

# **MEETING OF THE PARLIAMENT**

Wednesday 22 September 2004

Session 2

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## Scottish Parliament

*Wednesday 22 September 2004*

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

### Time for Reflection

**The Presiding Officer (Mr George Reid):** Good afternoon. Our first item of business today is time for reflection. Our time for reflection leader is the Rev Dr Alison Jack, Church of Scotland minister from Dunblane.

**The Rev Dr Alison Jack (Church of Scotland Minister, Dunblane):** When I was on a commuter train from Dunblane to Edinburgh recently, I was astonished to see a woman apply her full make-up on the moving train without looking once in a mirror. Here was someone who knew her face like the back of her hand—which she could see.

I am sure that you are still finding your way around this amazing new building and I am sure that it is still a little unfamiliar to you, but I am also sure that you know the places and people that you represent with a familiarity that is true and strong. That is how it should be. Only when we know someone—really know their strengths and weaknesses and hopes and fears—are we able to help them and to represent them with integrity and passion.

We can all be familiar with the contours of our land and the faces of the people we have met and come to know. It is harder sometimes to know ourselves, to recognize our strengths and weaknesses, our motivations and our deepest fears. Sometimes we catch a glimpse of ourselves in the experiences of others. They become mirrors of our own souls. Sometimes we simply need to take a long, hard look at ourselves as it were in a mirror, to understand the ways in which we have changed and grown over time.

May we always be aware of the words of St Paul:

“Now we see in a mirror, dimly, but then we will see face to face. Now I know only in part; then I will know fully, even as I have been fully known.”

May these words keep us humble and open to the ideas of others, for now we each see only dimly, only in part. May these words also give us hope and comfort, for we each are fully known and understood by one who loves us unconditionally.

Let us pray.

Loving God, you know our hearts and minds, what makes us tick, what makes us mad, what makes us

passionate to bring about change. You know our highest thoughts and lowest moments.

Use us, just as we are, to bring justice to this land and this people, to open doors for all to health, education and a fair use of resources and to bring about a strong community in which all have a part to play and a place to turn to in need.

Amen.

## Holyrood Inquiry Report

**The Presiding Officer (Mr George Reid):** Our next item of business is a debate on motion S2M-1727, in the name of Robert Brown, on the Holyrood inquiry report, and three amendments to the motion.

14:34

**Robert Brown (Glasgow) (LD):** It was one of the proudest days of my life—and, I dare say, of the lives of most members—to be elected to the new Scottish Parliament in 1999. I recall, as I am sure others do, the excitement when, as new MSPs, we walked across from the old committee rooms on George IV Bridge to the chamber for the swearing in and for the election of the Presiding Officer and, later, the ministers. There was a sense of a new day dawning for Scotland. I do not think that any of us thought that the first years of the Scottish Parliament would be so dominated, and the standing of the Parliament so eroded, by the fallout from the Holyrood project, yet so it has proved.

Today we debate the report of Lord Fraser into the affair. It is my fervent hope that—after we have debated it and learned the lessons and after the Scottish media have felled more trees to analyse it—the Scottish Parliament and the nation can at last move on. Lord Fraser said that he did not envisage another Parliament being

“constructed in Scotland in my lifetime or for many years after that”.

[*Laughter.*] As members’ response shows, the members of the Scottish Parliamentary Corporate Body, and the Holyrood progress group in particular, would undoubtedly say amen to that. Lord Fraser went on to say:

“the circumstances of the Holyrood Project might accordingly be regarded as wholly exceptional.”

Let me begin by laying out how I intend to approach today’s debate on behalf of the corporate body. Our motion is intended to facilitate the parliamentary debate. We provide, as it were, the outer envelope. Inside that envelope is the political debate. Accordingly, I say to members now that, when summing up later, I will not attempt to answer point by point the issues discussed in the debate. The SPCB will listen carefully to the points made and we will consider, in so far as they relate to our responsibilities, the implications of the debate and the Fraser report more generally at an early meeting.

We are, as I have often said, the trustees of the Parliament, appointed to act on a non-partisan basis in the best interests of the Parliament in the management of its affairs. The corporate body met

for the first time on 8 June 1999 and, only days later, on 17 June, Parliament debated the Holyrood project. As it happened, at that first debate I voted for Donald Gorrie’s amendment to allow the Parliament to reconsider the project and the chosen site. The Parliament, in its wisdom, decided nevertheless to endorse the Holyrood project. It is worth commenting that that debate was primarily concerned with the contentious issue of the site rather than with the cost of the building.

I pause to mention that I noted with some surprise that Lord Fraser found a Cabinet minute to the effect that partnership MSPs were expected to vote for the First Minister’s motion that day. As far as my party—the Liberal Democrats—was concerned, there was no line. For what it is worth, I would not have followed an Executive line on a parliamentary issue in any event.

Once Parliament had decided, it was our job as servants of the Parliament to do our best to bring the project to fruition. Later, as members are aware, Parliament established the Holyrood progress group to work closely with and advise the project team. However, as Sir David Steel has said, responsibility for the Holyrood project remained—after the parliamentary vote and throughout the project—with the SPCB. We accept and have always accepted that responsibility. Indeed, it was on that basis that I had the regular—and, I am bound to say, not always pleasant—experience of being grilled by the Finance Committee as to why the price kept going up. While some colleagues had the luxury of moaning and girning and distancing themselves from the project, we had to play the hand that we had been given and get on with the job. All the members of the corporate body were aware of that position.

The SPCB is therefore accountable to the Parliament and to the people of Scotland for our actions, for the work of the Holyrood progress group and for the parliamentary staff. We also had in our hands, to a considerable extent, the reputation of the Parliament itself. It is a matter for others to judge how well we fulfilled those responsibilities and what the standard of judgment should be. Within that assessment, there also lies the difficult area of how far politicians are accountable not just for their decisions, but for the actions of officials under their command. I believe that Lord Fraser’s report has cast considerable light on the difficulties with which we wrestled, on the constraints imposed by the construction method, the signature architect and the site that we inherited and on the way in which we exercised our responsibilities. As trustees of the Parliament, the SPCB accepts that it is accountable.

**Alex Neil (Central Scotland) (SNP):** In light of what the member has just said, will the corporate body now press the United Kingdom Government to implement Lord Fraser's recommendation that section 21 of the Scotland Act 1998 should be amended?

**Robert Brown:** I will come to that in a moment in more general terms. However, as I said at the beginning of my speech, the corporate body will wish after the debate to form its own view on a number of those issues and on the conclusions of the report. That is exactly what we will do.

My broad proposition this afternoon is that the key decisions and approach of the Parliament and of the parliamentary authorities have to a large extent been vindicated by the Fraser inquiry: the decisions taken on the shape of the chamber and on the size of the accommodation; the instruction of the Spencely report; the appointment of the Holyrood progress group; and the decision of the HPG that it should not move from construction management to a guaranteed maximum price arrangement.

There are, however, one or two areas where there have been criticisms of the process, relating to the way in which early SPCB decisions were notified to the Parliament, to whether we could have acted earlier, in late 1999, to identify the cost position, to whether we dealt with the discord between the architects properly and to the cost implications of the blast proofing. There is also the very difficult issue of the balance between cost, programme and quality, which exercised Lord Fraser and very much exercised the SPCB. I will comment on some of those matters.

A number of issues arose at the early stage, both in debate and in private representations to us. The shape of the chamber was one of them. We took cognisance of members' views, visited a number of other Parliaments and instructed a redesign. The view of Lord Fraser, echoing that of the Parliament's Audit Committee in early 2001, was that the problems with the shape of the chamber did not have a major impact on either cost or programme.

The principal issue was the need for more space, but it was not more space for members. Indeed, members have been restrained in their personal needs and the cost-cutting exercise that we carried out reduced the specification for members' offices. However, extra space was required for parliamentary staff and for MSP staff and Lord Fraser approved both of our right to make the decision and of the reasonableness of the decision, which needed to be made and which Lord Fraser agreed had to be made. On behalf of the corporate body, I have always accepted responsibility for those decisions and I do so today. Those decisions of course led to extra cost,

probably minor in the instance of the chamber redesign and more significant in respect of the added space requirements. We are accountable to the Parliament for those decisions.

Lord Fraser accepted that, in the first year of the Parliament's stewardship, the concentration was on redesign, which was the result of the early SPCB decisions, and that that was overtaken in the autumn by the value engineering exercise and by the need to cost the redesign. Lord Fraser has been mildly critical of the fact that we did not haul in the cost consultants, Davis Langdon & Everest, to give us an accurate cost estimate sooner than we did, but I think that it is clear that, even if we had done that, DLE was not in a position to give us such a cost estimate until the redesign had been completed. The Parliament will remember how our frustration at the inability to get figures led us—immediately after what Andrew Welsh called the famous Dutch auction meeting and with the proper guidance of the clerk—to commission the Spencely report and to report to the Parliament. We debate today in this splendid and impressive chamber, which is the fruit and the result of that redesign.

After Spencely, of course, the Parliament established the Holyrood progress group. Lord Fraser did not query the decision to establish the HPG. Indeed, a client advisory group of that sort was recommended by Spencely, is in line with Treasury guidance for the running of a construction management project and was specifically approved by Gardiner & Theobald, the advisers to the Auditor General for Scotland, as being best practice in the public sector. Indeed, the management structure in place after the establishment of the HPG matches exactly the recommended model.

It is important to appreciate that none of us on the SPCB was a construction professional or indeed a management professional. That has, not infrequently, been touched on in the media in abusive terms. However, it was never intended that we manage the project in the usual sense of the word. The same was true of the Holyrood progress group. The HPG became, in effect, the knowledgeable client, which had to engage with the design details and the design process in order to complete the design details necessary to build the Parliament. The HPG brought together politicians and, importantly, professionals in its membership to enable it to carry out that role. In a far bigger and more organised way, the HPG did what the prudent householder does when, having decided to add an extension or install a bathroom, he or she tries to understand what the contractor is up to. Of course, this was a much bigger process.

**Dennis Canavan (Falkirk West) (Ind):** Surely Lord Fraser makes it clear that the client was not the HPG but the corporate body of the Parliament.

**Robert Brown:** That is correct. I do not think that anything that I have said goes against that. The corporate body retained the ultimate legal responsibility at all times and the HPG, as we are aware and as I will move on to shortly, dealt with its activities in a particular fashion.

Lord Fraser did not question the decision to establish the HPG. He was complimentary about that ingenious solution, but he had concerns about what he saw as the rather convoluted procedure under which the HPG technically advised the clerk, who alone could issue instructions. That is the point that Dennis Canavan touched on. I do not dissent from Lord Fraser's recommendation that a change should be made to the Scotland Act 1998, but the arrangement is not as uncommon as he seems to think. It was certainly used to empower area committees when I was on the then Glasgow District Council and I gather that it is a common device in local government generally. I have no doubt—and I hope that the Parliament will have no doubt—that the work of the Holyrood progress group was essential to progressing the project. I hope that colleagues will recognise the extent of the effort that was put in by John Home Robertson, Jamie Stone, Linda Fabiani and their previous colleagues—they, like the rest of us, did not go into politics to build buildings.

It is worth noting that Lord Fraser accepted that the changes that the client has sought since June 2000 amount to only some £600,000—I suggest that that demonstrates that the client has been disciplined. The rest of the expenditure resulted from necessary design developments that were required to enable the building to be built.

Lord Fraser rightly identified that the disharmony between the two arms of the architect practice RMJM was a periodic source of considerable worry to us throughout the contract. David Steel tackled it, as did the HPG and others. To be blunt, I do not accept that it would have helped if the issue had been picked over on "Newsnight" or in the press every time it arose. In the public interest, an area is required in which the executive body in such matters can operate in confidence.

**Margo MacDonald (Lothians) (Ind):** Will the member take an intervention?

**Robert Brown:** No, thank you, I have taken enough interventions already.

I accept Lord Fraser's criticism that the edited information that was given to MSPs was inelegant and unsatisfactory. We got the balance wrong and, indeed, we later stopped that practice. However, our intention was to put as much information as we could into the public domain

rather than to operate on the basis of minutes that remained private.

Lord Fraser understandably struggled to identify the effects of bomb blast. He did not accept that that added £100 million to the cost, which was the speculation at the time and which I touched on in my evidence to the Finance Committee. He took the view, rightly, that that was all mixed up with the complexity of certain glazing contracts. On any view, however, the delay caused on those projects added hugely to the cost.

I return to the central role of the set-up of the project as we inherited it from the Scottish Office. Lord Fraser concluded that the wheels fell off the wagon in the decision to proceed by way of construction management. It is clear that that method was highly inappropriate for the Holyrood project. As we became aware of the implications, it became increasingly clear that it gave us enormous problems. To be blunt, once the button was pressed, it was, in practical terms, difficult or impossible to stop.

**Phil Gallie (South of Scotland) (Con):** Will Robert Brown give way?

**Robert Brown:** No, thank you. I will press on a little.

None of the key decisions relating to the site, the construction management method or the architect was made by the Parliament. The critical point is that Lord Fraser, who devoted some space to the matter, came to the conclusion that the project was not in a viable and healthy condition when it was handed over by the Government to the SPCB.

I make no claim that the stewardship of the SPCB and the Parliament has been perfect. It is difficult to be perfect on such a project. However, I say without fear of contradiction that the setting up of the Scottish Parliament, with its greater procedures of accountability and its openness, which have culminated in the Spencely report and now in the Fraser report, shone a light on the workings of government on the matter in a way that was never possible under the Scottish Office and the Whitehall regime.

Enric Miralles had a vision of the building growing from the land and echoing the closes and tenements of Edinburgh's old town. Anyone who looks out of the windows of the corridor in the MSP block, walks through the public entrance, the amazing garden lobby or the chamber or visits one of the splendid committee rooms or the conference room overlooking Holyrood Palace knows that Miralles, wayward or not, was indeed both a considerable artist and an architectural genius. There is a growing view, which is shared by many visitors to Holyrood, that the Parliament is a landmark building and, indeed, one of the few iconic buildings of our era in Europe. It is a



building that grows out of the land and the people of Scotland and it makes a statement about a new and confident Scotland that is intimate and conscious of its values and communities. That was immediately apparent to the Danish visitors—with their particular perspective—whom I took round the Parliament last week.

The Fraser report marks the end of an auld sang and allows us to draw a line in the sand. Let us see ourselves as others see us. Let us go forward.

I move,

That the Parliament thanks the Rt Hon Lord Fraser of Carmyllie QC for his report of the Holyrood Inquiry and invites the Scottish Parliamentary Corporate Body and the Scottish Executive to consider the contents of the report.

14:50

**Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP):** The people of Scotland have been perplexed, appalled, angry and frustrated by the Holyrood fiasco and the process that has led us to where we are now. The fiasco has caused, in the public, a mood of disenchantment, disengagement, disdain and even, among some, detestation of us as elected representatives. I do not like saying that, but I believe that it is true. Anyone who disagrees with the idea that that feeling will not dissipate straight away should get out a little more.

Lord Fraser's report and inquiry have done much good work. They have shone a light into the areas of the Whitehall system of government that we inherited from Westminster, which were inaccessible—and, I believe, are largely inaccessible now—to voters. Lord Fraser's main conclusions are in line with the arguments that the Scottish National Party has been advancing all along. To illustrate those arguments, I quote from Lord Fraser:

"In my view at relatively early stages a number of decisions were taken which were fundamentally wrong or wholly misleading. It is the consequences of those decisions which have caused the massive increases in costs and delays."

Those decisions were as follows. First, there was the timetable set by the late Mr Dewar. Secondly, there was the choice of site, which was driven by Mr Dewar, who was apparently biased against Calton hill. Thirdly, there was the choice of a contract that left the risk with the taxpayer, the choice of architect and the selection of the construction manager. All those decisions have come in for severe criticism in the report.

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** Will Fergus Ewing at least concede that Lord Fraser says quite clearly in his report that there was no evidence that Donald Dewar was biased against the Calton hill site?

**Fergus Ewing:** I believe that the exact phrase is that he

"did not favour the Calton Hill site."

As another member has said, it repays reading the report very carefully.

Those decisions were made. The timetable was unrealistic. We were supposed to have been here three years ago and the building was supposed to have been completed in two years. Lord Fraser said that the £40 million to £50 million originally set

"was never going to be sufficient to secure the construction of a new Parliament building of original and innovative design."

I challenge one of Lord Fraser's findings, which is the selection for particular criticism of Mr Bill Armstrong. Lord Fraser has failed to quote from a memo from which Bill Armstrong quoted at length. The memo is a crucial cautionary note, which says that, in the use of construction management, it is necessary to produce

"information to a required format and timetable".

That did not happen, so putting the entire blame on construction management is a bit like a worker blaming his tools. In addition, Lord Fraser does not consider a reply put to him by Bill Armstrong describing a meeting that was chaired by a civil servant and apparently not minuted. It is important to put that on record, as it appears that unfair criticism has been directed towards one individual.

There were two opportunities for the Parliament to have intervened: on 17 June 1999 and in April 2000. In both cases, the SNP, the Conservatives and a handful of others voted for a pause. We voted for a Holyrood halt, we voted to consider the facts and we voted for an appraisal of what those facts were, which would have involved considering other site options. In neither case did the Parliament support the view that we took, because, on a whipped vote—as we now learn, contrary to the lecture that we received from the late Donald Dewar on 17 June 1999—every Labour MSP present voted in accordance with the party whip and the opportunities were lost.

We now know that the project was not in good shape at the point of handover. It was neither healthy nor viable and it was subject to delay.

**George Lyon (Argyll and Bute) (LD):** Although I accept that Fergus Ewing has been consistent in arguing that we should have sought to delay the project at that stage, according to the Auditor General's report some £73 million of extra cost was incurred because of delays and disruption to the project. If we had voted for Fergus Ewing's proposal, the cost would have been higher and the delays even longer.

**Fergus Ewing:** I commend to Mr Lyon a good reading of the papers.

I turn now to the role of the former Minister for Finance. The role of Mr McConnell, who is not at the debate but has chosen to be elsewhere for reasons that he has not had the courtesy to explain to the Parliament, was key in the run-up to the first debate on 17 June 1999. *[Interruption.]* I cannot speak any more loudly than I am doing to make myself heard over the usual chorus of the guilty on the Labour benches.

**The Presiding Officer:** Order. That is for me to decide, Mr Ewing.

**Fergus Ewing:** I take it that that is a not proven verdict, Presiding Officer.

It was the role of the Minister for Finance, as it is now the role of the Minister for Finance and Public Services, to be the steward of the public purse. Every £1 million spent on the Holyrood building was £1 million less available to spend on public services. Because the inquiry revealed documents that would normally have been kept secret for 30 years, we now know that the Minister for Finance received a great deal of information in the run-up to that key debate. We must ask what information he was given and how he reacted to it.

Mr McConnell was appointed as Minister for Finance on 19 May 1999 and, having asked for a briefing about the costs, received one from the principal financial officer, who indicated among other things that the cost required for landscaping was estimated to be between £5 million and £10 million. Only a week later, on 26 May 1999, he was advised in a memo from Barbara Doig that the landscaping might require a budget of £10 million, so the cost had gone from a possible £5 million to £10 million in a week. If I were to get a statement of the amount that I owe on the loan secured on my house that said £50,000 one week and £100,000 the next week, I would be pretty worried, and that would involve thousands of pounds, not the millions of pounds about which Mr McConnell was informed.

Mr McConnell, the late Mr Dewar and the senior civil servants had a meeting about the Holyrood costs and the request for a budget increase that was made to Mr McConnell as Minister for Finance. That meeting took place on 2 June 1999, a fortnight before the key debate that could have called a halt to Holyrood and caused a rethink. At the meeting, the landscaping costs were discussed. The minute of that meeting, which Mr McConnell has accepted as accurate in so far as he says that he is able to recollect what was said, stated:

"In presenting the revised estimates"

to Parliament,

"it would be important to make clear what the landscaping costs were likely to be."

When Mr Dewar stood up in Parliament and made his speech, he made no reference to what the landscaping costs were likely to be, even though it was agreed that that should have happened.

Because Mr McConnell, for a reason that I cannot understand, was not called to give oral evidence to the Fraser inquiry, we can only speculate about why that information was withheld and whose decision it was to withhold it from the Parliament, which therefore made a literally uninformed decision. Lord Fraser has indicated and concluded that Parliament was misled. He bases that on the fact that the civil servants state in their evidence that the cost consultants' reports were kept from the late Mr Dewar and Mr McConnell and that they showed that the cost of construction was £89.2 million, including various elements, rather than £62 million plus contingencies of £6 million. Their evidence is that that information was not provided to Mr Dewar or to Mr McConnell.

I am afraid that it gets worse for Mr McConnell. The largest part of the extra £21 million related to risk allowances. I have in front of me a copy of the memo that Mr McConnell received at the time. On page 2, under a paragraph to which we might have thought Mr McConnell would pay attention, as it is headed "Cost Estimates", the memo says:

"Their latest cost estimate comparable with the feasibility design stage cost estimate of £50 million is £62.2 million ... (This figure excludes VAT, fees, contingencies, risk allowances, fit-out, loose furniture and artworks, site acquisition, etc.)"

The memo gave the then Minister for Finance the job of ensuring that he got the truth about the figures. Did he look at the next page, which sets out a table of the items that I have just mentioned? If he had done, he would have seen that risk allowances were not in that table. I will tell members my question to Mr McConnell. He is not here to answer it, but perhaps he phoned a friend and Mr Kerr will reveal all later. Mr McConnell knew that risk allowances existed. He was a maths teacher, I believe, and he performed various functions for the Labour Party, although perhaps like me he had no idea what risk allowances were before he came to the Parliament. Did he ask, "What are risk allowances?" Did he ask, "How much are risk allowances?" Each of those questions has four words.

The cost of the Parliament has increased from an estimated £40 million to £430 million. I put it to the Parliament that Mr McConnell did not ask those questions. He cannot have asked them; if he had, the civil servants would surely have told him the answer. Then, alarm bells might have rung for

the late Mr Dewar and he could have called a halt. The consequence of not asking one of those questions comprising four words is that each word has cost the Scottish taxpayer a potential £100 million.

It gets worse still for Mr McConnell, I am afraid. He also did not ask whether the programme was running to timetable. We might think that he could have asked that. Paragraph 3 of the memo says:

"The programme is very tight."

Did Mr McConnell ask whether the programme was running into delay? We know from the Holyrood inquiry website—although Lord Fraser does not appear to have mentioned this in his conclusion—that Barbara Doig was advised by Martin Mustard on 17 May 1999 that the programme was facing three months' delay. Lord Fraser has not noticed this at all, but the politicians were told that the programme was running according to schedule. The information about the delay was concealed, apparently by the civil servants on the project. Did Mr McConnell ask whether the project was running on time? If not, why not?

We all want to move on, but I think that the people of Scotland want the truth in order to be able to move on. It was obvious that we did not get the truth at the debate on 17 June 1999. It is obvious from the memos that I have mentioned that it was withheld by civil servants, by Mr McConnell and, sadly, by the late Donald Dewar. That has meant that truth was the first casualty of devolution.

My colleagues will talk about various parts of our detailed amendment, which tackles the mischief of a culture of secrecy, a lack of candour, arrogance and a lack of honesty. We want a system of governance in which people are trusted with the facts and in which people are told the truth. If we do not have such a system of governance—and we do not have it now—we cannot move on. I believe that the SNP amendment offers a way to allow us to move on.

Mr McConnell has failed to tell the truth to the Parliament. He has failed to do us the courtesy of appearing in the debate today. He has failed to live up to the pledge that he made on 3 May last year that, after the inquiry, no questions would remain unanswered. He failed to give oral evidence to the Fraser inquiry. He has failed in those respects. He has let Scotland down, he has let himself down but, worst of all, he has let down the very principles on which this Parliament was founded.

