

MEETING OF THE PARLIAMENT

Wednesday 6 October 2004

Session 2

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Scottish Parliament

Wednesday 6 October 2004

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

Time for Reflection

The Presiding Officer (Mr George Reid): Good morning. Our first item of business is time for reflection. Our time for reflection leader today is Graeme Sinclair of Deaf Action.

Graeme Sinclair (Deaf Action): (*simultaneous interpretation*) Good morning, members of the Scottish Parliament and visitors. As you may have noticed, I will be speaking to you today through an interpreter; for some of you this may be a new experience. My interpreter is standing in front of me and her name is Mary McDevitt.

The interpreting service can be very useful in providing access to a wide range of activities. For example, at the local deaf club, if a speaker has been invited to talk about a subject such as the health service, an interpreter's coming along would provide access to the information. The service is also useful for public meetings, parent-teacher meetings, in employment and in places of worship. Another vital service in communication is provided by communicator guides who work for people who are deafblind and allow them access to various meetings and events.

An important point that I would like to make this morning is that each of you can probably access information daily through listening to the radio and watching television programmes. You can access entertainment through the cinema and theatre performances and you can access the announcements that are made over the Tannoy in airports and railway stations. However, deaf people rely on visual information such as subtitles on the TV, light emitting diode screens and monitors, such as those in airports that display flight schedules. The majority of deaf people, people who are hard of hearing and deafblind people cannot get immediate access to the communication that you might sometimes take for granted.

Perhaps you groan and complain about the noise levels in the environment, particularly when it comes to heavy traffic, but a deaf person can cross the road without paying heed to noise levels.

Each of you could benefit from the opportunity to meet deaf people in and around the public areas here at the Scottish Parliament. My advice would be not to shy away and not to be embarrassed to

meet people face to face, because meeting them will help to make you aware of how important it is to receive information through not only auditory methods, but visual methods. You might be encouraged to do more to promote sign language.

That reminds us of what can be read in Galatians chapter 6, verse 10:

"Therefore, as we have opportunity, let us do good to all people, especially to those who belong to the family of believers."

Paul wrote that in his letter, which challenged the Galatians and us to keep on doing good and to trust God for the results. In due time, we will reap a harvest of blessing.

Be encouraged to keep doing good for deaf, hard of hearing and deafblind people through providing communication support within Parliament and through supporting other future initiatives throughout Scotland. God bless you. I thank you for listening today.

Business Motions

09:35

The Presiding Officer (Mr George Reid): The next item of business is consideration of business motion S2M-1824, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, which sets out a revised programme of business for this morning.

Motion moved,

That the Parliament agrees the following revision to the programme of business for 6 October 2004—

Wednesday 6 October 2004

after,

9.30 am Time for Reflection

followed by Parliamentary Bureau Motions

leave out,

followed by Ministerial Statement on Efficient Government – Efficiency, Effectiveness and Productivity

followed by Executive Debate on Ministerial Statement on Efficient Government – Efficiency, Effectiveness and Productivity

and insert,

followed by First Minister's Motion to appoint a Minister

followed by First Minister's Motion to appoint Junior Scottish Ministers.—[*Ms Margaret Curran.*]

Motion agreed to.

The Presiding Officer: The next item of business is consideration of business motion S2M-1825, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, which sets out a timetable for stage 3 consideration of the School Education (Ministerial Powers and Independent Schools) (Scotland) Bill.

Motion moved,

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

Groups 1 and 2 – no later than 30 minutes

Motion to pass the Bill – 1 hour.—[*Ms Margaret Curran.*]

Motion agreed to.

Minister

The Presiding Officer (Mr George Reid): The next item of business is a debate on motion S2M-1822, in the name of Jack McConnell, on the appointment of a minister. Members who wish to speak in the debate should please press their request-to-speak buttons. I call the First Minister to speak to and move the motion.

09:36

The First Minister (Mr Jack McConnell): I begin by thanking Frank McAveety and Mary Mulligan for their service as Executive ministers. While our Opposition has run down Scotland, Frank McAveety has been responsible for the establishment of a tourism marketing budget for Scotland that puts tourism marketing spend at twice the rate south of the border, which is no mean achievement. He has also been responsible for producing a strategy for bringing international events to Scotland and has put in place a strategy for sports facilities throughout Scotland that shows our ambitions for Scotland and how we want our country to succeed.

Mary Mulligan has contributed much to the work of the Executive and Parliament over the past five years. In particular, I acknowledge her leadership through the committee system of the Antisocial Behaviour etc (Scotland) Bill last winter and spring, in the teeth of opposition from the Conservatives and the nationalists who were totally opposed to communities' taking back more control of their environments.

Mr Brian Monteith (Mid Scotland and Fife) *rose*

The First Minister: The Antisocial Behaviour etc (Scotland) Act 2004 gives people real rights and powers and allows them to see the action that is being taken to address problems. Mary Mulligan's record in taking the bill through Parliament is to be admired. I thank her and Frank McAveety for their efforts.

However, the main purpose of today's motion is to propose that Parliament make Tom McCabe an Executive minister—I propose that for a number of reasons. First, I believe that Tom McCabe has a record, both from before he was a member of Parliament and since, that indicates not just that he is competent, but that he will be innovative and imaginative and that he will progress the agenda in his portfolio in a way that will benefit Scotland. He is one of the few MSPs to have achieved 2 per cent efficiency savings year on year in a public organisation, which he did when he was leader of South Lanarkshire Council. Also, in his time as convener of the Finance Committee, Tom McCabe showed willingness and ability to work with

members of other parties to ensure that Parliament's finance systems and budgets worked effectively.

