inner peace. When our mind is agitated or restless and we are too active, we are not tapping the source deep within us that is intuitive and that gives us the correct paths, and confidence.

A few minutes of silence and reflection on the truths of our life would be extremely beneficial for every one of us. How do we do that? What are the ways and means of achieving that inner peace? This is a question that haunts everybody. Whether it is summer or winter, we need to find answers to the basic questions that come into our hearts and minds.

Observing that everything is changing in our world—in our life and society—gives us a clue that something is not changing. The reference point by which we observe that things are changing is something that does not change. That non-changing aspect of our consciousness gives us enormous strength, courage and creativity. A few minutes of experiencing that non-changing aspect that lies deep within us all energises our body, focuses our mind, and frees our intellect from inhibition and our memory from trauma. A joyful flavour to our expositions comes about and we are able to be in touch with the joy that each of us seeks.

It is not enough that we are able to experience that responsibility or peace within us; we need to bring it into the society around us. This we can do only by educating people in human values and by bringing about those human values.

If one asks a child in a school or a college today how many friends they have, they will count the number out on their fingers—three, four or five. I ask them, “If you cannot be friendly with the 30 or

40 kids in your classroom, how are you going to be friendly with the 6 billion people in the world?” The basic human values of friendliness, compassion, understanding, harmony and diversity need to be brought into schools, colleges and every environment.

Our breath can play a vital role in cleansing the negative emotions that a person has. We have tried this out in many prisons around the world: 120,000 prisoners around the world who have done breathing exercises were able to get rid of the hatred, anger and revengeful feelings that clogged or blocked them. Inside every culprit I see a victim crying for help. It is stress, the lack of a broad vision of life, lack of understanding and bad communication that lead to violence in society.

Love is the central force of human life, but it can get covered up by stress and distress. Spiritual knowledge and education in human values will help an individual to stand up to the demands of the day. It will help one to manage the problems that one faces in daily life.

Man is at a crossroads today. On one side he is violent and frustrated; on the other he is depressed or suicidal. Knowledge of our spirit—which is all love, beauty and peace—transcends the boundaries of our concepts, imaginations and identities. It can bring freedom from frustration and violence. A violence-free society, disease-free body, quiver-free breath, inhibition-free intellect and trauma-free memories are the birthright of every individual. As responsible citizens, we need to bring responsibility to the societies and communities where we are, to make people take responsibility for themselves and for the environment around them.

With those few words, I thank you all for giving me an opportunity to share my thoughts with you today. I wish you all the best of luck in your service to the country and to this province of Scotland.

Business Motion

14:38

The Presiding Officer (Mr George Reid): The next item of business is consideration of business motion S2M-1528, in the name of Patricia Ferguson, on behalf of the Parliamentary Bureau, setting out a timetable for stage 3 consideration of the Local Governance (Scotland) Bill.

Motion moved,

That the Parliament agrees that, during Stage 3 of the Local Governance (Scotland) Bill, debate on each part of the proceedings shall be brought to a conclusion by the time-limits indicated (each time-limit being calculated from when the Stage begins and excluding any periods when other business is under consideration or when the meeting of the Parliament is suspended or otherwise not in progress):

Groups 1 to 5 – no later than 1 hour and 10 minutes

Group 6 – no later than 1 hour 20 minutes

Groups 7 and 8 – no later than 1 hour and 50 minutes

Group 9 – no later than 1 hour and 55 minutes

Motion to pass the Bill – 2 hours and 25 minutes.—
[Patricia Ferguson.]

Motion agreed to.

Local Governance (Scotland) Bill: Stage 3

14:38

The Presiding Officer (Mr George Reid): We move to the stage 3 proceedings of the Local Governance (Scotland) Bill. Members should have with them SP bill 14A, as amended at stage 2.

Members should note that under rule 9.10.6 of the standing orders I have decided, with some reluctance, to allow three manuscript amendments, which are set out in a supplement to the marshalled list, which members should find on their desks. Please also note that revised groupings have been prepared and are also on members' desks.

I make it clear to members that I decided to accept those amendments with reluctance, having regard to the particular circumstances in which they were lodged. I take the deadline for lodging amendments that is set out in standing orders very seriously. My advice to members is to continue to lodge amendments in good time, before the deadlines are passed. My decision today creates no precedent concerning the acceptance of manuscript amendments in future.

I will allow a voting period of two minutes for the first division this afternoon. Thereafter, I will allow a voting period of one minute for the first division after a debate on a group. All other divisions will be 30 seconds.

Section 1—Electoral wards

The Presiding Officer: Group 1 is on the number of councillors to be returned in an electoral ward. Amendment 1, in the name of Tricia Marwick, is grouped with amendments 2 and 3.

Tricia Marwick (Mid Scotland and Fife) (SNP): The Local Governance (Scotland) Bill will introduce proportional representation for local government elections, but the system as laid out in the bill is not as proportional as it could or should be. Amendment 1 would allow for two, three, four and five-member wards. Amendment 2 would provide that two-member wards should not be the norm, but should be used only for reasons of geography or sparse population. That is important for the Highlands and Islands and other rural areas because, otherwise, the ward sizes could be the size of a small country. Amendment 2 is necessary to maintain the councillor-ward link in such areas, which is what the McIntosh and Kerley reports believed should happen.

The Executive's justification for having three or four-member wards with a single transferable vote

system is that it achieves the right balance between providing proportionality and maintaining the essential councillor-ward link. However, all the evidence shows that the balance would be better achieved with wards that could have two, three, four or five members. It is accepted that the more members per ward in a system, the more proportional the system is. It is also accepted that the councillor-ward link must be maintained. The balance between those two considerations was a central concern of the Kerley report and of the STV working group's interim report, both of which concluded that the balance is best achieved via wards with three, four or five members, with wards of two members in exceptional circumstances—which means in remote or sparsely populated areas. The benefit of having two, three, four or five-member wards is that it would provide proportionality, maintain the councillor-ward link and provide flexibility for areas in which three, four or five-member wards would be inappropriate or impractical.

The Executive, in producing the bill and in rejecting similar amendments to the bill at stage 2, set aside the conclusions of the two groups that it set up to consider the matter—the Kerley committee and the STV working group. Expert witnesses to the Local Government and Transport Committee, including Professors John Curtice and David Farrell, argued that, by restricting wards to three or four members, the system becomes significantly less proportional. In fact, if Scotland adopts three or four-member wards, as the Executive wishes, we will have the least proportional STV system in the world.

I welcome the fact that the Executive is introducing PR for local government, but it is essential that we get it right and that we get it right the first time. The debate is not about what is in the interests of political parties or councillors, but about what is right for the citizens of Scotland.

I move amendment 1.

Tommy Sheridan (Glasgow) (SSP): I will speak to amendment 3 and in support of amendments 1 and 2. Today's debate is about the regeneration of local government and the reintroduction of genuinely representative democracy at local government level. Unfortunately, the Executive's proposed scheme is the worst of all worlds. As Tricia Marwick said, if the scheme is supported, it will make Scotland's scheme the least representative proportional representation scheme in the world. Even if Tricia Marwick's amendment 1 were supported—as it should be—we would still have the least representative proportional representation scheme in the world, but at least we would match some of the other schemes. The Executive is determined to drag the proportionality even lower. The

Executive's proposal strikes the wrong balance; it has been dragged too far toward the member-ward link and not far enough toward proportionality.

Liberal Democrat members must recognise that the proposal is a compromise too far. In fact, it would be a compromise to accept ward sizes of two to five members. All the expert witnesses and independent groups, such as the STV working group, the Kerley committee, the McIntosh commission and the Electoral Reform Society, stated clearly that the minimum acceptable ward size in urban areas is five members. The Liberal Democrats must ask themselves whether they are willing to support fewer members per ward than the number supported by all those independent experts. I hope that they are not. I also hope that they will support amendment 3, which recognises the Local Government Boundary Commission for Scotland's recommendation that, for reasons of sparsity and size, there can be two members per ward, which allows us the flexibility required to make the scheme work. If we do not accept the amendments, we will be ignoring all the evidence that independent sources presented to the committee and sticking with grubby party-political compromises.

14:45

Iain Smith (North East Fife) (LD): I am delighted to rise to speak on an important day and on an important piece of legislation.

Tommy Sheridan has accused us of all sorts of things, but it is important to recognise that if it were not for the Liberal Democrats, the Parliament would not be debating the issue at all. There is a lack of consistency in the arguments proposed by Tricia Marwick and Tommy Sheridan, and in that which will no doubt shortly be proposed by David Mundell, if he follows the line that he has taken in committee. On the one hand, they are trying to tell us that the system of four members per ward proposed by the bill is not proportionate enough. On the other hand, they want to reduce that to a system of two members per ward or fewer, which is even less proportionate. There is inconsistency in their argument. Do those members want a proportional system or not? The Liberal Democrats want a system that is more proportional than that which we have at present.

Tricia Marwick: Does the member accept that two-member wards would only be used in those areas, particularly rural areas, where to create larger ward sizes of more than two members would effectively have councillors responsible for an area the size of a whole country? How can he not support an amendment that would benefit people in rural areas, such as the Highlands and Islands, the south-west of Scotland and elsewhere?

Iain Smith: Because I support a more proportionate system, and we cannot have that if we have wards of only two members. Two-member wards are not required in Ireland, which has similar rural populations to those found in many parts of Scotland, so I do not see why we would require them in Scotland.

Tommy Sheridan: I wonder whether Iain Smith will answer two questions. First, would ward sizes of two members be more or less proportionate than what we have now? Secondly, will he accept that the evidence to the committee for ward sizes of two came not from Tricia Marwick or from me, but from independent sources?

Iain Smith: I do not recollect independent sources arguing for two-member wards in the debate. A number of council representatives who presented evidence to the committee put forward the case for two-member wards, but I do not recollect the independent academic witnesses to whom Tommy Sheridan referred earlier arguing for that.

Phil Gallie (South of Scotland) (Con): In his opening remarks, Iain Smith put on record the role of the Liberal Democrats in introducing the legislation. Does he agree that what is happening today demonstrates what the Conservatives have argued all along, which is that in situations where we have proportional representation we end up with tails wagging dogs?

Iain Smith: There would be few people on the Conservative benches had the Liberal Democrats not ensured, through the constitutional convention, that we got proportional representation for the Parliament.

It is a balance. As has rightly been said, the number of members in an STV system is a compromise. I am sure that David Mundell will argue that the bill's proposal is not proportionate enough, but his party does not believe in proportionality at all. His arguments in committee would suggest that he thinks that the only way in which proportionality can be achieved is to have every councillor elected in a single ward. It will be a compromise. We have listened throughout the debate—from McIntosh, through Kerley, to the responses to the white paper and the draft bills—to the concerns of local government about the need to maintain the member-ward link. That is why that compromise of three or four-member wards is there. That is a compromise, because we will not get perfect proportionality under STV. It is not a proportional system in that sense, but it is a system of fair votes. It allows us to ensure that the electorate has the final say on who represents it, but it also retains the important member-ward link and does so at a ward size that is reasonable and manageable for the council members and their electorates.

I propose to members that they reject amendments 1 to 3.

David Mundell (South of Scotland) (Con): I know that members always enjoy hearing words of wisdom from Margaret Thatcher. Most apt for today is the great lady's profound pronouncement:

"It's a funny old world".

Yesterday, the First Minister announced that he could not imagine anything more harmful to Scotland's future than the politics and policies of the Scottish National Party, but today we find Mr Kerr, who is not always known for his generosity towards nationalism, throwing the same Scottish National Party and its leader—whoever that might be by 2007—a lifeline. Labour members should be in no doubt from all the psephology and academic debate that the principal beneficiaries of the hybrid voting system will be the SNP. The bill has never been about opening up local government to the diversity that is now evident in Scottish politics.

Tommy Sheridan: Will David Mundell give way?

David Mundell: I will give way later.

As I said at stages 1 and 2, the bill is about not proportional representation, but a hybrid voting system that is not used anywhere else in the world and is the lowest common denominator that could meet the short-term objectives of Labour and Liberal Democrat MSPs without giving a single thought to local democracy and voters.

It is to their credit that Tricia Marwick, Andrew Welsh and others have continued to argue for a fully proportional system, as they did at stage 2, despite being the obvious beneficiaries of the proposed system. The Conservatives intend to support them, because, if we are to abandon the first-past-the-post system with all its obvious merits, logic surely dictates that the replacement should be proportional, rather than the least proportional system in the world, as the evidence to the committee said.

Perhaps I was the only member who was listening to Mike Rumbles's lecture to the Parliament last week during the consideration of the Antisocial Behaviour etc (Scotland) Bill's provisions on the dispersal of groups. He said that those provisions would

"drive a coach and horses through the evidence-based approach to legislation that the Parliament is supposed to have adopted."—[*Official Report*, 17 June 2004; c 9216.]

Anybody who has sifted through the evidence that was given to the committee orally or in writing would conclude that there is precious little support for a system that uses the single transferable vote and, more important, that there is no support for introducing the hybrid, something-or-nothing approach that is proposed. That is why Mr

Sheridan's amendment 3 and Ms Marwick's amendments 1 and 2 should be supported. If we are going to abandon first past the post, let us at least have a proper system of proportional representation.

Bristow Muldoon (Livingston) (Lab): David Mundell started off by observing that it is a funny old world. I must agree with him, because last week, the Scottish Socialist Party and the Tories united to oppose the powers of dispersal and today they are united in opportunism to try to maximise their own party-political advantages. The Tories oppose PR in principle, but, when we get down to the practice of it, they want the system to be even more proportional than the proposed approach.

I oppose all the amendments in the group. Many of the members who propose that we should have two-member wards are the same members who are saying that the system that the Executive has proposed is not proportional enough. It seems to me to be completely bizarre that someone can argue that the system is not proportional enough, but at the same time propose to make it less proportional in some parts of Scotland.

Mr Andrew Welsh (Angus) (SNP): Is Bristow Muldoon therefore totally rejecting the evidence given by Argyll and Bute Council, which clearly showed that the needs of rural areas must be taken into account in the bill, which is what amendment 1 would ensure?

Bristow Muldoon: I reject much of the evidence that has been given in support of two-member wards. Back when I was a councillor, it was not the beautiful countryside, the rolling hills, the trees or the sheep that generated the case load, it was people. Account is already taken of some of the challenges that are presented by the geographical diversity of Scotland by the fact that there are roughly 2,000 members of the electorate to one member in parts of rural Scotland and roughly 6,000 members of the electorate to one member in the cities. In my view, that already takes perhaps too much account of the challenges that face people in rural areas. If anything, there might be an argument to be made for asking whether we have too many councillors in some rural areas. Rather than making the situation worse by ensuring that the cities have high degrees of proportionality and the rural parts of Scotland have low degrees of proportionality, the balance that has been proposed is fair.

People have said that the proposed system is the least proportional STV system in the world. However, we should be comparing the system not with systems elsewhere in the world, but with the first-past-the-post system that it will replace. The proposed system is hugely more proportional than that first-past-the-post system.

Tommy Sheridan: I accept that the proposed system would be more proportional than a first-past-the-post system. However, will Bristow Muldoon accept the evidence that it would be the least proportional STV system in the world, rather than dismissing that evidence?

Bristow Muldoon: I accept that many of the limited number of systems that exist have five-member wards. However, many countries have three or four-member wards as well, such as the Republic of Ireland, which has operated that system for many years.

I draw members' attention to the fact that Jeremy Beecham gave evidence that, in areas such as Birmingham, there was a problem with council wards that were too large—he spoke of wards with as many as 24,000 members of the electorate. It should not be a question of taking account of just the geographical size of a ward; we must also take account of the population size of the ward. If five-member wards were created, we could end up creating wards in Glasgow and Edinburgh that would be equivalent in size to some of Scotland's smaller cities. We should not be worrying about the geographical size of a ward, but the case load that we are creating for councillors in our cities, which I am sure is already high.