I move amendment S2M-1727.3, to leave out from "and invites" to end and insert:

"agrees with the key findings of the report that the choice of site for the Parliament, the setting of the timetable for

construction, the fixing of the budget of £50 million for construction, the selection of construction management for its procurement, the choice of architect and the appointment of the construction manager were decided by the Scottish Office before the Parliament was elected in May 1999 and that it is the consequences of those decisions that have caused the massive increase in costs and delay; further agrees with the finding that the Parliament was misled in June 1999 with regard to the costs of the project and that there is no greater democratic misdemeanour than misleading the Parliament and deplores the fact that there has been no ministerial accountability; regrets that the First Minister was not required to give oral evidence to Lord Fraser about his role as Minister for Finance in 1999; further regrets that the inquiry was set up without the necessary legal powers to require the appearance of witnesses and the production of documents and other material and agrees with the condemnation by Lord Fraser of the BBC's management for its refusal to co-operate with the Inquiry; calls upon the Scottish Executive to seek the powers that are presently reserved to Her Majesty's Government to make Executive civil servants fully accountable to Executive ministers and believes that, without such powers, essential reform of the Civil Service cannot take place; considers that the freedom of information legislation should be amended as soon as practicable to ensure that there is a presumption in favour of disclosure of information in relation to the use of public money in public sector contracts and that civil servants' advice to ministers is not protected by the 30-year rule, and calls upon the Scottish Parliamentary Corporate Body to take every possible step to ensure the recovery of any costs incurred as a result of negligence or breach of contract and to provide a proper means by which parliamentary scrutiny can be brought to bear upon its performance of its duties in taking these steps."

15:06

**David McLetchie (Edinburgh Pentlands)**  
**(Con):** The ramifications of the Holyrood building project should never be underestimated. Whether members like it or not, it has completely overshadowed everything else that has happened since Parliament was established in 1999, as Robert Brown was right to identify in his opening remarks. Over the years, far too many have sought to brush the whole thing under the carpet in the misguided belief that if we do not talk about it, the public might forget about it. What a ridiculous abdication of responsibility that is—just like Mr McConnell's failure to speak today in a debate on a report that he commissioned.

Let us never forget that taxpayers' money has paid for this building or that the millions that have been wasted are millions that could and should have been spent on our schools, hospitals and roads. That is why we welcomed the setting up of the Fraser inquiry. We have a duty to investigate a public scandal of such proportions and doing so in an open forum was both necessary and desirable. Lord Fraser has done his job and it is commendable that he has done so on time and on budget. It is now our job to consider his findings, recommendations and conclusions to see what lessons we can learn from the whole sorry saga.

Lord Fraser considered in commendable detail the Holyrood building project. He has identified the failings and has come up with a series of sensible recommendations that were based on the evidence that was presented to him. There can be no doubt that mistakes were made in the implementation of the project by officials and those who worked on it. However, that is not the issue. The problems that are associated with construction management are well documented in the report and should be enough to warn off unsuspecting civil servants for evermore. There are other eminently sensible recommendations in relation to the conduct of the selection process and the need for officials to be fully conversant with European Union public procurement rules, for the views of independent professional advisers to be presented directly to ministers and for a much clearer chain of command in such major public projects.

Lord Fraser tells us that some of his recommendations have already been implemented; where they have not, I have no hesitation in supporting their adoption and in commending them to the Executive and Parliament. However, although we can all agree with the report's recommendations, we are entitled to differ as to the conclusions that should be drawn from the evidence, because that is a matter of judgment. In my view, the balance of the conclusions is wrong, because the report places far too little emphasis on the fundamental failings, which were poor political decision making and far too much emphasis being placed on the actions of civil servants, who were carrying out their masters' wishes.

Lord Fraser seems to be in no doubt that the real villain of the piece was the decision to adopt construction management, as it is called. He blames civil servants for not advising ministers properly of the risks that are attendant on that method of construction and for failing to seek formal ministerial approval for its adoption.

**George Lyon:** Is the member accusing Lord Fraser of misjudgment in his report and his findings? Does the member accuse him of getting wrong the judgments that he drew from the evidence that was supplied to him?

**David McLetchie:** I support the report's findings, as the member will hear from my speech. I am entitled, on balance, to draw some different conclusions and I will outline why I do so.

Lord Fraser is in no—I beg members' pardon; I have done that part of my speech. [*Laughter.*] Good points are always worth repetition, but I must hurry on.

I contend that the political imperative to complete the project as quickly as possible meant

that civil servants were trapped in the political equivalent of a burning building with no exits—they had no choice. As Lord Fraser's report makes clear, a private finance initiative was rejected because it might

"cause unacceptable delay to the completion of the Parliament building."

Once that was ruled out, a traditional procurement method was the only option. Scottish Office ministers' determination to press ahead with the building regardless of cost considerations, and the unfinished nature of the design again forced the hand of the civil servants who were involved in the project.

That rush to judgment is the real villain of the piece and it was a political decision for which ministers are responsible. As Lord Fraser says in his principal conclusions:

"The timetable for construction dictated the adoption of a 'fast track' procurement method entailing relatively high risk."

It was not unreasonable for civil servants to believe that they were simply responding to the clearly expressed political priorities of their ministers. In other words, they had no option once the political die was cast.

We should not forget that that was not the only political decision that dictated the framework in which civil servants had to operate. As Fergus Ewing pointed out, Labour ministers were responsible for the choice of site—Lord Fraser makes it clear that that was a political decision—and they also approved the choice of architect and the complex design.

The story does not end there. Although it was necessary and proper for Scottish Office ministers to decide on the temporary home for a Scottish Parliament—in the Assembly Hall at the Mound—they had no need or reason to decide on its permanent home—that could have been left for the Scottish Parliament to decide for itself once it was up and running.

Moreover, having arrogated that key decision to themselves, the same Scottish Office ministers then abrogated responsibility for seeing the project through to its conclusion by handing it over to the Scottish Parliamentary Corporate Body. That was a poisoned chalice if ever there was one—as Lord Steel has belatedly acknowledged—and it was the result of another political decision in that it was the direct consequence of provisions of the Scotland Act 1998, for which ministers were responsible.

I do not want to denigrate the SPCB's efforts, because it attempted to make a proper appraisal of the Parliament's spatial requirements and to get a grip on the project's costs by commissioning the Spencely report. That is greatly to the credit of the

SPCB and of the Presiding Officer's predecessor, and it compares favourably with the Scottish Office's failure to do either when it was in charge of the project, which was not in a viable or healthy condition at handover, as Lord Fraser says in his report.

The Scottish Executive's refusal to accept its responsibility for the Holyrood project has merely exacerbated the problems that the earlier political decisions caused. At the least, our successive finance ministers—Messrs McConnell, MacKay and Kerr—should have intervened as costs escalated and other budgets inevitably suffered. Instead, the Executive adopted a strategy of avoiding responsibility by trying to spread the blame. That has gone hand in hand with the McConnell approach of smear by association. According to him last week—when he did turn up—we in Parliament are all collectively to blame and must all collectively eat humble pie. I say to the First Minister that we are not all to blame, as some are clearly more responsible than others.

The record shows that in June 1999, it was all Scottish Executive ministers, all Labour MSPs and the majority of Liberal Democrats who voted for the project to proceed by opposing the amendment that was lodged by Donald Gorrie and Margo MacDonald to call a halt and review the situation. The record shows that in April 2000, it was all Scottish Executive ministers, all Labour MSPs and 13 Liberal Democrats who voted to increase the budget to £195 million and to set up the Holyrood progress group, which is a contradiction in terms if ever there was one. The record shows that in June 2001, it was all Scottish Executive ministers, all Labour MSPs and—this time—all Liberal Democrats who voted to remove the budget cap and to carry on regardless of cost. The record shows that it was Executive ministers who abdicated financial responsibility for the Holyrood project and simply kept on signing the blank cheques. The record shows that Executive ministers were unwilling to face up to the problems that they and their Labour colleagues had created by failing to appoint a minister to the Holyrood progress group. That was another act of political cowardice.

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD)** *rose—*

**Mr Stone** *rose—*

**David McLetchie:** I think that Mr Rumbles wanted to intervene first.

**Mike Rumbles:** I agree with everything that Mr McLetchie has said about the responsibilities of Parliament until the Parliament took over responsibility from the Executive, but his criticisms seem to be aimed at Executive ministers for decisions after June 1999. I am sure that he will

accept that responsibility was handed over to us in Parliament and that we collectively made decisions. If he wants to apportion blame, we are to blame after June 1999. Is not that the case?

**David McLetchie:** If my colleagues and I vote against something time and again, I cannot be responsible for the daft decisions that Mike Rumbles and all his colleagues make. Where is the logic in that?

**Mr Stone:** Will the member take an intervention?

**David McLetchie:** No, thank you. I must move on.

**Mr Stone:** It will be a nice intervention.

**David McLetchie:** All right, Jamie. Carry on.

**Mr Stone:** I thank the ever-courteous David McLetchie for giving way.

Would Mr McLetchie at least concede that if we had stopped the project in 2001, it would have cost still more?

**David McLetchie:** No, I do not concede that at all. We could have considered refinancing the project and we could have considered the involvement of the private sector. If members look at the *Official Report*, they will find that I suggested in a number of debates that we should consider PFI options and sale and lease-back options. A number of options could have dealt with the situation and might have resulted in a more cost-effective building for the taxpayer than the current building. Therefore, I do not accept what Jamie Stone says. I accept that some costs would have been associated with a decision to halt, but we do not know whether we would have achieved better value for money at the end of the day. It is certainly not certain that stopping the project would have cost more money. I do not accept that.

The truth is that ministerial actions in relation to the project have been dictated by fear of political repercussions, not by any sense of public responsibility. The whole project has been characterised by unwillingness to divulge information that could prove to be politically embarrassing, particularly in the run-up to the 1997 referendum and then the first Scottish Parliament elections.

There were political decisions that might have turned out all right on the night. Back in 1997 and 1999, the numbers that were quoted for the project were undoubtedly totally unrealistic, as Lord Fraser points out, but no one then could have envisaged that we would end up at a cost of £431 million and three years late. However, that was the outcome and the consequence of all the political decisions; that is where ministerial responsibility comes into play.

I was gratified to learn from David Whitton's evidence to the inquiry that the late Mr Dewar considered resigning over the issue on the basis that he may have misled Parliament. Mr Dewar was an honourable man who was steeped in our parliamentary traditions and who had a profound understanding of our constitution and its conventions. He knew that the doctrine of ministerial responsibility is far broader than simply acting in good faith, and that it covers decisions that are taken in good faith but which turn out to have disastrous consequences—just like this one. I am in no doubt that Mr Dewar would willingly have accepted his responsibility for the early fateful political decisions that resulted in the fiasco. It is just a pity that some of his successors lack his sense of honour and responsibility.

Ministerial responsibility is an alien concept to the Scottish Executive. This is a coalition that worships the principle of ministerial and collective irresponsibility, as shown by Sam Galbraith over the Scottish Qualifications Authority, Mike Watson over Glasgow hospital closures, Tavish Scott over the common fisheries policy, Cathy Jamieson over Reliance and Malcolm Chisholm over his disastrous health policy. We cannot go on like this. The principle of ministerial responsibility should have been triple underlined in the Fraser report.

The report has done us a service in compiling such a detailed and comprehensive history of the Holyrood project and we do not dispute the findings of fact. Lord Fraser has done us a great service in setting out a number of practical recommendations that relate to public procurement policy, which I hope will prevent another Holyrood-type disaster in the future. The recommendations may even end up saving the taxpayer some money, although I would not hold my breath on that. However, in drawing his conclusions Lord Fraser has signally failed to underline the fundamental principle of ministerial responsibility and accountability that should lie at the heart of government. The evidence clearly demonstrates that the whole sorry saga was a consequence of bad political decisions and judgments that were made at the outset, especially the desire to press on full steam ahead with no consideration of cost. That is the nub of the matter.

In making a proper judgment to exonerate ministers from accusations of bad faith and deception, Lord Fraser has forgotten that ministerial responsibility goes way beyond that. I am afraid that the Fraser report will do little to promote good government in Scotland, which should rest on the well-founded principle that civil servants advise and ministers decide and take responsibility for decisions. It will lead to a more defensive civil service, rather than a dynamic one. It will lead to a scapegoat culture and to reluctance

to ask searching questions. It will lead to the undermining of trust between civil servants and ministers and to further erosion of public respect for Government and Parliament at a time when all our efforts should be directed towards rebuilding faith in our democratic institutions.

Our amendment seeks to restore the balance by giving ministerial responsibility its rightful place in relation to the Holyrood project. I urge members to support it.

I move amendment S2M-1727.1, to insert at end:

"and, in so doing, welcomes its findings and recommendations but regrets that, in its conclusions, it fails to place due emphasis on the principle of ministerial responsibility and accountability."

15:23

**Margo MacDonald (Lothians) (Ind):** Although it is true, allowing for the poetic licence that is accorded to newspaper headline writers, that "a big civil servant did it and ran away", this debate on Lord Fraser's report should ensure that although the civil servants, politicians and contractors who are responsible for bringing Parliament into disrepute can run, they cannot hide.

Before I turn to what Parliament may learn from the evidence to, and report of, the Fraser inquiry, I pay tribute to the team that conducted the inquiry, which was agreed to by the First Minister and instigated jointly by the First Minister and the Presiding Officer. The team set standards of productivity and commitment to the job that should serve as a benchmark for any such future inquiries.

Fortunately, the Fraser inquiry will probably be unique. We are most unlikely to build another Parliament building, but should any successor Parliament require to do so, the results of Fraser and our deliberations here today should provide our successors with a template of what not to do, as well as make some positive suggestions.

Following the evidence that was given to the inquiry, it is now irrefutable that the Holyrood project got off to what proved to be a disastrous start when Donald Dewar made fundamental decisions about when to start and where to site our new Parliament. I do not believe that he did so for vainglorious reasons—if he was guilty of anything, it was of paternalism, as suggested by Sam Galbraith's evidence to the inquiry. The late First Minister would probably have escaped all criticism had he left the matter to the elected members of Parliament. That he misjudged the best way to proceed should be admitted; his reputation is big enough to withstand the charge

that—perhaps for admirable motives—he made the wrong decision.

It should also be noted that his was not the only misjudgment. As John Campbell's questioning made clear, civil servants Muir Russell, Robert Gordon, John Gibbons, Barbara Doig and Paul Grice made mistakes of omission and commission. Evidence to the inquiry also exposes the gaps in communication, project planning and management among contractors and consultants during the lifetime of the project.

It is quite wrong to believe that the only important mistakes were made by Donald Dewar. A sizeable group of people had some responsibility for building this Parliament and, unfortunately, amateurism and lack of managerial rigour characterise much of the decision making. For example, following the death of Enric Miralles, mistakes were made by the politicians who were supposedly in charge of the project on our behalf. David Steel failed to examine the terms of the design contract after the chief architect died and when I wrote to him to suggest that he do so, he discussed my request with the big brains of the Holyrood progress group and then wrote to tell me that I was an insensitive harpy and that they were not going to answer any of the questions that I had put to them about how they had handled the loss of the chief designer before the completion of stage D in the planning process. As members will recall, Parliament was assured that stage D had been reached but, as the Fraser inquiry uncovered, it had not.

Instead of—even without going into detail that might have upset the Miralles family, which I can appreciate—admitting that Senor Miralles' death had consequences for the project, the project team's spin doctors, together with David Steel, the HPG and some MSPs spun the line that Senor Miralles would have been taking a back seat by that time anyway. We are talking about the chief designer taking a back seat before we reached stage D.

Who told MSPs that, and what was the process that resulted in Parliament's being misinformed about the possibilities that were open to it after Enric Miralles died? At that stage, the constrictions of the site and the difficulties of incorporating Queensberry House were inescapable, yet there was still time to walk away without losing money. Indeed, it is now acknowledged by independent assessors that a modest profit might have accrued to Parliament. Apart from the first floor of the MSP office block, nothing had been built above ground; let us not forget that.

However, as old embers are being raked over and the building is now a reality, it is tempting for us to say what the SPCB's motion urges, which is: "Well, we're here now, so let's forget what might

have been". The purpose of my amendment is not to dwell on the past; rather, it is to learn from the short history of the decision-making processes that have damaged Parliament's standing, so that the long-term future might be characterised by better governance arising from improvements to the ways in which politicians, civil servants, parliamentary officials and other public servants, such as the Auditor General, discharge their duties.

For example, do we need to revisit the guidelines and practices that govern how, and how much, information is imparted to ministers by civil servants such as the former project sponsor, parliamentary officials and public appointees such as the Auditor General? As a Parliament, do we think that it is right for a doubtless dedicated—but nonetheless generalist—middle-ranking civil servant to edit out specific advice that was obtained from an expert consultant on the finances of an Administration or Parliament project, thus depriving ministers of information that they needed to make value judgments, the consequence of which was that they misled Parliament? Might we establish a general principle about when expert advice might be taken before ministers or committees reach conclusions, and about how adequate in meeting Parliament's transparency and accountability criteria is our present rule of thumb that governs which expert advice passes into the public domain?

There is general agreement in the chamber about the need to learn from experience in order that we can enhance the good governance of Scotland and enhance how we go about our business in the chamber. If colleagues will bear with me for a moment, I will try to put some flesh on the bare bones of that statement of good intentions.

My example is drawn from the Auditor General's first report to the Audit Committee. To help compile his report, which was published in September 2000, he commissioned an expert report from international project and cost management consultants Gardiner & Theobald. Their report states:

"It appears the over-riding influence of one Scottish Office member based on the comfort factor of a previous working relationship ... has over ridden the attempt, albeit flawed, to procure the best construction management candidate for the project".

The Gardiner & Theobald report adds that

"The failure of Scottish Office personnel to adhere in any way to standard procedures, treasury guidance or EU provisions raises questions on procedure."

The Auditor General appears to have ignored those conclusions in his report to MSPs. I asked him to publish them, but he refused and told me:

"We will publish only material that reflects our considered conclusions on any matter."

MSPs might feel that such filtering of information deprives them of the ability to exercise the judgment that they were elected to exercise on behalf of the people who pay our wages and in whose name we serve.

To expand the point, Gardiner & Theobald, consultants who were contracted for their specialist expertise by the generalist Auditor General, reported to him:

"There are advantages through the proper use of a risk management process, unfortunately a full risk management has not been completed ... this is a serious and fundamental omission which must have contributed to the cost escalation."

However, the distillation of that expert opinion as reported by the Auditor General to MSPs was:

"In some areas project management processes such as risk analysis and cost reporting did not fully match established good practice for major contracts."

Gardiner & Theobald also report that unsuccessful candidates for the construction management contract might have a legal case against the Scottish Executive. However, the Auditor General's report stated to the Audit Committee of Parliament, which was taking important decisions based on the Auditor General's report, that

"In general terms the appointment of consultants was properly undertaken."

When we consider how to prevent the withholding of information from politicians by civil servants, we must also consider whether the Public Finance and Accountability (Scotland) Act 2000 is effective in relation to the Auditor General's objectivity and transparency.

Politicians also screened out information that should have been available to MSPs; the SPCB even produced two sets of minutes of its decisions on Holyrood. David Steel was as guilty as the Auditor General of filtering out information about the project—just as officials were and as the progress group was. It has yet to explain to MSPs why Alan Ezzi was shown the door after only seven months as project manager.

I have referred to changes that might be required to the Public Finance and Accountability (Scotland) Act 2000, but such a committee as I propose in my amendment might also conclude that the Scotland Act 1998 requires amendment to allow the corporate body legally to delegate powers so that future groups—like the Holyrood progress group—can be properly held to account by Parliament. A committee such as I propose might also conclude that our standing orders assist that process of information filtration and that they require some amendment.

My amendment seeks to maximise the good that might yet come from a bad job: I urge MSPs to support it.

I move amendment S2M-1727.2, to leave out from "invites" to end and insert:

"calls on the political parties and groups represented on the Parliamentary Bureau to nominate one person from each of their respective political parties or groups, other than those members who served on the Scottish Parliamentary Corporate Body or were members of the Scottish Executive at the time covered by the report, to form a special committee of the Parliament to consider the report and make recommendations as to the future conduct of the civil service, the Corporate Body, the Chief Executive of the Parliament and the Executive in discharging their public duties."

15:34

**The Minister for Finance and Public Services (Mr Andy Kerr):** Well, the Holyrood plot thickens: a Tory peer and former Tory minister and a Labour First Minister are in a big plot to keep secrets from Mr McLetchie and Fergus Ewing. What a lot of nonsense they talked in their speeches. Indeed, I will point out in my speech why what they said was nonsense.

I have to say that misinformation about the First Minister's role is floating around the chamber. After all, he was Minister for Finance for only 13 days before the Executive handed the project over to the SPCB. Fergus Ewing spent 13 minutes on that matter and then said, "Let's move on". I hardly think that that is in the spirit of this debate or represents the intention behind it.

I have with me the *Official Report* of the debate in which the then First Minister Donald Dewar made quite clear the position on landscaping costs. As for the big plot with regard to the First Minister's non-appearance at the Fraser inquiry, he was invited to submit evidence. The inquiry—not the inquiry that Fergus Ewing might have wished for or his secondary judgment of it—in the shape of Lord Fraser refused to call him.

**Fergus Ewing rose—**

**Mr Kerr:** I will take the member's somewhat facetious point.

**Fergus Ewing:** With respect, I will make this point as carefully as I can. The Minister for Finance and Public Services has said that when Mr Dewar addressed the Parliament on 17 June 1999 he made it quite clear what the landscaping costs would be. However, Mr Dewar did no such thing. He referred to the fact that there would be landscaping costs. Moreover, in an e-mail to *The Sunday Times*, Lord Fraser has said that in hindsight perhaps it was "disingenuous" of the late Mr Dewar not to have made it clear that landscaping costs would be an extra £10 million.



**Mr Kerr:** The then First Minister, Mr Dewar, said:

"I make it clear that the £109 million that we now hold to—to the best of our ability—includes VAT, fees, site acquisition and preparation, information technology and fit-out. I must make it clear that landscaping into the park and the traffic calming measures, which are a matter for the Executive and City of Edinburgh Council, are not included."—[*Official Report*, 17 June 1999; Vol 1, c 523.]

Mr Ewing also referred to the present First Minister's knowledge of these matters. The First Minister said:

"On the specific point about discussions on risk, I am clear that neither in the course of the decision being made to increase the budget"

for

"the Parliament ... nor in any subsequent ... discussions, was I shown a report from the cost consultants, Davis Langdon and Everest (DLE). The issue of contingencies was discussed in general at the meeting on 2 June, but I was not presented then or later with any information that DLE had identified separate potential risks"

around the project. Again, members are rewriting history and second-guessing someone who, as we all said at the time, is a Tory peer and former minister and has some knowledge of Government, unlike Mr Ewing and Mr McLetchie.

I want now to move on to talk about what is in the report, as opposed to what people think should be in the report.

**Fergus Ewing:** Will the minister give way?

**Mr Kerr:** No, thanks.

The First Minister and the Presiding Officer set Lord Fraser the considerable challenge of revealing the facts of this troubled building's conception and gestation. As the amount of evidence being gathered and the number of witnesses being questioned became apparent, the challenge became even greater than we originally thought it would be. As some members—including Margo MacDonald, who spoke before me—have said, we owe a debt of gratitude to and should thank Lord Fraser and his team for carrying out the inquiry.

This debate is about moving on; it is about accepting the clear and comprehensive record of actions and decisions that Lord Fraser has delivered; and it is about agreeing how MSPs and ministers can ensure that the mistakes that he outlined will never be repeated. This is the time to learn from the Fraser report and to signal the end of the civil servant as a gifted amateur. This is the time to make ministerial involvement in key procurement decisions a prerequisite. Indeed, as I have said, it is time to move on.