However, it has been in his time as the Deputy Minister for Health and Community Care that we have seen how Tom McCabe can galvanise an issue and make progress on it in the interest of Scotland—not just in addressing key problems that exist in many communities throughout Scotland in relation to provision of dental services and not just in relation to improving standards of care for elderly citizens but, more recently, in leading the biggest consultation exercise that Parliament or the Executive has ever undertaken. The consultation on smoking in public places has been a huge success for those on both sides of the argument. Over the next few weeks, it will lead us to make a decision in Cabinet, on 10 November, on the action that we will take to ban smoking in public places and to produce legislation as speedily as possible.

It is also important for us to recognise that, if the motion is successful, Tom McCabe will be joining a team that works in the interests of Scotland—a team that, in five years of devolution, has seen standards in our schools, the level of performance of our teachers and education staff and the level of investment in our education system rise every year.

Mr Monteith: The First Minister did not want to take an intervention from me earlier.

Will the First Minister tell us why it is that more people are leaving school now without any qualifications than was the case five years ago?

The First Minister: We heard from the Conservatives during the summer that too many young Scots were getting qualifications—that was their argument back in August. They resent the fact that young people throughout Scotland are now able to get qualifications that suit them and they are envious of the fact that we have managed to implement a policy that reverses what the Tories did to education in Scotland; we have brought vocational education back into our schools so that all young people have a chance to maximise their talents. That policy was destroyed by the Tories' educational policies in the 1980s. We have given education an opportunity to work for Scotland again.

The work of the ministerial team has also improved the Scottish health service. It is not just that there are new facilities and centres in communities throughout Scotland; the longest waits in our health service are coming down, lives are being saved and there are more doctors and nurses in our health service to ensure that people have the highest-quality care.

Tom McCabe will join that team and will ensure that we have the budgets with which to succeed.

Through the budgets that we allocate, police numbers in Scotland will reach their highest-ever levels year on year. The crime clear-up rate in Scotland is higher than it has been since the second world war. We have taken action in legislation and in allocation of resources to tackle drug barons and the most serious criminals in Scotland, and to reform our courts to ensure that such people are prosecuted properly.

Those achievements are all financed by the budget for which Tom McCabe will be responsible. He will also have responsibility for other matters, not the least of which is our external relations strategy, which is our initiative to promote Scotland abroad, to represent our interests in Europe and to ensure that we attract fresh talent to our shores.

Mr John Swinney (North Tayside) (SNP): Will the First Minister clarify where ministerial responsibility lies for external affairs? There is some confusion on the Scottish Executive website about whether that responsibility rests with Mr McCabe or with Patricia Ferguson as the Minister for Tourism, Culture and Sport. Will the First Minister tell us what responsibilities Mr McCabe and Patricia Ferguson will have?

The First Minister: I will be delighted to do that, and I am not surprised that Mr Swinney is a bit confused. We have enough ambitions for Scotland to share responsibility for external relations between the two ministers. We have so much to do for Scotland and so much in the way of ambition for Scotland that we are ensuring that all our ministers are involved in promoting Scotland at home and abroad.

If the motion is successful, the Labour and Liberal Democrat team that works for Scotland will ensure that we have efficient and well-managed budgets from which money is spent on the right things and invested for Scotland in the long term. That team will not support the Alex in Wonderland economics that have returned to Scotland from London to haunt us again. Nor will this team go down the road that is proposed by the Conservatives and drop our fresh talent scheme that will promote Scotland and ensure that we have the talent in our country to prosper in the years ahead. This team will continue to work for Scotland. I hope that after today's vote Tom McCabe will be a member of it. That will ensure that we have efficient budgets and it will also ensure that we deliver our ambitions.

I move,

That the Parliament agrees that Mr Tom McCabe be appointed as a Minister.

09:43

Nicola Sturgeon (Glasgow) (SNP): That glowing tribute to Tom McCabe makes me wonder

why one of Jack McConnell's first acts when he became First Minister was to sack him from the cabinet. However, that tribute was as nothing compared to the glowing tribute that we heard to Frank McAveety this morning, which leads me to my next question: Why did he get the boot? Surely it was not all down to pie and beans in the canteen.

I do not oppose the motion out of any personal animosity towards Tom McCabe; I wish him well in his new post and I am absolutely sure that he will be as able as Andy Kerr was to distribute the portion of our money that Gordon Brown decides to give us back in pocket money each year. I leave it to Tom McCabe to work out whether that was a commendation or not.

As someone who always likes to look at the bright side of any situation, I have at last managed to come up with an advantage in having a Parliament that has no responsibility to raise the money that it spends, no power to set its own tax rate, no ability to take effective measures to stimulate economic growth and none of the powers that normal grown-up Parliaments and Governments the world over take for granted. The advantage is that there is limited scope for the Minister for Finance and Public Service Reform to mess up. Given the Executive's track record, that can only be a good thing. Jack McConnell is shaking his head and writing furiously; it seems that he clearly wishes to reserve Tom McCabe's right to mess up.

I oppose the motion more for what it does not say than for what it does say. To be frank, when we consider the big challenges that face Scotland and the failure, over the lifetime of Jack McConnell's Administration, of his ministers to meet the challenges and to deliver real improvements, it beggars belief that the only new face—if it does not stretch the imagination too much to refer to him as such—is Tom McCabe. Jack McConnell's whole approach to the crisis in the health service appears to be to change the face at the top, rather than to change the policy that is doing all the damage to our health service.

If we follow the First Minister's flawed logic, it raises a host of questions about the rest of his Executive. Given that we have an economy that is limping along behind that of the rest of the United Kingdom, is the First Minister saying seriously that Jim Wallace is up to scratch as the Minister for Enterprise and Lifelong Learning? The business community certainly does not seem to think so. The prison population continues to rise, despite repeated promises to reduce it, so is there really no argument for giving someone else a chance to honour the Government pledges that Cathy Jamieson only ever seems to break? When six out of 10 head teachers say that indiscipline in our

schools is a serious problem—despite our having been told for years that it is one of the Executive's top educational priorities—might not it be time for a new broom in the Education Department?