All the amendments in this group should be rejected on the basis that the bill's proposals are a balance between proportionality and the member-ward link. It has always been clear that that is the case. The member-ward link is an important part of the British electoral system and we would be ill advised to throw it away. I urge members to reject all three amendments.

Mark Ballard (Lothians) (Green): It is important that we reflect on what we want and why we are debating this bill. We want better governance at local authority level. Part of the solution to that is a system of proportional representation. I am glad that there is now a consensus in Scottish politics that a system of proportional representation is needed to ensure that we deliver that better governance.

We need to create a more representative system of local government that maintains the link between people and their elected representatives. In answer to the points that Bristow Muldoon has raised, I say that, to do that, we need to give the system the flexibility to take account of the circumstances that he was describing. I support the amendments lodged by Tricia Marwick and Tommy Sheridan because they will bring about the flexibility that will allow better governance and better representation. The amendments will result in greater flexibility in urban areas where there are large natural communities, such as Leith, which are bigger than three or four wards, and in the

large rural areas. Therefore, they will result in the political flexibility that comes from maximising representation. We want fair votes and the flexibility to match local circumstances and meet local people's needs, because it is the local people who are important. That is why we need the flexibility that is afforded by the amendments in the names of Tricia Marwick and Tommy Sheridan.

I enjoyed hearing David Mundell explain his position because it reminded me of those principled Tories who took the no-yes position in the debate on the Scottish Parliament—they did not want a Scottish Parliament but if there were to be one it should have full powers. If we are to have PR, we ought to have PR with the flexibility to match local needs.

15:00

Mr Brian Monteith (Mid Scotland and Fife) (Con): I will be brief. I was moved to speak by Bristow Muldoon's comments on two-member wards in a small number of rural areas. He clearly put the view—perhaps I was mistaken, but it certainly came across to me—that there are already too many rural councillors. I will be delighted to take that message back to Mid Scotland and Fife and let many of the rural councillors know that there are too many of them. Bristow Muldoon made it clear that he is concerned about the work load of urban councillors, but why is he not concerned about the work load of rural councillors, which is exacerbated by the distances that they have to travel?

Bristow Muldoon: Does Brian Monteith recognise that the work load of a councillor with 6,000 electors—for example, in Glasgow—is likely to be far bigger than the work load of a councillor with only 2,000 electors?

Mr Monteith: I do not dispute that numbers might generate additional work. My point is about the ability to service that work, which might be in tower blocks; the councillor would not need to take a ferry between each floor. We are saying that a small number of councillors face difficulty in servicing their wards.

Bristow Muldoon said that there is some dishonesty in the Conservatives' approach in that we support the first-past-the-post system in principle but we want greater proportionality if we are to have the proposed form of STV. Frankly, what we want is honesty in the proportionality. If the argument compares the proposed form of STV with the first-past-the-post system and states that we should choose STV because it is proportional, it stands to reason that we will be better served if it is truly proportional. To have a hybrid that is hardly proportional at all suggests that there is no need—

Iain Smith: Will the member take an intervention?

Mr Monteith: No. I am sorry, but the member did not give way when I asked.

There is no need to adopt a new system unless we have an honest system, such as the one that is proposed by Tricia Marwick and Tommy Sheridan.

The Minister for Finance and Public Services (Mr Andy Kerr): The partnership agreement is clear. We have opted for a system with three or four members per ward to strike the correct balance between proportionality, the size of the ward and the councillor-ward link. The Local Government and Transport Committee endorsed that view. In relation to some of the previous comments, I point out that it is the job of committee members to take evidence but not always to agree. They should take decisions on their own about the merit of the arguments that are presented to them at committee meetings. While I am addressing the comments that were made earlier, I point out that Brian Monteith represents a party of centralisation and emasculation of local government, so it is abysmal for him to stand and shed crocodile tears for local councillors.

We recognise the arguments that have been made and the differing views on the matter. Amendments 1 and 2, in the name of Tricia Marwick, would replace the current provision of three or four members per ward with two to five members per ward and would provide for two-member wards to be permitted only where the ward is geographically remote or sparsely populated.

Amendment 3, in the name of Tommy Sheridan, is dependent on amendment 1. It provides that there should be two members per ward only where the boundary commission has made such a proposal due to exceptional circumstances. Such circumstances would be for the boundary commission to determine and, unlike amendment 2, amendment 3 does not restrict two-member wards to remote or sparsely populated areas.

Our concern about the proposals is that as we increase the number of members per ward, we weaken the councillor-ward link. As we decrease the number of members per ward, we strengthen the councillor-ward link but decrease proportionality. In both cases we move closer to one McIntosh criterion but further away from another. I contend that no system is perfect. STV is used in several countries around the world and has been adapted in each case to meet local circumstances.

Tricia Marwick: Does the minister accept that although McIntosh recommended a proportional system, it was Kerley who recommended that STV should be adopted because it was proportional

and maintained the councillor-ward link and that ward sizes should be from two to five members?

Mr Kerr: Kerley also said that the criteria that McIntosh set out should be balanced. That is why we believe that having three or four-member wards strikes the right balance for Scotland. I was pleased that the Local Government and Transport Committee accepted that after weighing up the wealth of evidence that it was given.

Tommy Sheridan: Will the minister give way?

Mr Kerr: No, thank you.

We should also bear it in mind that STV has operated well in Ireland with a minimum of three members per ward and that the sparsity of population in many parts of Ireland is not dissimilar to that in Scotland.

The bill provides for the boundary commission to consult councils fully from the first stages of its review.

Mr Monteith: The minister says that we should consider Ireland. Is he aware that the Minister for the Environment, Heritage and Local Government in Ireland recommended to members who visited Ireland that they should not choose the system there?

Mr Kerr: We have had many arguments about the issues and I am aware of that point. However, the system there works and Ireland has broad similarities with Scotland in the sparsity of population.

Consultation will be especially important for rural and island authorities, which will want to take every opportunity to ensure that local ties and other factors are taken into account. Our bill provides that opportunity.

We introduced amendments at stage 2 to underline the need for local ties to be taken into account and to add a stage to the consultation process on the boundary commission's draft proposals, to give councils the opportunity to comment on them and to allow those comments to be considered before the proposals are published for wider consultation.

We firmly believe that having three or four members per ward strikes the right balance for Scotland. I ask for amendment 1 to be withdrawn and for amendments 2 and 3 not to be moved.

Tricia Marwick: I have heard the Executive's arguments, which I heard at stage 2. Nobody apart from Labour and Liberal members is convinced by them.

The McIntosh commission recommended a proportional system for local government elections. Kerley was charged with concluding what the right kind of proportional system was.

Kerley recommended STV, which is what we are examining today, but what is important is that Kerley recommended that each ward should have from two to five members and that a ward could have two members in exceptional circumstances. Amendments 1 and 2 would create such a system. They would put in the bill the Kerley report's recommendations.

Every independent group of witnesses and experts who gave evidence to the Local Government and Transport Committee recommended ward sizes of between two and five members. The Executive can reject that—it has the numbers to do so. However, we should not pretend that the bill proposes anything other than a political fix by the Liberal Democrats and the Labour Party. The minister gave the game away—he talked about the partnership agreement and how that was more important than putting in place true proportionality.

Bristow Muldoon said that rural areas have too many councillors. Like Brian Monteith, I think that that remark will come back to haunt him.

Bristow Muldoon: Will the member explain why she believes that it is important to have a high degree of proportionality in urban areas but a low level in rural areas?

Tricia Marwick: The member misrepresents me, but I do not misrepresent him. I heard him say that rural areas have too many councillors. I do not support a hybrid; I support the Kerley group's recommendations. That group was established to consider the form of proportional representation for local government. It recommended STV and ward sizes of between two and five members. Iain Smith can continue to deny that any expert opinion—and in particular Kerley—suggests that, but that will not be true.

Iain Smith: I quoted the Kerley report in a Local Government and Transport Committee meeting. Kerley recommended four-member wards, but I accept that he said that other ward sizes, such as five or two members, might be acceptable in exceptional circumstances. He recommended that the right size was four members.

Tricia Marwick: The member makes a point indeed.

If we are going to introduce a PR system for local government and if that system is going to be STV, it is incumbent on us to get the best possible system that retains the member-ward link and offers proportionality. The Executive's bill is simply not good enough and I urge members of all parties to support amendments 1 and 2.

The Presiding Officer: The question is, that amendment 1 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Canavan, Dennis (Falkirk West) (Ind)
 Curran, Frances (West of Scotland) (SSP)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fox, Colin (Lothians) (SSP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 MacAskill, Mr Kenny (Lothians) (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)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (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)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (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)
 McMahan, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 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)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Presiding Officer: The result of the division is: For 47, Against 65, Abstentions 0.

Amendment 1 disagreed to.

Amendment 2 moved—[Tricia Marwick].

The Presiding Officer: The question is, that amendment 2 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Canavan, Dennis (Falkirk West) (Ind)
 Davidson, Mr David (North East Scotland) (Con)

Douglas-Hamilton, Lord James (Lothians) (Con)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fox, Colin (Lothians) (SSP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Johnstone, Alex (North East Scotland) (Con)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 MacAskill, Mr Kenny (Lothians) (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)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
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 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)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (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)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
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 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
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 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
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 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Swinburne, John (Central Scotland) (SSCUP)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Presiding Officer: The result of the division is: For 44, Against 66, Abstentions 0.

Amendment 2 disagreed to.

Amendment 3 moved—[Tommy Sheridan].

The Presiding Officer: The question is, that amendment 3 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Canavan, Dennis (Falkirk West) (Ind)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fox, Colin (Lothians) (SSP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)

MacAskill, Mr Kenny (Lothians) (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)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Neil, Alex (Central Scotland) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
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 Baker, Richard (North East Scotland) (Lab)
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 Eadie, Helen (Dunfermline East) (Lab)
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 Gillon, Karen (Clydesdale) (Lab)
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 Henry, Hugh (Paisley South) (Lab)
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 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
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 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
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 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
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 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
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 Muldoon, Bristow (Livingston) (Lab)

Mulligan, Mrs Mary (Linlithgow) (Lab)
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 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
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 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
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 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Presiding Officer: The result of the division is: For 48, Against 64, Abstentions 0.

Amendment 3 disagreed to.

Section 3—The quota

15:15

The Presiding Officer: Group 2 is on the quota and the transfer of votes. Amendment 10, in the name of the minister, is grouped with amendment 11.

Mr Kerr: To provide for greater flexibility, we lodged several stage 2 amendments to remove to secondary legislation those details from sections 3 to 8 that dealt with the STV process. Two of those amendments removed text from sections 3 and 5 and inserted new text in the bill so that matters relating to the quota and the transfer of ballot papers could be covered by the order-making powers in section 9. However, we were unable to remove sections 3 and 5 fully at stage 2 because the parliamentary authorities advised us that any such amendments would be regarded as wrecking amendments. As a consequence, the provisions made by sections 3 and 5 are now duplicated in section 9, which was also amended at stage 2.

Dennis Canavan (Falkirk West) (Ind): Will the minister explain the Executive's thinking about how the quota will be determined? Under STV, it is normal practice for the quota in a three-member constituency to be a quarter plus one. In a four-member constituency, the quota is normally a fifth plus one. Is that what the Executive will propose? Why can that not be written in the bill rather than left to subsequent orders?

Mr Kerr: The matter will be dealt with in secondary legislation largely because the Local Government and Transport Committee wanted us to do that. The committee felt that the flexibility of

having the detail in secondary legislation would provide a more appropriate way of fulfilling the bill's purpose. We sought to remove sections 3 and 5 in response to the committee's request.

Sections 9(2)(a) and 9(2)(d) already encompass the provisions at sections 3 and 5 respectively. Amendments 10 and 11 are purely technical amendments that are designed to remove the duplication of provision.

I move amendment 10.

David Mundell: I am interested to hear that Mr Kerr was nearly accused of introducing wrecking amendments. I had thought that such an honour belonged only to me.

I support amendments 10 and 11 and I have argued strongly that the details of the system should not be in the bill. As we will see when we debate the amendment in my name in group 3, members must take cognisance of the fact that there is no single way of calculating the outcome of election under STV. In fact, myriad options are available, which Parliament must address and must be able to continue to address. The best way to do that is to deal with the detail of the electoral mechanism in secondary legislation.

Amendment 10 agreed to.

Section 5—Transfer of votes

Amendment 11 moved—[Mr Andy Kerr]—and agreed to.

After section 9

The Deputy Presiding Officer (Murray Tosh):

Group 3 is on a review of the method of counting. Amendment 4, in the name of David Mundell, is grouped with amendment 7.

David Mundell: Amendments 4 and 7 deal with an issue that I have continually sought to highlight, particularly after I had the welcome opportunity of participating as an observer at the count for the Northern Ireland Assembly elections.

From the evidence that was submitted to the committee by people such as Professor Bill Miller, it has to be accepted that, no matter what method of STV is adopted and what undertakings the Executive might give today, STV is "excessively complicated" and "incontestably opaque". Indeed, those were the words that were used by Lord Jenkins in the report on PR that he compiled for Tony Blair. Professor Miller told the committee:

"The counting procedures are extremely complex and obscure."—[*Official Report, Local Government and Transport Committee*, 2 December 2003; c 328.]

Professor Miller called on MSPs to focus their attention on these issues. Indeed, he called on MSPs to be able to explain to their electors exactly how the counting system under STV works.

Iain Smith: During his discourse on this issue, will Mr Mundell explain to the chamber how he came to be elected to the Parliament under the d'Hondt system, as I do not think that that is especially clear to members of the public?

David Mundell: The d'Hondt system is much more comprehensible than the single transferable vote system. There are 16 members of the Scottish Parliament for the South of Scotland and the number of members from each party is broadly in proportion to the number of votes cast for it. People understand that. They understand that in the South of Scotland the Conservative vote went up and that we gained two constituencies, whereas the vote for the Liberal Democrats went down and they gained nothing. The d'Hondt system is relatively simple and involves people putting an X on a piece of paper. Until Iain Smith has respect for the electorate and the difficulties that people face with some systems, I cannot have respect for some of the things that he says.

We will deal with this issue when we debate the amendment in Group 5, but I do not think that it is acceptable that in last week's London Assembly election more than 220,000 votes were rendered inadmissible. These are important issues that should be debated in Parliament.

It is also important that we debate the issue of which system is at the heart of the STV process. We should debate whether to use the Gregory method or the weighted inclusive Gregory method, and whether—as I said at stage 1—the Gregory in question is Gregory Peck, Gregory the gorilla or Pope Gregory. Such issues need to be debated by parliamentarians, rather than just by political anoraks and academics—if those are different things.

Throughout the committee stages of the bill, I made it clear that I did not support the methodology that the Executive originally proposed. Contrary to all statements of supporters of STV, the system does not ensure that every vote counts or that there are so-called fair votes. Under the system proposed by the Executive, some preferences do not count whereas others count several times. How is that fair or logical? I want to see a system promoted that allows all votes to be counted and all preferences to be taken into account.

We have been told that there would be technical difficulties in introducing such a mechanism at the forthcoming local government elections. However, having embarked on the course of changing the local government electoral system, the Executive should do all that it can to ensure that the elections take place under a system of STV that uses the weighted inclusive Gregory method.

Dr Sylvia Jackson (Stirling) (Lab): Does the member accept that in its stage 1 report the Local Government and Transport Committee agreed that the weighted inclusive Gregory method should be introduced as soon as possible?