**David McLetchie:** Will the minister give way?

**Mr Kerr:** That is why I cannot agree with Margo MacDonald's amendment. I cannot see the merit in having another investigation into the Holyrood project.

**David McLetchie:** Will the minister give way? Come on!

**Mr Kerr:** I will give way in a minute. I ask the member not to get too excited.

Although I believe that Margo MacDonald's amendment is well intentioned, I do not believe that the inquiry that she suggests would serve any real purpose or that the public would want such an inquiry.

**David McLetchie:** If the minister is so keen on ministerial involvement in key procurement decisions—which, if I heard him clearly, is what I think he said—why did Scottish Executive ministers wash their hands entirely of responsibility for assisting the Holyrood progress group? Surely it was making some key procurement decisions that the Executive should have been involved in.

**Mr Kerr:** As I recollect, the Tories washed their hands of such involvement. In any case, it was a matter for the Parliament.

I should point out that in his opening remarks, Mr McLetchie made another mistake. The resources for the Parliament building are top sliced from the Executive's budget. Ministers did not and do not sign over blank cheques for the Parliament building—that is a matter of fact. The resources are top sliced from the allocation that we receive from the United Kingdom Government. Mr McLetchie is suggesting that the Executive should somehow second-guess decisions of Parliament and hold financial resources back from the Parliament after it has made a democratic decision. I do not believe that that is the proper, democratic purpose of the Executive.

**Margo MacDonald** *rose—*

**Mr John Swinney (North Tayside) (SNP)** *rose—*

**Mr Kerr:** I say to colleagues that I must make progress. I will try to take some interventions later.

Lord Fraser's report deals with many aspects of governance in the pre-devolution Scottish Office. However, the Executive is an entirely different organisation, with greater political leadership and increasingly different ways of working. We have moved from being a Government department to being a devolved Government. Nevertheless, two central issues still arise from the Fraser report for Scottish Executive ministers to take forward, those being procurement and civil service reform. I am the minister with responsibility for those matters within the Scottish Executive and it is therefore my

responsibility to participate in this debate and to make clear how the Executive intends to take forward the lessons from Lord Fraser's report on those matters.

The First Minister has already made it clear that we accept all the recommendations that relate to the Scottish Executive. We also accept responsibility for making the necessary reforms of the civil service and for putting in place changes to ensure that such delays and cost overruns do not occur again.

I cannot agree with David McLetchie's amendment. Many of the problems identified with the Holyrood project concern the period before devolution. It is a simple matter of fact that key ministers at the time are either no longer with us or are no longer in the Parliament. Lord Fraser was cognisant of that fact and stated that in his report. He did not seek to diminish ministerial responsibility, as Mr McLetchie's amendment implies.

Of course, this is not the first report into the history of the Holyrood project. We had the report from John Spencely, which has been referred to, and the Auditor General's first report of the same year. Actions were taken by the Executive in the wake of both those reports to address the issues that they raised.

The evidence that was given to the Fraser inquiry showed that, in critical ways and at critical points, performance fell short of what the public expects from our public servants. The Executive acknowledged that and, as the First Minister has pointed out, continues to do so.

As I indicated earlier, the issues that Lord Fraser raised fall into two main areas: the Scottish Office's handling of procurement; and the interaction between civil servants and ministers.

**Mr Swinney:** I am grateful to the minister for giving way on that point.

Lord Fraser makes serious criticism of the flow, or the lack of flow, of information from civil servants to ministers on the financial implications of decisions. Those issues must have been drawn to ministers' attention and they must have been aware of them over a long time. What actions has the Scottish Executive taken to ensure that it is not operating like that terrible old Scottish Office? What initiatives has the Executive taken to improve the flow of information to ministers?

**Mr Kerr:** If Mr Swinney had not intervened, I would have come on to that point, which I will deal with in terms of the modernisation of the civil service in Scotland and its relationship with the Executive. However, I need to make progress. I alert colleagues to the fact that I want to cover the

report itself, as opposed to people's personal views of the report.

Taking the procurement issue first, I remind members that we responded fully to the Audit Committee's report in 2001 and revised guidance and procedures specifically to improve performance in that area. Treasury guidance on the handling of procurement has since changed and that is now the basis of our approach to these matters.

Since 1999, the Executive has introduced many improvements in procurement professionalism, capacity and practice. We established the Scottish procurement directorate. We increased the professionalism of our procurement staff. We have introduced gateway reviews for major projects, which are independent reviews of the health of a project at key stages of its development. Gateway reviews are designed to identify issues that might place a project at risk. They highlight for project sponsors and managers where and when key decisions are required and the options that are available at critical points.

We have developed new internal sources of expertise and guidance on the interpretation and application of European Union procurement rules. We have established a centre of expertise for programme policy and project delivery, and we have published the construction client pack.

In all those areas, we are beginning to identify the key matters that were raised by Lord Fraser and by the Auditor General beforehand. However, we are not satisfied and we want to move matters on further. Therefore, we will expand the Executive's gateway review process and make it mandatory for all major capital projects. In addition, I will instruct that, in future, if a review finds that a project is in difficulty, the report will come straight to the responsible minister.

We shall review our guidance for all future capital projects and make it a requirement that advice on procurement options and the associated risks is put before the relevant minister for approval. We will not rule out the use of construction management altogether as an option for future projects. However, where construction management is proposed, the decision to adopt it as a procurement route will require a specific ministerial decision, and ministers would take such a decision only when they and senior management knew, understood and accepted the risks, and only if the right team were in place. We shall also ensure that, where there are differences of opinion between professional advisers and civil servants involved in a major project, the views of the professional advisers are put to ministers without first being filtered by civil servants.

We shall include in our review of guidance on major projects a fresh look at the rules on design and designer competitions, the balance between cost and quality and the capacity of partnerships and joint ventures to deliver the requirements of the contract on time and within budget—that issue was also pointed out by Lord Fraser. We shall also revise appointment processes to ensure that key staff have, or obtain, the necessary understanding of EU procurement rules. Ministers will also now have an assurance from senior management that no one will be put in charge of a project for which he or she is not properly qualified and well experienced or which he or she is not fully capable of delivering.

We want to strengthen the core of project expertise across the public sector, and we shall establish a network of project sponsors and project managers so that they can learn from one other's experiences. We shall measure ourselves against the best that the UK has to offer in procurement management across both public and private sectors. In that review, we shall involve the Chartered Institute of Purchasing and Supply in advising on how the benchmarking exercise is to be conducted and on the organisations against which we seek to benchmark ourselves.

I believe that that package of measures responds properly to Lord Fraser's recommendations and will ensure that, in project management and procurement, the same mistakes are never made again.

**Margo MacDonald:** Does the minister think it democratic or right that the only report on Lord Fraser should be by people who have been commented on by him in his inquiry? The minister referred to democratic practices. Is it not more democratic for other people, who have not been involved, to carry out that investigation?

Who is to know when ministers are deprived of information if experts are to take the same attitude as the Auditor General for Scotland did when he said that he published only conclusions that he agreed with?

**Mr Kerr:** On the information that comes to ministers, we are saying that professional advice that may run contrary to the civil service advice will come to ministers undiluted and untouched.

I have sympathy with some of the arguments made by Margo MacDonald, but if those who have been close to the inquiry suddenly come up with a completely different perspective on it and present that perspective as fact, that is something that I have a problem with. That is not about people having comments on the report itself.

It is time to move on to issues concerning the modernisation of the civil service. It is not my intention to comment on members of the civil

service referred to in the report, as that is a matter for the permanent secretary.

As I said at the outset, this Executive is a different organisation from the old Scottish Office. The Executive has its own aims, vision and values, and has developed a distinctive Scottish approach to the governance of Scotland. We have significantly different structures and accountabilities than existed before devolution. From the Cabinet through to the corporate and departmental management structures and the work of individuals in the Executive, there are clearly defined portfolios, work areas, objectives and remits that are linked directly through to the partnership agreement. The performance of civil servants is now directly linked to pay. There is now a culture of openness and a very different approach to the sharing of information with ministers. There are direct lines of responsibility through departments to ministers, with ministers ultimately being accountable to the Parliament.

We have made other positive changes to the way in which the civil service has operated since devolution. We have introduced private sector expertise into our departmental management boards and the management group. We have seen Scottish Executive officials working in different parts of the public sector, greater involvement of officials in community planning partnerships and record numbers of secondments into and out of the Scottish Executive, which has led to developing experience and ability at all levels in the organisation.

We have also added to our traditional talent base. Matching the ambitions that we have for Scotland means introducing fresh talent into the senior civil service. Sixteen per cent of the senior civil service has now been recruited from outside and the proportion in recent competitions for appointment has been much higher. Those entrants can bring fresh insights into the work of the Executive and provide new skills in the civil service.

Since 1999 we have been developing a highly skilled, highly professional and highly motivated work force within the civil service. We have been working towards the delivery of an agreed agenda of modernisation, innovation, openness and accountability. However, we need to do more. If the Fraser report has done anything, it has ended the notion that it is good enough for a civil servant to be a gifted amateur. We need our civil servants to continue to develop their skills and expertise in leadership, policy making and management, so that they can continue to meet the demands of governance in 21<sup>st</sup> century Scotland.

We will increase still further the proportion of senior civil servants who have direct experience in other fields of work. We will increase the

proportion of civil servants who have a professional qualification that is relevant to the job that they are doing, particularly in information technology, finance, human resource management and, of course, procurement. We will increase the use of job-specific competitions for recruitment, promotion and selection in relation to posts in areas of the organisation for which professional qualifications will become the norm. We will strengthen the framework of and ministerial input into the performance contracts into which senior civil servants enter and we will increase the ministerial contribution to the process of agreeing objectives. Of course, we will continue to learn from the best of the public and private sectors in Scotland and further afield.

It is important to emphasise that there is flexibility within the Scottish Executive to act differently, without referring elsewhere for approval. There is a deliberate attempt to mislead the public by suggesting that we cannot make any changes without being told what to do by Whitehall. That is simply not true. Our civil servants are accountable to us as Scottish ministers and we in turn are accountable to the Scottish Parliament. We have the power and the flexibility to introduce change if we think that it is needed. In short, Scottish civil servants may refer to London, but they do not defer to London.

I cannot accept Fergus Ewing's amendment, which reflects an obsession with breaking up the UK civil service and a poverty of ambition for the civil service in Scotland. Given the flexibility that we have and the new approaches that we are delivering, our experience can improve the UK civil service as a whole. A separate Scottish civil service would simply isolate Scotland from the rest of the UK.

Of course, there are many other reasons for rejecting Fergus Ewing's amendment. For months Fergus Ewing has been trying to tell anyone who would listen what the key facts of the inquiry are. He has been trying to tell Lord Fraser how to run his inquiry and whom he should call to give evidence. Now he is applying his own, limited perspective to Lord Fraser's findings. He takes every opportunity—including 13 minutes of a 15-minute speech—to try to lever the First Minister, who was then the Minister for Finance, into the Holyrood project report, regardless of whether the facts substantiate his points. Fergus Ewing does not accept the collective responsibility that all MSPs, including me, have for the project. His amendment takes us back.

There are salutary lessons for ministers and for civil servants, but there are also lessons for all MSPs in Lord Fraser's report. We need to ensure that we learn the lessons that the inquiry has identified as needing to be learned. The UK civil

service is renowned all over the world for its impartiality and objective advice, but that does not mean that there is no room for improvement.

The First Minister wants to deliver the highest possible quality of public services, as he said at First Minister's question time last week. I share that aim, as does the civil service. We want to use Lord Fraser's report as a springboard for more modernisation and reform and to drive that agenda further and faster.

The legacy of the Fraser inquiry for Scotland should be the best public sector procurement practice in the world and an innovative, creative and disciplined civil service that is outward looking, customer focused, effective and efficient. We believe that we have the best civil service in the world. Let us prove the case.

**The Deputy Presiding Officer (Murray Tosh):**

We move to open debate. There are a number of members whose requests to speak appear not to have registered. The system is currently overloaded, but as members are called to speak it will be possible for other members to press their request-to-speak buttons—I will give a signal when that is the case. In the meantime I am working with the lists that the whips provided and the requests that have appeared on the screen.

15:54

**Robin Harper (Lothians) (Green):** It is entirely unacceptable that the leader of a party that did not want an elected Scottish Parliament or a Scottish Parliament building in the first place should have stood up and, Pontius Pilate-like, washed his hands of any collective responsibility for the decisions taken by the Parliament.

Although we are here to debate the Fraser report and its implications for government, the civil service and public works in general, I will start by briefly reviewing the history of my own involvement in the project. There is a point to my doing so.

In 1998, I went to view the entries for the competition to build the Parliament and it did not take me long to conclude that Enric Miralles's entry was by far the most original. What appealed to me was the design's references to the Scottish coastal landscape and the way in which the design fitted snugly into the site. However, I was immediately concerned about the apparent lack of clarity in the environmental specifications.

**Mr Brian Monteith (Mid Scotland and Fife) (Con):** Will the member take an intervention?

**Robin Harper:** No. I will not be taking interventions.

With my own team of four environmental architects, I was able to have a meeting with RMJM, Bovis and Mrs Doig and her team—I should say that I am a member of the Scottish Ecological Design Association. The meeting was held under Chatham House rules, but I can say that it became clear that RMJM had the experience and the will to complete the building to the highest possible environmental specifications, that a good level of environmental specification had already been set, but that it would be very much up to those managing the project to give a clear brief.

In the debate of 17 June 1999, despite having supported Donald Gorrie's amendment in the week before the debate, I was—having listened to the arguments—among the 64 people who voted against that amendment. In the debate of 5 April 2000, I was happy with the idea of setting up a progress group but unhappy with the idea of trying to tie the project to a budget of £195 million. It was clear to me at that time—and it should have been clear to many more people—that the project was not going to be finished for £195 million. Consequently, in the vote later that day, I was the only MSP to abstain. I could not vote for any of the propositions before me.

The progress group was set up and, with an ironic prescience, it rapidly acquired a name: the take-the-blame committee. I offered, quite seriously, to take up the seat that the Conservatives refused to occupy. I was turned down, but I did for a while attend the regular briefings that the progress group afforded to parliamentarians. However, like everybody else, I was very busy, and the meetings did not seem to allow for the level of constructive engagement that I would have liked, however informative they definitely were. I allowed myself to lose interest; I disengaged; I was at fault.

**Margo MacDonald:** Will the member give way?

**Robin Harper:** I would rather not.

As parliamentarians, we could have asked more questions; and, as MSPs, we could have sought more constructive dialogue. Margo MacDonald spoke about the Auditor General. However, "general" does not mean "complete". Perhaps the Audit Committee should have pressed him further to find out what he meant.

The small numbers at the progress group's briefings are eloquent testimony to the fact that we, the MSPs, were not listening. We, the MSPs, have a responsibility for communications being poorer than they should have been.

**Margo MacDonald:** Will the member give way?

**Robin Harper:** I will give way when I have finished this point.

I accept the findings of the Fraser report fully. Time after time, the report underlines instances of information that should have been passed on, information that was imprecise and muddled and information that was deliberately withheld. Time after time, we find poor and broken lines in the systems of communication at critical stages in the project's development. The biggest lesson to be learned from this is that too many of us in public life in Scotland—even in business and commerce—are not good enough at communicating and not good enough at listening. It is also the case that many of the professionals—and I include all the teams and individuals involved in the project, and myself—should perhaps have spoken up at various points when we remained silent. This was as much Parliament's project and Parliament's responsibility as anybody's. If we had wanted to, we could have appointed experts and paid for an even higher level of monitoring. If we had listened more carefully to people such as Mr Gordon—who, as far back as 6 January 1998, identified five reasons why the project cost was likely to overrun—we could have secured more realistic forecasts.

**Margo MacDonald:** Robin Harper referred to the question-and-answer sessions held by the progress group. I have been very critical of that group, as has he. However, I listened carefully and I heard the progress group commit itself to bringing in the project on time and on budget. As Robin has just outlined, that was impossible. However, the group was in an impossible position, as it did not have the power to do what a client would normally do. Does Robin agree that what that points to is not a raking over of the coals but a change in the Scotland Act 1998?

**Robin Harper:** My response has to be that I would give that suggestion serious consideration.

It is clear that the decision to go for quality, architectural and artistic genius and an inspirational, world-class building was courageous and correct. The building will be an inspiration for centuries to come. It is equally clear that we could have controlled costs more effectively.

We were collectively the captain of the ship. If a ship goes aground, whether it is the fault of the first officer, the engineer or the first mate, it is the captain of the ship who takes responsibility. I put my hand up and take my share of the blame for the cost of the building. I am sorry, and I believe that all of us in the chamber should be prepared to say sorry and to admit to a collective responsibility for the cost overrun. Only by accepting our responsibility will we be worthy of sharing in the immense, collective national pride that we should have in this superb building—a building that should reflect a new forward-looking collective Scottish confidence and be an icon for the future. I

ask members to have the courage to say sorry to the Scottish people and to be proud.

16:01

**Ms Wendy Alexander (Paisley North) (Lab):** I will talk about the man most talked about in connection with this place—Donald Dewar.

As Margo MacDonald said, Donald was a big man in every sense of the word. He was big in his vision for Scotland, in his love of country and in his conviction that the purpose of this place was to right the social arithmetic of Scotland. Many members, throughout the chamber, have missed his wisdom, humanity and genuine personal humility.

Therefore, as I thought about what to say today I thought about Donald and what he might have said had he been here with us. Of course, none of us know, but the question of how Donald would have reacted in these post-Fraser days is a good question to ask.

Donald is the man who, on the day of the opening of the Parliament, said:

"This is about more than our politics and our laws. This is about who we are, how we carry ourselves."

He is the same man who, in his next breath in that opening speech, even more prophetically said:

"We are fallible. We will make mistakes."

Even before we began, perhaps already worn down by two years with the burdens of office, he knew that we—the new nation—would make mistakes.

If Donald were here today, what would he say? Certainly, I think that he would affirm that he wanted a new building for a new Parliament. A man who was berated in his day for lack of political vision, he would have confirmed that he wanted an iconic vision—Donald knew that symbolism mattered. As Margo MacDonald suggests, he would also have acknowledged his desire to get started and therefore avoid, in his terms, our first year of business being dominated by what would have been—let us be honest—an unseemly squabble about sites.

I also have no doubt that he would have said today that he never, ever expected the building to cost £431 million and he would have candidly accepted responsibility for any part that he felt he had played in that. He would, echoing what Robin Harper had to say, almost certainly have urged us, his fellow parliamentarians, to shoulder our share of responsibility for the £170 million of that figure that the Auditor General says was wasted on our watch. However, if he had still been with us and had last night been preparing for today, he would have known that many here are more interested in

disagreeing with Lord Fraser than hearing what he had to say.

At this point, I look to the Conservatives. It ill becomes those who freely charge Donald with fiddling the figures, fixing the architect and choosing the contract not only to fail to issue a word of apology for all those disproven charges, but to score political points by refusing to accept the conclusions.

There are others—I look to the other side of the chamber—whose opportunism, however polished it is, diminishes them before it convinces the public. It is a mark of Donald that the political realities that he would have expected today would not have been his concern in Bute House last night. He would have been vexed into the wee small hours about how to rebuild the morale of the civil service—those who work for us and with us. He would have pondered the brilliance—I use that word advisedly—of some of the same civil servants who are criticised in the Fraser report, who turned the hopes of the constitutional convention into the legislative clarity of the Scotland Act 1998, whereby we came into being. That is the complexity of the matters with which we now grapple.

Of course, change is required. I carry the scars of trying to bring in more outside experts to help to build this new nation. The iron cordon around ministers must go, and I welcome wholeheartedly the commitments that the First Minister and the Minister for Finance and Public Services have given on that. In passing, I note that it was to my dismay that I discovered yesterday that there is only one private-sector secondee in the department that I used to lead, and one in the finance department. However, all of that lies ahead, and the First Minister has set ambitious goals.

Donald would have known that the nation is more interested in how we carry ourselves as a voice that shapes Scotland and as a voice for the future. He wanted an iconic building because 1,000 years ago Scots made pilgrimages to abbeys, 500 years ago they petitioned clan chiefs in castles, 200 years ago they populated a stunning new town, and 100 years ago they protested against the powerful at our city chambers. Today they look to us.

In the days ahead, as members on all sides pursue different visions for our country, let us be determined to oppose, as Donald did, with courtesy. Let us disagree, as he did, without personal animus. Let us fight for what we believe in, as he did, with conviction untainted by malice. The eyes of the nation are upon us, and he set us a lesson to which we should live up. [*Applause.*]

16:08

**Mr John Swinney (North Tayside) (SNP):** It is a pleasure to participate in this debate and to follow the thoughtful remarks that Wendy Alexander brought to it.

I begin by thanking Lord Fraser for his comprehensive and dispassionate report on the Holyrood project. I believe that his report had two purposes. First, it had a duty to establish how the cost of the project rose from a Scottish Office estimate of £40 million to a final price tag of £431 million. The inquiry has established that explanation in great detail. Secondly, the Fraser report should help the Parliament to learn lessons from the process. We are not going to build a new Parliament again, so the lessons to be learned are not about how we would do things if we did them again, but about how we improve the governance of Scotland.

The Fraser report makes a great deal of criticism of a great number of people, organisations, processes and systems, and I do not disagree with any of Lord Fraser's criticism. In that respect, and to follow what Wendy Alexander said, I have listened carefully to what Lord Fraser says in his report and my remarks are conditioned by my having read it.

Among all the criticism, the report attaches more significance to some actions than to others. In a project of this nature, some mistakes will have had a more detrimental effect than others. The Fraser report gives firm voice to the view that the project was fatally undermined by several actions that were undertaken before the project left the control of the old Scottish Office. In great detail, a critique is given of how decisions were taken without transparency and without a proper systematic approach.

At paragraph 6.12, using a tremendous expression that sums up the whole problem, Lord Fraser says that

"the wheels began to fall off the wagon",

when construction management was decided on as the mechanism for delivering the project.

At paragraph 9.16, he states:

"In short, the Project was not in a viable and healthy condition when it was handed over to the SPCB on 1 June 1999."

That leads me to the conclusion that, however hard people tried after 1999, the project had been established on weak and uncertain foundations and was unlikely to recover from that impossible start.

That brings me onto the second task that faces us: what can be learned from this inquiry about the governance of Scotland, which is an issue that

must preoccupy every one of us who has the privilege to sit in this Parliament? The report reveals a catalogue of failures and poor practices at the heart of governance in Scotland. Lord Fraser charts how Barbara Doig felt empowered to add Bovis back into the tender process despite the fact that it had submitted the highest tender. Bovis was able to change its tender and Mrs Doig felt able to do all of that without extending the same rights to other companies that had been unsuccessful in the tender process. Mrs Doig's action exposed the Scottish Office to legal challenge. If I had indulged in such a practice in the private sector firm for which I used to work, I would have been sacked immediately.

There was a lack of awareness of the requirements of the EU tendering regime. I find it almost unbelievable that Lord Fraser could uncover that in the establishment of our civil service. That is another ignorance that exposed the Scottish Office to legal challenge.

There was a cavalier attitude to risk. All of the risk involved could, apparently, be managed out of the project. However, in the real world, no project ever works like that. At the same time, ministers were apparently operating in blissful ignorance of the fact that there was any problem with the cost. At paragraph 8.17, Lord Fraser states:

"although grave reservations over the budget were being expressed within the Scottish Office as early as November 1998, neither Donald Dewar nor any of his Ministers were being given any warning of impending major cost rises."