The answer to all those questions might well be yes; but of course it is not as easy as that for Jack McConnell, because he does not have much choice before him. In yesterday's newspapers, one of his closest allies—which is usually code for Andy Kerr—was quoted as saying:

"Jack only had limited room to manoeuvre. It's not like the back benches are packed with talented MSPs bursting to get into the Cabinet."

In other words, he said, "If people think the ministers are bad, just look at how awful the rest of us are." Well—it is good to know that there is at least one thing on which those of us on this side of the chamber can agree with the First Minister.

Mr Kenneth Macintosh (Eastwood) (Lab): Will the member give way?

Nicola Sturgeon: Not just now. [*Interruption.*] Clearly, Jack McConnell does not think that his back benchers are talented enough to be in the Cabinet, so far be it from me to give them a platform.

The people of Scotland might reasonably look at the Executive's performance and conclude that the reshuffle should have taken the form of radical surgery rather than a game of musical chairs. However, I suspect that what they want to see even more than new faces at the Cabinet table is new policy, especially in the health service. The truth is that replacing Malcolm Chisholm with Andy Kerr will not in itself result in the reprieve of a single one of the hospital services that currently face the axe. The new minister might well be able to shout louder than the old one, but the First Minister should be aware that all the people who are campaigning all over Scotland to save their local hospitals will not be bullied into submission. They want the Executive to get a grip on the NHS; they want local services where they are appropriate and they want a moratorium on the centralisation of services until there is in place a clear national strategy that points the way ahead. That is the real change that the people want in the health service; it would have been far more effective than the poor excuse for a reshuffle that we witnessed on Monday.

09:49

Miss Annabel Goldie (West of Scotland) (Con): I have from my French class in school two enduring memories: plus ça change, plus c'est la même chose; and a poem aptly entitled "La pluie"—the rain. That, to me, characterises the Cabinet reshuffle. It is more and yet more of the depressing grey sameness. My objection to the

motion is not based on any dislike of Mr McCabe; what he deserves in abundance is pity. The first minister says that the reshuffle is a refreshing exercise, but it is nothing of the sort; rather, it is a parade of the recycled, redesignated and recalled cronies of the First Minister.

The former Minister for Health and Community Care, who was last week—while facing a Conservative vote of no confidence—publicly endorsed and effusively applauded by the First Minister, wakes up this week to find the First Minister's reshuffle dagger in his back and that he has been sidelined to the communities portfolio. In his place is Mr Kerr, the Brylcreemed acolyte of the First Minister; a man whose capacity to shine has so far been restricted to the pomade on his hair.

Even more perversely, the one member of the Executive who has gained respect as a colourful, gutsy and combative performer—Margaret Curran—is rewarded by being stuck in a job that restricts her talents to standing up in the chamber and prating parrotwise, “Formally moved.” What an advertisement for government in Scotland. My advice to Mr McConnell's ministerial colleagues is this; “If you earn the First Minister's public support, be very afraid, and reach for the hair gel—it may be your only hope. And in the singularly unlikely event that you display any ability, you are done for.”

The people of Scotland, who are open about their disappointment with devolution and saddened that the great wave of emotion that accompanied the inception of this Parliament has failed to translate into a better health service, into improved literacy, numeracy and discipline in our schools and into a business-friendly and buoyant economy will derive little comfort from the new ministerial assemblage. The people of Scotland yearn for spark, vibrancy and innovation. The Cabinet is atrophied, stale and devoid of vision. It is thirled to policies that do not work and fearful of policies that might work.

Nowhere is that paradox more apparent than in this morning's business. Today, we were to have a statement about efficiency in Government—no doubt a glowing account of all the so-called economies in public spending that the Executive is going to deliver. Instead, we have a dazzling display of Government inefficiency, with the First Minister's announcement about his bloated Cabinet—oversized, overpaid and, most regrettably of all, over there on the Government benches.

Is that the same First Minister who said, when announcing his ministerial team last year:

“I believe that a reduction in salaried Cabinet Ministers and deputies was justified”?

So much for that hollow declaration of prudence. After another year of Executive failure, the self-awarded prize is to shell out another £30,000 in ministerial salaries. What hypocritical bilge.

The Executive is beyond saving by dint of a mere Cabinet reshuffle. We need new policies that will work for Scotland, but there is not the remotest hope that that will happen for as long as we have that Cabinet.

The Presiding Officer: There being no requests to speak from the floor, we will move to closing speeches. I call Brian Monteith.

09:53

Mr Brian Monteith (Mid Scotland and Fife)

(Con): I rise to support the opposition to the First Minister's motion. Because of procedural difficulties, we have to propose amendments to the motion to appoint new ministers, but there are of course a host of ministers in the reshuffle about whom we could talk. Johann Lamont and Rhona Brankin are not the only ones; we could also talk about Patricia Ferguson and Tom McCabe. As Nicola Sturgeon said, a minister who was already sacked once by Jack McConnell has shown—with his return to the Cabinet as Minister for Finance and Public Service Reform—that he truly has bounce-back ability.

Who is to say that the former Labour don from South Lanarkshire is not the consigliere for the job? After all, he will have to tell the other local bosses in the Labour family that they are getting no more money and will have to increase their council tax. If they do not, he will see to it that, politically, they will sleep with the fishes. This is not personal; it is strictly business. Tony Soprano could do no better a job in Don McConnell's Cabinet than could Signor McCabe. We merely use his name to point out the sickness at the heart of the McConnell regime.