David Mundell: I do, and I very much welcomed Dr Jackson's support on the issue. The aim of my amendments today is to urge the Executive to introduce the weighted inclusive Gregory method for the next local government elections and to require it after every election to review the system that is being used. We all know how easily undertakings that are given in Parliament during the passage of a bill can disappear into the mist. Amendment 4 would introduce a requirement for a review of the electoral system to take place each time that it was used. In particular, such reviews would take into account technological changes that may have occurred since the previous election. It is important that consideration of the bill by Parliament should include at least some discussion of the method of counting that is used under STV, as adopted by the Parliament.

I move amendment 4.

Tommy Sheridan: It is not characteristic for me to support Conservative amendments, but amendment 4 is not worthy of opposition. The amendment is worthy of multiparty support because it would allow us to learn whatever lessons need to be learned from the introduction of a radically new electoral system. It is with that in mind that I hope that the Parliament will recognise that we have to review major changes that are made to the counting methods of a new electoral system. I do not see that there should be any Executive opposition to the amendment—it is not a Tory amendment; it is an amendment to introduce efficiency and to make the best possible use of the electoral system.

Mr Kerr: The committee suggested in its stage 1 report that putting the detail of the STV process in secondary legislation would give us flexibility over the system of STV that is used in the future.

Although the committee concluded that the method that is set out in the bill at introduction was the most appropriate one for local government elections in Scotland at the present time, given the currently available counting technology, committee members considered that the weighted inclusive Gregory method of counting would be the most effective method. However, they recognised that the adoption of that method would be likely to make manual counts under STV unrealistically time consuming. They therefore recommended that the necessary measures should be put in place to allow an alternative counting method to be adopted in due course if electronic counting technology could be proven to be reliable, robust and accurate. We took that recommendation on

board and lodged a series of amendments at stage 2 that moved the detail of the STV process from the bill to secondary legislation.

It is in everyone's interest that we use the method of STV that is most appropriate to Scottish circumstances. It was for that reason that we accepted the committee's recommendation. Amendment 4 would place a requirement on us in primary legislation to conduct a review of the method of counting used in that election. The amendment is therefore unnecessary.

Mr Welsh: When will those details be produced? What is the timetable for introducing the statutory instruments that will give the details?

Mr Kerr: As I said, we need to keep an eye on what is going on around the world with regard to counting systems and technology. By removing the statement of the details from the bill and putting it into secondary legislation, we have created the scope and flexibility that we need and that is why the amendment is unnecessary. Any requirement to review the conduct of elections would be dealt with in orders dealing with the conduct and administration of the elections under section 9(1), rather than in the primary legislation.

I suspect that Mr Mundell's amendment might be a probing amendment that is aimed at establishing our intentions in this area. I therefore make it clear that we have no difficulty with the principle of reviewing the conduct of elections. We arranged for the Electoral Commission to review the conduct of the 2003 elections for the Executive. It will be even more important to set appropriate arrangements in place for reviewing the elections under the new electoral system. Such a review would also play a vital role in informing future consideration of the possibility of changing the STV system to be used for local government elections in Scotland.

I hope that, with that reassurance, Mr Mundell will be persuaded not to press his amendments.

David Mundell: All the points that I wished to make were covered in my contribution and Mr Kerr's response was as I expected. However, given Mr Sheridan's support, I will press amendment 4.

The Deputy Presiding Officer: The question is, that amendment 4 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)

Byrne, Ms Rosemary (South of Scotland) (SSP)
 Canavan, Dennis (Falkirk West) (Ind)
 Curran, Frances (West of Scotland) (SSP)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Harvie, Patrick (Glasgow) (Green)
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 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mundell, David (South of Scotland) (Con)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 Swinburne, John (Central Scotland) (SSCUP)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
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 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gibson, Rob (Highlands and Islands) (SNP)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 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)
 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)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)

McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (South of Scotland) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Swinney, Mr John (North Tayside) (SNP)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 28, Against 82, Abstentions 0.

Amendment 4 disagreed to.

Section 10—Reviews of electoral arrangements

15:30

The Deputy Presiding Officer: The amendments in group 4 concern the review of ward boundaries. Amendment 18, in the name of Mr Andy Kerr, is grouped with amendment 5.

Mr Kerr: I shall speak to amendment 18, which has been grouped with amendment 5, lodged by David Mundell. In doing so, I shall ask Mr Mundell not to move his amendment.

The introduction of STV for local government elections will result in a new system of multimember wards. Therefore, one of the key issues to arise during consideration of the bill has been the conduct of the ward boundary review by the Local Government Boundary Commission for Scotland. The key issue has been whether the commission should create new wards by bolting together existing local government wards or

should start from scratch and redraw the ward boundaries.

There are arguments in favour of both approaches. Bolting together existing wards would minimise the upheaval for councils and for all those involved in the electoral process, but starting from scratch would allow the commission to produce new wards that take account of local circumstances and to remove some of the anomalies that have arisen with existing ward boundaries.

The Local Government and Transport Committee and the STV working group both concluded that starting from scratch would be the best approach, but we wanted to find a middle way—a compromise—that would allow the commission to use the existing wards as building blocks, where appropriate, but which would provide sufficient flexibility to take a different approach where that would secure a better outcome. We lodged an amendment at stage 2 that was designed to give effect to that approach. Because there was discussion in the Local Government and Transport Committee about the exact effect of the amendment, we withdrew the amendment at that stage but undertook to lodge a similar amendment at stage 3.

Given that background and the interest that has been shown in the conduct of the ward boundary review, I will take a moment to set out exactly what amendment 18 will do. The criteria for the ward boundary review are set out in schedule 6 to the Local Government (Scotland) Act 1973. In carrying out the review, the commission will have to take account of those criteria, and only those criteria, that are laid out in that legislation—parity, any local ties and the desirability of fixing easily identifiable boundaries.

Amendment 18 will ensure that the commission has to consider the existing ward boundaries as part of the overall review process. The commission could decide to bolt together existing wards if that seems appropriate and is in accordance with the schedule 6 criteria. However, the commission will have to take a different approach where that is required by the schedule 6 criteria. It could propose adjustments to the existing ward boundaries, or it could start from scratch, as appropriate.

Amendment 18 will also ensure that the commission has to explain why it has chosen not to bolt together existing wards. In other words, people will be clear about why the commission is proposing a change. However, the key point is that the commission will not be restricted to the bolting-together approach, but will need to apply the schedule 6 criteria to determine what is appropriate.

Two specific points were raised by members of the Local Government and Transport Committee, and it might be helpful if I comment briefly on each of them. Iain Smith was concerned that the amendment would apply to all future ward boundary reviews. I can confirm that the amendment will, in fact, apply only to the first ward boundary review. Committee members were also uncertain about the exact balance that would be struck between bolting together and starting from scratch. I hope that what I have said clarifies the position for them, but I should also point out that we have inserted additional text into this version of the amendment to make that explicit in the bill and to place beyond doubt the fact that the commission will still be required to propose changes to ward boundaries, where appropriate, in accordance with schedule 6.

Amendment 5, in the name of David Mundell, would prohibit the Local Government Boundary Commission for Scotland, in fixing ward boundaries, from having regard to existing or previously existing electoral wards or polling districts, except in pursuance of paragraph 1(3) of schedule 6. Paragraph 1(3) of schedule 6 covers the criteria relating to easily identifiable boundaries and local ties, which I mentioned earlier. Those criteria are subject to the overriding requirement to achieve parity of representation among wards. We consider amendment 5 unnecessary. In carrying out the review, the commission will have to take account of the schedule 6 criteria and those criteria only. The paragraph 1(3) criteria are the only ones within which existing wards could conceivably fall, so amendment 5 adds nothing to what is already provided for.

Amendment 18 will ensure that the commission has the flexibility to start from scratch where appropriate. To that extent, I suspect that amendment 18 encompasses the purpose of Mr Mundell's amendment, and so I invite him not to move amendment 5.

I move amendment 18.

David Mundell: As the minister said, the way in which the new wards would be constructed was the subject of considerable debate in the Local Government and Transport Committee. Evidence was taken on the issue—not least from the Local Government Boundary Commission for Scotland. I was particularly pleased that the boundary commission made it clear to the committee that it is in a position to create new wards from scratch—using various new methodologies that are available to it—within a relatively short period. That is one of the key reasons why I felt able to support the view that we should start from scratch. The boundary commission's evidence was helpful because it meant that the argument used by some

people that starting from scratch was a way of wrecking the arrangement had no validity.

I have reflected on the minister's amendment 18 and on my amendment and, on this occasion, I am in agreement with him that his amendment would achieve what my amendment seeks to do, so I will not move amendment 5.

The Deputy Presiding Officer: I ask for brief speeches as we are running short of time.

Mr Bruce McFee (West of Scotland) (SNP): We should consider the effect of Mr Kerr's amendment 18, which is not quite as he suggests. His amendment would prevent consideration of the rules set out in schedule 6 to the Local Government (Scotland) Act 1973 in drawing up the bolted-together option for ward boundaries, which would mean, in effect, setting aside the requirements relating to parity, community, strength of boundary and geography. How can the reasonableness of the boundary commission's proposals, arrived at after proper consultation, be tested by an adulterated proposal—forced through by the Executive—that disregards basic issues such as the number of electors per ward, the geography of the wards and the communities involved? How could the boundary commission reasonably reject the bolted-together option if schedule 6 is to be set aside?

In seeking to buy off Labour councillors and a number of Labour backbenchers who have concerns, the Executive is prepared to compromise the work of the boundary commission. That sets a dangerous precedent. It is a direct assault on the independence of the boundary commission, it opens the door to gerrymandering and I suggest that it would leave the boundary commission open to legal challenge.

I am pleased that the Tory amendment will not be moved, because it did not make sense. Section 10 should go through unamended. If the Parliament allows the proposal in amendment 18 to go forward, I suspect that there will be many battles in the near future over boundaries—caused by the specific requirement for the Labour Party to appear tough for the benefit of their councillors and back-bench MSPs who oppose the bill.

Iain Smith: We should thank the Executive for listening to the view of the committee at stage 1 that the proposals on the boundary review should be in the primary legislation rather than in secondary legislation. That important concession from the Executive is why we are having this debate.

I had some concerns about the stage 2 amendment in Andy Kerr's name as I felt that it was slightly clumsy and that it was not clear what it was intended to do. However, I certainly do not agree that the amendment intends to do what

Bruce McFee has suggested. That is made perfectly clear by the addition to the amendment—the proposed new section 10(2B)—which makes it clear that the boundary commission will be able to draw up boundaries and will have to have primary regard to schedule 6 to the Local Government (Scotland) Act 1973. What proposed new subsection (2A)(b) states is that the boundary commission will address why a bolted-together option does not meet the requirements of schedule 6 so that, in essence, it can say, "We cannot do a bolt-together because it does not meet the requirements of schedule 6." It does not say that we can create a set of boundaries that does not meet the requirements of schedule 6. Bruce McFee has misunderstood the proposal in the amendment, which strengthens my concern that the original amendment was perhaps clumsily worded. The addition of proposed new subsection (2B) to the amendment clarifies the matter.

I am happy to support amendment 18.

Tommy Sheridan: The Executive's amendment 18 is unnecessary as the necessary flexibility already exists within the boundary commission. I ask that, in summing up on the group of amendments, the minister takes the opportunity to give a categorical commitment to Parliament that no right of appeal will be allowed to delay the boundaries being ready for the 2007 elections.

The Deputy Presiding Officer: I call the minister to wind up.

Mr Kerr: I have very little to say apart from to respond to Mr Sheridan's point. We have made the timescales involved in the process absolutely clear. There will be strict limits on the timescale and we do not expect any delays of the type that Mr Sheridan envisages.

The Deputy Presiding Officer: The question is, that amendment 18 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 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)
 Canavan, Dennis (Falkirk West) (Ind)
 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)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Godman, Trish (West Renfrewshire) (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)
 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)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahan, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 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)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (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)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Swinburne, John (Central Scotland) (SSCUP)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Curran, Frances (West of Scotland) (SSP)

Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 MacAskill, Mr Kenny (Lothians) (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)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

ABSTENTIONS

Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)

The Deputy Presiding Officer: The result of the division is: For 80, Against 23, Abstentions 6.

Amendment 18 agreed to.

Amendment 5 not moved.

After section 10

The Deputy Presiding Officer: Amendment 6, in the name of David Mundell, is grouped with amendment 8.

David Mundell: I lodged amendment 6 for reasons to which I have alluded. Again, it is extremely important that the Parliament focuses on first, the simultaneous operation of multiple electoral systems and secondly, the need to ensure that people understand the voting systems.

We cannot brush aside a situation in which large numbers of people fail to register an admissible vote. That simply is not good enough. The example from the recent London Assembly and mayoral elections, which took place on the same day, could not be clearer. People were asked to put an X on a piece of paper under one system and to express a preference numerically under another system and 220,000 ballot papers were judged to be inadmissible. The same problem has arisen in Northern Ireland when two elections have been held simultaneously. The matter is important and I am not satisfied with what the Executive has said about it to date.

Other problems arise, some of which can be illustrated by the experience in Scotland during the European elections. For example, in Dumfries and Galloway, the 9,500 postal vote applications were sent out with instructions about how to vote in a

first-past-the-post election, so further correspondence had to be entered into with confused postal voters. Such problems arise when multiple elections take place simultaneously. The Executive must tell us how it will minimise the number of rejected ballots that might be generated under the proposed new system. Better still, I hope that it will tell us that it will decouple the Scottish Parliament and local government elections.

I move amendment 6.

The Deputy Presiding Officer: Contributions must be very brief, please. I call Andrew Welsh, to be followed by Bristow Muldoon.

Mr Welsh: Amendment 8 is a consequential amendment, so I address my remarks to amendment 6, although my attitude to both amendments is the same.

Amendment 6 is a negative, blocking, Tory amendment that appears to aid democracy and electoral fairness while in fact doing the opposite. If the amendment were agreed to, its provisions would bring the Executive and the Parliament into disputes over rejected ballot papers and interfere with the impartiality of the long-established existing system of dealing with spoiled ballot papers. It would politicise local government disputes by—uniquely—allowing ministers and Parliament to intervene and adjudicate on part of the results of local elections. They are rightly not allowed to do that at parliamentary elections and allowing them to do so at local elections would be a very bad precedent to set.

Amendments 6 and 8 are not necessary. Long-established statutory rules and responsibilities exist for dealing with spoiled ballot papers. Returning officers at the count, and on the night, adjudicate on spoiled papers, witnessed by election agents. They do so in accordance with clear rules that are laid out in statute. Any spoiled papers are held in sealed envelopes and anyone who disputes the election result can apply to the courts within 21 days to have the result set aside. That is exactly the same system as the one used for parliamentary elections. In extreme circumstances, the returning officer has the power to set aside the result.

15:45

Mr Monteith: Will the member take an intervention?

Mr Welsh: I am very short of time, so I will continue.

In the cases that I mentioned, it would be for the courts of law to deal with rejected ballot papers. The courts are the established and correct method of doing that.

The reasons for rejection of ballot papers by returning officers are strictly governed by legislation, as is the form and content of ballot papers. Clearly, if 3 per cent of ballot papers were rejected as invalid, they would come under set categories and that would be plainly seen.

The Tory amendment 6 would allow an organised attack on election results and the democratic process and would drag Government and Parliament into the dispute. That would hardly be a service to democracy. If David Mundell is worried about ballot papers being spoiled through a lack of understanding of the new STV system, the solution is obvious and rests elsewhere: voter education and information will be crucial. During the earlier stages of the bill, the Executive promised extra money for such voter education. I would like the minister to confirm that commitment. There are also statutory obligations on returning officers and polling clerks to ensure that signage and help for electors are available at every polling station.

We have here a wrong Tory diagnosis and wrong Tory amendments. Both amendments 6 and 8 ought to be rejected.

The Deputy Presiding Officer: I have to renege on my promise to call Bristow Muldoon because the clock defeats us. I must give the minister an opportunity to respond.