A few paragraphs later, however, Lord Fraser somewhat contradicts himself by saying:

"it seems extraordinary that Ministers do not appear to have had any formal indication of the apparent threat to the agreed budget of £50 million during those months of 1998 and early 1999 when officials were evidently well aware of the evolving situation",

and that Kenneth Thomson, then Mr Dewar's private secretary, had

"suggested that when an approach for an addition to the budget did eventually come forward, Donald Dewar would not have been taken completely by surprise as he would have understood the general direction of the Project from his informal exchanges."

What we have here is a private culture where chats in the corridor and long-established connections are used as substitutes for frank and open government. We must seek an assurance that that culture has ended and that we are now operating in a frank, open and transparent climate. If ministers did not know in 1998 and 1999 what was going on with the Holyrood project, how can we have confidence that ministers know that public money is being spent wisely today? Despite the assurances that the minister gave me when he responded to my earlier intervention, we need to hear a bolder statement that bolder actions will be

taken by this Government to assure Parliament that proper scrutiny and dialogue is being undertaken by the Scottish Executive.

If the report contains lessons for the Executive to learn, it also contains lessons for the Parliament to learn about how we discharge our duties. In June 1999 and again in April 2000, the Scottish Parliament had credible opportunities to influence this project for the better. On both occasions I, and colleagues across the political spectrum, voted to pause and redirect the project. If that course had been followed, the project would have better commanded the confidence of the people of Scotland. The fact that the Parliament chose not to take those opportunities in a climate of misinformation, deceit and blind party loyalty tells us that, if we are to serve the people of Scotland effectively, we must have political debate that is open, honest and transparent. We must deliver that in the Parliament and we must demand it of the Executive into the bargain.

16:15

**Mr John Home Robertson (East Lothian) (Lab):** I welcome the measured tone of John Swinney's speech and express my thanks to him for supporting Linda Fabiani throughout the time that she was a member of the Holyrood progress group, which was a difficult time for him and for her.

It has been a privilege for me to be the convener of the progress group, although it has not always felt like one. There have been times when I have been driven close to despair by some of the problems that were described in Lord Fraser's report, but I know that we were right to demand and win Scotland's new constitutional settlement and that great things will be achieved for Scotland in the Parliament building in years to come.

Members of the progress group and the Holyrood project team worked in difficult and often hostile environments, but I have no regrets about the fact that we have persevered and completed the job. If we had bottled out at any stage, Scotland might have been left with an extremely expensive hole in the ground and a seriously weakened Parliament. We kept our nerve and finished the task, but I doubt whether we will get any credit for it and I would not have the brass neck to ask for any credit in this debate.

I join other members in thanking Peter Fraser for his report. He has asked all the right questions and reached most of the right conclusions. In the brief time that is available to me, I will reply to two points that he has raised about the progress group and will make one observation about his conclusions.

In his introduction, Lord Fraser chides me for not providing details of the costs and delays that were

caused by the conduct of the inquiry. I could have obtained that information, but as the point that I was making to Lord Fraser was that the project team was seriously overstretched, I judged that it would have been hypocrisy for me to demand another paper from the team about the cost implications of preparing papers. That is why I did not answer that question.

The one specific criticism of the Holyrood progress group in the report relates to the decision to support the architects' choice of Kemnay granite. Lord Fraser says that the group gave priority to aesthetics and quality over cost considerations. Actually, it was simpler than that: the judgment was that the Scottish Parliament building should be clad and paved with Scottish stone in accordance with the choice that Enric Miralles made. We could have got marginally lower-cost granite from Portugal, but we judged that the Parliament was a special case in which the alternative to Scottish stone would be completely inappropriate.

The strongest criticisms in the report are aimed at the general culture of the old Scottish Office civil service, with particular reference to the decision to adopt the construction management procurement route. The idea of devolution is to introduce a new culture of accountability and openness into the government of Scotland, so we should all welcome and endorse the recommendation that that be done. It is also worth saying that, if anything like the Holyrood project had happened in Whitehall, the story would never have seen the light of day, so the Parliament can claim some credit for the fact that it has been exposed fully.

Lord Fraser concludes that construction management should be used sparingly and only in very special circumstances. I say amen to that, but it is fair to suggest that construction management could possibly have worked in these special circumstances if the client had had the full co-operation of all the consultants in the management and delivery of the project. We did not. The architects paid scant regard—sometimes not even that—to the cost plan, and the late delivery and changing of design information caused endless problems. The cost consultants could and should have been far more proactive in monitoring costs and helping the client to avoid risks, and the construction manager's record of programming and programme delivery was disappointing. Those were risks that rebounded on the client with a vengeance under construction management.

**Margo MacDonald:** Will John Home Robertson give way?

**Mr Home Robertson:** I am sorry, but I do not have time. I apologise to Margo MacDonald.



It seems to me that Lord Fraser has been remarkably kind to those consultants, which is obviously a matter for him, but I express my hope that the corporate body will give further consideration to that point and adopt a suitably rigorous policy towards the settlement of fee accounts when the time comes.

As so much has been said about Lord Fraser's criticisms of the civil service, I would like to conclude by expressing heartfelt thanks to all the staff of the Holyrood project team. I will mention Mary Riddell—since she is here—and Shona Lines, because they live in my constituency. I assure the Parliament that every member of the team has served us with great diligence, sometimes beyond the call of duty, in very difficult circumstances. They all deserve our thanks.

I believe that Donald Dewar and the rest of the selection panel made an inspired decision when they chose Enric Miralles's concept for these buildings, and I agree with everything that Wendy Alexander said about Donald. I am sick of hearing people deriding Holyrood as a "fiasco". Yes, it is far too expensive, just as the Palace of Westminster was far too expensive in 1849 and just as the Sydney Opera House was in 1973. It is right that we should learn the lessons to be drawn from the Fraser report.

I hope that it is not too much to ask Scotland to move on from our national traditions of self-doubt and mutual recrimination. We have a hard-won new constitutional settlement. We have a new Parliament, which can and will achieve great things for our people. Now, we have an inspirational new home for our new democracy. I am as angry as everybody else, and I am as sorry as Robin Harper and other members are about the cost of the project. Having expressed that apology, I hope that the time has come to make the best of this magnificent building for the whole of Scotland. I hope that we can do that, and I hope that we can start today.

16:21

**Mr Ted Brocklebank (Mid Scotland and Fife)**  
(Con): It was Lord Fraser's assessment that

"The ancient walls of the Canongate have echoed only to the cry of 'It wisnae me'."

He sounded as if he was quoting from one of the Parliament's web pages, which, in a bizarre version of Scots, urges everybody

"tae visit the Pairlament tae hae a keek roon or find oot about whit wey the Pairlament warks."

Weel, his lordship certainly had a guid keek aroon the braw new biggin, but whither we're ony the wiser about a' whit ganged alee wi't is a cuddie o a different hue.

Other members taking part in today's historic debate will rightly seek to dissect the substance rather than the language of Lord Fraser's report, which, as a journalist, I thought read rather well. The one quibble that I would have with his lordship's literary style is his alleged assertion that he was being sarcastic when he said that he was sure that Donald Dewar's decision not to make public statements on costs was "wholly unrelated" to the fact that the campaign for the first Scottish parliamentary elections was getting under way. Lord Fraser might now consider that the heavy-handed sarcasm that he claimed to be using does not always work in print. Most people thought that he had exonerated Donald Dewar from blame on that particular point. It turns out that that is the very reverse of what his lordship intended. We must be grateful to him and to *The Sunday Times* for that further explanation.

I wish to concentrate on one of the key findings of the report, in which Fraser is quite unequivocal. Nobody can be in any doubt about Lord Fraser's dismay and outrage that BBC Scotland refused to allow anything other than the most restricted access to tapes relating to the Wark Clements documentary, "The Gathering Place". I understand that the budget for the programme, which is being funded entirely out of the public purse, is allegedly approaching £1 million, which is five times over budget. So far, I do not hear anybody calling for a public inquiry about that. In his report, Lord Fraser implies that the dismay that he felt at the BBC's actions was shared by the First Minister and the Presiding Officer.

Members will recall that the tapes that Lord Fraser was interested in viewing were principally those of Donald Dewar and Enric Miralles, both of whom were, of course, sadly unable to give first-hand evidence. Lord Fraser was not just dismayed. Significantly—and this is why it is important that this is raised in the debate—he claims that he cannot formally close the inquiry until such time as he has seen the tapes. In other words, showing all the arrogance that was to become the hallmark of its masters during the Hutton inquiry, BBC Scotland has hamstrung the official investigation into the Holyrood debacle. Imagine how "Newsnight Scotland" would have pilloried any other organisation that had acted in such a cavalier fashion.

On 19 June last year when Jack McConnell announced the Fraser inquiry remit he said that he would give his full support to Lord Fraser in naming and shaming anyone who failed to co-operate with the inquiry. If he shares his lordship's dismay at the BBC's conduct, even though he chooses—I think wrongly—not to take part in the debate, can we look forward to his naming and shaming BBC Scotland?

I accept that in a democracy there is something inherently distasteful about broadcasters being required to provide access to tapes of untransmitted interviews, but an independent media must also be a responsible one. Responsible broadcasters acknowledge that it is never more vital to exercise clear judgment than when matters of press freedom are at stake. What the corporation singularly failed to do was prove its case as to why Lord Fraser should not be allowed to travel to studios in Edinburgh or Glasgow and view the rushes of the Dewar and Miralles interviews in their entirety. What press freedom was BBC Scotland protecting? Would anybody's life have been put at risk? Was there any suggestion that the tapes would be impounded or censored in any way? How would taped comments from Messrs Dewar and Miralles have been any more prejudicial to their interests if they had been made public before rather than after the screening of the programme? A vital question is whether a Wark Clements editor in an editing booth should have any more right to decide what is proper for the public to see and hear than a High Court judge? At first, BBC Scotland claimed that contractual agreements with those filmed precluded its showing any of the tapes. That turned out to be a nonsense. John Home Robertson—and the Presiding Officer himself—claimed that they had neither signed nor been required to sign any agreement to that effect. In any event, Lord Fraser made it clear that he would have respected any contributor who declined to waive their rights. Still, BBC Scotland refused to budge.

We are left with the uncomfortable conclusion that, buoyed by a vote in this Parliament, BBC Scotland felt that it was off the hook and could defy Fraser with the same impunity with which director-general Greg Dyke and chairman Gavyn Davies felt that they could go to war with the Government in the wake of the Hutton report. Dyke and Davies are of course no longer with us—Alastair Campbell and the BBC board of governors saw to that—and John McCormick of BBC Scotland has also moved on, but let us hope that those presently at the helm in Queen Margaret Drive ponder Lord Hutton's words that although independence is a fine thing in a media organisation, it comes with obligations.

I began my contribution with a few words from the web page's version of Scots. I end with Burns's Doric classic:

"Facts are chiels that winna ding."

When BBC Scotland reviews all the facts in the graceless snub that it delivered to Lord Fraser, I believe that it will be forced to concede that its decision to withhold the factual evidence

contained in "The Gathering Place" tapes has been far from its finest hour.

16:28

**Dr Elaine Murray (Dumfries) (Lab):** Lord Fraser says in the introduction to his report:

"in my book there is no single villain of the piece. Rather there has been a series of systemic failures and an unwillingness of those involved in the Project to call a halt and demand a re-appraisal."

In saying that, Lord Fraser has, at least in some quarters, become the villain. He has been accused of whitewash and the curious argument has been put forward that because Lord Fraser had been a Conservative MP and opponent of devolution, somehow he would feel forced to cover up for Labour ministers in Whitehall or the Labour-Liberal Executive and the devolution project as a whole. That is about as likely as my standing up and orating about what a wonderful job the Tories did from 1979 to 1997.

I am not interested in identifying villains or scapegoats. Pointing the finger of blame will not change history. It will not change the building or the amount of money that Scotland has paid for it. Where errors have been made, we must learn from them and move forward.

There are of course issues to do with the culture of the civil service and the way in which it is structured, the relationships between civil servants, the information that Parliament received and clarity in lines of responsibility. There are questions that some of us in the chamber should have asked, but did not. There are questions that I should have asked, but did not. I accept my responsibility for that and for the way I voted and, like Robin Harper, I apologise for that. However, none of those things changes the past.

It is clear that a desire for speed was a factor in many of the decisions that were made. We have learned that the public-private partnership/private finance initiative route, which would have transferred the risk to a private partner, was rejected because it would cause delays. The Royal Incorporation of Architects in Scotland felt that the designer competition was unduly rushed. Officials selected the construction management route because in their opinion it was the only way to meet the timescales that ministers desired. I believe that the risks that were associated with that approach were not communicated to ministers not from malice, but because the civil servants concerned thought that the risks were manageable.

It is easy to be wise after the event, but neither the civil servants nor the ministers had ever been involved in a project of such a magnitude before. Albert Einstein said:

"Anyone who has never made a mistake has never tried anything new."

Scientific progress is achieved through learning from unexpected results. If the Scottish Executive and Scottish Parliament can learn from unexpected results, some of the pain will have been worth it.

Perhaps we must ask why ministers were so anxious to make the decision before the Parliament came into existence and why so much emphasis was placed on how quickly the building could be constructed. It is ironic and sad that decisions that were taken to ensure that the building was ready in 2000 resulted in four years of delays.

As Secretary of State for Scotland, Donald Dewar

"was insistent that progress should be made towards the delivery of a building for the new Parliament at the earliest possible opportunity."

Sir Russell Hillhouse, who was at that time the permanent secretary, said in his evidence that in a private conversation in July 1997, the Scottish secretary expressed his fear that

"unless we get ahead and do something now, the Parliament will find it extremely difficult to get round to it."

We must remember that Donald Dewar also desired a building that would be worthy of the hopes and aspirations of the Scottish people.

I believe that Donald Dewar took the decision so that we in the Scottish Parliament would not have to. He knew that a lot of pressure would be placed on the new parliamentarians and that in considering options, we would be accused of wanting fancy offices and of acting in self-interest rather than the nation's interest, so he decided to take the rap. I fear that we would have been afraid of media backlash and that we would have been too chicken to do anything more than consider the apparently cheapest option. We would probably have stayed where we were. We would have been like the National Assembly for Wales, with a big expensive hole in the ground. We would have remained the wee pretendy Parliament in the borrowed buildings that was ready to be abolished at the stroke of a Whitehall pen if the United Kingdom Government changed or its attitude to us changed.

Donald Dewar wanted a Scottish Parliament to be permanent physically and politically, not for his sake or for our sake, but for the nation's sake, so that Scotland would have a permanent Parliament where Scottish choices could be made and Scottish solutions sought.

**Margo MacDonald:** Will the member give way?

**Dr Murray:** I am about to finish.

If Donald Dewar was right—if this building remains fit for purpose over the decades and the centuries; if it becomes an icon of Scottish architecture; if it promotes Scotland and our culture throughout the world; if we rebuild the Scottish people's trust in the Parliament; and if what we and our successors do here is worthy of the building and of our nation—history will remember him not as a villain, but as a hero.

16:33

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** As a member, for a few days now, of the Holyrood progress group, it gives me great pleasure to participate in the debate. I have no hesitation in thanking Lord Fraser for his work and for his report. The report is full, thorough and detailed. When the inquiry was announced, I welcomed it, because as Ted Brocklebank said,

"Facts are chieftains that winna ding."

I fully support the notion that the report should go to the SPCB to allow it to develop the next moves and make the next decisions, because it is the legal entity of the Scottish Parliament.

Moving forward, what can we learn from the report? That is the substance of the debate. In the report, Peter Fraser says to us, "These are the facts. It is time to park the matter and look to the future." He refers to the building's use in the hundreds of years to come.

To develop that point, I will give members my experience of being involved in the project for more than four years. I hope that this does not sound over the top but, to be honest, the experience has been almost spiritual. I came to know Donald Dewar and I met Enric Miralles but once, but I quickly became convinced of Donald's complete commitment to constructing the building and of Enric Miralles's genius. As the band of brothers and sisters—Linda Fabiani, John Home Robertson and I—ploughed on and weathered the storms, I became more determined that it was essential to fulfil Enric Miralles's design and Donald Dewar's dream. It is a tragedy that they are not here today. I was driven in that mission and make no apologies for that.

In a way, building the building has been like building a cathedral in the 10<sup>th</sup>, 11<sup>th</sup> or 12<sup>th</sup> centuries. It has been a labour of love. I pay tribute to Enric Miralles and our Edinburgh design team. The building that we see before us is magnificent. When I have been sitting in the chamber in the past few days, I have found that my eyes have taken to examining its details. Let us live in the real world and the world of today. When members take a taxi in Edinburgh, what do people say to them? Do they talk about a disaster or the beauty of the Parliament? They talk about its beauty.

When constituents stopped me in the street one, two or three years ago, they would talk about the cost of the Parliament, but now they ask whether they can come and see it or whether they can bring a group of visitors to see it. Shortly, I will hold the annual general meeting of the Scottish Parliament and Business Exchange in the garden lobby—directors of businesses and corporations in Scotland will be falling over themselves to come into the building.

Things have been difficult. We regret the cost and I will take my share of the blame, but we have the ace of spades in our hands. We have a jewel. A great expression that I believe in is that we cannot change the past, although we can learn from it, but we can change the future. We must learn that the Parliament is not just the Parliament of the people who work here and not just great for the disabled—it is the property of everyone in Scotland. To fulfil what Peter Fraser is hinting at, it behoves every one of us to get as many people—ordinary people, disabled people, poor people and unemployed people—into the building and let them rejoice in it and use it. In days gone by, I used to shock David Steel when I suggested to the corporate body that it would be nice if, during the summer recess, parts of the building could be an entertainment venue for the Edinburgh festival. Why not? The building is a thing of beauty. Why should we not have beauty of thought, beauty of performance and beauty of music in it? I believe that that is the totality of what inspires man.

In concluding, I thank my colleagues in the Holyrood progress group, all our consultants, friends throughout Scotland and friends from all parties in the chamber who have been supportive of Linda Fabiani, John Home Robertson and me, the corporate body and everyone who has been in the firing line. It is a debt of gratitude that one cannot really express, but for the rest of my life, I will not forget that debt. As I said in the debate in 2001, I shall be proud to say to my children and grandchildren that I helped to build the building. I may do nothing else in my short life that remains—although I hope that it will not be too short—but I am extremely proud to have been involved in building the building. I make no bones about that and I never have done.

Before I sit down, I have a last thank you. John Home Robertson thanked several of his constituents. I want to thank the secretary to the progress group, Judith Proudfoot, because her cousins are my constituents.

16:38

**Frances Curran (West of Scotland) (SSP):** I am afraid that I hear the sound of the establishment closing ranks when I read the Fraser report. The biggest scandal about the

whole sorry business and about the building that we are sitting in is that every key decision about it—its financing, architecture, design, the construction contracts and the site—was taken in London. All those decisions were under way before one MSP—*[Interruption.]* I am not talking rubbish. All those decisions were under way before one MSP was elected in Scotland, before the Scottish Parliament was even elected and before it existed. Why the haste? The Fraser report does not answer that question. If the Parliament is going to last for generations, why did we have to fit in the decision making between the referendum and the elections to the Parliament? What was the rush? We did not wait a little longer—a year longer—to have a decision taken by those who would be elected to the Parliament and who could take responsibility for it.

It is utterly inconceivable that Donald Dewar, who was a member of the British Cabinet and answerable to Tony Blair, could have taken those decisions alone. Wendy Alexander said that Donald Dewar understood symbolism. Other people also understand symbolism. There is still no answer to the question why Calton hill was rejected. The symbol of the struggle for devolution, independence and Scottish self-government was Calton hill, but the Parliament never had the chance to have its view heard on that question. The same people in the Cabinet in London who took decisions about the Parliament building also brought us the millennium dome—I say no more. The decisions about the contracts that have caused all the problems had been taken by the time that the project was handed over to the Parliament. We had no control over them.

Lord Fraser may not be close to the Labour Cabinet, but he is a lifelong Tory and a lifelong unionist. It is unbelievable that in the report he refuses to attribute to Westminster any blame for the decisions that were taken. This Parliament has had to take the flak and be held responsible by the Scottish people. It has also had to deal with the lack of confidence in the new democracy that we are establishing.

The Scottish Socialist Party opposed the Parliament building. We voted to halt the project, so we have nothing to hide. However, Lord Fraser does not answer the main questions that most people are asking. Much of this discussion is obscure to most people who are watching the Parliament. They know that someone made a fortune out of this building and they want to know who. Was it the consultants? Was it the architects? We still do not know how Bovis got the contract—that is a complete secret. Who made the money and who let them get away with it? We will search in vain in the Fraser report for an answer to that question.

The Fraser report has come and gone and the same people are paying for the Parliament building. Is it people at Westminster? Are Cabinet ministers paying for it with their jobs? Are the MSPs on the corporate body paying for it out of their very high salaries? Are senior civil servants paying for it? None of those people appears to be paying for the cost of the Parliament or the mistakes that were made. The people who are paying for the Parliament now are the same people who were paying for it before—ordinary people in Scotland. That is where the problem lies.

The cost of the Parliament building is now £80 for every man, woman and child in Scotland. The bill for the Parliament for a family of five living in a multistorey flat in Paisley is £400. Why should they pay for the building? Why should we take responsibility for decisions that were made at Westminster? Westminster should take the hit. We should demand some responsibility and accountability for the decisions that were taken there. That would get the Parliament kudos and show that we are serious about representing ordinary Scottish people. The money could be spent on health, education and much more. Let us put the responsibility where it lies. We should have been given the democratic responsibility to decide on the Parliament building, but that responsibility was usurped before the Parliament was elected. Westminster should take the blame and we should get the opportunity to move on.

16:44

**Susan Deacon (Edinburgh East and Musselburgh) (Lab):** This debate and the whole process of the Fraser inquiry has given us all a great deal of cause for thought and reflection. It has also shone a light on the workings of government in Scotland, in a way that has never previously happened. That light must now be kept on.

One of the greatest untold stories of the post-devolution period concerns the operations of government, especially those of the civil service. Whether or not we like Lord Fraser's report, and whether or not we agree with its conclusions, we should look to the evidence and the insights that it gives us into the culture, practices and norms of Scotland's civil service. We should consider what that means for the Government and, indeed, for the governance of Scotland.

To focus on civil service reform is not to deflect attention from or to understate the roles or responsibilities of ministers—it is not an either/or situation. Although devolution has meant that politicians and many other agencies have been scrutinised and held to account by the Parliament, the press and the public, the same cannot be said for some of the inner workings of government

machinery. We need to understand that machinery if we are to move forward in a modern, 21<sup>st</sup> century, devolved Scotland.

We need to move on from the great oversimplification that suggests that civil servants advise and ministers decide. First, the nature of the decision-making process in a modern world is altogether more complex than that, and the relationships between ministers and civil servants are more sophisticated and subtle. Secondly, something critical is missing from that old adage. Irrespective of who advises and who decides, there is a huge question over how we implement change; how we build buildings on time and on budget; how we ensure that record investment in our public services delivers results; and how we ensure that decision-making processes are effective and move quickly and sensitively to operate in real time based on what needs to be done in the real world.

In the old Scottish Office era—the 100 years plus of administrative devolution—that question of implementation of change was not as critical as it is now in our 21<sup>st</sup> century, modern, devolved Scotland. There must be change. There needs to be less emphasis on paperwork and process than there has been in the past and far more emphasis in the civil service on the management of people and projects. Operations must keep pace with a fast-moving world. There must be a lightness of touch that does not compromise quality. There is also a need for the civil service to look outwards more and have its antennae tuned so that it can provide an effective early-warning system for ministers.