The regime has the wrong philosophy of life. After all, it was the First Minister who said on taking office that he would “do less better”. That reminds me of the true architectural genius Mies van der Rohe who, when describing minimalism, said, “Less is more.” The First Minister's credo is the opposite: for him, more is less. We have had more spending on health, but less health care; more spending on education, but less school discipline; more spending on tourism than is the case in England, but fewer tourists; and more ministers with limousine lifestyles, but fewer positive results. If ministers were on performance pay, it would be they would face cuts, not our hospitals.

The reshuffle was an opportunity missed: it was an opportunity to show that less government is the best government because less government means

more self-reliance, more personal responsibility and more economic growth, which would give our people the room to breathe, to excel themselves and to prosper. If the reshuffle was about more tax cuts, more services and more freedom, that would be fine. If it was about fewer Executive initiatives, interventions and illusion, we would support the First Minister. However, it is none of those things and, for that reason, the Conservatives will oppose the reshuffle by voting proudly against it.

09:56

Mr Kenny MacAskill (Lothians) (SNP): We live in a democracy that imposes a separation of powers and a system of checks and balances. It also imposes an independent judiciary, an elected legislature and an Executive that is accountable to this legislature. In turn, such a democracy imposes responsibilities as well as endowing rights. Clearly, in normal circumstances, it is the right of the Executive to select and appoint its Cabinet. However, it is also the Executive's responsibility to take account of the views not only of Parliament but of the mood outwith it in the country. To do otherwise is not an exercise of right, but an act of irresponsibility. The Executive is acting not as is fitting in a democracy; it is acting as if it was an elected dictatorship.

Sadly, the actions of the Executive are not about exercising its right; they are about imposing its will. Clearly, it is doing so at a time when its will is opposed not only by many of its back benchers and the Opposition, but in the country. I am thinking not only of the mood in the country but of the mood of Labour Party members and their representatives down in London. It is clear from the precursor to the reshuffle that Mary Mulligan is intent on continuing the fight, but there is no change in policy: the Executive is attempting to drive through its will against the mood and the wishes of the people, which is unacceptable.

We had the unedifying spectacle—indeed, the humiliating spectacle—of an elected minister of the Scottish Parliament having to go down south, cap in hand, after having been summoned to answer for his sins. It is unacceptable that that should happen, given that all members of this Parliament are supposed to be rising to the occasion and to be raising their game.

If the reshuffle was supposed to signal a shift in policy, it would be the Executive's right to choose whomsoever it wishes, but when the reshuffle is simply a shuffling of the pack to continue the Executive's failed policies, that is unacceptable. It is the duty of the Opposition to oppose the reshuffle. In seeking to act irresponsibly, the Executive is abusing its rights.

What was the precursor to the change in the Administration? It was Mary Mulligan's resignation.

Why did she resign? Because she wishes to continue the fight against policies that the Executive is imposing—policies that are opposed by people but which the Executive is forcing on them.

Mrs Mary Mulligan (Linlithgow) (Lab): Will the member give way?

Mr MacAskill: Not at the moment. What about the changes that have been made? The First Minister has simply moved around his most loyal supporters. Surely we are supposed to have a Cabinet of the Executive, not a version of Lanarkshire friends reunited—albeit in a different environment? Appointment to the Cabinet is supposed to be based on ability and talent, not on servility and biddability. It serves Parliament ill that the Executive seeks to impose its will in such a manner.

What have the two strands of the coalition done? The Lib Dems claim that they are making the difference, but what difference are they making on health policy? We saw their party leader Charles Kennedy wax lyrical about the inadequacies of the Executive, but we now see the Lib Dems propping up and maintaining not only a shift in policy but the continuation of a Cabinet that is intent on enforcing that policy. Are they going to kowtow to Mr McConnell or are they going to accept the directions of their party leader? Propping up a failed administration is unacceptable for the Lib Dems. They are equally culpable and their sins will not be forgiven.

What about the First Minister? He has spoken in this chamber about raising the game. Everybody has taken cognisance of that. I am not aware of anyone from any party who does not accept it. However, it is equally incumbent upon him to raise his game, but he is signally not doing that. He is not imposing new ministers in order to improve matters; he is rewarding those who have failed by reassigning them. He is not bringing in fresh talent to drive forward new policies; he is seeking to drive forward the policies that have failed miserably in order to secure the support of his own back benchers, never mind anybody else.

In raising his game, the First Minister has to remember that this is not North Lanarkshire Council, nor is it Strathclyde Regional Council writ large. This is the debating chamber of the national Parliament of Scotland—he has a duty to act accordingly. He talks about Scotland being the best small nation in the world, but all we can say is, "Not a chance under this Administration." We oppose the motion.

10:01

The First Minister: I am proud enough of Scotland to say that I believe that we are the best

small nation in the world. Even if the SNP were in charge, I would still believe that Scotland was the best small nation in the world. That is what patriotism is all about.

I remind Mr MacAskill that it is not Labour or the Liberal Democrats in this chamber who take instructions from a leader in London. It was not my party leader, Tony Blair, or Jim Wallace's party leader, Charles Kennedy, who described the performance of MSPs as mediocre and said that that was why he had to come back and lead his party again. Not only are our party leaders prepared to let us run this Parliament, but they support us in ensuring that Scotland is taken forward. They believe in this Parliament and the policies that we pursue.

It is telling that this morning neither of the two Opposition parties has put up a new policy idea as an alternative. They carp, criticise, complain and attack personalities, but produce not one new policy idea.

Both Opposition parties talked about the importance of business to the economy. It does not behove members of the Parliament to describe the £30 billion budget for which we will be responsible as "pocket money". Not one person in Scotland—not even my good friend Tom Hunter—would describe that money as pocket money. We have a duty and a responsibility to manage the budget, to deliver efficiencies and reforms and to make that money work for the people of Scotland. Not one business in Scotland would deny that our responsibilities for research and development, for education and skills, for transport and for promoting Scotland at home and abroad are important in taking forward business and giving real opportunities.