The Deputy Minister for Finance and Public Services (Tavish Scott): The clock is very unfair.

I am aware that Mr Mundell and others commented at stages 1 and 2 on the level of rejected ballot papers at the Northern Ireland Assembly elections last year. The Electoral Commission's review found that there was no accurate record of the reasons why the papers were rejected. The commission considered that such a record was vital to ensure the transparency of the count and to identify any underlying problems. The commission recommended that up-to-date guidelines should be prepared on the processes to be adopted for rejecting ballot papers, and that staff should be trained in their use.

It is right that these serious matters be raised. I acknowledge that big challenges lie ahead in raising voter awareness of the new system. We acknowledge the danger that the introduction of STV might result in an increase in the number of rejected ballot papers. However, as we have discussed at the Local Government and Transport Committee, and in the Parliament, those difficulties are not insurmountable. I believe that we have the capacity and the resources to overcome them.

Tommy Sheridan: Will the minister confirm that, contrary to what we heard from Andrew Welsh,

amendment 6 would not give the Parliament new statutory powers to overturn an election, but would simply give the Parliament the power to investigate why a high number of ballot papers had been rejected? That would not be overturning an election.

Tavish Scott: Once again, Mr Sheridan is siding with the Tories. I rather agreed with Mr Welsh. His arguments illustrated the core Tory belief on this issue and on the bill as a whole. It is curious that Mr Sheridan is once again backing Mr Mundell.

We do not want ballot papers to be rejected because people are confused about how to vote. Therefore, we are committed to ensuring that people understand the basics of STV, understand how to mark their preferences on the ballot paper, and understand the broad principles of how the votes are counted. We have to consider a variety of ways of getting the message across. Some are simple and practical such as leaflets; others will involve new systems and the provision of advice and support in polling stations. The STV working group is now considering practical implementation issues such as voter education and publicity. We will address those issues when the group reports to ministers. We will also discuss voter awareness and related issues with returning officers and will work with them to minimise the number of rejected ballot papers.

On amendment 8, we will have to specify what constitutes a rejected ballot paper, but that matter is best dealt with in secondary legislation. I invite David Mundell to withdraw amendment 6 and not to move amendment 8.

The Deputy Presiding Officer: There is no time for Mr Mundell to do anything other than to indicate whether he will press amendment 6 or seek leave to withdraw it.

David Mundell: I will introduce a bill to decouple the Scottish Parliament and local government elections. Therefore I seek leave to withdraw amendment 6.

Amendment 6, by agreement, withdrawn.

Section 12—Interpretation of Part 1

Amendments 7 and 8 not moved.

Section 18—Severance payments for councillors

The Deputy Presiding Officer: That takes us on time to group 6. Given that only 10 minutes have been allocated for the group, I ask members to keep their speeches brief. Amendment 19, in the name of Andrew Welsh, is grouped with amendment 20.

Mr Welsh: I will be as brief as I can. I also declare an interest, which is that my wife is an

Angus Council councillor. I made that clear at committee and I want to make it clear again today.

The SNP will move amendment 19 to address the anomaly and unfairness in the original bill that arise from the fact that qualification for severance pay will depend on a councillor not standing at the next election and the fact that candidates who stand for re-election will be excluded. A councillor of many years of public service who was not re-elected would receive no such payment while former council colleagues who did not stand would receive the full payment for their years of service. At the heart of the situation lies the question about why the severance payments were introduced at all. Are they a recognition of past public service or simply a financial incentive to get longer-serving councillors out of local government? I ask the minister to make clear on which side of the fence his provision lies.

If its aim is to remove existing councillors from local government and bring in fresh faces, it will lead to the obvious problems of loss of experience and expertise and of how to achieve a financial reward that is sufficient to entice former councillors not to stand, which would give the proposed remuneration committee a financial puzzle to solve. The payment may be designed to reward past public service. If so, and if the bill is not amended, the provision will clearly discriminate.

I am clear that the severance payment should be a recognition of past public service. As such, all past public service should be recognised and people should not be penalised by a rule that doubly punishes electoral defeat—a defeat that could be on the narrowest of margins.

Amendment 19 would prevent discrimination against long-serving councillors who wish to be judged by the electorate and not pre-judged by the bill as drafted.

I move amendment 19.

Tommy Sheridan: I speak to amendment 20 and in support of amendment 19.

Under the Executive's current provisions, within, say, the Labour Party—given the size of its wards across the country—a councillor who wanted to go forward for election could be defeated by 2:1 in a local selection contest, and would be guaranteed a severance payment for their previous council service, yet a councillor who won the 2:1 vote but who was then defeated by 2,000 votes to 1,800 would not be entitled to any severance payment.

The Executive's provision lacks any principle or logic. If the idea is to reward past service, which is a good idea, let us do that. Let us not base the reward on whether the councillor stands for election again. The provision is discriminatory and amendment 19 seeks to address that fact.

Amendment 20 seeks to address the idea that we should somehow debar someone from standing for election in future simply because they have been rewarded for their past service in a local authority. We should be careful about how we debar people from standing for election. One of the ways to debar them is not to agree that they should be rewarded for past service, only to say, "By the way, you can't stand again for election in the future." That is utter nonsense, which is why amendments 19 and 20 should be supported.

David Mundell: I found Mr Kerr's comments on the provision at committee compelling. It is a payment for an adjustment between one system of election and another. Politics is about hard decisions: everybody who goes into the political process has to make hard decisions about whether to stand in a particular election. It is not for Parliament to negate the candidate's personal responsibility in that regard.

Mr McFee: When the proposal was originally mooted, we were informed that the severance payment was to recognise service to the community by councillors who would not be continuing after the next elections. Frankly, what we have now is another expedient—introduced cynically—to use public money to buy off Labour councillors in the authorities where the number of Labour councillors elected is grossly out of proportion to the number of votes that Labour receives.

Labour members know that there will be casualties within the party, and they intend to use severance payments to buy off the problem of certain selection meetings.

"The severance payment proposal contained in the Bill is tantamount to a bribe to persuade councillors to stand down at the next election".

Those are not my words, but the words of Councillor Pat Watters—a Labour councillor—on behalf of Convention of Scottish Local Authorities, which says it all.

Mr Sheridan's amendment 20 is a have-your-cake-and-eat-it amendment. It would allow councillors to take what is, in effect, a voluntary redundancy payment and reapply for their jobs later. We cannot support that.

Frankly, ministers have spoken nonsense about the severance scheme, and have danced around trying to make it stack up. It is an abuse of public money to use it to sort out internal Labour Party problems.

Tavish Scott: The Executive has had a consistent position on severance payments. We are proposing a one-off scheme, available only to those councillors who choose to stand down at the next election. Andrew Welsh's amendment 19 would mean that councillors who chose to stand

but were not elected would be entitled to a severance payment. We simply do not think that that is the right approach.

In fairness to Mr Mundell, the introduction of a new electoral system is, as he rightly recognised, a big change for everyone. We acknowledge that not all councillors will want to take part in the new arrangements. We respect that view, so the scheme will give councillors a choice: they can choose to take a severance payment or not, or they can choose to stand again for election under the new voting system. That will mean that all candidates go into the next election on an equal basis.

Phil Gallie: Is not it the case that the reverse is the situation with respect to MSPs and MPs?

Tavish Scott: I accept that there are different arrangements for MSPs and MPs. We are dealing with the local government elections and the system that will elect local government in the future. The arrangements are just different.

It is not right in principle that councillors who stand again should also be eligible for a severance payment if they are defeated. We also need to look at the bigger picture. In line with our widening-access agenda, we want to create opportunities for more people to consider standing for election. The average Scottish councillor is male, white and in his 50s. There is nothing wrong with that, but it is hardly representative.

Tommy Sheridan: Of course there is something wrong with that. If there is not, why does the minister want to change it?

Tavish Scott: Yes, we do want to change matters. We need to find ways of encouraging people from a range of different backgrounds to come forward, which I would have thought Mr Sheridan would want. That will work only if posts are available for them to fill. Amendment 19 would restrict the ability of parties to field new candidates. Amendment 19 is wrong in principle and would be detrimental to our widening-access agenda, so I ask members not to agree to it.

With amendment 20, Mr Sheridan is trying to be all things to all councillors. I acknowledge that the scheme may appear harsh to some, but we are not in the business of letting councillors benefit from a severance payment and then stand again. The practical effect of Tommy Sheridan's amendment 20 would be that a councillor could accept a severance payment and stand down at the next election. Then, a few months later, they could win a by-election and benefit from the new salary and pension arrangements that will be in place.

Tommy Sheridan: Will the minister take an intervention?

Tavish Scott: No.

That would do nothing to encourage more people to stand, it would do nothing for the age profile of Scotland's councillors, and it would do nothing to address gender inequality, which are all matters that we want to address.

Tommy Sheridan also needs to consider how constituents would view a scheme that allows councillors to accept a severance payment and then come back shortly afterwards with a new salary and pension. The reaction would be less than positive.

Our severance scheme is fair and lets councillors choose what is right for them. Mr Sheridan's amendment 20 would amount to a golden handshake and a golden hello for some councillors, which we do not think is right.

I invite Parliament to reject amendments 19 and 20.

Mr Welsh: As Tavish Scott has revealed, the severance scheme is a bribe to get rid of councillors, not a reward for past service. David Mundell said that there will be an adjustment between systems. Such adjustments should be fair and should not discriminate unfairly against certain councillors and not others. If pre-2007 councillors are to have past service recognised, that should apply to all pre-2007 councillors. There should not be any discrimination. The severance scheme should apply to everybody. There should not be one rule for MPs and a different one for councillors. The issue is a point of principle for Parliament to decide, and it should do so.

16:00

The Deputy Presiding Officer: The question is, that amendment 19 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Canavan, Dennis (Falkirk West) (Ind)
 Curran, Frances (West of Scotland) (SSP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Maclean, Kate (Dundee West) (Lab)
 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)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 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)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (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)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (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)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahan, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 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)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (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)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Swinburne, John (Central Scotland) (SSCUP)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 29, Against 80, Abstentions 0.

Amendment 19 disagreed to.

Amendment 20 moved—[Tommy Sheridan].

The Deputy Presiding Officer: The question is, that amendment 20 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Curran, Frances (West of Scotland) (SSP)
 Harvie, Patrick (Glasgow) (Green)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (SSP)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 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 Annesland) (Lab)
 Canavan, Dennis (Falkirk West) (Ind)
 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)

Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 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)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 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)
 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)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahan, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)

Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 11, Against 98, Abstentions 0.

Amendment 20 disagreed to.

Section 22—Orders and regulations

The Deputy Presiding Officer: Group 7 is on subordinate legislation provisions. Amendment 13, in the name of the minister, is grouped with amendments 26, 21, 22, 14 to 17, 23, 23A and 23B. I remind members that amendments 26, 23A and 23B are manuscript amendments that were lodged today. The text can be found in the supplement to the marshalled list of amendments, which has been placed on the desks in the chamber.

Tavish Scott: Executive amendments 13 to 17 are straightforward technical amendments. The bill as introduced makes provision for the establishment of the Scottish local authorities remuneration committee, which will make recommendations about how councillors should be remunerated. Once the committee reports and details of the new system of remuneration are established, it will be necessary to put in place legislation to give effect to the new arrangements. That will involve the use of the regulation-making power under section 17(1). Section 22 provides that any such regulation-making power includes the power to make such incidental, supplemental, consequential, transitory or saving provision as ministers think necessary. The bill also contains a separate stand-alone power to make ancillary provision.

We have considered how to make the consequential provisions that will be required following the introduction of a new system of allowances and remuneration for councillors. As we do not know at this stage what the remuneration committee will recommend—and therefore what provision will be required—we cannot include an appropriate provision in the bill. However, the extent of the regulation-making power under section 17(1) is limited by section 22, which at present may not allow the power to be used to modify an enactment. We consider that the introduction of a new system of remuneration may require modification of primary legislation, which is why we propose an amendment to section 22 to clarify the matter. As a safeguard, where an order under section 21 or regulations

under section 17(1) contain provisions that add to, replace or omit any part of the text of an act, the affirmative procedure will apply. Amendments 13 to 17 give effect to the policy that was agreed at stage 1. They will ensure that we can amend or repeal existing legislation on councillors' allowances if it is incompatible with the recommendations of the remuneration committee.

The Subordinate Legislation Committee lodged amendments 21 to 23 because of concerns that one of the order-making powers in the bill could be used to modify the bill itself, once enacted. We have closely examined that point. Section 9(1) provides that ministers must make an order relating to the conduct of the election and that the order must cover certain key essentials of an STV system. Although such an order could be used to amend an existing act, section 22(3) provides that any such order would be subject to the affirmative procedure. The Subordinate Legislation Committee is concerned that an order under section 9(1) could be used to amend the bill once enacted and might even be used to abolish STV. Amendments 21 and 22—and amendment 26, in the name of Alasdair Morgan—are intended to prevent such an order from amending the bill, once enacted.

I might be able to reassure the committee by explaining that, in our view, the section 9(1) power could not be used in that way. Our legal advice is very clear that subordinate legislation powers must be construed within the realms of the parent legislation and cannot be used to subvert the act in which they appear. As a result, it is simply not possible for section 9(1) to be used to abolish STV. Moreover, we must not forget the additional safeguard of parliamentary scrutiny, which offers us further reassurance that any attempt to abuse the section 9(1) power would be unsuccessful. For those reasons, we believe that amendments 21 to 23 are unnecessary, as strong safeguards already exist.

Dennis Canavan: Will the minister assure us that Parliament will have an opportunity to debate and vote on any order that relates to the determination of the quota and the method of transfer of votes?

Tavish Scott: Mr Canavan raises a different matter that was dealt with earlier this afternoon. However, I will certainly come back to him on that point.

We are concerned about the danger that amending the bill to include a restriction of the sort proposed by the Subordinate Legislation Committee could call into question the proper interpretation of all the other pieces of legislation in which similar order-making powers appear without a similar restriction. Moreover, there is a danger that, in consequence, people might argue

that such powers are wider than the Parliament actually intended. Although I am sure that that is not the committee's intention, it would be one of the consequences of its amendments.

Amendment 23 seeks to provide for a super-affirmative procedure to be adopted for orders made under section 9(1), and amendments 23A and 23B, in the name of Alasdair Morgan, seek to make adjustments to that procedure. Although I understand that additional preliminary requirements have been adopted for some acts, they reflect their particular subject matter. I should also point out that the super-affirmative procedure is not a generally recognised one.

The rules governing the conduct of council elections are at present subject to annulment. As the affirmative procedure that we have adopted for orders under section 9(1) already offers Parliament greater scrutiny, we are not convinced that further enhancement of the affirmative procedure is necessary. As a result, I ask Sylvia Jackson not to move amendments 21 to 23 and Alasdair Morgan not to move amendments 23A, 23B and 26.

I move amendment 13.

Dr Jackson: As the minister has pointed out, the Subordinate Legislation Committee was concerned about the delegated power in section 9, which is why we lodged amendments 21 to 23. Indeed, our full reasons for doing so are contained in our report.

I am grateful to the minister for his remarks and particularly for his important clarification about the scope of subordinate legislation to amend the provisions in acts. I believe that that clarification not only reassures the committee about its concerns over the bill's subordinate legislation provisions but serves to clear up the position with respect to all legislation, unless otherwise specified. However, it must be a matter of regret to the committee that the Executive could not have supplied that clarification when Stewart Maxwell initially raised the question that led to our on-going deliberation.

That said, the reassurance that the committee sought has now been put on the record for the chamber. It is very important that subordinate legislation powers are construed within the realms of parent legislation and, in this case, cannot be used to subvert sections 1 and 2.