There is not just a need to produce more regulation and guidance, which is all too often the default position of the Government machine. We need to work to build relationships to add value to the process of improving public services. There are enormous opportunities to do that, given the scale and nature of Scotland. There is a need for a free flow of advice and information to ministers and to one another, and there should be honesty and directness in that communication within Government and with external organisations. Much of that communication needs to be free from some of the—dare I say it—fog, stodge and technospeak that some of us have come to know and hate over the years.

For the avoidance of doubt, I say that there are tremendous skills and capacity in the civil service. I have worked with many individuals whom I greatly admire. However, we need to shift the balance to build different kinds of skills and capacity to take us into the future. In a keynote speech earlier this year, Tony Blair said that we need a civil service that can “adapt, deliver and innovate”. He said that it

“needs to encourage and reward lateral thinking”

and

“reward civil servants who look outwards for learning rather than up the hierarchy for approval.”

I know that change has taken place during the past five years and it is continuing. However, as the First Minister said on the day of the publication of the Fraser report, we need to move forward “further and faster”. If we accept that civil service reform is necessary—and I do not hear anyone challenging that—we should now turn our attention to how that can be made to happen. Fraser talked about systemic weakness. Systemic change needs a major organisational change programme to be addressed to change culture and practices and to ensure that effective management and leadership are in place. A few token or cosmetic changes, or a few secondments, will not make that difference.

The Parliament can play a part in the process. I hope that the Deputy Presiding Officer Murray Tosh, as the previous convener of the Procedures Committee, agrees that that committee’s report could be dusted down and that consideration could be given to some of its recommendations on how the Parliament could get better at considering the process of the governance of Scotland.

Without doubt, this affair has been a bruising experience for many and it must be a learning experience for us all. A time will come—sooner rather than later, I hope—when we stop apportioning blame and start accepting responsibility. The prize—the lasting legacy—of this affair is to deliver better government and governance for Scotland and the sooner we get on with that job, the better.

16:50

**Stewart Stevenson (Banff and Buchan) (SNP):** If the past five years have told us anything about what needs to be changed in Scottish public life, it is about the way in which we make our decisions and implement them. It is all too easy for Frances Curran to blame decisions made in London. Yes, those decisions were made under the control and direction of London, but they were made in Scotland and we should be big enough and honest enough to reflect on that fact as we move on.

I will quote Tony Blair, as Susan Deacon did, with approval. He said:

“Nothing is more important in raising the standard of public services than the quality of ... leadership ... So they need to be ... subject to full accountability and delivering high standards”.

He continued:

“Effective pursuit of excellence does mean a tough line on failure”.

However, that speech was not all that recent. It was made on 25 January 2002 in Newcastle. We have to stop talking; we have to start achieving.

Accountability is one of the key matters that we should focus on. In my professional career, I managed a number of projects. For one of the first big ones, I went to the board of the Bank of Scotland to get £22 million for a project. It was not as big as the Holyrood project—it was a 20<sup>th</sup> of the size. There was a telling exchange at the end of the board’s examination of my project proposal. Bruce Patullo, who was then the guy who signed the bank-notes, asked me a simple question. He said: “Stewart, can you make this work?” I had to give him a one-word answer—“Yes.” That meant that it did not matter what happened to the project, what difficulties were encountered, which people who did not work for me and who were outwith my responsibility had to be persuaded, bullied, cajoled to make that project work, the responsibility was mine. I was the one who lay awake and sweated at night with worry when we hit project difficulties. All projects hit difficulties, even small ones.

One of the compelling points that arises from the Fraser report is that there was no clear sense of accountability such as that which I had placed on me on that occasion at the bank and on many other occasions and which many other people have experienced in the private sector.

I say to Wendy Alexander that she should not imagine that bringing private sector people into the civil service will magically solve the problem. The private sector has as many problems with projects as the public sector and I suggest that it has even more—it is just that we dinnae hear about them because there is not the same requirement for openness and accountability.

The Holyrood project was established before any of us were elected. It would be almost charitable to say that the project was spawned in secrecy with a degree of amateurism. It continued in concealment and it was completed in organisational and financial disarray. If we learn anything from the experience, it should be that what starts as a shambles ends as a shambles.

Let us consider some of the evidence from the Fraser inquiry, as Susan Deacon invited us to do. The basis on which the project advanced was given by Mrs Doig in paragraph 43 of the transcript from 4 December 2003; she said that it was “Treasury guidance”. So that is where the project started. I am perfectly prepared to concede that that might have been best practice at the time, but we have to move on because the guidance was clearly inadequate. In paragraph 254 of the transcript, Mr Campbell asked:

“what was driving the project, was it time, was it budget, or was it quality?”

That is interesting coming from a Queen's counsel because a project manager knows at core that a project has three aspects—time, cost and what one delivers. They are immutably linked at one point in time. If we change anything in one of those parameters, we affect another. In paragraph 264 of the transcript, Mrs Doig made it clear that although

"information is inadequate to produce a valid cost plan all the indications are that the budget of £50m will be exceeded by a significant amount".

Of course, the budget was £50 million for a long time, but the projected costs were entirely different.

The warning signs were writ very large for anyone with any real experience of projects. For example, in paragraph 333 of the transcript, Lord Fraser mentions that when "two months" had gone in the project there was "four weeks' delay". In paragraph 363, Mr Campbell points out that there was a delay of eight weeks after 22 weeks. Bluntly, the project started late and it was inevitable that it was going to end late. As Fred P Brooks, a professor of engineering in the United States, says, "Take no small slips". He poses the question, "How do projects get late?", the answer to which is "One day at a time". The reality is that we never can make that time up.

I direct members to a book by the chief executive of Intel Corporation, a company that has gone through many transitions in its competitive and technological world. The title of his book—"Only the Paranoid Survive"—is a perfect lesson for us. This project was characterised by optimism when pessimism was required. Paranoia is what we need on these kinds of projects. We need to think the worst and prepare for the best.

16:57

**Phil Gallie (South of Scotland) (Con):** I congratulate Lord Fraser on his very good report, which contains many facts that we should all take on board. My problem with Lord Fraser does not lie with the facts that he has presented or the conclusions that he has drawn. After all, many of his conclusions are in line with some of my comments this afternoon. My objection lies with recommendations in which Lord Fraser appears to have turned his back on ministerial accountability, openness and honesty in the way that the Parliament has dealt with this issue over the years. I make no secret of the fact that I campaigned against both the Scottish Parliament and the building itself. That said, I like to think that since the Parliament has been established I have tried to act constructively and positively within the framework that has been democratically put in place.

However, I feel a deep anger about the way in which the referendum to induce the Parliament was held—and on no matter am I angrier than I am about the false figures in the Scotland Bill, which saw the Parliament's birth. For example, it was stated that the cost of the Scottish Parliament building would be £40 million. I know that those figures were false and believe that ministers and everyone associated with the bill should have known that they were false because, after all, there was already an example for them to draw on. The Scottish Office had provided a 27 million square metre building called Victoria Quay that was similar to—but not the same as—this building and which cost the taxpayer £63 million in 1995. How on earth could someone suggest, some years later, that a larger and far more complicated building could cost less than Victoria Quay? That issue requires to be explained and I am disappointed that Lord Fraser did not highlight it in his recommendations.

When ministers put together bills for debate in Parliament, they must ensure that the material in them is accurate. When they campaign on issues around the country, particularly in a referendum, they must ensure that the information that they provide is accurate. Those are the matters that I feel angry about.

I believe that Donald Dewar was at fault. Everybody in the chamber must acknowledge that he was a great Scottish statesman and politician. However, as Elaine Murray said, no one gets everything right every time. Donald Dewar erred, as Lord Fraser hinted, when he decided to jildy the Scottish Parliament building along at far too fast a pace.

When we analyse the situation, we find that Donald Dewar acted against the devolution principles that he helped to provide. He took away from members of the Scottish Parliament the key decisions that they should have taken on the provision of the Parliament building. I point out to Robin Harper that, if members had been allowed to take those decisions, every member in the Parliament would have had a responsibility for the building.

I make no apologies to the Scottish people for any part that I played in what many regard as the shambles surrounding the cost of the building. At every stage, my projections have proved to be correct. When I appeared in a television programme with George Robertson, our Presiding Officer, George Reid, and Menzies Campbell of the Liberals, they said that I was doing nothing more than scaremongering when I suggested that the Holyrood building would cost much more than £100 million. I remember that day very well, because I was made to look fairly ludicrous for projecting that £100 million figure. If I had said

then what I felt in my heart—that £200 million may have been nearer the correct figure—I would have been treated even worse than I was. However, never in my wildest dreams did I believe, even then, that the incompetence that lies behind the Holyrood contract would have taken the total sum to £430 million.

All of us must look at that, but Scottish Executive and Westminster ministers in particular must look at how they present facts in the future. If they take that lesson from the Fraser report, this particular exercise will have had some result.

17:02

**Helen Eadie (Dunfermline East) (Lab):** As an MSP who voted consistently in favour of the new Scottish Parliament building, I welcome the opportunity to speak in the debate. I add my thanks to Lord Fraser for his report; I know that the inquiry was a task that involved incredibly hard work and diligence. I, too, accept Lord Fraser's findings and accept that the SPCB should move us forward.

I agree with Robin Harper and congratulate him on a magnificent speech. I join him in saying how humbly sorry I am for the exorbitant cost of the Holyrood building. However, let me make it clear to Fergus Ewing and every person here today that I voted for the Parliament building because I believed that it was the right thing to do, not because any whip said that I had to vote that way.

When I was elected, my colleague Scott Barrie and I were very much preoccupied with the fallout from the Tories having spent millions and millions of pounds on a massive hole in the ground that was meant to be a refit facility for Trident. As we all know, the Tories pulled the plug on that the day before the general election because they thought that they would get political gain from making a deal in which all the work would go to Devonport in Plymouth. However, it was all to no avail and we lost thousands of jobs and were left, to boot, with one of the biggest holes in the east of Scotland, along with one of the highest unemployment levels in Scotland—what a Tory legacy. Well may the Tories hang their heads.

At least the Scottish Parliament building costs have produced a building that, I fervently believe, the nation will come to be proud of. John Home Robertson said that this story would never have seen the light of day in Whitehall, and I believe that he is right.

David McLetchie tries to kick me and other Labour MSPs around the pitch, but let us examine the Tories' record. Portcullis House, which was started in 1992 and built to house 210 MPs, committee rooms and staff, was forecast to cost around £150 million, but that became £234 million.

Controversy dogged that project, too, with court action being taken on the contract for prefabrication of wall and window units. The courts ruled that the civil offence of dishonest abuse of powers had been committed and the judgment was that serious errors had been made in the procurement process. The Tories had no inquiry. We should compare that with what the First Minister has done.

What was the role of the Tory Government and the civil service at that time? Susan Deacon is right to say that we should not deflect from the responsibility, but we need to look at the civil service, just as Lord Fraser's report says.

**Linda Fabiani (Central Scotland) (SNP):** Will Helen Eadie give way?

**Helen Eadie:** I will not give way just now, but I shall pay tribute to Linda Fabiani later, if I have the time.

Let us remind ourselves of the 18 years in the run-up to devolution and look at the Tories' track record in Government. I recall a court case in Australia when the then head of the civil service, Sir Robert Armstrong, was hung out to dry by the lawyer leading with the spy case. Sir Robert used a phrase,

"being economical with the truth",

the currency of which grew significantly thereafter, and I set that charge against the Tories today. They are being economical with the truth.

The civil service is in the frame today, but I want to say that I am a genuine admirer of the civil service and its traditions of impartiality and public service. Andy Kerr spelt out clearly the modernisation that is taking place in the civil service, but the truth is that over many decades issues have emerged that raise questions about the civil service.

I return to the Tories, under whom the behaviour of officials in the Matrix Churchill affair was questionable. When the relevant documents finally came to light, they painted a picture of civil servants blithely discussing how best to circumvent official guidelines and how to protect themselves if their misdeeds became public. Officials should not be finding ways round official guidelines so that they can act improperly.

There is yet another example that makes one wonder who called for it to happen and whether it was a Tory minister who did so. It emerged that, during the run-up to the American elections in 1992, Home Office officials searched confidential immigration files to see whether Bill Clinton had applied for British citizenship to avoid the Vietnam draft. What on earth were those civil servants doing trawling through files for potentially damaging information on the United States



President elect, contravening official guidelines and—it goes without saying—acting without the consent of the individual concerned?

If we have learned anything from the Fraser report, we have learned that we must require much closer scrutiny. Civil servants must be assisted. Westminster has ensured that the people of Scotland have a strong Parliament. In my opinion, the Scottish Parliament needs not to have a civil service that is independent of the United Kingdom civil service but instead to have strong scrutiny of the civil service in Scotland. The Scottish Executive has already gifted to the people of Scotland the Freedom of Information (Scotland) Act 2002, but we can go further. There are options that this Parliament can consider, and we need only look at today's edition of *The Herald*, in which Barry Winetrobe of Glasgow University has made the excellent suggestion that we should have a special parliamentary committee to assist with that.

What is clear is that we must all do better and that we must work in partnership to achieve a civil service that is transparent, open and professional. We need to pay heed to what John Home Robertson has said, and we must look forward to a confident new Scotland.

17:09

**Mr Andrew Welsh (Angus) (SNP):** As Helen Eadie says, we must indeed all do better. I am speaking today on my own behalf and not on behalf of the corporate body.

I congratulate Peter Fraser and John Campbell QC on the work that they have done in bringing to light previously hidden levels of decision making and for clearly showing the current problems that stem from a series of *faits accomplis*. The architect, the design team, the site and the construction management system, along with a completely unrealistic budget and a very complicated management structure, were all decided pre devolution. In its *sotto voce* style, the report says that the project was not handed over in good state. There have been times when even I would have replaced that phrase with some basic Anglo-Saxon. It is a mild understatement.

The Scottish Parliamentary Corporate Body is accused in the report of being reactive rather than proactive. I accept that criticism, but it does not truly reflect the whole picture. The SPCB was proactive in constantly asking the right questions; the problem was in the accuracy and profundity of the answers that we received. Indeed, we sought outside, impartial advice from the Spencely report and when I was convener of the Scottish Parliament's Audit Committee I asked Audit Scotland to investigate the project. Audit

Scotland's report revealed more fundamental information that had been hidden from the Parliament and the SPCB.

The Fraser report says that the corporate body did not fully understand the construction management system. The two points are linked. I always opposed the construction management system but I was always told by our expert advisers that it offered the best possible method of proceeding. In the context of the Holyrood project, it was not.

The Fraser report shows an inherited organisation that was custom built for confusion and delay. I can only contrast the difference between the Holyrood project and the Parliament itself. Throughout the period, Parliament staff quietly and efficiently produced essential services such as clerking, security, information technology and the *Official Report* to a high standard, with no such problems. I compliment Paul Grice and all parliamentary staff on creating the machinery that allowed the Parliament to run smoothly and cost effectively. Where we have direct control, the Scottish Parliament works well. The indirect control and shambles of the Holyrood project stand out in stark contrast.

People have said that action should have been taken at various points. With hindsight, that might or might not be right, but in reality it would have meant the SPCB appointing advisers to advise us about our advisers—in fact, we did so when we commissioned the Spencely report. When the Parliament appointed the Holyrood progress group to do the same thing, for the SPCB to have taken action would have meant appointing new advisers to advise us about our advisers' advice to our advisers, which would hardly have been progress.

As the Fraser report says, we were all misled over budget levels, which came to light from other sources. There was deceit, but I cannot say that either the SPCB or the Parliament was lied to. The truth is that information was withheld from us at official level, and information withheld is decision making denied. The Parliament decided budget levels and the SPCB's duty was to carry out the Parliament's wishes, which is why I kept asking our advisers for ball-park figures. That reflected not a misunderstanding of construction management but an attempt to gauge from officials the level of discrepancy between the Parliament's wishes and the state of play on the site. It was a source of continual frustration that assurances that programme timing and budget estimates were not changing were accompanied by reports that showed delays and rising costs.

The Fraser report points us in the direction of those who are responsible and who were in the project from the start. My experience in local government was such that I requested at the

outset that officials alert the SPCB as soon as possible to any major or potential problems. Matters such as parent company guarantees were policy issues, but they would never have become known to the SPCB had not something gone wrong.

We all owe the people of Scotland an apology. I feel frustrated, angry and ashamed that the SPCB and everyone involved have not delivered this building on time and on budget.

**The Deputy Presiding Officer (Trish Godman):** You have one minute.

**Mr Welsh:** The report makes clear what we have all been up against: a pre-determined system and five years of hostility, headlines and carping, while the parliamentary bodies that had responsibility for the project were left to cope. I submit to members that we must now do more than just cope. We have to go beyond the blame game, and start positively building our own democracy, its institutions and its media in our society. What we have seen is the old Westminster system, in which Scotland was run as a quango state. The Holyrood building fiasco has been inherited from that pre-devolution Scotland.

Fundamental reform has to be introduced, clearly setting out 21<sup>st</sup> century guidelines, rules and conventions—between civil servants, Government ministers and Parliament—to meet Scotland's 21<sup>st</sup> century needs. The First Minister has to go beyond vague talk of civil service reform to a wider forum for action to create the new rules and the new organisation that are needed. No one can hide in Edinburgh; no one should hide in Edinburgh. Scotland now has an opportunity to lead modern democratic reforms. Westminster conventions have broken down. What sufficed in the 19<sup>th</sup> and 20<sup>th</sup> centuries no longer works. The follow-through from the Fraser report should not be a witch hunt and should not be scapegoating. However, there should be a genuine bringing to account and a setting up of basic conventions and rules on the proper relationship between civil servants, Parliament and the people to meet 21<sup>st</sup> century needs.

This Parliament is now built. It is ours. The future will be exactly what we as a people make it. Let this debate be an end of a very bruising process for all the people and all the organisations involved.

**The Deputy Presiding Officer:** You must end also, Mr Welsh.

**Mr Welsh:** The future will be what we make it.

17:16

**Sarah Boyack (Edinburgh Central) (Lab):** It would not have been possible for the Scottish

Parliament or the Scottish people to move on without listening to the Fraser inquiry—watching it on television or reading it in the newspapers—day after day. The final report makes depressing reading. However, as colleagues round the chamber have said, it is important to learn lessons from mistakes that were clearly made over a frustratingly long period. I agree with others that we should accept the recommendations in Lord Fraser's report in full.

Today's motion should be supported. We welcome the completion of Lord Fraser's inquiry, and we should invite the corporate body and the Scottish Executive to consider the report. As people have said, reforms in the civil service, in financial practices and in procurement systems are vital for all future public procurement policies.

No one could dispute that the cost escalations, and public concerns over the management of the building process, have cast a huge shadow over the work that we have done in this Parliament for five years. However, we should not let that shadow obliterate some of the very good work that has been done on new bills, on new policies and on new investment.

Having said that, Lord Fraser's report contains some important lessons. As the local MSP, I was particularly interested in the sections of the report on how we ended up in Holyrood. Before 1999, many of us campaigned for a city-centre site for the Parliament. We wanted the Parliament to be in the heart of the city, visible and accessible. We wanted it to stand as a national statement—our new Scottish Parliament after 300 years. We wanted a landmark building that reflected the importance of the new Parliament and the new era that it would usher in.

We could hear the gasps around Edinburgh when, suddenly, it was not Calton Hill but Holyrood that had been selected. It has been fascinating to read the text of the Fraser report, and the background papers that were presented to the inquiry, to see how the selection was made. The decision is not surprising when we can see all the background information. The fact that we now have all that information will let us learn lessons and move on.

If we consider the evidence on the selection of the site, it is absolutely clear that the evidence presented to ministers was that Holyrood was the less expensive option. However, Lord Fraser's critique—in paragraphs 3.24 to 3.43—is devastating. Although it looked clear on paper that this was the best site financially, there was a lack of rigour in the designs from which to produce a realistic budget. Key costs were omitted for all the different sites. The design guidelines were far too rigid and left little scope for future change.

Like all previous speakers, I feel that we have to take responsibility for the way in which we voted over the past five years. However, I do not share the confidence of others that, if we had cancelled at any of the key stages, we would automatically have achieved a cheaper building and a cheaper project. The essence of Lord Fraser's report is that the structures that the building was procured on, and on which any of the other buildings would have been procured, used a method that would not have led to cost control or to a process that could be sensibly managed. That is one of the hardest lessons for everybody involved in that process to take on board and to put into effect in the future.

**Margo MacDonald:** Will the member give way?

**Sarah Boyack:** No, I want to move to a different point.

Robert Brown was right, at the start of the debate, to describe our new complex as iconic, but that is not enough. It is not enough for us to look at the building as something that is worthy for the future. As local MSP, I am conscious that, whatever problems we have had in the past, now that we are here, we must make the building work for Scotland and for Edinburgh. I can see the dramatic change that has been made to the area in the urban regeneration that has happened on the back of this building.

Almost no one I have met is impressed by the look of the building from the outside. That is often the way with new buildings; it takes a long time to get used to them. However, people whom I have brought into the chamber, the meeting places and the MSP lobby are stunned by the feeling that they have for the building as a meeting place and as an open place for people to come to debate the politics of Scotland and by the accessibility of the building. Having learned the lessons of the Fraser report, we all have to work extremely hard to ensure that our constituents, people in Scotland and tourists from abroad can come to see what work we do in the chamber and play a part in that work. We rather than just view us from the galleries, they should come to our committee meetings and take part in consultations on difficult issues such as whether we should ban smoking in public places. We must connect with people.

The tragedy is that the process has alienated people in Scotland from the democracy that this place was meant to make theirs. We must turn that around. That will not be easy, but we need to think back to the aspirations that people voted for in 1999: openness, transparency, the sharing of power, and equality. That is why we established the Parliament. We must learn the lessons that Lord Fraser has identified about openness, transparency, the rigour of the process and using procurement effectively. Susan Deacon is right to

say that it will be challenging to work with the civil service to change its culture over the decision-making process, but that is why we are here. We are here to open up the decision-making process in Scotland and to make the governance of Scotland work in the interests of the people of Scotland. That is, fundamentally, what we have to take out of the Fraser report. We are all responsible, but we are more responsible for ensuring that decision making does not happen in that way in the future and that the Parliament delivers for the people of Scotland.

17:22

**John Scott (Ayr) (Con):** I speak in the debate today on behalf of the Conservative party and not as a member of the SPCB. I speak as a member of a party that has perhaps been one of the few consistent voices of reason about the project. I would like to draw to members' attention some of the key facts.

First, devolution was Labour's idea, which became a reality after the referendum in 1997. Thereafter, the political process began to transfer the concept into reality, and Labour ministers chose the site, the architect and the method of construction for the new Parliament.

Before that happened, back in 1997, when the indecent rush had already started, and long before the Holyrood site had ever been considered, Lord Mackay of Drumadoon, in a speech in the House of Lords on 12 November, warned of acting in haste and repenting at leisure—how prophetic his words were to prove. He warned:

"ultimately, I believe it is for the members of the new parliament to decide what building they wish to occupy and in particular what design it should have. Normally if people are buying a house or moving into new offices, it is they who take the important decisions rather than others on their behalf."—[*Official Report, House of Lords*, 12 November 1997; Vol 583, c 219.]

If heed had been taken of that wise counsel, we would not be debating the cost and design of this building today. Labour Government ministers would also not have mispent so much taxpayers' money on this elegant but hugely extravagant building. That is why we are today examining the findings of the Fraser inquiry, which was conveniently requested by the First Minister during the 2003 election campaign and agreed to subsequently by the SPCB.

Today we are, in essence, considering how blame should be apportioned for the overspend on this building. While responsibility and, therefore, blame can rest only with the Labour ministers at the time when the key decisions were taken, I believe that we are also, in a cathartic way, trying

to learn lessons for the future. The project is an object lesson in ministers not taking responsibility for their actions. It is an example of worst practice and of how not to behave, and in that regard it must be instructive for future generations.