As ever, Annabel Goldie delivered a witty address. I only hope that the condition of Brian Monteith and Bill Aitken up top does not preclude their ever serving, with or without hair gel, in a Conservative Cabinet.

One of our most experienced and talented ministers has been appointed to take over the ministerial portfolio with responsibility for delivering affordable housing and a better planning system. Given that businesses throughout Scotland want us to act on those issues and view them as central to their future prosperity, to describe that appointment as sidelining is very wrong indeed.

This Cabinet will have Tom McCabe to deliver a more efficient budget and to ensure that we are represented well at home and abroad. It will take forward that agenda and use the powers that we have to promote Scottish businesses, giving them the skills, back-up and support that they need. It will also ensure that we have planning and housing systems that no longer act as a restriction

on growth, but allow our businesses to grow. I whole-heartedly endorse the nomination of Tom McCabe to his new position. I ask the Parliament to support that nomination and to back the policies that will take Scotland forward.

The Presiding Officer: The question is, that motion S2M-1822, in the name of Jack McConnell, on the appointment of a minister, 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)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (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)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)

Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Swinburne, John (Central Scotland) (SSCUP)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 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)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

ABSTENTIONS

Ballard, Mark (Lothians) (Green)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Harvie, Patrick (Glasgow) (Green)
 Sheridan, Tommy (Glasgow) (SSP)

The Presiding Officer: The result of the division is: For 62, Against 36, Abstentions 4.

Motion agreed to.

That the Parliament agrees that Mr Tom McCabe be appointed as a Minister.

Junior Ministers

The Presiding Officer (Mr George Reid): The next item of business is a debate on motion S2M-1823, in the name of Jack McConnell, on the appointment of junior Scottish ministers, and two amendments to the motion.

10:06

The First Minister (Mr Jack McConnell): I will be brief and will not reiterate what I have already said, but I want to make a number of important points about the nomination of Johann Lamont—I have been making mistakes about the pronunciation of her surname for 20 years and I am determined to get it right today—and Rhona Brankin to be junior ministers in the Executive.

Johann Lamont has made a considerable contribution to the work of the Parliament, not least through her convenership of the Social Justice Committee and the Communities Committee. She has steered through and been involved in consideration of some of the best legislation that the Parliament has passed on housing, sexual offences and—in the past year—antisocial behaviour. Johann Lamont—[*Laughter.*] I will get it right. Johann Lamont has shown that the Parliament and its committee system can work with the Executive. She has also demonstrated an ability to drive forward a policy issue and to turn it into action and achievement. I am certain that she will be an excellent junior minister in the Executive.

Rhona Brankin, who has served well in the Executive before as Deputy Minister for Culture and Sport and Deputy Minister for Environment and Rural Development, has an understanding of the importance of the national health service that many members cannot share. I believe that she will bring that experience to her ministerial portfolio and that it will complement her skills and abilities and her belief in our policies—which will not only take forward Scotland's health service, but improve our national health—in a way that will support the direction in which we are travelling.

Both those junior ministers will join a team that is committed to improving Scotland's national health and our national health service. As well as being committed to record levels of resources and record staffing levels, that team is committed to reforming the national health service in Scotland, to delivering localised services in every case in which that is appropriate and to ensuring that we have the specialised services that can save lives and cure people in a way that was unimaginable 10 or 20 years ago. Our team, which will be assisted by Rhona Brankin, will take forward the health improvement agenda. It will deal with

issues such as mental health, the health of our young people, including their diet and exercise, and smoking and alcohol abuse.

Just last Thursday, Margaret Curran outlined the communities agenda of progressing the provision of affordable housing throughout Scotland. Thousands of new homes are desperately needed in urban and rural communities. The communities portfolio includes the agenda of tackling poverty in Scotland, not simply by delivering more handouts, but by giving people the opportunities to work—through the provision of child care, new skills and support in the community for them and their families—so that they can get into work, stay in work, earn a living and ensure that their families can prosper. Those are important agendas for the Executive, the Cabinet and the junior ministers, who I hope will join us after today's vote.

Those agendas are in stark contrast to the Scottish National Party's opposition over the past five years to the housing investment in Glasgow and elsewhere through the transfer of housing stock to local people and tenants, who will now control their own housing. They are in stark contrast to what we hear from the Conservatives, who have not challenged Rhona Brankin's appointment but usually like to talk about their policies for the national health service. Their policies would break up the NHS and would mean that those who can afford to pay for operations are subsidised so that they can have those operations more quickly; their policies put aside the needs of those who cannot pay for their operations but need a health service most and need it when they have to have it.

There is a stark contrast in the Parliament between the policies that take Scotland forward and the Opposition policies, which show poverty of ambition. Our policies will see Johann Lamont and Rhona Brankin take forward the work that has begun to a new stage after our new Parliament building is formally opened on Saturday. Our policies will ensure that, in future, young Scots have a better community in which to live.

I move,

That the Parliament agrees that Rhona Brankin and Johann Lamont be appointed as junior Scottish Ministers.

10:11

Shona Robison (Dundee East) (SNP): Mr McConnell will need to start practising Johann Lamont's name.

I have no personal grudge against Rhona Brankin, although her appointment shows the benefit of asking ministers no-brainer questions at question time, but the way in which her appointment came about symbolises everything that is wrong with the Executive's approach to the

health service. First, we were told that the reshuffle was kicked off by one deputy minister resigning due to—wait for it—hospital cuts in her area. We were then told that the so-called new team, which is anything but new, is the right team for the right time.

Mrs Mary Mulligan (Linlithgow) (Lab): I make it clear that I resigned from the Executive to ensure that the people of the Linlithgow constituency get the best possible health service, but I am certain that they will get that only through the policies of the Labour-led Scottish Executive.