With that reassurance, as convener of the Subordinate Legislation Committee, I will not move amendments 21 to 23. However, I will say that the committee's future review of subordinate legislation will examine the super-affirmative procedure in much more detail.

Alasdair Morgan (South of Scotland) (SNP): Clearly, I started from the same point as the

convener of the Subordinate Legislation Committee—of which I am a member—with my concern that the provisions in section 22 could be used to amend the bill, once enacted. We were concerned not that the current Executive or any Executive that we could foresee for the immediate future would use the powers in that way, but that an ill-disposed Executive could use them to abolish the PR system by adjusting the numbers involved—particularly those referred to in sections 1 and 2—so much as to revert to a first-past-the-post system.

The question is whether the order-making powers in section 22 can be used to alter sections 1 and 2 of the bill once enacted. It is all very well for the minister to say that he has legal advice that they could not, but others have received legal advice that clashes with his. Moreover, it is not good enough for the minister to say that it is not his intention to use those powers to amend sections 1 and 2. The fact that that is not his intention or that of the Government does not mean that a future Government could not use the section 22 powers in that way.

I am aware of the *Pepper v Hart* ruling under which ministers' intentions can be used in a court case at a subsequent date to argue against statutory instruments that are laid by a Government. However, that would be too late, because we would have to go to court to argue against legislation that a Government was putting through Parliament. That is a dubious procedure at best; it is by no means certain and therefore gives no guarantee that section 22 would not be used to amend sections 1 and 2. I therefore wonder why the Government is resisting amendment 26, which is simply a generic, for-the-avoidance-of-doubt type of amendment. It does not do any damage to the Executive's provision or frustrate the Executive's will in any way, but guarantees the will of the Parliament that statutory instruments that are laid under the bill, once enacted, cannot be used to amend it. I do not see what is wrong with amendment 26. I understand the argument against amendment 21—although I do not necessarily agree with it—which is that the amendment could bring into doubt other acts that do not have such a provision. However, the wording of amendment 26 is used in other acts that the Government has introduced.

I therefore urge the minister to re-examine his thoughts on the issue and accept the Subordinate Legislation Committee's concern on the matter, which his assurances do not fully address. They may address the concern for the current Executive, but he cannot bind future Executives.

Mr Stewart Maxwell (West of Scotland) (SNP): As has already been pointed out, the Subordinate Legislation Committee was concerned by the

answers that Executive civil servants gave to various questions that I and other members of the committee asked them. I will quote briefly from those answers for the minister's benefit. When I asked about whether section 9 could be used to amend sections 1 and 2, the answer was:

"Theoretically, an order made under section 9(2) can modify an enactment, so it would be possible".—[*Official Report, Subordinate Legislation Committee*, 15 June 2004; c 511.]

Our legal advice says that that is the case.

As Alasdair Morgan has said, amendment 26 does not in any way detract from the Executive's policy, attack its position or undermine what it is trying to do. In essence, amendment 26 tries to close the door to ensure that any future Executive that is opposed to the bill and to STV could not use a statutory instrument to get rid of STV, but would have to introduce primary legislation and take it through the Parliament using the full procedure. We should close that door by supporting amendment 26.

Iain Smith: We are perhaps concerned about something that does not really exist. I would have thought that it is possible to make orders and amend enactments under any section only as far as is required for that section. Therefore, it would be possible to amend an act using the powers in subsections (1) and (2) of section 9 only to introduce the things that are provided for in those subsections. The problem that is being raised is not genuine.

16:15

Tavish Scott: In response to the points raised by Mr Morgan and Mr Maxwell, I recognise that, as Mr Maxwell said, civil servants gave evidence that day. However, I point out that they said they would provide further information later, which they did. On 15 June, the Executive sent a letter that I am sure that Mr Maxwell and Mr Morgan have read. For the sake of brevity, I shall quote only one sentence from it. The letter says:

"I can now confirm our view that the power in Section 9(1) could not be used to amend the primary legislation in which the power appears, unless an express provision to that effect had been included."

It is important to reflect on that statement and on the words spoken by the convener of the Subordinate Legislation Committee a moment ago.

Amendment 13 agreed to.

The Deputy Presiding Officer (Trish Godman): The question is, that amendment 26 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Canavan, Dennis (Falkirk West) (Ind)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 MacAskill, Mr Kenny (Lothians) (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)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gillon, Karen (Clydesdale) (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)

Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 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)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 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)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Swinburne, John (Central Scotland) (SSCUP)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 41, Against 64, Abstentions 0.

Amendment 26 disagreed to.

The Deputy Presiding Officer: Does Sylvia Jackson want to move amendment 21?

Dr Jackson: No.

Amendment 21 moved—[Mr Stewart Maxwell].

The Deputy Presiding Officer: The question is, that amendment 21 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Canavan, Dennis (Falkirk West) (Ind)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)

Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fox, Colin (Lothians) (SSP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 MacAskill, Mr Kenny (Lothians) (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)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gillon, Karen (Clydesdale) (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)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (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)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 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)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Swinburne, John (Central Scotland) (SSCUP)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 44, Against 65, Abstentions 0.

Amendment 21 disagreed to.

Amendment 22 not moved.

Amendments 14 to 17 moved—[Tavish Scott].

The Deputy Presiding Officer: The question is, that amendments 14 to 17 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 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)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craige, Cathie (Cumbernauld and Kilsyth) (Lab)
 Cunningham, Roseanna (Perth) (SNP)
 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)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)

Ewing, Mrs Margaret (Moray) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, 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)
 Lochhead, Richard (North East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 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)
 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)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (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)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)

Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)

ABSTENTIONS

Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Fox, Colin (Lothians) (SSP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (SSP)

The Deputy Presiding Officer: The result of the division is: For 99, Against 1, Abstentions 10.

Amendments 14 to 17 agreed to.

The Deputy Presiding Officer: Does Sylvia Jackson want to move amendment 23?

Dr Jackson: No.

Amendment 23 moved—[Mr Stewart Maxwell].

Amendment 23A moved—[Alasdair Morgan].

The Deputy Presiding Officer: The question is, that amendment 23A be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fox, Colin (Lothians) (SSP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)

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)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gillon, Karen (Clydesdale) (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)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 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)
 McMahan, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 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)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Swinburne, John (Central Scotland) (SSCUP)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 45, Against 65, Abstentions 0.

Amendment 23A disagreed to.

Amendment 23B not moved.

The Deputy Presiding Officer: The question is, that amendment 23 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Canavan, Dennis (Falkirk West) (Ind)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fox, Colin (Lothians) (SSP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 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)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Eleanor (Highlands and Islands) (Green)

Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gillon, Karen (Clydesdale) (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)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (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)
 McMahan, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 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)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)

Swinburne, John (Central Scotland) (SSCUP)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 45, Against 65, Abstentions 0.

Amendment 23 disagreed to.

Section 23—Short title and commencement

The Deputy Presiding Officer: Amendment 24, in the name of Helen Eadie, is grouped with amendment 25.

Helen Eadie (Dunfermline East) (Lab): At stage 2, the minister, Tavish Scott, and various members, including David Mundell and Iain Smith, equated the idea of a referendum with consultation. I do not ask for further consultation. I think that we all agree that there has been enough consultation. My proposal is that we should give the people of Scotland a choice in a referendum. At stage 2, Bruce McFee said that my proposal was about political expediency, but my idea came from a gut feeling—the feeling that was spoken about in this afternoon's time for reflection—that it is the right thing for the people of Scotland.

The case for a referendum on the future of local government in Scotland exposes all those who reject the idea. To reject a referendum is a serious political error on all our parts. This is the moment to decide whether voter apathy can be reversed; the method by which to reverse it is to engage the public in a national debate. If we do not do that, our relationship with the public will continue to erode and that will undermine our ambitions indefinitely—our arrogance will cost us dearly. Are we, each and every one of us in the chamber, afraid to engage with the public? Are we afraid of elections and of taking the debate into communities? I am not sure why members are afraid of a referendum, but I think that it is because they are afraid to explain the complexity of the system to the public.

Another reason to favour a referendum is that it would surrender political power to popular power. It would say to the people, "We, the political class, are failing you. We have not listened enough. We have not been interested in hearing your voices except once every four years. We face a desperate need to find new routes to public trust, so we are letting go." That would be the answer.

Tricia Marwick: Will the member take an intervention?

Helen Eadie: In a moment.

John Smith said throughout his life that we should always have a referendum when we consider constitutional changes. The bill

represents a constitutional change. The Tories gave massive amounts of energy to the European constitution and they said that we should have a referendum. Local government is every bit as important as that, if not more important, so why are members rejecting the idea of a referendum?

John Smith also said, within the Labour Party, that there should not be a change to our voting system without a referendum. That idea was carried by the trade unions, by the Labour Party and by every subsequent Labour Party conference. Our manifestos in 1999 and 2003 were silent about any constitutional change, but here we are, about to take the people of our country for granted by not engaging with them. It is vital to engage our people. I for one would be happy to hold meetings throughout my constituency if the Parliament decided to hold a referendum.

Phil Gallie: Does Helen Eadie concede that the European constitution will transfer a massive level of power from one Parliament to another but that it does not refer to the election system for European Parliament members? The two issues cannot be compared when talking about referenda.

Helen Eadie: That is absolute nonsense. In case any of us missed it, I should say that when Professor Plant produced his report—which was of major importance for all of us in this country—he said that the whole idea of proportional representation was to retain as much power and control as possible at the centre. That is what Westminster has done to Scotland and that is what we are about to do to local government. *[Interruption.]*

The Deputy Presiding Officer: Order.

Helen Eadie: That is what we are about to do to the people for whom local government matters most. Proportional representation is always about holding power at the centre; it does not devolve power. I will always vote against proportional representation. *[Interruption.]*

The Deputy Presiding Officer: Order.

Helen Eadie: I challenge each and every member to take the debate to the country. Members are afraid.

I move amendment 24.

The Deputy Presiding Officer: A considerable number of members wish to speak and I tell them now that I will not be able to call them all.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): I do not agree, of course, with the proposal that Helen Eadie eloquently made. We have waited five years for the bill. Helen Eadie and others have lost the argument.

Amendment 24 comes from a member who opposes fair votes for the people of Scotland.

Every measure of public opinion that has been taken in Scotland and throughout the United Kingdom supports the move away from what is in effect a corrupt first-past-the-post system to a system of fair votes, such as that which the bill will institute for the people of Scotland. Helen Eadie has lost the argument.

Elaine Smith (Coatbridge and Chryston) (Lab): If the member thinks that the system has so much support, why is he scared to put it to the people?

Mike Rumbles: My party fought the previous Scottish Parliament election with the proposed system as a major plank of our policies. The system of parliamentary democracy involves taking decisions that are in the best interests of the people of Scotland.

I would not have minded having a referendum in the early days of the previous parliamentary session, but we have waited five long years for the bill to be introduced. Amendment 24 is a last-ditch attempt to delay the process further and I urge the Parliament to reject it.

Elaine Smith: I am pleased to support amendments 24 and 25 in Helen Eadie's name. We have heard much talk about democracy. If the Parliament imposes the proposed major change in how our citizens are governed locally without their direct involvement, that will be an affront to local democracy in Scotland.

The Parliament must recognise that PR for local government is not simply a policy issue; it is a major constitutional change to another tier of government that will affect directly the democratic system in this country. It will change the relationship between the electorate and their local representatives and it has implications for accountability, representation and local democracy. The bottom line is that the PR proposal has nothing to do with democracy and everything to do with coalition politics.

The Convention of Scottish Local Authorities briefing quoted the Westminster Parliament's Scottish Affairs Committee, which questioned the

"strange decision by the Scottish Executive to introduce STV for local government elections, when the overwhelming majority of local councils oppose such a move, and there is scope for causing confusion amongst electors."

I accept the legitimate arguments from both sides about the merits or otherwise of PR, but I do not accept that we can debate that sufficiently and make decisions without the input of those who will be affected. To dictate such a fundamental and far-reaching change to the governance of Scotland in the high-handed fashion that has been adopted is arrogant effrontery against our citizens. They expect better from us.

16:30

Tavish Scott: I acknowledge the spirit with which Helen Eadie expresses her views and I understand but do not agree with the passionate words that she uttered a moment ago. Similar amendments were discussed but not moved at stage 2 and I respectfully suggest that the arguments remain the same. There was extensive consultation on the subject even before the partnership agreement was concluded last May. The key measures in the bill have been subject to consultation during recent years and they have attracted considerable interest and debate since they were first aired in the McIntosh report.

The responses to the most recent white paper showed a significant majority in favour of the introduction of the single transferable vote—960 responses were in favour whereas only 39 were not. Even if we discount the pro-STV postcard campaign, that still leaves a significant majority in favour of STV. There is no need for a referendum of the kind proposed in amendment 24 and I ask respectfully that Helen Eadie withdraws her amendment.

The Deputy Presiding Officer: Ms Eadie, do you want to press or withdraw amendment 24?

Helen Eadie: I will press both my amendments.

The Deputy Presiding Officer: The question is, that amendment 24 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Eadie, Helen (Dunfermline East) (Lab)
Smith, Elaine (Coatbridge and Chryston) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
Aitken, Bill (Glasgow) (Con)
Alexander, Ms Wendy (Paisley North) (Lab)
Baillie, Jackie (Dumbarton) (Lab)
Baird, Shiona (North East Scotland) (Green)
Baker, Richard (North East Scotland) (Lab)
Ballance, Chris (South of Scotland) (Green)
Ballard, Mark (Lothians) (Green)
Barrie, Scott (Dunfermline West) (Lab)
Brankin, Rhona (Midlothian) (Lab)
Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
Brown, Robert (Glasgow) (LD)
Butler, Bill (Glasgow Anniesland) (Lab)
Byrne, Ms Rosemary (South of Scotland) (SSP)
Canavan, Dennis (Falkirk West) (Ind)
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Cunningham, Roseanna (Perth) (SNP)
Curran, Frances (West of Scotland) (SSP)
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)
Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
Ewing, Mrs Margaret (Moray) (SNP)

Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fox, Colin (Lothians) (SSP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, 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)
 Kane, Rosie (Glasgow) (SSP)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (North East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 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)
 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)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)

Sheridan, Tommy (Glasgow) (SSP)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 2, Against 110, Abstentions 0.

Amendment 24 disagreed to.

Amendment 25 moved—[Helen Eadie].

The Deputy Presiding Officer: The question is, that amendment 25 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Eadie, Helen (Dunfermline East) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baird, Shiona (North East Scotland) (Green)
 Baker, Richard (North East Scotland) (Lab)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Barrie, Scott (Dunfermline West) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 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)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fox, Colin (Lothians) (SSP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)

Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, 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)
 Kane, Rosie (Glasgow) (SSP)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (North East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 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)
 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)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McMahan, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Sheridan, Tommy (Glasgow) (SSP)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)

Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 2, Against 110, Abstentions 0.

Amendment 25 disagreed to.

Schedule

CONSTITUTION ETC OF SCOTTISH LOCAL AUTHORITIES
 REMUNERATION COMMITTEE

The Deputy Presiding Officer: Amendment 12, in the name of Andy Kerr, is in a group on its own. Minister, before you begin, I have to say that I will probably not be able to call anyone else to speak unless you are very quick.

Tavish Scott: Amendment 12 is a straightforward amendment that removes a paragraph from the schedule to the bill. The bill as introduced requires that consultation takes place with

“such associations of local authorities and such other persons”

as ministers think appropriate. Our new approach, however, will ensure that representatives of local government are given an opportunity to be involved in determining the skills and expertise that are needed by members of the committee and that the principles of the public appointments process are not undermined.

I move amendment 12.

Amendment 12 agreed to.