We cannot have Labour ministers choosing the site and the architect then saying, "It wisnae me." We cannot have Labour ministers whipping their MSPs at crucial votes then saying, "It wisnae me." We cannot have ministers, in their rush to occupy the wrong building in the wrong place at the wrong price—under construction management because of their undue haste—saying, "It wisnae me." Time after time, it was their decisions that sustained the project, long after control had technically been handed over to the SPCB. In particular, the undue haste that apparently drove the project in the early days meant that only one type of contract was suitable. The selection of construction management was a direct consequence of ministers' actions and was the only way in which civil servants could deliver the building and follow minister's instructions.

It is clear that Donald Dewar understood that completely; we are indebted to Mr Whitton for telling us that Donald Dewar considered resigning because, as an honourable man, he accepted his responsibilities. Had he not considered the building to be his responsibility, he would not have considered resigning. Perhaps that is the difference between the Labour politicians of the previous century and those of the present century. Were Donald Dewar alive today, can members imagine this debate taking place without him taking part? I believe that the First Minister and his absent front-bench coalition colleagues should reflect on those issues.

Donald Dewar and his team of Cabinet colleagues were perhaps not as honourable as Lord Fraser suggests. Having contemplated the cost of the building in 1999, they knew that a day of reckoning beckoned and, for that reason, they passed the project to an entirely unsuspecting corporate body. The project has given that group sleepless nights ever since, as can be seen in Andrew Welsh's demeanour today.

**Margo MacDonald:** Does the member accept that it was the duty of the corporate body to carry out a full review and to make a full statement on the state of the project? Does he agree that that did not happen due to negligence on the part of the corporate body?

**John Scott:** No, I do not accept that. I was not a member of the corporate body at that time, but I believe that it did its best in getting Spencely to help it with that.

The SPCB tried to cope with the complexity of the burden that was thrust upon it, and it

appointed the HPG. The Lib-Lab coalition's refusal to appoint a minister to the HPG further distanced it from the project and left the hapless John Home Robertson in an almost untenable position. It came as no surprise when, speaking of the transfer of the project from Scottish ministers to the SPCB, the former Presiding Officer admitted in *The Daily Telegraph* on 18 September:

"With the benefit of hindsight, this was a mistake ... it would surely have been better if the government - having chosen the site, the architect and the construction method - had retained full responsibility for seeing the project through to conclusion, with the Corporate Body merely acting as advisers on behalf of the needs of Members."

If those were the first Presiding Officer's last words on the subject, they were perhaps his wisest, and we should note them today as we consider the motion and the Conservative amendment. Lord Steel knew that he had been given a poisoned chalice and sold a hospital pass. With his long experience of politics, he knew where responsibility for the project truly lay. His conclusion—that Scottish ministers are responsible for the fiasco—is at odds with Lord Fraser's conclusion, but it is certainly in agreement with the Conservatives' view. With that endorsement, I urge members to support the Conservative amendment to the SPCB motion.

17:29

**Donald Gorrie (Central Scotland) (LD):** Lord Fraser's report gives a good factual account of complex issues and we should accept it. We can disagree about the nuances of who gets blamed slightly more than somebody else but, as others have said, we have to move forward. We must use the report to inform our future actions.

I am not impressed by the motion, because it suggests that we call on the SPCB and the Executive to do something and does not ask us to do anything at all. We are major players in this business and must examine ourselves as much as others must examine themselves. Therefore I strongly support Margo MacDonald's amendment, which calls on the Parliament to set up a committee to consider the report and make recommendations.

I want to make three suggestions. First, we should accept that the major decisions were made at Westminster before the Scottish Parliament started and that they set the project off on the wrong track. The entire exercise is an example of how bad Westminster Government is and why we needed a Scottish Parliament, which is starting to do things better. However, we must accept that the Parliament, as a major player, has not covered itself in glory. The public think that the project was badly handled and blame us as well as other people. Other members have said that they have

personally apologised or think that we should apologise, but I suggest that we formalise that and ask the Presiding Officer—who comes out of the Fraser report very well—to formulate a statement saying that the Scottish Parliament accepts that the public are unhappy about the conduct of the project and accepts its share of the blame and apologises for that. Such a gesture would do something to help our relations with the public.

Secondly, in supporting Margo MacDonald's amendment, I believe that the Parliament should examine its own workings. We are here, partly, to control the Executive and stop it when it puts forward stupid proposals—which it does, from time to time. We had an opportunity to do that in June 1999 and again in April 2000 and we failed to do so.

We all make mistakes—making mistakes does not make us wicked. I made a serious mistake in how I voted on the Airborne Initiative issue. Similarly, Donald Dewar, a fine man, an excellent minister and someone who did more than anyone to deliver a Scottish Parliament, made a serious series of blunders in how he set about setting up the Scottish Parliament. He was so impressed with the need that he personally must deliver, at the greatest possible speed, his version of a Scottish Parliament building that that coloured all his actions and led to all sorts of mistakes. Fraser keeps on pointing out mistakes that arose from the rush to embark on the project. Common sense shows that if someone embarks on work relating to a complex issue at great speed and without proper thought, they will come a cropper, which is quite clearly what happened.

Various members have indicated that we now have the benefit of hindsight and that we did not know enough back then and so cannot be blamed for what we did. However, the arguments for taking a commonsense approach and pausing to examine the issues more carefully were properly put in the chamber and by all sorts of advisers and other people who knew what they were talking about.

A certain amount of rewriting of history is going on. There was no proposal to cancel the project. There was a proposal to set up an independent study of the existing plans that would assess the realistic possibilities and costs of the Holyrood project and the alternatives on Calton hill and the Mound. That inquiry would have asked the questions that other people had failed to ask and would have found out, as the Fraser inquiry showed, that the project was out of control in August 1999. That would have enabled us to get a grip on the process. We would either have pursued another project that could be delivered more quickly or we would have pursued the Holyrood project in a sensible fashion, which we

have totally failed to do. Remember: an amendment was put before Parliament to pursue the Holyrood option at high quality and increased cost—because it accepted that the figure of £109 million was complete rubbish, which everyone should have known—and to establish an appropriate timetable that would stop us rushing the work.

Parliament has to accept that we must exercise our intelligence more and criticise what the Government is doing. We must not have presidential government and we must not have all members of all parties jumping when their party leader says jump. We must look to ourselves and do things much better internally.

My third point is that we must try to play a part in improving the whole system of government. We must not simply leave it to the Executive to try to sort out perceived errors in the civil service. We should have a joint committee of MSPs, ministers and civil servants that would sit down in a rational, civilised and constructive way to try to find ways of improving the whole system. At the moment, civil servants and MSPs see each other as the enemy to some extent, but that is wrong, because we can all contribute constructively to running Scotland better. We must consider how to do that, but we must do it as a team. We do not want presidential government; we want team government, and the team must include civil servants, MSPs and ministers.

17:35

**Des McNulty (Clydebank and Milngavie) (Lab):** Donald Gorrie talked about the possibility of George Reid making an apology, but I seem to recall that, when George Reid took up his responsibilities for the project in his role as Presiding Officer, he began by making a clear apology to the Scottish people on behalf of the Parliament for what had gone wrong with the Holyrood Parliament building. That should be thought of as a collective apology, because all members bear collective responsibility for a project that has not been entirely successful. It is a fantastic building, but we are clear, and everybody has agreed, that things went wrong in the building process.

**John Scott:** Will Des McNulty give way?

**Des McNulty:** I will let John Scott intervene in a second, but he was one of those who said repeatedly, "It wisnae me." There are two things wrong with that. First, "It wisnae me," does not play with the audience in Scotland because the people of Scotland generally understand that there is shared responsibility throughout the Parliament for what went wrong. We can argue about individual and political responsibility and who did

what when, but the people outside the Parliament see us all in it together. The key decisions that changed the cost of the Parliament came about not through one party opposing another, but through a different process.

I will highlight two of those decisions. One arose from the discussions that took place after June 1999 about the shape of the chamber, about which there was a lot of unhappiness among a variety of parties and individuals. I know that David Steel had discussions with leaders of the SNP, leaders of the Conservative party and others, and out of those discussions came a significant redesign of the east end of the site, which, to be blunt, cost a year in time and very substantial amounts of money. For members to say, "It wisnae me," will not wash because it is not accurate.

**Fergus Ewing:** Will Des McNulty give way?

**Des McNulty:** No. When we started out in the Parliament—[*Interruption.*] I am telling SNP members the truth of what happened. When we started out in the Parliament, we did so with a great deal of uncertainty about how it should operate and about its scale of operation—for example, we started out with the supposition that we might meet for as few as 100 days a year. However, as soon as we got into the Parliament, all parties wanted it to be a proper Parliament—we wanted the committees to function properly and we wanted clerks in place. Those people who say, "It wisnae me," were not on the corporate body listening to requests from this or that party, from this convener or that member for more space or more resources. Those cost money and, in the end, the "It wisnae me" argument will not stand up.

Blaming individuals is fundamentally wrong. Individuals must take responsibility where they are clearly found to be wrong—there is a process for dealing with that—but it beggars belief that Fergus Ewing spent 13 minutes of his speech talking about how Jack McConnell was responsible and then sought to exonerate Bill Armstrong, who was intrinsically involved in the choice of construction management, a decision that bedevilled us. I do not blame Bill Armstrong for what went wrong, but we have to be fair and realistic.

**Fergus Ewing** *rose*—

**Des McNulty:** Fergus Ewing should sit down. He has had his say.

One of the things that did go wrong in the process was the fact that responsibility for the management of the project was handed over to an embryonic organisation that had no history, that had few resources and that was just gelling together at that point in time. The direction of travel and the resources that would be required were relatively unknown.

To my mind, it is fundamentally unfair to blame an individual in the way in which Barbara Doig was blamed in the Fraser report. Is not the issue whether she should have been better supported by more senior people or by people with the appropriate technical competence in what she was being asked to deliver? The system failed at that point. What was being done was constitutionally correct, but managerially poor.

We have to stop raking over the coals. The Fraser inquiry should be remembered for signalling the last time we had to have such an inquiry. Through the way in which the project was managed latterly, through open reporting through the Finance Committee and through detailed information about what was going on, the progress that was being made and the costs that were involved, the process has evolved as the Parliament has evolved.

The process by which we do everything ought to be evolving. If we gain nothing else out of this, we must at least be a better Parliament. The point was to raise our game. That is the challenge for us all.

17:41

**Dr Jean Turner (Strathkelvin and Bearsden)** (*Ind*): Thank you, Presiding Officer, for allowing me to share my observations as an MSP who has come to politics extremely recently. Once I became an MSP, I was astonished at how often I was accosted by the public—and I still am—about the merits and demerits of this building. Although I was not there in the beginning, we are all affected. When I am asked, I say, "Please come along and see the building." I have never worked in a building as nice as this one. This is the best new building in which I have ever worked.

No building is ever perfect, as we would all accept. However, the open-plan nature of this building enables us all to acknowledge each other and to pass the time of day. Whether or not that was intended by the architect, it is a bonus of the building's design. In the first few days here, I spoke to so many people from different parties and I sat down with so many different people. That was heartening. The public need to know that, and I tell them so. It is what happens in a building that really matters, as members would agree.

Sometimes people ask me—and I have often wondered—why we did not choose a Scottish architect. I have thought about that. People who travel to St Petersburg, for example, will be shown buildings that were designed for the privileged few, and the people there are proud to show them to visitors. We have exported many talented people across the world. Some of the building projects in St Petersburg were designed by Scottish

architects, in particular by Charles Cameron. He was better known in St Petersburg—and by Catherine the Great—than he was in Scotland. He was an architect of outstanding ability, and his name is worth mentioning alongside those of the Adam brothers and Wren.

The public expect us to face up to our mistakes. If we read all that is written about us, it would seem that we have a lot to learn. It will be to our eternal shame if we do not learn and if we cannot work together to address the problems that arose from the Holyrood building project. There is no shame in admitting that if problems appear and a project goes wrong, we should abort it. Denial of problems is never helpful to their being solved. However, we should stop wearing the metaphorical hair shirt. I agree with Margo MacDonald's amendment: let others deal with ensuring that we learn from our mistakes. The public expect the Scottish Executive to be honest and transparent. Let us move on.

I charge the British public and press with realising that we have other, more important problems that we should be getting involved in. It would be a shame if our national health service were to shrink to five centres. We should think about the fact that we have a building programme in Glasgow and only one tender. The most important thing is how we behave in this building and how well we represent our constituents—that is what really matters.

This is a wonderful building and I am proud to show people round it. Once people come inside they will realise that the outside of the building is extremely interesting—it certainly makes our minds work because we see a different aspect as we move around. I have not come to love the outside yet, but I adore the inside, because it is a very pleasant working space. We should be grateful to all those who put it together and we should continue to be grateful to the people who are working hard in the background to complete it.

I thank you, Presiding Officer, for letting me share my thoughts on the subject.

17:45

**Christine Grahame (South of Scotland) (SNP):** I say to Des McNulty that when an Edinburgh taxi driver asks me for the umpteenth time, "What do you think about the cost of that building?" I say, "It wisnae me." I will tell Des McNulty why I adhere to that shortly, but first I want to pick up on his digression about the building costing so much because of the change in the shape of the chamber. I refer him to paragraph 9.71 of the Fraser report, which states:

"I do not consider that the problem with the shape of the Chamber had a major impact on either cost or programme."

**Des McNulty rose—**

**Christine Grahame:** The member has said his piece.

As for my actions in this chamber, I always thought that collective responsibility was for Cabinets, not for people who voted against things. I find myself in agreement with David McLetchie—this is new politics.

In the debate on 5 April 2000, I said:

"I know an elephant when I see one and I know a shambles when I see one. This is not an elephant—the Holyrood project is a shambles."

I then went on to the Spencely report and said:

"Does Spencely think that we should go ahead with Queensberry House? No."

I went on to talk about design risk management and quoted the Spencely report, which stated:

"It is clearly imperative that the Brief is frozen now".

That is plainspeak for "stop". I then went on to say:

"We do not have an agreed design, so we do not have a budget that can be approved."

To me, those are basic contractual requirements. It is as obvious to me as the effects of the proverbial elephant in the proverbial china shop that to sign up to the motion that is before us today would be to sign a blank cheque for a building without an agreed design."—[*Official Report*, 5 April 2000; Vol 15, c 1328-29.]

That was the key—and that was when we were going to cap the cost at £195 million. If the taxi driver is listening, I rest my case.

I want to move on from that argument to the lessons to be learned. This is late in the debate and most things have been touched on, but the Freedom of Information (Scotland) Act 2002 has not. It took an inquiry to elicit data and documents that should have been available in this so-called open and accountable Scotland; the act, which we passed fairly recently, in 2002, could not serve its purpose. I note that my colleagues said that there should be a presumption of access to information and there is a general entitlement under section 1 of the act, but there are so many exemptions under commercial exemptions. The bill's definition of public bodies does not include commercial companies that act with public money on public business, in relation to which we do not have access to documentation.

Lord Fraser's recommendation 1.c) is that for contracts there be

"A full and transparent record of all aspects of the competition from start to conclusion."

I ask the coalition to consider amending the Freedom of Information (Scotland) Act 2002 to be as strong as the freedom of information legislation in South Africa. Recently I attended a conference

on behalf of the Parliament about the Freedom of Information (Scotland) Act 2002, of which I was always proud until I heard that, in South Africa, if a commercial company is engaged in something that impacts on the public purse and public well-being, access to the data—the contracts and the pre-contract information—is there for the politicians. That is what I think the Parliament requires.

It is late in the day and I have been briefed to let others in, but I ask the ministerial team present to consider revisiting the Freedom of Information (Scotland) Act 2002 so that it could be applied to exactly this kind of situation, which would mean that we would not have required this posthumous analysis of what took place, which we have all said has blighted us all—even innocent me.

I will say something to all the taxi drivers who may be listening: they should come inside the Parliament. I agree about the outside. I do not understand the revolvers on the walls—I do not know what they are meant to be, but I do not think that it is the Duddingston loch skater; they are just a mystery and I do not like them. However, inside the building we have a proper, decent, interesting and vibrant Parliament. We must first bring all the Edinburgh taxi drivers here to stop them from saying, “What d’ye hink about that building?”

The second task is to bring all the tourism managers and tour operators here to see the inside, so that we can cleanse and purge the blight with which we have all had to live.

17:50

**Rhona Brankin (Midlothian) (Lab):** I very much welcome the opportunity to speak in the debate and I am proud to speak in what I consider to be a wonderful new Parliament building for Scotland. I believe passionately that Scotland can be proud of the Parliament building, but that is not to minimise the problems that have been associated with its procurement.

All of us in the Parliament must take responsibility for some of the problems and mistakes that have been made. The four main political parties have been represented on the Scottish Parliamentary Corporate Body and have had full input into discussions on the Holyrood project, so whatever the Opposition claim and however much they wriggle, they cannot get off the hook of responsibility.

I, too, congratulate Lord Fraser on his report and Audit Scotland on its work for the report that it produced earlier this year. We must learn their lessons. I welcome the assurance of the Minister for Finance and Public Services that the Executive will speed up modernisation of the civil service.

However, I am not one of those politicians who is about to take cheap pot shots at civil servants.

As a former minister, I have worked with many civil servants, many of whom were outstanding public servants. The legislative programmes of the past five years have involved a huge amount of work with politicians, civil servants and the Parliament working in partnership. Most civil servants have risen to that task. However, we need to be able to bring in specialist advice and support when necessary. I welcome the review of the guidance on construction management and the revision of the guidelines for project managers. We must continue working to improve and to modernise the civil service’s openness and accountability.

Hindsight is wonderful, but foresight is even better. I pay tribute to the people who had the foresight to ensure that Scotland now has a world-class Parliament building. Donald Dewar’s passionate belief in parliamentary democracy for Scotland led him to think that the new Parliament building should be an iconic building. He had the foresight to appoint Enric Miralles and to choose Holyrood for the site.

Donald Dewar and Enric Miralles understood that buildings are all about people and the transactions that take place in them. They understood the importance of making this a building for the people of Scotland and they understood that it should be a building that was not just for politicians, but one that would welcome anyone, whether he or she is a politician, a school pupil, a pensioner or a tourist. That is the building that we have today.

Did members know that more than 16,000 people have already visited the new building? That is before the guided tours have started. I have spoken to parliamentary staff in the visitor centre, who tell me that most visitors are conscious of the problems that are associated with the building but are thrilled when they see it, and want us to rise to it and get on. Most people to whom I speak want us to learn the lessons from the Fraser report, but also to get on with building new schools and hospitals, with creating jobs and with cutting crime and antisocial behaviour. In short, they want us to get on with the business of democracy in Scotland.

I have also asked the Parliament’s education staff about what effect the new building has had. The Scottish Parliament’s education service is already a huge success story. In the old building, more than 22,000 schoolchildren visited the Parliament in its first five years, but this wonderful new building will allow us to double the number of school visits. Every slot for this year is already taken—between October 2004 and June 2005, 9,000 pupils will visit Parliament and bookings are



already being taken for cancellations. That is what our Parliament should be about.

**Phil Gallie:** Will the member take an intervention?

**Rhona Brankin:** No, thank you.

The building is a great building. There will be a modern, representative and participative democracy for Scotland and a building that can support that democracy. We should have a Parliament that all of us—whether pensioners from my constituency of Midlothian or school pupils from Inverness—can be proud of. I feel privileged to be part of the democratic process and I look forward greatly to taking part in parliamentary democracy in the coming years.

17:56

**Lord James Douglas-Hamilton (Lothians) (Con):** I am glad to have the opportunity to speak, as it is important to keep in mind a significant constitutional principle—namely, that there should always be ministerial responsibility when vast sums of public funds are spent.

The principle of ministerial responsibility was emphasised during the Crichton Down case when the then Secretary of State for Agriculture did the honourable thing. In that case, it was absolutely clear what had happened: a farm had been compulsorily purchased for a second world war aerodrome, but after the war, when the threat had been removed, civil servants refused to return the farm. Sir Thomas Dugdale was greatly exercised by the loss of life that was sustained as a result of widespread flooding, and by the time he became totally focused on the subject, civil servants had made their disastrous mistake. As a result, he resigned, which was an act of selflessness that was welcomed by the nation.

I have not noticed any great enthusiasm among ministers to fall on their swords, nor have I noticed any minister wishing to apologise to the nation or to act in any way similarly to the actions that resulted from the principled stance of Sir Thomas Dugdale. However, if ministers knew what was going on, they were responsible. If they did not know, they should have made it their business to know. They should have known.

Perhaps I should mention a past interest. I had to approve construction contracts for no less than 10 years as a minister at the Scottish Office. On every occasion that I can recall, if a tender was competent, the lowest tender won in the interests of best value for the people. I must admit that I had a problem on one occasion with a motorway contract, because it appeared that the terms of the contract were not being followed. There was a risk that many people would become unemployed as a

result of subcontractors not being paid, so I did something that I would never normally do: I wrote to the ambassador for the country of the foreign contractor concerned, with words to the effect that if I was compelled to terminate the contract, it could lead to a deterioration in relations between our countries. It is not for me to judge whether I was right or wrong; all I can say is that there was a marked improvement in the performance of the contract.

The electorate expects ministers to safeguard the public interest and electors do not welcome Pontius Pilate-type figures washing their hands when difficult decisions must be made. Ministers control the levers of power and, on the basis that he who pays the piper calls the tune, they should not seek to hide behind civil servants who are merely carrying out their bidding.

I will take just one example—if I may—which John Swinney mentioned. In paragraph 7.13 of the report, Lord Fraser refers to the fact that certain tenders exceeded the guideline of £5.5 million. Informal networks were the justification for that, but Lord Fraser concluded that the civil servant concerned

“was unable to provide me with any satisfactory reason for her selection ... to be readmitted to the process.”

If such an event had happened in relation to a Government construction contract in the 10 years in which I was a responsible minister, I would have had to resign. If I had not resigned, I would have been hounded from office. However, it appears that there is nowadays a different climate when it comes to ministerial standards. Apparently, no parliamentary resignations are hovering and it appears that no minister is prepared to make any form of apology to the nation. I see that the minister wants to intervene—I am delighted to give way to him.

**Mr Kerr:** First, I remember that the poll tax cost this nation millions of pounds in non-collection, but there were no resignations by ministers from the Conservative party. Secondly, I have apologised on many occasions for the Holyrood building project, including to constituents. I apologise as an MSP, because of our collective responsibility in Parliament for management of the project.

**Lord James Douglas-Hamilton:** The member is apologising as a member of the Scottish Parliament, not as a minister. Whether he likes it or not, he has greater ministerial responsibility for the Holyrood project than he has ever admitted. I say to Mr Kerr that we have a magnificent chamber that will stand Scotland in good stead, but that chamber and the complex associated with it have been acquired at the price of fewer new hospitals, schools and roads and fewer improved services for the people. That is the true cost of the

Holyrood project. The First Minister—who has been conspicuous by his absence from the debate, except for a few brief moments—and other ministers may care to reflect on that fact. They would be well advised to digest a substantial helping of humble pie.

18:01

**Alex Neil (Central Scotland) (SNP):** This has been a very good debate, partly because we have had enough time for debate. Members from all parties have been able to speak and have been given enough time. I hope that the Parliamentary Bureau will learn that lesson for the future, although if Helen Eadie had spoken for eight minutes rather than six she would have managed to prove that the Tories were responsible for the disappearance of Shergar as well as everything else.

One problem with the debate so far is that it has been conducted very much in the past tense. Quite rightly, members have considered the problems that have arisen with this building in the past six years. However, the story is not over yet, because the building and the project are not complete. We need to learn the lessons of the Fraser report in managing two major aspects of the project.