Shona Robison: I find that hard to understand, as I am sure Mary Mulligan's constituents will, because the same Labour-led Executive is causing the problems that her constituents face in the hospital services. I will let Mary Mulligan try to explain that to her constituents; I am sure that she will have a good time doing so.

We have been told that the new Cabinet is the right team for the right time, which one national broadsheet translated into:

"The shortage of talent shines through".

As I prefer to say, the sacked are back.

We are expected to believe that the appointment of one of Jack's lads—the straight-talking Mr Kerr—with assistance from Rhona Brankin, will sort out those pesky members of the public who simply do not listen hard enough to the Executive's explanations of why it is closing down their local services. We are expected to believe that, if the Executive says those things a bit louder, all will be well. We are told that Mr Kerr and Ms Brankin are a team that will be able to explain better to the public why services are being cut—presumably in the same way as Ms Brankin explained to the fishermen why they should lose their jobs when she was in control of the fishing industry. We are expected to believe that, if the public would only listen a bit harder, they would understand why all the cuts are necessary and would meekly accept their local hospitals' fate. I suggest a different tack: perhaps the public are right and the Executive should listen to their views and change policy direction.

The problem is that, even among Mr McConnell's back benchers, many do not believe that the change of face matters. As Bristow Muldoon said, the issue is the health policy, not the face in the job. I could not agree more. As we know, Mr Kerr could not wait to get in front of the cameras to tell us that there would be no change in policy, which raises the question of the point of the reshuffle in the first place. We are supposed to believe that a fresh—or, in Mr Kerr's case, not-so-fresh—face is enough to turn round a health service that faces major problems and a lack of strategy.

John Swinburne (Central Scotland) (SSCUP):

Does Shona Robison agree that the health service in Scotland is in crisis? Does she also agree that no political party has the answer to all the health service's problems and that we will find a solution to the health problem only when the Parliament stops treating the issue as a political football and gets cross-party agreement on the health service, with all parties pulling together?

Shona Robison: I certainly agree with Mr Swinburne that no one party has all the answers. Every party has issues to bring to the table. What I would say is that we will never agree to hospital cuts. That is where any cross-party co-operation stops. If Mr Kerr refuses to listen to the views of the people, it will be his Westminster colleagues who will suffer the effect at the elections next year—something that they are acutely aware of and jumping up and down about.

Some have gone further and have suggested:

"Even if the executive had a vision, Mr Kerr would not be the politician to advance it. Health needs a skilled, confident, articulate politician to enunciate policy ... He is no communicator."

While that may or may not be true, the issue is whether there is a coherent strategy even to try to articulate. There is not. There is a complete lack of Government strategy and vision. Despite having been in power for five years in Scotland, the Executive has no strategy for the health service. At the Health Committee yesterday, we heard that there is no national strategy for work force planning to ensure that we have the right staff to do the right jobs.

Today, it has been revealed that the Executive will not meet its target of recruiting 600 new consultants by 2006. The Executive has no clear way of meeting the pledge for 12,000 nurses, which will hardly match the number leaving the profession, as the Royal College of Nursing said yesterday.

The common failing, whether on hospital closures and downgrading or on the lack of work force planning, is that the Executive has not developed a clear national strategy and plan for delivery. Ministers are flailing about, having to deal with one crisis after another. *[Interruption.]* I can tell Mr Kerr that merely changing the faces and shouting louder will not change a thing. Only a change of policy will do that.

I move amendment S2M-1823.2, to leave out "Rhona Brankin and".

10:17

Bill Aitken (Glasgow) (Con): To parody the old song, what a difference a week makes. Is this the same Jack McConnell who, only last Thursday,

enthusiastically applauded Malcolm Chisholm and gave him his full support? Within a few days, poor old Malcolm finds himself kicked into the long grass. One minister down, two hospitals saved—that just shows what effective opposition can do.

Looking around the chamber, I can see Karen Whitefield, Gordon Jackson, Helen Eadie and Richard Baker. What do they all have in common? As well as effectively being candidates for the Scottish minorities group, they are four of only 17 people on the Labour benches who have not held ministerial office or been given committee convenerships. Helen Eadie should not worry: her chance will come and, next time, she will be a minister.

What is happening here today is illustrative of exactly what is wrong with the Executive. Politicians once talked about ministries of all the talent. Here we have ministers totally and utterly bereft of talent. What does the First Minister do? Largely, he moves the same old, tired faces round the Cabinet room table. Nevertheless, as the justice portfolio falls into disrepute and despite all that is going wrong there, Cathy Jamieson retains her post. At a time when business and commerce are seriously concerned about the future of Scottish business, the First Minister does not negotiate with the Liberals to see whether a change in that ministry would be necessary.

What we are seeking to do today is not aimed at Johann Lamont personally. We have to practise the pronunciation of that name—only a Glasgow guy can get it right.

Johann Lamont (Glasgow Pollok) (Lab): I point out that my obsession with the pronunciation of my name is intended to ensure that nobody thinks that I could have any connection with the Tory ex-Chancellor of the Exchequer, Norman Lamont.

Bill Aitken: As I have pointed out before: a fragrant, if prickly, rose by any other name.

Is it not rather sad that Margaret Curran, who is one of the most effective ministers and with whom I have enjoyed many jousts over the years, should again be sidelined? She has been sidelined because she has shown a degree of ability. If she thinks that that is to damn her with faint praise, she should ask herself why she was moved. The reason was that Jack McConnell reckons that, like Lady Macbeth, Margaret Curran will be, if not the one to plunge the dagger into him, the one to arrange the mechanics of the deed.