The Deputy Presiding Officer: That ends consideration of stage 3 amendments

Local Governance (Scotland) Bill

The Deputy Presiding Officer (Trish Godman): The next item of business is a debate on motion S2M-1495, in the name of Andy Kerr, that the Local Governance (Scotland) Bill be passed, and one amendment to that motion.

16:34

The Minister for Finance and Public Services (Mr Andy Kerr): Before I begin, I place on record my and Tavish Scott's appreciation for the hard work of the Executive officials who have supported us as we dealt with the bill. It has been an interesting journey.

The Local Governance (Scotland) Bill will make council membership more accessible. It will introduce new arrangements for determining councillors' remuneration and bring in the single transferable vote system for council elections. The bill is an important part of our modernisation and reform agenda. It is a key bill that stems from the partnership agreement that we entered into last year. One of the main issues that the bill deals with is electoral reform, which has been subject to extensive consultation and debate over recent years. Indeed, that debate has gone on since the Scottish constitutional convention's proposals were adopted in the Scotland Act 1998, which provided a system of proportional representation for Scottish Parliament elections.

A wide range of views has been expressed about different parts of the bill, especially by some serving councillors. Indeed, clear views have been expressed not just by councillors, but by many MSPs, who have used numerous and varied arguments about the various options for change. I do not underestimate the significance of the changes to local government that we seek to introduce. However, although we have listened closely to the views that have been expressed and have considered the alternatives that have been proposed, we have not been convinced by those arguments.

As members will recall, a clear majority of responses to our consultation on the bill favoured change. The Parliament supported that change when it voted in favour of the general principles of the bill at stage 1. In today's debate, some will argue that STV will be too difficult for voters and for election staff. They will claim that the ballot papers will be too long, votes will be wasted, wards will be too big and the count will take too long. We do not agree. Those issues should not stand in the way of the bill being passed and we are confident that they will have been addressed before the next local elections take place.

Our agenda remains to renew and to strengthen local democracy rather than to undermine it. We should not be constrained by the past. The bill will put voters first, which is where they must always be. Our other local authority reforms have ended compulsory competitive tendering, introduced three-year budgets and brought in community planning. We have thereby empowered councillors to act in the best interests of their electors. Our modernisation and reform agenda means that we will not shy away from trying something new. In building the new Scotland, our coalition Executive knows that the challenge that we face is not the local government electoral system, but the battle for hearts and minds. We will build that new Scotland by winning arguments, by showing leadership and by delivering for the people of Scotland.

Innovative and imaginative voter education will be needed to ensure that voters understand how to cast their vote in the polling station and the broad principles of the transfer process. Returning officers and their staff will require to be trained and they will need to learn from others who already operate STV. Given that new wards will need to be created, the Local Government Boundary Commission for Scotland will soon start to work with councils to draw up proposals. Councillors will also need to change how they work in the new multimember wards. Moreover, councils will need to think about what the new arrangements will mean in practice for the way in which they do business. We will work closely with bodies such as the Electoral Commission, the Local Government Boundary Commission for Scotland and the individual local authorities, as well as with people such as returning officers and their staff, in order to implement the bill effectively.

The bill is not just about STV. That reform is part of a much bigger package that will make significant changes to councillors' remuneration and introduce new measures to widen access to council membership. Those measures are critical to ensuring that councillors more accurately reflect the make-up of the communities that they seek to represent. The current system of councillors' allowances has long been in need of an overhaul. With the bill, the Executive is taking that step by establishing a committee that will make recommendations on councillors' remuneration, including their pension arrangements. The bill also contains simple, straightforward and essential measures to secure widened access to council membership. Those measures will have a positive effect on councils across Scotland and they will be reinforced by the work and recommendations of the widening access progress group, which will report later this year. Taken together, the measures in the bill will be a key part of our on-going modernisation agenda, which is about

improving public services and putting the needs of the citizen first.

I know that some members and councillors have difficulties with parts of the bill but, as I said at stage 1, although the bill presents every councillor in Scotland with big challenges, I am confident that those challenges will be met.

Dennis Canavan (Falkirk West) (Ind): Will the minister give way?

Mr Kerr: I will not.

Councillors will need to embrace the opportunities that the new arrangements will provide by fighting the next election on their track record of how they have served their constituents. They must then try to make the new arrangements work in the best interests of the electorate in their new wards.

I am pleased that the Parliament supported the general principles of the bill at stage 1. My colleague Tavish Scott will deal with the amendment in his closing remarks. I hope that colleagues will approve the bill.

I move,

That the Parliament agrees that the Local Governance (Scotland) Bill be passed.

16:39

Tricia Marwick (Mid Scotland and Fife) (SNP): Before I speak to the amendment in my name, I put on record the Scottish National Party's long-standing support for STV proportional representation. For a long time, the introduction of STVPR has been SNP policy, as we believe that such a system is needed for local government elections.

Because the Executive parties were dragging their feet, last year I introduced a member's bill on the issue. We could already have had STVPR in place if, regrettably, the Labour Party and the Liberals had not opposed my bill. In passing, I point out that the provisions for STV in the Local Governance (Scotland) Bill bear a remarkable resemblance to the provisions of the Proportional Representation (Local Government Elections) (Scotland) Bill, which was rejected because the Liberals and others believed that there was not enough detail on the face of the bill—the same detail that the Executive has chosen to include in regulations.

The reason for the amendment is that amendments that Mr Sheridan, Mr Mundell and I attempted to lodge at stage 2 to decouple the Scottish Parliament elections from the local government elections were ruled inadmissible because they were outwith the scope of the bill. We believe that that matter is serious. When the Local Government and Transport Committee took

evidence at stage 1, it became clear that there were concerns that holding two different elections on the same day using different forms of proportional representation would be problematic not just for voters, but for those who administer the elections. In evidence to the committee, the Society of Lawyers and Administrators in Scotland said:

“The firm and unanimous view of the Society in its submission to the Scottish Executive on September was that if STV was to be introduced for local government elections then these elections should be decoupled from the Scottish Parliament Elections.”

The SNP opposed combining the two elections in the first place, but the Parliament cannot now ignore the compelling evidence in favour of decoupling them, given that we are almost at the point of passing a bill to introduce PR.

Time is short, but I would like to make a couple of other points about STVPR. First, I agree that the mechanisms of the election should be determined by regulation. However, it is important that the Executive should take on board the serious concerns that have been expressed about the extent of those regulations and the method by which the Parliament deals with them. Secondly, I refer to the point made by my colleague Bruce McFee about the role of the Local Government Boundary Commission for Scotland. In trying to square away the councillors, the Executive has compromised the commission's independence. The SNP believes that that will leave the door open to a potential legal challenge. I ask the Executive to reflect on that point.

The bill is not perfect and we are concerned by aspects of it, but the SNP will support it. For many of us, the introduction of PR for local government is a long-held ambition. I recognise the commitment to it among MSPs from every party and acknowledge that tonight some members from the Labour Party cannot bring themselves to support it. However, all parties will win and lose in local government elections held under STV. The SNP will lose in Angus, whereas Labour will lose in Midlothian and Glasgow. The winners will be the voters, who will get the council for which they voted—their votes will count. That alone is reason enough for supporting the bill. We call on members from all parties to do so tonight.

I move amendment S2M-1495.1, to insert at end:

“but, in so doing, considers that the Scottish Executive should bring forward legislation, as a matter of urgency, to decouple elections to Scottish local authorities from the elections to the Parliament.”

16:43

David Mundell (South of Scotland) (Con): I agreed with one speech this afternoon—that made

by Elaine Smith. I say to her that there are still 15 or 20 minutes within which the first-past-the-post system can be saved, by members voting against the bill. She and her colleagues who oppose the introduction of the single transferable vote system should do so.

I am not afraid to say that I think that first past the post is a far better method of electing councillors than STV. When electors finally discover what has been done to them today by the combined forces of the Labour Party and the Liberal Democrats, members from those parties should be very afraid, whatever voting system is used, because the public will exact due retribution.

Labour constituency MSPs should also be very afraid, because today by voting for the introduction of the STV system for local government elections they are signing the death warrant of first-past-the-post constituency elections for the Parliament. SNP members want that, Liberal Democrat members want it and Labour MPs at Westminster also now want it, because they cannot believe what Labour MSPs have done in collaborating with the Liberal Democrats to produce this hybrid system—this something-for-nothing system that is neither one thing nor another.

The new system does not deliver accountability and it does not deliver the known councillor to represent the community. Moreover, it is not even proportional. It offers none of those benefits and yet it is going to be forced on the people of Scotland as if it were a great triumph for the Liberal Democrats, who have pursued the holy grail of STV, which is not even proportional representation. It does the Parliament great discredit to pass a bill that has such flaws and that was not supported by any of the evidence that came before the Local Government and Transport Committee.

I support the view that Scottish Parliament and local government elections should be decoupled, not least because local democracy should be the focus of local government elections. All the evidence indicates that introducing a different system leads to voter confusion, as we saw in the London Assembly and mayoral elections. That makes the need to decouple our elections even more urgent. That is why I lodged a member's bill today to put the decoupling of the elections on to the parliamentary agenda again, because, despite repeated calls, ministers have never indicated that they are willing to decouple the elections. It is clear that ministers fear that STV will not lure people to the voting booth as has been claimed.

Not one piece of evidence that was submitted to the Local Government and Transport Committee said that changing the voting system would increase voter turnout. Not one piece of evidence indicated that it would diversify candidates who

stand for council elections or that we would get more representative councillors as a result. Those members who vote for the bill on those grounds will have been conned, too. At the end of the day, however, the people of Scotland will not be conned. They will know who has voted in favour of the bill and they will punish them in the 2005 and 2007 elections.

16:47

Iain Smith (North East Fife) (LD): I am not sure that I expected to reach the point at which we are discussing a motion to pass a bill to introduce the single transferable vote for local government in Scotland. It is a great and proud moment for me as a Liberal Democrat to be speaking in favour of that motion today.

It is a little sad that some of the other parties have not recognised the importance and significance of the occasion. I was particularly saddened by the SNP contribution. One would have thought that a party that supports the single transferable vote and which claims to have done so for many years would be celebrating the fact that the bill will, in a few minutes, be passed by Parliament. Instead we heard a speech from Tricia Marwick that did not celebrate but criticised what we have done.

It is important to recognise how we reached this position. It did not happen overnight. It has taken a considerable amount of time—not just the five years of this Parliament, but many years before that. The process started with the McIntosh commission, which recommended that a more proportional system of voting for local government should be considered. We developed that recommendation in the partnership agreement of the previous session of Parliament by setting up the Kerley commission, which reached the conclusion that the single transferable vote was the best way to strike a balance between proportionality and the member-ward link, which is what the bill is intended to achieve.

It was the drive of the Liberal Democrats that kept the process moving in the previous session and it was that drive that got us a white paper on the matter and a draft bill. I say to Tricia Marwick that the reason why her bill did not pass stage 1 was not because of anything that the Liberal Democrats did; it was because there was not a majority in the previous session who would agree to it. The Labour Party would not have voted for it, the Conservatives would not have voted for it, so there was no majority for it.

Tricia Marwick: Mr Smith knows as well as I do that a majority of individual members in the previous session believed in PR. The Liberal

Democrats voted against the bill. It is as simple as that and Iain Smith cannot wish that fact away.

Iain Smith: I do not wish anything away. I wished to ensure that we got PR for local government and that is what Liberal Democrats have delivered—we said that we would deliver it and we are delivering it.

We have STVPR because we dealt with the reality of the situation, which was that there would not in the previous session have been a majority for the bill. There was not a majority for the SNP bill, which would have been voted down anyway. We avoided a situation in which Parliament would have voted against the principle of PR for local government, whereas Tricia Marwick's party would have insisted that Parliament did that. That would have happened had the SNP proceeded with the bill as Tricia Marwick wanted to. It would not have been passed in the previous session. We have delivered and we said that we would deliver.

Let us not forget that the Local Governance (Scotland) Bill is about more than PR for local government—it tackles other important issues. The reduction in the age at which a person is qualified to stand as a councillor fulfils the important democratic principle that people who have the right to vote should also have the right to stand for elected office. The remuneration packages that will be proposed by the remuneration committee that the bill will set up will also be extremely important.

The bill is important for local government. It is about improving local democracy; it will do that. It is also about encouraging more people to stand for local government and about ensuring that the electorate has the final say in who is elected.

David Mundell talked a lot about people losing their votes because of spoiled papers. Well, I am concerned about the hundreds of thousands of voters whose votes are wasted and do not count because they do not happen to vote for the winning candidate in an election. There are thousands of Conservative voters in North East Fife who are left unrepresented on the local council because of the first-past-the-post system. There are thousands of Labour voters in Angus who are left unrepresented because of wasted votes that do not count because of the first-past-the-post system. There are thousands of SNP voters in Edinburgh who are left unrepresented in local government because of the first-past-the-post system. We all suffer under that system, but the single transferable vote will ensure that more people's votes will count and that we will have a better system of local government as a result.

The Deputy Presiding Officer: A considerable number of members wish to speak and I will not be able to call them all. I have decided to call three

members, who will get two minutes each. I call Bristow Muldoon.

16:51

Bristow Muldoon (Livingston) (Lab): We should acknowledge that the debate that we are having today has been going on for quite some time. It was started by the Labour party and it can be traced back either to Donald Dewar's commissioning of the McIntosh inquiry, and to the subsequent Kerley inquiry that Parliament set up, or to what probably really sparked off the debate, which was the Labour Party's decision to introduce a system of proportional representation for this Parliament. That was the genesis of the debate. Although there are strong feelings in my party on the issue, we must recognise that, in the many consultations that took place during the McIntosh and Kerley inquiries, the overwhelming majority of responses said that people support the case for change. The case for change has been made in all the public debate that has taken place over many years.

Given the shortage of time, I want to comment on just a couple of issues. The first is the issue of proportionality and the member-ward link. The McIntosh and Kerley reports both acknowledged the importance of maintaining that link, which is a traditional part of British electoral politics. That balance has rightly been struck and, in striking it, the system that has been produced will introduce far greater proportionality than exists under the current local election system. Those who try to pretend otherwise are fooling themselves and they are trying to fool the public.

I also want to comment briefly on decoupling, which Tricia Marwick spoke about. The real reason why the SNP does not favour the two elections taking place at the same time is the same reason why it has expressed concerns about all-postal ballots: SNP members fear high turnouts. I have one thing to say to SNP members; they should not worry too much. It does not matter whether there is a high turnout or a low turnout; the SNP will lose.

The Deputy Presiding Officer: Please wind up now, Mr Muldoon.

Bristow Muldoon: Finally, I want to comment on the modernisation of the system of pay and conditions for local authority councillors. That is an essential part of the bill. It has long been the case that councillors have not been adequately rewarded for the many hours that they work and for the commitment that they show to their communities—

The Deputy Presiding Officer: I call Tommy Sheridan.

16:54

Tommy Sheridan (Glasgow) (SSP): Iain Smith is uncharacteristically right. The passage of the Local Governance (Scotland) Bill is cause for celebration. Although we looked for the full loaf in relation to a proportional system that was applicable and comparable across Britain, we have ended up with a system that will be less proportional than PR systems in other parts of the world, but which will be much more proportional than the system we have now. That is cause for celebration. Half a loaf is better than none, and we must accept 100 per cent that the bill provides an opportunity for the regeneration and rejuvenation of local government democracy in Scotland.

The bill provides that, in every single local government contest after the introduction of the new system, every vote will count. Every single vote for all parties will count: six political parties are represented in Parliament, there are independents and there is a party that has one representative. Under a fairer voting system they will all have the opportunity to have their voices heard in local government: that represents the rejuvenation of local democracy.