First, as with every building project, there will be a period of what the construction industry terms snagging. In a typical building project, about 5 per cent of the fee is usually withheld until the client is satisfied that all snags have been dealt with and that all problems have been solved. Only when the project is complete is the client prepared to pay the final 5 per cent. We in Parliament must ensure that the project is properly completed and that the remaining part of the work represents value for money. A committee of Parliament—either an existing committee, such as the Audit Committee, or a specially set up committee—should ensure that the Holyrood project is completed to the satisfaction of Parliament and the nation.

Secondly, there is the permanent phase of maintenance. One incredible feature of the project is that we still do not know what the long-term maintenance costs of the building will be. If we are to learn the lessons of Fraser, we must address maintenance costs and ensure that we implement in Parliament the systems that are required to ensure that those costs, whatever they happen to be, are permanently properly managed and professionally controlled.

Andy Kerr made the point that the budget for the Parliament is top-sliced. That means that the costs come off before the Scottish Executive gets money for all the other services that are provided. Because the budget for the Parliament is top-

sliced, it is particularly important to ensure that we get value for money. For every pound that is spent on this place, there is a pound less for the Executive to spend on schools, universities, the health service and everything else. Parliament has an on-going responsibility not to say that now that Fraser has reported, the matter is finished, but to learn the lessons of how we manage the building in the future.

Other points in the Fraser report that are probably a bit tangential to the core issue of construction management have been referred to. Lord James Douglas-Hamilton was absolutely right about the principle of ministerial responsibility: if a person is to be a minister, he or she must be prepared to take responsibility as any chief executive of a major company would. A minister must be prepared to take responsibility not just for his or her private office, but for the whole department. We should heed the words of an experienced ex-minister such as Lord James.

There are also lessons to be learned about the civil service and how we scrutinise its work. Like Helen Eadie, I think that we should take up the suggestion that has been made by the highly experienced Barry Winetrobe in today's *The Herald* that there should be a new system for scrutinising the civil service.

I hope that the SPCB, the Executive and Parliament will take up Lord Fraser's recommendation that we amend section 21 of the Scotland Act 1998. It is a farce that the modus operandum of the corporate body is dictated by primary legislation at Westminster. Even those who are not nationalists—I suspect even the Tories, once they get Shergar back—will support that recommendation. If the corporate body is to implement Fraser's other recommendations, it must have freedom to act. I strongly urge the SPCB and the Executive to get their colleagues at Westminster to amend the Scotland Act 1998, as has been recommended.

18:07

**Johann Lamont (Glasgow Pollok) (Lab):** I welcome the opportunity to contribute; if my speech is less measured than normal, it is because my time has been cut.

I acknowledge that many members who have spoken in the debate know a great deal more than I do about the complexities of the issues, but I want to add some comments of my own. In passing, I commend Wendy Alexander for her speech, coming from where she does. I also commend Margo MacDonald for her measured comments—she has obviously tracked the issue for a long time.

I have very mixed feelings about the Parliament building. First, I would have preferred a different site but given that that site was Glasgow, and in Glasgow Pollok for preference, I did not expect to secure a majority for that view.

Secondly, to use a Glasgow phrase, I am mortified by the cost of the Parliament. The issue is consistently raised in my constituency, often with great anger, and I have found it hard to find an answer for those who feel that there is one set of rules for the Parliament and another set of rules for the rest, and who feel that if the Parliament had been anywhere else, such overruns would not have been tolerated, no matter how dear their projects and initiatives were to them.

Although I accept the idea of ministerial responsibility, the reality is that it cannot result in avoidance of responsibility by those who were involved as professional experts. There is not a local authority official in the country that, as a matter of course, would be given such protection. In a world of increased specialisation, it cannot be the case that we just have to hope that ministers can know everything and be everywhere. We have to rely on professionals and we have to expect them to be accountable for what they say.

I want to comment on the saga of the building causing disaffection with Scottish politics and the Parliament. I do not think that it is quite as simple as to say that one caused the other. If we cast our minds back to the early days of the new Parliament, it seemed as if we were constantly under siege, whether it was about section 2A or the allowances debate, or whether it was the search for headlines by some MSPs making a fuss about medals. I recall my huge sense of frustration at getting a kicking over issues for which I felt we had no control. In that context of being under siege, not only did the building come to encapsulate our alleged uselessness, but the pressure infected and affected decisions surrounding the Parliament building itself, and created an atmosphere that was not the best in which anybody could make reasonable decisions.

Equally, I acknowledge that debate about the Parliament itself—when the votes were not whipped—inevitably got rolled up into the general wish of those in Government to defend themselves and the understandable wish of those in Opposition to find a stick with which to beat Executive backs, particularly that of Donald Dewar. I found it unedifying and depressing during Lord Fraser's inquiry and in the debate today that there is a desire on the part of some, in search of cheap headlines, to impugn Donald Dewar's integrity and to attach to Donald Dewar—of all people—personal vanity.

I wish to say something about modernisation of the civil service. The suggestion by the SNP that

there should be a Scottish civil service misses the point. While the Sir Humphrey of "Yes, Minister" may be a caricature, there is an essential truth within the caricature that the civil service can hold its own particular view of the world, that it has significant control over the levers of power and that, while ministers come and go, it will be there forever. The current view of the civil service—that we should get clever people to run whatever needs to be run—is not acceptable. The problem is that if those clever people are drawn from a narrow social, economic and educated group—that is not about geography, but other issues—we will find it difficult to get real change, real understanding of the problems and real understanding of what needs to be done.

I welcome the fact that the Executive and parliamentary committees have worked hard to draw in different authoritative voices in Scotland, because they understand that there are people throughout Scotland who have knowledge that is shaped by their experience and understanding of how things really work. Members should consider what has happened in women's politics and to our understanding of violence against women because we listened to people other than policy wonks.

We need to open up the civil service and modernise it, like the justice system and the other powerful forces in society. We have been given opportunities in our parliamentary committees to scrutinise how those systems work. It is not just about equity and fairness; it is about understanding the real problems in our society, understanding the solutions and harnessing what people already know needs to be changed to make Scotland a better place.

I welcome the Fraser report. I note that since it was published it has held far more authority than other recent reports. We need to hold on to that. Generally, what has been said has been accepted. We need to use it positively and we need to be determined that in continuing with our work in the Scottish Parliament we are not overwhelmed by our beautiful surroundings, but instead use them to speak on behalf of the people whom we represent.

18:13

**George Lyon (Argyll and Bute) (LD):** There is no doubt that it is accepted throughout the chamber that the decision to adopt construction management as the method for constructing this building was fatally flawed and led to many of the problems that have been experienced over the past five years. Once that decision was taken—pre-devolution, of course—the train was on the track, and in some ways it was almost impossible to change the direction of travel, as the SPCB and Holyrood progress group found to their cost. That

fundamental mistake led to huge cost overruns and resulted in the taxpayer having to cough up an extra £170 million—according to the Auditor General's figures—to build this fine building.

The Opposition parties—the Tories and the SNP—both argued that halting the project in 1999 or 2000 would have resulted in a different outcome. That is a reasonable point of view to hold, but it is completely wrong. As the Auditor General made clear in his report, “Management of the Holyrood building project”, one of the main reasons for the cost increase—accounting for £73 million—was the delays in the project after the SPCB took over. Calling a halt could only have led to that figure rising.

**Stewart Stevenson:** Pausing a project will mean a rise in costs—unless the pause is used in the right way. Does the member accept that if we had used the pause to cut the specification and reorganise the project, we could have saved money?

**George Lyon:** I do not accept that at all. If we had called a halt to the project, the figure for project delays and disruption would have soared. Furthermore, we would not be standing in this building today. It could have been another six or nine months—even two to three years—before there was any prospect of completing the building, which after all is what we have been waiting for.

As so many speakers have pointed out, the project has cast a massive shadow over the first five years of devolution. The question for us all in the chamber of this fine Parliament building is: how do we rebuild our credibility and regain the trust of the Scottish people, which we have so sorely lost? We should make no mistake about this: we all face that question, and the futile attempts of some in the chamber to distance themselves from the fallout simply do not wash with the ordinary Scot in the street. They do not differentiate between parties and individuals and between those who got it wrong and those who got it right with the Parliament building. They blame us all and, as I have said, the attempt by the Tories and the SNP to claim “It wisnae me” just will not wash in the court of public opinion. Each and every one of us carries the burden of responsibility. In that respect, I believe that Robin Harper was right to ask us to accept that burden and to apologise for the project's mistakes. Only then can we begin to move on and rebuild our battered credibility.

Although the problems of Holyrood have damaged the home rule project, they have in some ways caused even greater damage to the cause of independence. In light of that fact, the great irony in all of this is that no one has been more relentless and assiduous in, or more dedicated to, wielding the knife than Fergus

Ewing. Every blow he strikes is a blow against independence. I wonder whether Mr Ewing ever looks at the glum faces on the seats behind him as he goes about his work.

It is time to move on. Today, we should draw a line under this whole sorry saga and refocus our energies, commitment and debate on delivering on the high hopes and expectations that the Scottish public had after the referendum campaign in 1997.

18:17

**Dennis Canavan (Falkirk West) (Ind):** The Holyrood fiasco is a national scandal that has tarnished this Parliament's reputation. It is a saga of incompetence, profligacy and illegality, and politicians as well as public servants must shoulder their part of the blame. Important lessons must be learned about fundamental flaws in Scotland's governance and it is up to the Parliament to ensure that measures are taken so that this fiasco will never, ever recur.

However, what is before us today? There is no Executive motion at all; the head of the Executive refuses to participate in the debate; and the SPCB has lodged an anodyne motion that invites itself—yes, itself—and the Executive to consider the contents of the Fraser report. That is like inviting convicted offenders to decide their own sentence and programme of correction.

Fraser concludes that the escalating costs arose because the client—namely, the SPCB—wanted, or at least approved of, increases and changes in the project, and that

“the Project was not in a viable and healthy condition when it was handed over to the SPCB”

by the original client, the Secretary of State for Scotland, who became our first First Minister. Fraser further concludes that ministers in the Scottish Executive acted illegally by increasing the budget of the Holyrood project on 2 June 1999, the day after responsibility had been handed over to the SPCB, and he questions the legality of the SPCB delegating decisions to the so-called Holyrood progress group.

There has been much criticism of the incompetent and devious behaviour of senior civil servants in failing to consult ministers, interfering with the tendering process and breaking the law on procurement. In addition, much has been said about the late Donald Dewar rushing to move the project on before the Parliament was created, then misleading the Parliament during the debate in June 1999. However, it would be unfair to place all the blame on one politician or one clique of senior officials.

All those MSPs who voted for the Holyrood project in June 1999 have a collective responsibility. Despite what Robert Brown

claimed, Fraser reveals that, according to the Cabinet minutes, members of the Executive parties were whipped to support the project, with the result that many MSPs considered the vote as a vote of confidence in Donald Dewar.

**Mike Rumbles:** The Liberal Democrats were not whipped. I was certainly not whipped and I did not support Donald Dewar in that vote. Does Mr Canavan agree that the whole project went wrong because the Secretary of State for Scotland made all the major decisions by himself before the project came to MSPs in the chamber?

**Dennis Canavan:** I have no doubt that there was an autocratic approach within the Scottish Office. However, the fact remains that Fraser's conclusion is that, according to the Cabinet minutes, instructions were given out to the Executive parties—plural—on how to vote. Such misguided loyalty and control freakery are all too prevalent in the Parliament and contributed to the Holyrood fiasco. If all MSPs had been allowed to exercise their judgment in that crucial vote, we might have had the opportunity to pause, reflect and examine other options. As Donald Gorrie said, even if it had been decided to proceed with the Holyrood project, there would have been an opportunity for a tighter grip on the budget.

Yes, let us learn from past mistakes, one of the biggest of which was lack of accountability to Parliament as a whole. One of the most important functions of the Parliament is to hold the Executive to account and it is not good enough simply to invite the Executive and the SPCB to examine their own navels. We should have a special committee of the Parliament, which would be representative of the Parliament as a whole, to consider the Fraser report and make recommendations to the Parliament as a whole. Such a committee should have the power, if necessary, to summon witnesses and enforce the production of evidence, including the BBC tapes, to which Ted Brocklebank referred. Lord Fraser himself has indicated that his inquiry will not be formally closed until he has access to those tapes.

There are those who have argued that we should now draw a line under the Holyrood scandal and move on. However, we should move on only if and when appropriate lessons have been learned. What is at stake here is the accountability of the Executive to this Parliament and the authority and reputation of the Parliament itself. I think that Margo MacDonald's amendment will be helpful in that respect and I therefore urge members to support it.

18:23

**Mike Watson (Glasgow Cathcart) (Lab):** When I spoke in the debate on the legislative programme

on the opening day in the new Parliament building two weeks ago, I closed by expressing the hope that the building would have an inspirational effect on members of the Parliament and that the debates that we indulged in would be an example to the people of Scotland of what we can produce in our new Parliament.

Today's debate has in large part, to my mind anyway, met those standards. I must say that the debate has been less rancorous than I thought that it would be. There have, of course, been exceptions—none bigger than Mr Ewing, who devoted all but two of his 15 minutes to attacking the First Minister, particularly for the fact that he is not participating in the debate. That is rather ironic, given that Mr Ewing's party's parliamentary leader has apparently failed to show throughout the day. I understand that there is a counter-attraction but, if the issue is as major as Fergus Ewing and the rest of the SNP think that it is, and if his argument stands, any counter-attraction ought to have been overcome.

**Fergus Ewing:** Will Mike Watson give way?

**Mike Watson:** As I have criticised Fergus Ewing, it is only fair that I do so.

**Fergus Ewing:** The leader of our party is otherwise engaged at our party conference.

**Mike Watson:** I know that.

**Fergus Ewing:** However, I would like to put on record the fact that the Scottish National Party business manager argued—rightly, in my view—that this debate is taking place too soon to allow us to come to a proper conclusion on the events. She minuted her dissent; the debate could have taken place next week. I think that it is important to put that on the record.

**Mike Watson:** It is also important to put on the record the fact that a hardy band of eight SNP members has managed to survive to the end of the debate.

It is disingenuous to criticise the First Minister. He has spoken openly about the content of the report. He answered questions in the chamber last week and, most important, he has given a commitment that those aspects of the Fraser report that require Executive action will receive that action. Crucially, those matters are the responsibility of the Minister for Finance and Public Services. It is therefore entirely appropriate that the Minister for Finance and Public Services opened today's debate for the Executive and that his deputy will shortly close it.

As Susan Deacon and other members have said, the Executive's response must involve some reorganisation and refocusing of the civil service and the way in which it acts and interacts with ministers. Johann Lamont said that the SNP

amendment is a distraction. I, too, believe that whether there is an independent Scottish civil service is neither here nor there. It is important that we have good-quality civil servants with a broad spread of social backgrounds as well as educational backgrounds and that they have good experience of government. One of the ways in which civil servants get that experience is from working in UK Government departments. That is healthy and should benefit the civil servants and our governance.

We need to see the legacy of Fraser in visible changes that tackle the systemic weaknesses in the civil service, as a number of members have outlined. The commissioning of public sector works has to be re-examined. The mistakes that have been made were summed up when Fraser said that our magnificent building is a £280 million building that cost £430 million. It is that £150 million—missing, overrun or whatever we want to call it—that is scandalous, but it does not damage the Parliament for any of us here to say so, as long as it is put in context.

Wendy Alexander's remarks about Donald Dewar were heartfelt and she is probably uniquely qualified to offer them. I am sorry that Donald Dewar is not here today and I am sorry that Enric Miralles is not here today, although I noticed that Benedetta Tagliabue was in the Parliament earlier—I do not know how much of the debate she stayed for. Miralles's vision is something that we are all benefiting from today—not just those of us who use the building as a workplace, but members of the public who have been in the galleries today and who are coming to the Parliament in increasingly large numbers. They will get a benefit from the building that they see. They will get a feel for it and they will understand what was behind the decision to build it.

It is important to say that, like every member of every party, I have had to deal with public anger about the cost and the time overruns over the past few years. That is absolutely legitimate; the public's money—the money of all of us—is being used to pay for the building. I have never defended, and I will never defend, the delays and the huge cost overruns, but what I have defended, and will always defend, is the legitimacy of building this Parliament building as opposed to staying at the other end of the Royal Mile, in rented buildings, squatting in the Church of Scotland's Assembly Hall.

It is interesting to note that, if the Tories had had their way, this building simply would not exist. That is understandable. We know their background and we know that they did not want the Parliament at all—the institution, never mind the building. Scottish National Party members do not want it, either. They are sometimes reluctant to say so, but

they are not committed to the institution at all. For them, it is the wrong type of Parliament and they want it to fail in the vain hope that one day that may somehow lead to independence. I was interested in the SSP position, which was clarified to some extent today by Frances Curran, who revealed some of her prejudices when she said that the fundamental reason why she did not want the building was that people made a profit out of it. That is not necessarily a crime. She also said that she did not like it because the decision had been made in London. Incidentally, I see that all the SSP members have cleared out. Obviously they have clocked off at 5 o'clock, as they do on a normal day.

**Carolyn Leckie (Central Scotland) (SSP):** Hello.

**Mike Watson:** I am glad to see that there has been a quick reappearance.

Frances Curran's comments about decisions made in London betray a ridiculous logic, on the basis of which there would be no Scottish Parliament, because there would have been no Scotland Act 1998 and no referendum. Decisions that are made in London are not inherently bad. I am firm in my belief that it was correct for Donald Dewar to take a ministerial decision before the establishment of the Parliament that there should be a building and to decide where that building should be. Donald Dewar's vision, allied to Enric Miralles's vision of the building, was correct. We can imagine the wrangling that there would have been if the Parliament had had to debate whether to have a building, where to put it and who would design and build it—Elaine Murray was right to point that out. That situation would have been intolerable and I suspect that we would have been no further forward today than when we started. Donald Dewar was right to take that decision and we now have the legacy of his decision.

It is undoubtedly time to draw a line and move on. I agree with Dennis Canavan: we must move on in the context of an appreciation of the mistakes that were made and the need to make certain that they are not repeated. We must move on to our next building job, which is a rebuilding job. We must rebuild the Parliament's—by which I mean the institution's—reputation. This magnificent building will be a major factor in that rebuilding, but, as Sarah Boyack said, the issue is about what we do in the building: the legislation that we produce, the work in the committees and the way in which we interact with and involve the Scottish public. Let us ensure that we repay the people of Scotland by giving them their Parliament.

18:31

**Bill Aitken (Glasgow) (Con):** We are drawing near to the end of a debate that we all genuinely wish had not been necessary. The history of the building project has been a running sore, which has significantly detracted from the genuine achievements of the past five years. We might not yet have reached the end of the saga, but the inquiry report has been extremely useful in narrating the facts and history of an ill-fated project. We congratulate Lord Fraser on the production of a highly professional report. His findings of fact are impeccable. However, we distance ourselves from some of his conclusions.

Sadly, two of the principal players have left the stage. Without their input and explanations, we may never know the full story. However, certain basic facts have been established beyond peradventure. It has been refreshing to listen to some of the contributions from the Executive parties. Apart from the efforts of Des McNulty and others to spread the blame, there has been a genuine acceptance that decisions taken in the run-up to 1999 and some of the decisions taken since 1999 were not the right ones. I welcome those honest and sincere admissions.

However, I resist the notion that has been advanced that we are all responsible. The Conservative group asked questions but did not get answers. When the matter was debated in the Parliament, we voted against proceeding with the project, but we were voted down when the Executive parties united—with a few honourable exceptions—to proceed with the project.

What went wrong has been clearly established, not only through Lord Fraser's report but through what has come out during the debate. The project was pursued with indecent haste. We will never know what was in Donald Dewar's mind as he relentlessly drove for such an early conclusion in the selection of the architect and the site. It is clear that the momentum that built up during the first months was entirely misplaced and sowed the seeds of disaster. Even Henry McLeish, who is not renowned for his judgment and measured approach, urged caution. He recognised the dangers implicit in moving too quickly, but his warnings and those of others were completely disregarded as the then Scottish ministerial team went hell for leather towards an early conclusion to the selection process and the placing of the contract.

Of course, it is easy to have the 20:20 vision of hindsight, but the project got off on the wrong foot due to the ludicrous haste and pressure that was brought to bear by Donald Dewar and his ministerial colleagues—the civil servants do not have to answer for that one. We do not impugn the

integrity of Donald Dewar, but we certainly question his judgment.

The second component of the disaster was the decision to embark on the construction management approach. I know that I am not alone in finding that decision absolutely incredible. To take, in effect, an open-cheque approach to a capital project of this size beggars belief. By the most conservative of estimates, the decision has cost the taxpayer a figure approaching £200 million. I say to Rhona Brankin that, yes, we must move on and that, yes, we want to talk about new hospitals and new schools. However, what would that £200 million have bought in new hospitals and new schools?

As one reads Fraser's report, one inevitably feels that the PFI approach would have safeguarded the taxpayer's money. Why was that approach not taken? Was there external pressure—as I suspect there was—on ideological grounds? Was it the case that we could not have the people's Parliament owned by the private sector? If that is the case, it is deeply disturbing. The civil service cannot be expected to carry the can for the decision to use construction management.

Now we must turn to the failures to be up front about the costs. Donald Dewar and his ministerial colleagues apparently did not know. It is easy to see where the original figure of £40 million came from. It was probably accurate enough, but it was for a shell building on a brownfield site that had already been cleared. It must surely have been apparent, when Miralles came forward with his conception for this place, that costs would soar. It may well be—and I accept this—that civil servants did not tell the ministers that in precise terms, but surely the ministers should have asked. It was as clear as the nose on one's face that the impact of the new design and location would be considerable, yet ministers, at that stage, were apparently unaware. Their failure to ask the appropriate questions calls into question their competence to hold office. Perhaps they were afraid that the answers would demonstrate an increase in costs that would be totally unacceptable and that public opinion, and a vote of this Parliament, would bring the project to an immediate end.

Of course, many other questions still require to be answered. Fergus Ewing, with typical tenacity, is pursuing the question of the decision to readmit Bovis to the tendering process. It will be interesting to see what emerges. The eventual capital cost incurred in the building of the Parliament has not been clearly identified, as Alex Neil said. Only time will tell whether this type of construction will survive the Scottish weather

without significant revenue costs being incurred for maintenance.

We should be grateful to Lord Fraser for a full and comprehensive report. The inescapable conclusion that Conservative members have come to, which I submit will be shared by the vast majority of Scots, is that the failures that have arisen were the result of decisions taken by Scottish Office ministers between 1997 and 1999 and in some respects compounded by Executive ministers up to 2002.

Harry Truman famously said, "The buck stops here." The buck in respect of this fiasco—a fiasco that has resulted in international embarrassment and national scandal—rests firmly with the ministers who made those decisions and who failed so manifestly to ask the appropriate questions at the appropriate times. The only way forward for the Parliament this afternoon is to support David McLetchie's amendment.

18:38

**Linda Fabiani (Central Scotland) (SNP):** I welcome Lord Fraser's report, which has endorsed the views that many have held for some time and, indeed, stated in debate and during the inquiry's evidence taking. I took an interest in this project right from the start by asking parliamentary questions, writing letters to the Presiding Officer and so on. I felt instinctively that which was subsequently confirmed: this project was pre-disastered by the time it came to this Parliament, with a relentless rush to get on site with a done deal. Fraser said that construction management contracting was the single, most disastrous factor. All the risk is with the client unless there is proper preparation.

Much as I hate to, I have to disagree with John Home Robertson's analysis of why this particular construction management project went wrong. It was never going to work. As Fraser said, the wheels came off the wagon early. There was no preparation and no run-in time, and then the Government washed its hands of it.

Consider Sam Galbraith's testimony. He said:

"I knew the minute we handed it over to them the costs would go through the roof".