This is a rather depressing morning because, with due apologies to Johann Lamont and Rhona Brankin, we are simply being asked to reshuffle the old, tired pack. That is not good enough. The reshuffle will not make a whit of difference to the way in which Scotland is run because it is not the

faces that need to change but the policies. Imagination has been singularly lacking from everything that the Executive has done over the past five years. The no fresh talent initiative that Jack McConnell has introduced today will not make things better at all. I urge all members to support our amendment in the spirit in which we will be supporting the SNP amendment.

I move amendment S2M-1823.1, to leave out "and Johann Lamont".

10:21

Christine May (Central Fife) (Lab): I have rarely heard anyone speak to an amendment without referring to it once, as Bill Aitken has just done. However, I rise to speak in support of the appointment of Johann Lamont as Deputy Minister for Communities. I know that, when the Parliament approves her appointment, she will make an excellent minister. I also know that she has proved to be a doughty fighter for social justice, the social economy and co-operation and collaboration for the benefit of our communities. She has kept me fully informed of the work that has been going on in the Communities Committee, which she has convened, and my constituents in Levenmouth and Glenrothes have benefited from the work that she has done. As a fellow Co-operative Party group member, she has consistently argued for the development of social enterprises and local co-operatives to bring the benefit to local areas of local economic development led by local people.

I cannot for the life of me understand why some people do not recognise the traits and abilities that Johann Lamont has shown. I find it inconceivable that anyone could suggest that she is not an ideal candidate for the job for which she has been nominated today—a nomination that I am proud to support. I also find it inconceivable that the communities brief should be so denigrated by members when our constituents are telling us day in, day out that they want better social cohesion in our communities and legislation to reduce binge drinking and to improve health. That is just what the Executive is doing in cutting deaths from cancer, strokes and coronary heart disease, in moving services closer to the people and in encouraging local enterprises with the involvement of local people. If any member thinks that that is not what we are here to do, I say to them that they do not know what the voters of Scotland want from our Parliament.

John Swinburne is right to say that there must be a consensus on the way forward on health. We cannot improve people's health, ensuring that they are sick less often, only to demand that there be thousands of hospital beds that are no longer needed to deal with traditional illnesses, as those illnesses are being dealt with in our communities.

The Cabinet reshuffle is about refreshing the team. It is about establishing a team behind which we can get and that we can lobby for improvements in our communities. I urge the Parliament to oppose the amendment in Bill Aitken's name and to support the First Minister in the appointment of the junior ministers.

10:25

Maureen Macmillan (Highlands and Islands) (Lab): I support the First Minister's motion. I am proud and happy to be one of the 17 perpetual back benchers. The 17 Tories all have some title, so it ill behoves them to cast aspersions.

Bill Aitken: Will the member give way?

Maureen Macmillan: No.

I recently had the privilege of receiving a letter from Fergus Ewing, who addressed me as the minister for the Highlands and Islands, and I am pleased to be known as such.

Mr Frank McAveety (Glasgow Shettleston) (Lab): Good idea.

Maureen Macmillan: I thank Frank McAveety—it is a good idea.

I will speak particularly in support of Rhona Brankin's appointment as Deputy Minister for Health and Community Care. She has a proven record as a deputy minister, having served well in the culture and sport brief, when she was generally agreed to have done an exceptionally good job for the arts and for women's sport.

As Deputy Minister for Rural Development, Rhona Brankin had to deal with the fishing brief at a time of difficult change for the industry. She had a reputation for being hard working and for not being afraid to confront difficult issues, despite the intimidation and bullying that she experienced, of which some parties should be ashamed.

Nicola Sturgeon (Glasgow) (SNP): Will the member round up her tribute by giving us her views on why, if Rhona Brankin was so good, Jack McConnell sacked her as a minister?

Maureen Macmillan: Such decisions are for the First Minister. The intention is to refresh the team. *[Interruption.]* Andy Kerr is prompting me, but I will not say what he suggests, because I do not think that Nicola Sturgeon would recover from it.

I am especially pleased to welcome Rhona Brankin as Deputy Minister for Health and Community Care because I know of her genuine interest in and commitment to the provision of health and care services and of her commitment to promoting healthy living. As an MSP for the Highlands and Islands, I am also pleased that the deputy minister will be a woman who lived for

many years in Ross-shire and who has first-hand experience of rural health issues. I look forward to working with her and Johann Lamont and I support the First Minister's motion.

10:28

Mr Ted Brocklebank (Mid Scotland and Fife) (Con): Members should make no mistake—an opportunity has been lost. Okay, it might be a bit melodramatic to talk in terms of deckchairs and the Titanic, but the event looks like the reshuffling of a well-worn deck of cards.

I take nothing away from the two ladies who are to join the ministerial team. I imagine that Johann Lamont—with the stress on the first syllable—or Lamont—with the stress on the second syllable—or, as the late, lamented Rab McNeil used to describe her, Johann Sebastian Lamont, is a capable lady. I know that Rhona Brankin created a bit of a stir in her fisheries days in places such as Peterhead and Pittenweem, where she was described as the incredible “No” woman. Never mind—I do not suppose that either regards herself as an ace in Jack's reshuffled pack.

As for the Executive's wild card, Frank McAveety, although I do not always share his taste in Armani tee-shirts, he would certainly never have chosen a pin-striped kilt to go with the highland jacket that the Parliament bought for him. I have always found him to be courteous and his tastes to be wide ranging—and I am not just talking about culinary aspects.

I do not understand why the rate for the job of Minister for Tourism, Culture and Sport, which was £73,000 a year for Frank McAveety, has suddenly risen to £87,000 a year for Patricia Ferguson. I have no problem with people receiving the rate for the job and I am sure that Patricia Ferguson and her husband, Bill Butler, need every penny of their joint £137,000 in parliamentary salaries, but Frank McAveety must be baffled. Why does his untried successor automatically merit £14,000 a year more than he received? Why is Nicol Stephen apparently worth an extra £14,000 a year at the same time? The important point is that, far from setting an example and taking a key opportunity to cut ministerial jobs in line with his pledge to be tougher on efficiency in Scotland, Jack McConnell has added another £30,000-plus to the ministerial wage bill. So much for leaner and more efficient government.