I hope that David Mundell is wrong and I hope that the Scottish electorate proves him wrong—I hope that the electorate use their votes more in the future. The ridiculous situation in which the Labour Party in Glasgow can get 47 per cent of the vote and claim 90 per cent of the seats does not represent democracy: it is the opposite of democracy. I hope that the new system will encourage voters throughout Scotland to use their votes and to gain representation by using their votes appropriately. This is a day for celebration. It is not a full loaf, but it is half a loaf.

16:56

Mr Bruce McFee (West of Scotland) (SNP): I welcome the bill as it is an opportunity to address a democratic deficit that has existed in Scottish local government for many years. It is indefensible that political parties that represent a relatively small proportion of the electorate can construct what are in effect one-party states because of the in-built inequities of the first-past-the-post system.

Many people defend the first-past-the-post system on the basis that it produces stability in council chambers, but it is stability to do what? It is stability to ignore the clearly expressed wishes of the electorate.

Labour's domination of Lanarkshire, Glasgow and Renfrewshire is not reflected in its share of the vote. In Renfrewshire, the Labour Party has an absolute majority of seats despite not even being the largest party in terms of votes received. I say to Bristow Muldoon that in my part of the country

we certainly look forward to the introduction of this system.

Although there is much to welcome in the bill, I regret that the proposals are not all that they could be. A blinkered approach to the number of members in a ward makes the STV system that is proposed in the bill one of the most disproportional PR systems in the world, while at the other end of the scale a refusal to recognise geographical constraints will result in some wards being as large as parliamentary constituencies. An overdue recognition of councillors' service has been corrupted by the need to buy off Labour Party selection battles. In addition, attempts to placate Labour councillors and backbenchers have compromised the position of the Local Government Boundary Commission and the prospect of gerrymandering raises its ugly head.

I will vote for the bill, but I regret that the Executive's half-hearted endorsement of PR means that the final product will not match its initial billing.

16:58

The Deputy Minister for Finance and Public Services (Tavish Scott): I echo the tribute that Andy Kerr paid to the Scottish Executive bill team who were involved in the passage of the bill. I also thank Bristow Muldoon and his colleagues on the Local Government and Transport Committee, who have been extremely helpful during the passage of the bill.

Today is just the beginning; there is a lot to do before the next local government elections, not only on voter education, which many members have spoken about with considerable care this afternoon, but on the ward boundary review. I say to Tricia Marwick that I do not accept that there is a challenge to the integrity of the Local Government Boundary Commission. There is also much to do in relation to the remuneration committee, on training for returning officers and staff and in the scrutiny of secondary legislation.

I hope that Parliament will today back a bill that is about making every vote count. The bill is about ensuring that Scotland's councils are more representative of the communities that they serve. It is about widening access and encouraging more people to consider standing and creating a fair system of remuneration for our colleagues in local government.

Mr Andrew Welsh (Angus) (SNP): When will the Scottish statutory instruments that will fill in the details of the bill come before Parliament? Tavish Scott's colleague, the Minister for Finance and Public Services, ducked that question. It is important to know when the legislation will finally

be completed. What is the Government's timetable for that?

Tavish Scott: Mr Welsh knows, because we discussed the issue at the Local Government and Transport Committee, that once the committees such as the remuneration committee report we will bring forward those measures as quickly as we possibly can.

I will deal with the arguments about combined elections and the charm of Ms Marwick's earlier argument when we were discussing the amendments.

There are three arguments for retaining combined elections. First, it is simply more efficient to hold combined elections and it avoids voter fatigue. Secondly, although similar concerns were expressed about the introduction of the additional member system, voters adjusted to the system; it is wrong to underestimate voters' capacity to understand new systems. Thirdly, we want above all to make the process as simple as possible for the voter. The Scottish National Party amendment would increase confusion, increase costs, reduce turnout and drive a wedge between Parliament and councils.

It was rank hypocrisy of the Conservatives to lecture Parliament on proportional voting and it was a bit much for Mr Mundell to lecture us about respect for the electorate. A number of questions come to mind: was there respect for the electorate when three million people were unemployed, or when the Conservatives introduced the poll tax? We accept no lectures from the Conservatives on respect for the electorate.

The bill cannot change politicians and politics in Scotland today, but if we are serious about long-term renewal, we should be serious about how the bill will help. Just over a year into its second term of office, the Executive has driven forward its legislative programme. After tonight's vote we will be able to look back and say that an Executive of two parties and a Parliament of seven parties—and more—has this week and, indeed, last week, passed remarkable legislation, despite our being told by people outside Parliament that the bill would split us apart and fragment us. We should be proud of our achievements and of the benefits that they will bring in the future in Scotland. This is about determined, purposeful government that is serious about delivery, about helping to make Scotland a better place and about changing Scotland for good. I invite all members to support the Local Governance (Scotland) Bill, which is fair and puts their constituents first.

Business Motion

17:01

The Deputy Presiding Officer (Trish Godman): The next item of business is consideration of business motion S2M-1523, in the name of Patricia Ferguson, on behalf of the Parliamentary Bureau, setting out a revised business programme.

Motion moved,

That the Parliament agrees the following revisions to the programme of business for Thursday 24 June 2004 and Thursday 1 July 2004—

(a) Thursday 24 June 2004

(i) delete,

9.30 am Procedures Committee Debate on its 3rd Report, 2004: Suspension of Standing Orders and its 5th Report, 2004: Two Minor Changes to Standing Orders

and insert,

9.30 am Ministerial Statement on Future Arrangements for Cross-Border Students

followed by

Procedures Committee Debate on its 3rd Report, 2004: Suspension of Standing Orders and its 5th Report, 2004: Two Minor Changes to Standing Orders

and,

(ii) after,

2.00 pm Question Time—
Education and Young People, Tourism, Culture and Sport;
Finance and Public Services and Communities;
General Questions

delete,

3.00 pm Stage 1 Debate on the School Education (Ministerial Powers and Independent Schools) (Scotland) Bill

and insert,

3.00 pm Ministerial Statement on Efficient Government

followed by

Stage 1 Debate on the School Education (Ministerial Powers and Independent Schools) (Scotland) Bill

followed by

Motion on the Publication of Lord Fraser's Report into the Scottish Parliament Building Project;

and

(b) Thursday 1 July 2004

delete,

9.30 am Final Stage of Stirling-Alloa-Kincardine Railway and Linked Improvements Bill

and insert,

9.30 am Executive Debate on 21st Century
Social Work

and after,

2.00 pm Question Time—
Environment and Rural Development;
Health and Community Care;
General Questions

delete,

3.00 pm Executive Business

and insert,

3.00 pm Final Stage of Stirling-Alloa-Kincardine
Railway and Linked Improvements
Bill.—[*Patricia Ferguson.*]

Motion agreed to.

Parliamentary Bureau Motions

17:01

The Deputy Presiding Officer (Trish Godman): The next item of business is consideration of six Parliamentary Bureau motions. I ask Patricia Ferguson to move motion S2M-1513, on the approval of a Scottish statutory instrument, and motions S2M-1514 to S2M-1518 inclusive, on the designation of lead committees.

Motions moved,

That the Parliament agrees that the Farm Business Development (Scotland) Amendment Scheme 2004 (SSI 2004/236) be approved.

That the Parliament agrees that the Justice 2 Committee be designated as lead committee in consideration of the Police (Scotland) Regulations 2004 (SSI 2004/257).

That the Parliament agrees that the Justice 2 Committee be designated as lead committee in consideration of the Advice and Assistance (Scotland) Amendment (No.2) Regulations 2004 (SSI 2004/262).

That the Parliament agrees that the Justice 2 Committee be designated as lead committee in consideration of the Criminal Legal Aid (Fixed Payments) (Scotland) Amendment (No.3) Regulations 2004 (SSI 2004/263).

That the Parliament agrees that the Justice 2 Committee be designated as lead committee in consideration of the Criminal Legal Aid (Scotland) (Fees) Amendment Regulations 2004 (SSI 2004/264).

That the Parliament agrees that the Justice 2 Committee be designated as lead committee in consideration of the Civil Legal Aid (Scotland) (Fees) Amendment Regulations 2004 (SSI 2004/281).—[*Patricia Ferguson.*]

The Deputy Presiding Officer: The questions on those motions will be put at decision time.

Decision Time

17:02

The Deputy Presiding Officer (Trish Godman): There are eight questions to be put as a result of today's business. The first question is, that amendment S2M-1495.1, in the name of Tricia Marwick, which seeks to amend motion S2M-1495, in the name of Mr Andy Kerr, that the Local Governance (Scotland) Bill be passed, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Canavan, Dennis (Falkirk West) (Ind)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (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)
 McCabe, Mr Tom (Hamilton South) (Lab)
 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)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 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)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (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)
 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)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahan, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 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)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (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)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the vote is: For 39, Against 78, Abstentions 0.

Amendment disagreed to.

The Deputy Presiding Officer: The next question is, that motion S2M-1495, in the name of Mr Andy Kerr, that the Local Governance (Scotland) Bill be passed, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baird, Shiona (North East Scotland) (Green)
 Baker, Richard (North East Scotland) (Lab)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kane, Rosie (Glasgow) (SSP)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (North East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 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)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)

McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McMahan, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (South of Scotland) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robison, Shona (Dundee East) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, Tavish (Shetland) (LD)
 Sheridan, Tommy (Glasgow) (SSP)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mundell, David (South of Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Tosh, Murray (West of Scotland) (Con)

ABSTENTIONS

Butler, Bill (Glasgow Anniesland) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)

The Deputy Presiding Officer: The result of the division is: For 96, Against 18, Abstentions 2. [Applause.] Thank you. Point made.

Motion agreed to.

That the Parliament agrees that the Local Governance (Scotland) Bill be passed.

The Deputy Presiding Officer: The third question is, that motion S2M-1513, 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 Farm Business Development (Scotland) Amendment Scheme 2004 (SSI 2004/236) be approved.

The Deputy Presiding Officer: The fourth question is, that motion S2M-1514, 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 Police (Scotland) Regulations 2004 (SSI 2004/257).

The Deputy Presiding Officer: The fifth question is, that motion S2M-1515, 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 Advice and Assistance (Scotland) Amendment (No.2) Regulations 2004 (SSI 2004/262).

The Deputy Presiding Officer: The sixth question is, that motion S2M-1516, 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 Criminal Legal Aid (Fixed Payments) (Scotland) Amendment (No.3) Regulations 2004 (SSI 2004/263).

The Deputy Presiding Officer: The seventh question is, that motion S2M-1517, 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 Criminal Legal Aid (Scotland) (Fees) Amendment Regulations 2004 (SSI 2004/264).

The Deputy Presiding Officer: The eighth and final question is, that motion S2M-1518, 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 Civil Legal Aid (Scotland) (Fees) Amendment Regulations 2004 (SSI 2004/281).

Newton Dee Village Community

The Deputy Presiding Officer (Murray Tosh):

The final item of business today is a members' business debate on motion S2M-1204, in the name of David Davidson, on the Newton Dee village community. The debate will be concluded without any question being put.

Motion debated,

That the Parliament recognises the huge investment in, and the excellent and unique work accomplished at, the Newton Dee Village Community since 1940 and also at the 11 other centres of the Camphill Village Trust through the provision of fulfilling work opportunities and homes for adults with learning disabilities; commends the pioneering health care provision available to residents and the local community; recognises the impact this has on the development of wide-ranging interests and participation in cultural and social activities, and believes that everything possible should be done to allow the community to continue undisturbed and to develop over future years.

17:07

Mr David Davidson (North East Scotland)

(Con): This debate is about the Camphill community at Newton Dee on the outskirts of Aberdeen, which is a unique community catering for all forms of learning disability. I am especially pleased to welcome Dr Stefan Geider and some of the residents at Camphill to the gallery this evening.

The community is part of a worldwide movement to provide opportunities for people of all ages who are in need of special care. More than 90 Camphill centres exist in 21 countries; just over half of the centres are in the United Kingdom and Ireland. The Camphill name comes from Camphill House, which is on the north side of the River Dee at Milltimber, just outside Aberdeen. The original base was established there in 1939 when Dr Karl König and his colleagues found refuge in Aberdeen, having escaped from the Nazi regime in Germany. In 1940, Dr König and his colleagues established a school community for children who were in need of special care. The facility followed the principles that had been proposed by the philosopher Rudolf Steiner. The central principle was a community life based on Christian ideals of mutual care and respect.

Dr König began providing education for children with learning disabilities and the Camphill Rudolf Steiner schools, as they became known, soon outgrew Camphill House and expanded into the nearby Myrtle estate. The Newton Dee facility became part of the schools in 1945 and, until 1960, helped to meet the needs of challenging adolescents. In the meantime, other centres had been established across England and Ireland. The Camphill Village Trust was set up in 1954 by Dr König and was based at Burton in Yorkshire.

Newton Dee, which became part of the Camphill Village Trust in 1960, caters specifically for adults with special needs. Approximately 200 residents are based at Newton Dee, half of whom are co-workers or helpers who live at the centre along with their families. Newton Dee also provides day care for adults and children who live in the Aberdeen area and the north-east.

The medical practice that is based on the estate provides a full range of national health service services to the local community, along with the intensive specialist care that is required by the adults and children who are present in the community. The NHS practice has a patient list of more than 1,000 and provides, in addition to the basic NHS treatments, a range of complementary therapies. In 1999, the practice won an innovative practice award from the Royal College of General Practitioners for its integrated and radical approach to primary care.

The residents live in a range of houses that are scattered across the estate. The houses range in scale from larger ones that provide a home in an extended family setting to houses that are set up to care specifically for those who are older and in need of a more tranquil setting that offers less involvement in the activities of community life. Residents who can cope with a more independent lifestyle may live in a house or flat share with others or even in a bedsit that is attached to a household. Support workers are always on hand to provide whatever assistance is needed.

Like many others in the north-east, I received a lot of letters from families who have family members staying at Newton Dee and from those who send their children to the centre on a day-care basis. When I visited the site some weeks ago, I was extremely impressed by all the activity that was going on and by the humour and contentedness that seemed to radiate from all the residents and more generally across the site. I found a general air of tranquillity in the rural 180 acres. Although the North Deeside Road, which is quite a busy road, passes to the northern side of the site, it tends not to encroach on the residents or the facilities that are scattered throughout the estate.

The day-to-day costs of running the community are covered by the residential and placement fees that are paid by local authorities and through Department for Work and Pensions benefits. The community runs a cafe, which, in tandem with its shops, farm, garden and workshops, provides income for the community wherever possible. Large projects and capital developments are often financed by general fundraising activity and are carried out centrally by the trust, although Newton Dee also raises funds for specific purposes. The

capital asset of the community at Newton Dee is around £15 million.

Residents are occupied in staffing the cafe, the gift shop and the food store and in working on the farm and in the gardens. Wherever possible, the community's produce is organic. The bakery, which is very busy, produces bread, cakes and so on; again, wherever possible, the ingredients that are used are as near to organic as possible. The bakery supplies the cafe and the households on the estate and, through its shop outlet, its products are on sale to anybody.

The community tries to be self-sufficient. Its craft workshops produce quality items in metal and wood that are distributed and sold worldwide through the Camphill products company. There is also a toy shop and a joinery shop. In all cases, training is provided in basic skills and in the use of machinery. The physical activity that is involved in tending stock and in cultivation and harvesting provides a much-needed level of outdoor physical work. The estate, which is obviously well maintained, is managed and looked after by the residents.

The community employs a number of people with the skills that are needed to run the workshops and assist with administration. As I said, many of the helpers live on the estate along with their families as part of the community. Recently, a care commission report gave flying colours to Camphill. There is no issue about the quality of care.

On behalf of the trust, I invite both of the ministers with responsibility for health to visit Newton Dee when they are next in the north-east. I invite them to see for themselves, at first hand, how this innovative and creative community offers high-quality care and life for many who are disadvantaged by learning disability.