That is hardly an endorsement of himself as a minister or of his MSP colleagues. That was Scottish ministers shrugging off responsibility and leaving the Parliament to cope with a disaster that was not of its making.

Of course, the spin machine has suggested that ministers were not aware of what was going wrong with the project from its earliest days. That is, of course, rejected by Lord Fraser, who confirms that

"There is an abundance of documentary evidence of

officials warning Ministers of the consequences of over-hasty decisions."

Why were ministers not listening? If they do not listen, it is easy for them to say that they do not know; it is a culture of plausible deniability. An editorial in *The Herald* today refers to it as

"not so much a climate of secrecy as a climate of cynical control of politics."

There has been much talk today about construction management. Although the decision to follow that route was apparently not referred to ministers, it is clear from the evidence of Lord Elder that Donald Dewar understood its importance. Lord Elder describes him as being "seriously distressed" at being unable to question the decision

"without impugning the integrity of his entire official team".

He was certainly acting with honour to his staff, but what about the Parliament and the nation?

I tried to intervene on Helen Eadie when she spoke about Portcullis House and the inadequacy of the Tories in that construction management project. Should Labour not have learned from that and not rushed headlong into speeded-up construction management for the Holyrood project?

Fergus Ewing referred to the conduct of the Minister for Finance at that time—now our First Minister. Our First Minister has so far ducked all the questions about the 2 June 1999 meeting. Why did Mr McConnell take part in making a decision that he was not entitled to make? Was he aware of the construction management form of procurement and its risk implications? Why did he wait until the 2003 election campaign to announce an inquiry based on so-called new evidence, when that evidence was two years old at that time? If raising his game does not include accepting responsibility for his failure on 2 June 1999 to protect the interests and integrity of the Parliament and apologising on his own behalf, it stands condemned as no more than easy sloganising.

Beyond the Scottish Office debacle, I believe that Parliament made the wrong decision when it decided to carry on regardless rather than to halt to take stock—I said that at the time publicly, I said it to Lord Fraser and I repeat it now. It is ironic to read in the debate at that time that one of the reasons cited for not delaying was a potential cost of £2 million to £3 million. For George Lyon to try to tie in potential pause costs with subsequent delays is simplistic in the extreme. However, the decision was taken, despite the fact that I and others voted against it twice. Following that, the SNP group believed that it was up to all of us to try to achieve the best that we could under the circumstances. That is why we took part in the progress group. After all, we had a member on the



SPCB who had legal responsibility. That is why the Tories' position is so hypocritical: they had a member with legal responsibility who took part in the decision making, but no one at the front line taking the flak.

Today, I speak not as a member of the HPG, but for my party. However, I find it unavoidable to blur those lines. I am on record as being a supporter of Miralles's concept right from the start. I was pleased when Alex Salmond asked me to be the SNP representative on the HPG and, despite the flak, overall I do not regret the appointment. I was honest with Lord Fraser and admitted that, despite having some construction experience, I had a lot to learn—but let me tell the chamber, not nearly as much as some people in here have.

Perhaps the HPG made some mistakes. Perhaps some believe that we could have done better—I have always been open to discuss these issues with anyone. However, we have been dogged by much rumour, speculation and spurious ranting, some of which had no basis in reality. We recommended some savings, which were implemented, although I admit that they were minor in the greater scheme of things, which was already well under way. I stand by the use of Scottish granite and the refusal to countenance a large pole being stuck under the beautiful cantilever on the Canongate. I certainly stand by the recommendation not to support the deletion of pre-cast ceilings in the public area and their substitution by chicken wire and plaster. RMJM was absolutely right on those matters.

**Mr Stone:** Will the member take an intervention?

**Linda Fabiani:** No, thank you.

If anyone bothered to take the time to ask how such things work in contracting terms, they would know that it is not as easy as saying, "This material is cheaper, and here is the net saving." Stewart Stevenson alluded to that. They would also know that any change is likely to result in delay, ergo erosion of any potential saving.

At the heart of the Holyrood fiasco was the pretence that risks could be managed out, but they never were in this project, and they seldom are in real life. Often there is a casual conspiracy of involved players to underestimate costs at the beginning of public projects. Lord Fraser stops short of identifying such a conspiracy in this case, but the Parliament must put in place robust procedures to prevent anything like it from happening in future.

We hear talk of reform of the civil service. I heard what the Minister for Finance and Public Services said today about public procurement, but he does not go far enough. It is not only the

mechanisms that need to be addressed but the culture, root and branch.

My final submission to Lord Fraser recommended a piece of research that was carried out by three European academics whose analysis of worldwide public projects is fascinating. It is too detailed to go into now, but if I mention a few of the chapter headings, members will see where I am coming from. The chapter headings include "A calamitous history of cost overrun", "Substance and spin in megaproject economics", and "Dealing with risk". Messrs Flyvbjerg, Bruzelius and Rothengatter also propose instruments of accountability and accountable decision making, and that is where we should be heading. We should ensure the engagement of the public and stakeholders, promote transparency and define regulatory regimes. Let us do so in all aspects of public procurement.

Lord Fraser has not yet completed his task—the report is, after all, an interim report. I hope that he will take on board some of the points that I have made. We can and should put the project behind us, but only if we learn from it.

18:47

**The Deputy Minister for Finance and Public Services (Tavish Scott):** The Scottish Executive accepts the Fraser report and we will implement in full the recommendations that apply to us. I recognise the candour, bluntness and frankness of this afternoon's debate. There has been considerable passion and thoughtfulness from Margo MacDonald, Robin Harper, Wendy Alexander and the local member, Sarah Boyack. Some of us would hesitate to suggest that Andrew Welsh could ever use Anglo-Saxon phrases and, in passing, I urge on Stewart Stevenson scepticism and not paranoia, although I accept that he has a much greater knowledge of both subjects than I have.

I contrast the Executive's acceptance of Lord Fraser's recommendations with the approach that has been taken by the SNP and the Tories. Nothing epitomises that approach more than Bill Aitken's winding-up speech. Fraser reported, but neither the Tories nor the SNP will accept the recommendations. Their amendments are based not on Fraser's outcomes and findings but on the political judgments of Messrs Ewing and McLetchie. The SNP and the Tories are, of course, entitled to their views, but Parliament must doubt those who did not receive the smoking gun last Wednesday but have been in the political armoury since then inventing one. Mr Ewing was keen to spot all Lord Fraser's deficiencies: the conclusions missed, the points overlooked and the memos not quoted. Perhaps a future Lord Ewing

will do a better job at some time when he alights to a higher bench.

I remain disappointed by how constantly negative the SNP is about recognising that freedom of information is a positive and innovative process and solution for Scotland. We in the Parliament should be proud—

**Christine Grahame:** Will the member take an intervention?

**Tavish Scott:** The member should let me make the point. I will take an intervention later on.

We should be proud of the freedom of information legislation. On the independent commissioner who is charged with the public interest and the drive for and ethos of openness, I will be blunt. The Tories wanted none of it—they opposed those measures and they did nothing towards them during 18 years in government. I presume that the SNP is familiar with the Scott inquiry and remembers, as we do, the Matrix Churchill managers who were for some time—I say this to Lord James—in danger of going to jail to save Tory ministers. I ask Mr Ewing whether the Tories' opposition does not tell him something about why freedom of information is such an important reform for the Parliament and for the way in which we conduct ourselves. There can be no doubt about our commitment to that reform. Freedom of information goes hand in hand with the concept of the scrutiny of the Parliament. I simply do not accept Dennis Canavan's contention that the ministerial team is not held to account—it certainly does not feel like that from my point of view.

**Stewart Stevenson:** Will the minister give way?

**Tavish Scott:** I would like to finish this point first.

The Freedom of Information (Scotland) Act 2002 will come fully into operation on 1 January 2005. It provides a general right of access to information held by Scottish public authorities, including information about public sector contracts. Such information will be released unless the public interest in disclosure is outweighed by the harm caused by the release of that information. As is the situation under the present non-statutory code, there will be a right of appeal to the Scottish information commissioner when information is not released. Those are important reforms and they should be taken account of. Parliament can be in little doubt as to Mr Dunion's fierce independence—he is certainly Parliament's man in that sense.

**Margo MacDonald:** Can the minister assure me that Mr Dunion will be able to call for the publication of the Gardiner & Theobald report to which I referred in my speech? The Auditor

General decided that he would not publish that report although he was asked for it in the run-up to the Fraser inquiry and during the inquiry.

**Tavish Scott:** I hope that Margo MacDonald will accept that it is not my job or any minister's job to interfere with Mr Dunion. The Scottish Parliament elected him—although the SNP voted against his election—and he will make his decisions based on the interests that Parliament considers to exist.

On ministerial accountability, ministers accept their responsibilities in relation to Lord Fraser's conclusions. However, the Tories are choosing to ignore or disagree with Lord Fraser's conclusions. Despite the fact that he conducted 43 days of evidence-taking sessions, dealt with more than 60 witnesses and read more than a million words of evidence, the Tories are now saying that a former Conservative minister is wrong—we live in curious times.

Lord Fraser holds all responsible but the Tories have repeatedly tried this afternoon to claim, "It wisnae me." I seem to remember Mr McLetchie using the same phrase in a different context when he thought that it would be appropriate at that time. The Tories have served on the Scottish Parliamentary Corporate Body since 1999 and Lord Fraser's observations on the SPCB need no repeating. The Tories' defence is unacceptable. In fact, it is no defence at all to claim, imply or brief that John Young was always asleep.

Civil service reform has been mentioned by many members, including Susan Deacon, Helen Eadie, Sarah Boyack, Alex Neil and, in a powerful speech, Johann Lamont. Last Wednesday, the First Minister made clear that the report's recommendations would be implemented in full to prevent the systemic failures that were highlighted by Lord Fraser from happening again. Those points were repeated at question time last Thursday. Last Wednesday, the permanent secretary gave a media briefing, answered questions and participated in interviews in response to the report. I suggest that, in itself, that represents a considerable change on the previous situation. Change is under way and will continue. Andy Kerr set out that change in considerable detail earlier.

Like every minister and member, I have had to take on the chin this building's cost overruns and the pain of its construction. I presume that most members—with some exceptions—have said to people that they are responsible because, as Wendy Alexander said, the job was done on their watch. Whenever I have faced a group of parents of special needs children, Whalsay fishermen or students at Anderson High School in Lerwick, I have never got away with saying, "It wisnae me."

As many members have said, today is about drawing a line under the issue. The Parliament and the members who accept their responsibilities can now move forward, determined that what is said and done should dominate proceedings. No member relishes what has happened or will ignore Lord Fraser's report—all grimace at what has occurred. Last week, the Presiding Officer stated that today's debate should begin the cleansing and cathartic process of closure. In the main, today's debate has achieved that. Fraser has reported, Parliament has deliberated and it is time that we got on with our work.

18:54

**Robert Brown:** It falls on me to say the last words in this debate and I will do so under the somewhat non-partisan umbrella with which I began. I am grateful to members for their contribution. It has been—contrary to my expectations, I must confess—an excellent and classic debate with many notably good speeches and only one or two notably bad ones. Of course, as an impartial member of the SPCB, I will not say which was which.

We have heard many powerful voices, the best of them agonising over and struggling with the dilemmas that have, in various ways, been the tragedy and the achievement of the Holyrood building project, which has hung over all of us for far too long. The Fraser report has examined the issues. The painstaking, day-by-day evidence taking and the subsequent report have been cathartic experiences that have helped to draw out some of the poison from what Bill Aitken rightly called a running sore.

I believe that there is still a tremendous reservoir of hope and expectation in Scotland for the Parliament. There is also a change of mood, as more people see, visit and engage with the Parliament in our new home. I think that I detect the mood: it is to listen, to learn and to move on. That is our vision and our responsibility. It is a responsibility for us all.

## Business Motion

**The Presiding Officer (Mr George Reid):** The next item of business is consideration of business motion S2M-1731, in the name of Patricia Ferguson, on behalf of the Parliamentary Bureau, setting out a business programme.

*Motion moved,*

That the Parliament agrees—

(a) the following programme of business—

Wednesday 29 September 2004

2.30 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Executive Debate: Spending Review 2004 – Enterprise, Opportunity and Fairness

*followed by* Business Motion

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Thursday 30 September 2004

9.30 am Parliamentary Bureau Motions

*followed by* Scottish Conservative and Unionist Party Business

12 noon First Minister's Question Time

2.00 pm Question Time—  
Enterprise, Lifelong Learning and Transport;  
Justice and Law Officers;  
General Questions

3.00 pm Stage 1 Debate on the Emergency Workers (Scotland) Bill

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Wednesday 6 October 2004

9.30 am Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Executive Business

*followed by* Members' Business

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

*followed by* Committee Business

*followed by* Business Motion

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Thursday 7 October 2004

9.30 am Parliamentary Bureau Motions

*followed by* Executive Business

12 noon First Minister's Question Time

and (b) that the period for lodging questions for Question Time on 6 October 2004 should end at 4.00 pm on Monday 27 September.—[*Patricia Ferguson*.]

18:56

**Carolyn Leckie (Central Scotland) (SSP):** I find it regrettable that I must oppose the business motion, but since way before the summer recess, it has been apparent that, because of the convergence of issues in the national health service—such as centralisation and the implementation of new contracts for doctors—cuts and closures would occur over the summer and boil up. It should have been no surprise that the Parliament's first week in the new building would see health campaigners ringing the building to protest not at its cost, but about the most important issue that faces Scotland. That is why I have been trying patiently—patience is not normally a quality of mine, but I have been patient—to persuade the Executive to devote exclusive debating time to the crisis that faces the NHS, but the answer is a consistent no.

We have spent four and a half hours debating the Holyrood project. Members have expressed concern that the project has undermined the public's confidence in the Parliament and in devolution itself, but how much more is confidence undermined by the perception that the Executive is running scared of a debate on the NHS? There will be many different views on how to resolve the crisis and competing ideologies about the future of the NHS, but surely we can agree on one thing: the Parliament needs to talk about it and if it does not, the Executive will deserve a reputation for ducking the difficult issues.

The Executive hides behind reserved matters when that suits it, but in an area in which it has power, there is nowhere to hide. It is unacceptable that members of Parliament can summon our Minister for Health and Community Care to a Parliament in Westminster but the Executive refuses to allow itself to be held to account in this Parliament at its initiative. I therefore ask members to oppose the business motion and invite the Executive to lodge another business motion that includes an NHS debate in Executive time to show that it is not running scared.

18:58

**The Minister for Parliamentary Business (Patricia Ferguson):** I understand that Ms Leckie was at the Health Committee meeting yesterday, but I am not sure whether she noticed that the

committee had that conversation with our Minister for Health and Community Care at that meeting, which is right and fitting.

In the past year alone, since we were re-elected to the Parliament—or elected for the first time in the case of some members—there have been eight Executive-led debates on health, the last of which was only a fortnight ago during the debate on the legislative programme. In the same period, there were only two Opposition-led debates on health, both of which were initiated by the Conservative party. No such debates were initiated by any of the other parties in the Parliament, including that of which Ms Leckie is a member.

I hope that Ms Leckie, given her experience in the Parliamentary Bureau, now understands that, while the Executive determines what subjects are discussed in Executive time, it is for Opposition parties to decide what issues are discussed in their time. There will, no doubt, be further debates on health in the time to come. We on the Executive benches look forward to them.

**The Presiding Officer:** The question is, that motion S2M-1731, in the name of Patricia Ferguson, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**FOR**

Alexander, Ms Wendy (Paisley North) (Lab)  
Baillie, Jackie (Dumbarton) (Lab)  
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)  
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)  
Livingstone, Marilyn (Kirkcaldy) (Lab)  
Lyon, George (Argyll and Bute) (LD)  
Macdonald, Lewis (Aberdeen Central) (Lab)  
Macintosh, Mr Kenneth (Eastwood) (Lab)  
Maclean, Kate (Dundee West) (Lab)  
Macmillan, Maureen (Highlands and Islands) (Lab)  
Martin, Paul (Glasgow Springburn) (Lab)

May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 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)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (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, 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)

#### AGAINST

Baird, Shiona (North East Scotland) (Green)  
 Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Curran, Frances (West of Scotland) (SSP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Fox, Colin (Lothians) (SSP)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harper, Robin (Lothians) (Green)  
 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)  
 MacDonald, Margo (Lothians) (Ind)  
 Martin, Campbell (West of Scotland) (Ind)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Muldoon, Bristow (Livingston) (Lab)  
 Neil, Alex (Central Scotland) (SNP)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)  
 Welsh, Mr Andrew (Angus) (SNP)

#### ABSTENTIONS

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)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)

Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Goldie, Miss Annabel (West 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)  
 Tosh, Murray (West of Scotland) (Con)

**The Presiding Officer:** The result of the division is: For 61, Against 33, Abstentions 17.

#### *Motion agreed to.*

That the Parliament agrees—

(a) the following programme of business—

Wednesday 29 September 2004

2.30 pm	Time for Reflection
<i>followed by</i>	Parliamentary Bureau Motions
<i>followed by</i>	Executive Debate: Spending Review 2004 – Enterprise, Opportunity and Fairness
<i>followed by</i>	Business Motion
<i>followed by</i>	Parliamentary Bureau Motions
5.00 pm	Decision Time
<i>followed by</i>	Members' Business

Thursday 30 September 2004

9.30 am	Parliamentary Bureau Motions
<i>followed by</i>	Scottish Conservative and Unionist Party Business
12 noon	First Minister's Question Time
2.00 pm	Question Time— Enterprise, Lifelong Learning and Transport; Justice and Law Officers; General Questions

3.00 pm	Stage 1 Debate on the Emergency Workers (Scotland) Bill
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<i>followed by</i>	Parliamentary Bureau Motions
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5.00 pm	Decision Time
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<i>followed by</i>	Members' Business
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Wednesday 6 October 2004

9.30 am	Time for Reflection
<i>followed by</i>	Parliamentary Bureau Motions

<i>followed by</i>	Executive Business
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<i>followed by</i>	Members' Business
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2.00 pm	Question Time— Education and Young People, Tourism, Culture and Sport; Finance and Public Services and Communities; General Questions
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<i>followed by</i>	Committee Business
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*followed by* Business Motion  
*followed by* Parliamentary Bureau Motions  
5.00 pm Decision Time  
*followed by* Members' Business  
Thursday 7 October 2004  
9.30 am Parliamentary Bureau Motions  
*followed by* Executive Business  
12 noon First Minister's Question Time  
and (b) that the period for lodging questions for Question Time on 6 October 2004 should end at 4.00 pm on Monday 27 September.

## Parliamentary Bureau Motion

19:01

**The Presiding Officer (Mr George Reid):** The next item of business is consideration of one Parliamentary Bureau motion, on the designation of a lead committee.

*Motion moved,*

That the Parliament agrees that the Justice 2 Committee be designated as lead committee in consideration of the Solicitors (Scotland) Act 1980 (Foreign Lawyers and Multi-national Practices) Regulations 2004 (SSI 2004/383).—  
[*Patricia Ferguson.*]

**The Presiding Officer:** The question on the motion will be put at decision time, to which we now come.

## Decision Time

19:01

### The Presiding Officer (Mr George Reid):

There are five questions to be put tonight. The first question is, that amendment S2M-1727.3, in the name of Fergus Ewing, which seeks to amend motion S2M-1727, in the name of Robert Brown, on the Holyrood inquiry report, be agreed to. Are we agreed?

### Members: No.

**The Presiding Officer:** There will be a division.

### FOR

Canavan, Dennis (Falkirk West) (Ind)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Curran, Frances (West of Scotland) (SSP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Fox, Colin (Lothians) (SSP)  
 Grahame, Christine (South of Scotland) (SNP)  
 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)  
 Matheson, Michael (Central Scotland) (SNP)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)  
 Welsh, Mr Andrew (Angus) (SNP)

### AGAINST

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)  
 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)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Goldie, Miss Annabel (West of Scotland) (Con)

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)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Campbell (West of Scotland) (Ind)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 May, Christine (Central Fife) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGregor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (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)  
 Mitchell, Margaret (Central 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)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (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)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 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)

### ABSTENTIONS

Gorrie, Donald (Central Scotland) (LD)  
 MacDonald, Margo (Lothians) (Ind)

**The Presiding Officer:** The result of the division is: For 24, Against 86, Abstentions 2.

*Amendment disagreed to.*

**The Presiding Officer:** The second question is, that amendment S2M-1727.1, in the name of David McLetchie, which seeks to amend motion S2M-1727, in the name of Rob Brown, on the Holyrood inquiry report, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### FOR

Aitken, Bill (Glasgow) (Con)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 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)  
 Fabiani, Linda (Central Scotland) (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)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 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)  
 Matheson, Michael (Central 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)  
 Mitchell, Margaret (Central 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)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Tosh, Murray (West of Scotland) (Con)  
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)  
 Welsh, Mr Andrew (Angus) (SNP)

#### AGAINST

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)  
 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)  
 Godman, Trish (West Renfrewshire) (Lab)  
 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)  
 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)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Campbell (West of Scotland) (Ind)  
 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)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 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)

#### ABSTENTIONS

Gorrie, Donald (Central Scotland) (LD)  
 MacDonald, Margo (Lothians) (Ind)

**The Presiding Officer:** The result of the division is: For 42, Against 68, Abstentions 2.

*Amendment disagreed to.*

**The Presiding Officer:** The third question is, that amendment S2M-1727.2, in the name of Margo MacDonald, which seeks to amend motion S2M-1727, in the name of Robert Brown, on the Holyrood inquiry report, be agreed to. Are we agreed?



**Members: No.**

**The Presiding Officer:** There will be a division.

**FOR**

Canavan, Dennis (Falkirk West) (Ind)  
 Curran, Frances (West of Scotland) (SSP)  
 Fox, Colin (Lothians) (SSP)  
 Gorrie, Donald (Central Scotland) (LD)  
 Kane, Rosie (Glasgow) (SSP)  
 Leckie, Carolyn (Central Scotland) (SSP)  
 MacDonald, Margo (Lothians) (Ind)  
 Martin, Campbell (West of Scotland) (Ind)  
 Pringle, Mike (Edinburgh South) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

**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)  
 Crawford, Bruce (Mid Scotland and Fife) (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)  
 Fabiani, Linda (Central Scotland) (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)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 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)  
 Livingstone, Marilyn (Kirkcaldy) (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)  
 Matheson, Michael (Central 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)  
 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)  
 Mitchell, Margaret (Central 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)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 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)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

**ABSTENTIONS**

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

**The Presiding Officer:** The result of the division is: For 13, Against 92, Abstentions 7.

*Amendment disagreed to.*

**The Presiding Officer:** The fourth question is, that motion S2M-1727, in the name of Robert Brown, on the Holyrood inquiry report, be agreed to.

*Motion agreed to.*

That the Parliament thanks the Rt Hon Lord Fraser of Carmyllie QC for his report of the Holyrood Inquiry and invites the Scottish Parliamentary Corporate Body and the Scottish Executive to consider the contents of the report.

**The Presiding Officer:** The fifth and final question is, that motion S2M-1730, in the name of

Patricia Ferguson, on the designation of a lead committee, be agreed to.

*Meeting closed at 19:05.*

*Motion agreed to.*

That the Parliament agrees that the Justice 2 Committee be designated as lead committee in consideration of the Solicitors (Scotland) Act 1980 (Foreign Lawyers and Multi-national Practices) Regulations 2004 (SSI 2004/383).

**The Presiding Officer:** After Parliament's debate and decision on Lord Fraser's report, I have two brief comments. First, I reiterate the public apology to the people of Scotland that I made as Presiding Officer in my evidence to the Fraser inquiry. Secondly, it is time now for this Parliament not to be a prisoner of its past but the cause of what happens next. It is time now for all of us in this place to be ambitious for Scotland.

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