Why have I brought the debate to the chamber? First, I have done so in order for the Parliament to come to understand that this alternative form of residential support is very effective. People from all over the United Kingdom are resident at Newton Dee, yet the centre receives no direct funding from the Scottish Executive. Obviously, it is important that members in the chamber recognise the independence and self-sufficiency, where possible, of the community.

The minister knows that, in the first session of the Parliament, I and others campaigned vigorously for the Aberdeen western peripheral route. I have not changed my view on the strategic importance of that road, but when it comes down to the fine print, we see that the road presents a threat to the community. This busy dual carriageway might be driven through the centre of the 180 acres, which would not only use up some

of the farm land but shatter the peace and tranquillity that is essential for the many fragile people who live in the community. The road would also divide the community in two, separating the school and the residential facilities, which would make it difficult to pass between them. Certain medical conditions encourage residents to be very inquisitive, and that no doubt will attract them to the noise and moving vehicles, which could cause some risk. Others will just not be able to cope with the noise.

Recently, I met officers of Aberdeenshire Council and Aberdeen City Council, which are members of the partnership that is seeking to develop the western peripheral route. Although I have been assured by them that accommodation will be found for a slight route change of the dual carriageway to preserve Newton Dee, I have not yet received that confirmation in writing.

It would be an absolute disaster to ruin what has been developed over the past 60 years by the Camphill Village Trust. Equally, the trust does not wish to impede the development for strategic purposes of the western peripheral route. The trust, I and others are seeking a compromise, whereby we can have the best of both worlds by having the western peripheral route—albeit on a slightly altered line, not through the middle of Newton Dee—while preserving the facility in its current form. On the southern side of the River Dee there is some debate about which side of the listed Blairs college complex the route will run on, so the issue is not just Newton Dee. There is flexibility in the planning process for this essential road.

We need to recognise that Newton Dee is a unique facility that has proven its success over the years. The community is self-sufficient. It offers many opportunities for friendship and social interaction, and provides cultural and spiritual inspiration for many people. It allows those who are disadvantaged to live in a community that offers them the equivalent of a family, while receiving the full care and support that is needed for their conditions. It is essential that we look after developments such as Newton Dee, because of the quality of care that is provided. I seek recognition by this Parliament of the fantastic role that the Camphill Village Trust has played over the years. I hope that ministers will be involved in the project.

17:17

Brian Adam (Aberdeen North) (SNP): I congratulate Mr Davidson on bringing this debate before Parliament. He gave us a significant part of the history of Camphill and Newton Dee, for which I am grateful. The reason for his bringing the issue before us today is to highlight not just the quality of

the work that is done at Newton Dee, but the community's concerns about the development of the western peripheral route.

I have always been a supporter of the western peripheral route, and I agree with the general line that has been agreed to and which has been in place for many years. However, I recognise that the community has genuine concerns. For that reason, following representations by constituents, I agreed to visit the site and found, exactly as Mr Davidson did, that it is a well-run facility that offers a different range of treatments for and approaches to disability than one might find in the generality of the NHS or the community. The facility is to be commended for that.

In my discussions with community representatives, they were concerned about three things in relation to the road. One source of concern was the noise and disturbance that might occur around the time of construction, which undoubtedly will take many months, if not a couple of years. They were also concerned about ongoing noise and the safety aspect of moving people from the school to the medical practice in Newton Dee village. As a consequence, I wrote to those who are preparing the plans to ask what additional costs might be involved in taking a cut-and-cover approach to the road, which would mean cutting a trench and covering it over to minimise the noise post construction. I also asked about the possibility of tunnelling, and whether there were technical solutions that would enable safe passage between the two sites for the 40 or so youngsters who are at Camphill Rudolph Steiner School, some of whom can travel independently without an escort. Like Mr Davidson, I have not yet had a detailed response from the engineers.

The ministers will have to make a difficult decision about the interests of a relatively small community and the greater interests of the wider community. Those two sets of interests should not be incompatible, but difficult decisions will have to be made about how much to spend to minimise the disturbance and to maximise the health and safety aspects, both in the construction phase and post construction. I do not envy the ministers the decisions that they will have to make, but I hope that, within the existing defined corridor, which was agreed following wide consultation, we can find a solution that will minimise disturbance to the residents of the Camphill centre at Newton Dee.

17:21

Richard Baker (North East Scotland) (Lab): I congratulate David Davidson on securing the debate, which has raised important issues and concerns. I associate myself with his remarks and with those of Brian Adam. I am sure that the

Deputy Minister for Health and Community Care will confirm the Executive's support for the excellent facility at Newton Dee for 200 vulnerable people and their carers.

As has been said, the real issue that we are discussing centres on transport and the construction of the western peripheral route, which is why I am pleased that the Minister for Transport is here to listen to the debate. The people who run the centre at Newton Dee are concerned about the impact that the construction of the route will have on the community, as are the carers and families and those who benefit from the centre and from all the excellent resources and facilities, which have been referred to and outlined eloquently. Those concerns must be taken seriously, because we are talking about a facility that caters for some of the most vulnerable people in our society in the north-east.

I am sure that a peaceful environment is of huge benefit to the community at Newton Dee. However, as others have said, we must strike a balance between the benefits to the community of that environment and the benefits of the western peripheral route, which will be an important strategic, economic and transport benefit for the north-east. I do not want a delay in the construction of the route, but within the present timescale, there must be time for the Executive to engage in consultation, negotiation and close co-operation with everyone who is involved in the community. The Executive should listen to the concerns that have been outlined effectively and in such a high-profile way and minimise the impact that the construction of the western peripheral route may have. Brian Adam talked about noise reduction measures, which are a possibility, and David Davidson mentioned some of the route issues.

I hope that we get detailed responses, which I hope will be positive, to the issues that have been raised in the debate. I also hope that the Executive will consider the issues seriously. I am sure that it will do so, because—as we heard from David Davidson and Brian Adam—the centre provides a much-needed, valued and excellent facility that deserves our support. Within reason, every action should be taken to ensure that the resource can continue to work to the best of its ability and can be as valued, productive and constructive as it is now when the new route is constructed.

17:24

Shiona Baird (North East Scotland) (Green): I thank Mr Davidson for introducing this important debate. I visited Newton Dee last week and, like him, I was struck by how quickly we moved from the main road to what seemed like the depths of the countryside. We went down a narrow lane with

high trees overhanging it and lots of bushes round about—I felt that we were entering a different world. As the taxi drew up beside the Phoenix hall and I stepped out, I was struck by the tangible peace and quiet. It was amazing to move so quickly from the hurly-burly of Aberdeen city centre to this quiet refuge.

I was attending a meeting of more than 100 people who were concerned about and fearful of what the future might hold. Indeed, one person in particular told us that he had lived in the community for 30 years and spoke very movingly of the bad dreams he was having about what lay ahead. Someone else said that she did not want to live anywhere else. There is a real fear of what the development could bring to the community. Where is the justice for these people? What have they done to deserve having their daily lives destroyed in such a way?

These communities are run on sustainable principles. As an organic farmer, I know that biodynamic farming requires the very highest commitment to very strict principles. These communities are doing as much as possible to try to live lightly on this earth while undertaking the challenging task of helping many severely disabled children and adults. A calm and peaceful environment is crucial in their treatment and daily lives. What does it say about us that, yet again, those who are not only the most vulnerable but who have the least impact on the environment are being asked to pay the highest price?

When I met those who were involved in planning the route, they told me that they were contemplating making a cutting to protect the community. I suggest that burying the road in a cutting is not the answer. For example, the incline into and out of that cutting will be such that lorries would have to change gear constantly as they climbed out, which would have a massive noise impact. Of course, that would be after the massive earth-working equipment had spent months creating the cutting. I would not like to live beside such works. If I do not want to live beside it, why should I expect others to do so?

We should ask why such destruction is happening around the whole route when there is no guarantee that congestion will be reduced. We must get people out of their cars first, not give them greater opportunities to stay in them. We need to reduce traffic growth, because climate change affects us all.

I feel strongly that the caring, compassionate and dedicated community at Newton Dee deserves better than this and I, for one, will do all that I can to ensure that justice is done for it.

17:28

Mrs Nanette Milne (North East Scotland)

(Con): As a near neighbour of the Newton Dee community on the Camphill estate for 31 years, I have nothing but admiration for the work that is done there. As we have heard, the village is situated in a wonderful rural environment in the heart of the Dee valley between the river and the A93 north Deeside road. In the 65 years since it was established, it has become a firmly-established part of the local community. For example, its long-established organic farm is worked by the residents and supplies the community; and its shop and cafe, which provide bread and crafts that are also made by the residents, are popular haunts for local people.

Newton Dee is a home, a work place and a peaceful haven for some very vulnerable people, from children through to elderly people. Indeed, several residents I know have lived there for at least the 30 years that I have lived nearby. They visit the local shops; take exercise on the old Deeside line walkway and in local streets; and are well known and well liked by neighbouring residents. They suffer from disabilities to varying degrees and have benefited hugely from their tranquil surroundings, the family units in which they live and the routine of work and social living that characterises their daily experience.

That life has been under threat for more than 10 years—indeed, since it was first proposed to build the western peripheral route through the community on its passage between the north and south Deeside roads. Camphill estates raised objections at that time and has consistently maintained them to the present day. Now that the preferred corridor is being surveyed in detail ahead of the exact route being chosen, the community has increased its campaign against the road and has gained widespread support locally and further afield.

I confess that, even though I know the area well, I was shocked when I visited Newton Dee recently and was shown the impact that the road would have on the village, even if it were screened by an embankment and other mitigating measures. Not only would the local environment be changed for ever and the community split right down the middle, but the disruption to the community's residents would ruin the lives of those who have made Newton Dee their home.

Brian Adam: If Nanette Milne's analysis is correct, what solution would she suggest to deal with the problem, which we all agree exists?

Mrs Milne: I will come to that later in my speech.

The vulnerable residents of Newton Dee could not cope with the noise and disruption that the

massive upheaval would cause. Dr Stefan Geider, the community's doctor, is extremely concerned about the damage that people will suffer and, as David Davidson said, would very much like the minister to go to the community to see the situation for himself. Dr Geider cites the safety implications of such a road traversing a community in which many residents are either fascinated or frightened by traffic and often have no appreciation of the danger that it poses. He also emphasises that the increase in stress and pollution that would be associated with the building of the road would severely upset the residents, many of whom have severe and complex medical conditions.

The community is so concerned about the potential damage to its residents that it is prepared to pursue the matter as a potential infringement of human rights, and if such a challenge were to go ahead, it would delay the road significantly. As members know, I have spent the best part of 20 years campaigning for the Aberdeen western peripheral road and I am delighted that, at long last, something is happening about it, so I do not want the road to be delayed in any way. As Brian Adam knows, I have always been opposed to building the corridor through Camphill, and did my best as a councillor to have the proposal defeated when the decision was made in 1996. Having lost the argument then, I have fought to have the road built as soon as possible and have even brought a busload of supporters down to the Parliament to back it.

However, I fully support Newton Dee's case and I question whether there are any mitigating measures that would make the corridor acceptable during or after construction, given the current site. I think that 18 proposed corridor routes were considered—of which the road through Newton Dee is route 14—and I have asked the Minister for Transport to re-evaluate one of the routes outwith the Camphill estate, preferably to the west of it, where I have genuinely always felt that the road should be. I am in no doubt that the community at Newton Dee means business and will, if necessary, delay the road development by an unknown length of time. The last thing that we need in Aberdeen is for the road to be delayed much longer, so I hope that the Minister for Transport will examine the threatened community closely and use his influence to ensure that the southern route of the western peripheral road is diverted away from Camphill.

17:33

The Deputy Minister for Health and Community Care (Mr Tom McCabe): I congratulate David Davidson on securing the debate. A number of members have spoken about

the Camphill movement, which is clearly held in high regard. The Executive has a good and proud record on learning disability and any opportunity that we have to speak about our approach to the issue is more than welcome.

One of the joys of life in our country is the wide diversity of service provision that we have in many aspects of life, and that is certainly the case in the learning disability field. As members know, we launched "The same as you? A review of services for people with learning disabilities" in May 2000. The document is highly regarded, not only because of its content, which set out a programme of change over 10 years, but for the inclusive way in which it was developed: people with learning disabilities were involved and were listened to. During the review, people listened to what those with learning disabilities had to say about services, their lives, how they were treated by others and their hopes for the future.

People with learning disabilities want to live the same as other people, but that does not mean that they want everything to be the same. Some want to live in their own tenancy, with a little support, whereas others are happy with a quite different life, living in a community of people with similar issues. We have heard about that today. That is part and parcel of the discussion that we constantly have around this area.

What matters is that people with learning disabilities have choice—real choice—about where they live and what they do. Sometimes, they might need support to make those decisions, which is why advocacy is important. In order to benefit from those choices, people need to enjoy good health. It is widely accepted that people with learning disabilities have not had the same access to health services as other people in our communities, yet people with learning disabilities have greater and more complex health needs than the rest of the population. That is why we commissioned NHS Health Scotland to produce its health needs assessment report on people with learning disabilities in Scotland. The aim is to reduce health inequalities and encourage health services to work better with and for people with learning disabilities.

I have not visited Newton Dee, but David Davidson praises the pioneering health care provision there. I hear members' requests that I visit the community. I might be in Aberdeen in the summer and although I think that I might have a fairly full programme already, I am happy to examine the possibility of visiting the community on that occasion or at some future point.

In many ways, the Camphill community is an interesting organisation. It has created its own community and we have heard today how valuable that is for many people. There is no doubt that

Camphill provides a valuable resource for many individuals and their families.

I reaffirm the Executive's commitment to people with learning disabilities across Scotland. We know that they are getting access to more opportunities for employment and education and, through the work of the Scottish Consortium for Learning Disability, they are helping to design and deliver training for professionals. Further, our national implementation group is working on a number of issues to tackle barriers to the implementation of recommendations in "The same as you?" at the local and the national level.

We have no hesitation in recognising the valuable role that the Newton Dee community plays in providing community health services.

This afternoon, we have also heard about the proposal to build a western peripheral route around the city of Aberdeen. The provision of that road is part of the partnership agreement that covers our governance arrangements in Scotland and the road is an essential component of the city's modern transport system, which is designed to provide a sustainable and effective answer to Aberdeen's growing transport problems.

This afternoon, many views have been expressed and we have heard talk about justice and destruction. It is right and proper that people come to the Parliament and represent the views of the community but it is also appropriate to say that we must be careful not to create unnecessary concerns through over-elaboration or exaggeration. Given that we are dealing with a sensitive community and a subject that is of importance to the wider community in the city, it is important that we keep the issues in their proper perspective.

The new peripheral road has been the subject of considerable investigation. It was first promoted by Grampian Regional Council in the 1990s, was later taken up by Aberdeen City Council and Aberdeenshire Council and is now being promoted as a trunk road in a partnership between those councils and the Executive. I emphasise that no decisions have been made on the final route of the road.

My colleague the Minister for Transport has commissioned studies to examine any impact that the road might have on the Camphill schools and on Newton Dee. Once that assessment has been completed, the opportunity will be taken to embark on a full consultation on any route or corridor that might be followed by the road. It is extremely important that the community understands that reassurance. The decisions on the route will not be arrived at tomorrow; the process that is involved in such decisions can be fairly long and drawn out. It is right that that should be the case,

as it allows people the fullest opportunity to express concerns; it also allows many of them to make constructive suggestions about the alternatives that might exist.

Meeting closed at 17:40.

I recognise the excellent work that goes on in the Camphill community and stress, on behalf of the Executive, that we are a long way away from making decisions and that people will have many opportunities to express their concerns and make suggestions. I hope that people from the Camphill community take away that reassurance and understand that, certainly in the short to medium term, their way of life is not under threat and that they will have a significant opportunity to influence the final decisions on the road.

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