So much, too, for open and transparent government, as Annabel Goldie and Bill Aitken have pointed out. Last Thursday, after seeing off the Tory vote of no confidence, Malcolm Chisholm was surrounded by congratulatory fellow ministers. Jack McConnell even patted him on the back. Nobody noticed the dagger. Five days later, after

publicly backing his Minister for Health and Community Care, Jack sacked him. Malcolm Chisholm's successor, Andy Kerr, has broad shoulders as well as Brylcreemed hair. Let us hope that he and his deputy—the winsome Rhona Brankin—keep a careful look over their shoulders to see what happens when they fail to stop the pack of cards that is the health service collapsing.

Poker players know that every hand is a winner and every hand is a loser. In the short term, those in Jack McConnell's new ministerial deck are certainly winners in a monetary sense, but Scotland's taxpayers are among the losers, especially people on fixed incomes who will see their council taxes soar, despite Andy Kerr's pious hopes last week. Jack the joker tells us that his newly shuffled team will produce the goods, but I have no doubt that the electorate will see through card-sharp Jack's latest shuffle from the bottom of the deck.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): Will the member give way?

Mr Brocklebank: No.

Instead of more bloated salaries, more limos and more platitudes, when will the people of Scotland get a fair deal from the Executive?

10:31

Christine Grahame (South of Scotland) (SNP): I congratulate Christine May; I think that I have now endured the longest job application in history. I note that Maureen Macmillan, who congratulated the First Minister on his appointments, supports him, but does not support the proposed cross-party group on hospital closures from which, I understand, she recently withdrew. I hope that the Belford protesters are well aware of that.

I say well done to Rhona Brankin, who has worked hard to get back to where she is and to earn a reprieve. I say to other members on the back benches that there is a route: they should do what Rhona Brankin did. I am sure that Christine May is paying attention to that.

Frank McAveety's ticket to the front seems to be on a rubber band, so I say to him, “Third time lucky; you never know.”

To Ted Brocklebank, I say that the exercise is like moving deck chairs on the Titanic. Moving the Minister for Health and Community Care, Malcolm Chisholm, has brought dismay to the professionals.

Mr Kenneth Macintosh (Eastwood) (Lab): Christine Grahame is interested in the talent on the Labour benches, but will she remind us how talented she is? Exactly what proportion of the

vote from SNP members did she get when she stood for the leadership?

Christine Grahame: I am delighted with the vote that I received from SNP members, and when our elected members voted, I came top of the list for the national executive committee, sunshine.

We are having this debate and going through all these cosmetic moves because constituents are hammering at the doors of Labour MPs and MSPs; the debate has nothing to do with addressing the concerns of Scotland's patients and professionals.

I will pose the real questions. Why is Scotland's health service so sick after seven years of Labour at Westminster and five years of Labour in the Scottish Parliament, with the Liberal Democrat lackeys propping it up? Why are there not enough consultants, nurses and dentists? NHS dentists are as scarce as hens' teeth. The list goes on. There are not enough beds. Waiting lists are growing: individuals—real people—are awaiting biopsies for seven months to find out whether they have cancer and people are waiting for seven to nine months for operations that would cure them. Professionals are talking about a crisis. Beleaguered professionals are going public on behalf of their patients.

As a former convener of the Health Committee, I have respect for Tom McCabe. He got into the portfolio and worked at it, but he had two agendas. The other agenda was the top job, but he was not going to get that, because of too much talent and—like his colleague, Ms Curran, who is a lady for whom I have great respect—too much ambition. As a result, she has been sidelined into dealing with business motions, which Euan Robson dealt with at one time—need I say more? What a fate for talent.

The other matter, of course, is the back benchers—wonderful people, but the problem is, what good is it for Scotland or the Parliament having them all parked on the back benches?

In the meantime, Scotland's health service sinks like the Titanic, despite the money invested in it, because team McConnell on the bridge has not simply charted the wrong course, but has charted no course at all. Instead, it has simply tacked this way and that according to the way the political wind is blowing. The national framework should have been started years ago, not delivered next spring.

I say to the members of the new ministerial health team that the iceberg is in their sights and they have little time to manoeuvre. In the next few days—not weeks or months—they must prove to the Scottish people that they are listening to the public, to the professionals and to this Parliament. They must apologise for the chaos that they have

caused in the people's national health service, courtesy of the Liberal Democrats. I tell them to listen not to their MPs but to the Scottish public, who will hold them accountable at the next election. To coin a phrase that should come back to haunt them, the ministers have 24 hours to save the health service.

10:36

The First Minister: I regret the fact that Bill Aitken was not really listening to what was said about the communities portfolio. He described the allocation of that portfolio to Malcolm Chisholm as putting Malcolm Chisholm "into the long grass." I say to Bill Aitken that businesses the length and breadth of Scotland genuinely believe—and I agree with them—that resolving the problems in our planning system and ensuring that there is more affordable housing in Scotland are fundamental to Scotland's future economic growth. If Bill Aitken thinks that those issues should be in the long grass, then he is wrong and out of touch with businesses and with the people whom they employ.

With due respect, I also suggest to those who believe that the position of Minister for Parliamentary Business is not significant and important in this new building, when we all have a responsibility to win the respect of people outside the building and throughout Scotland, that they are wrong. The position is central to the success of the Parliament and to earning the respect and confidence of the people of Scotland.

However, the main points that have been made in this short debate are about the health service, and I will make just two or three points about that. First, genuine debates are taking place and, in many cases, local communities have genuine concerns about individual proposals from individual health boards. However, the way in which to deal with that is to engage in the debates and to try to be part of the solution rather than part of the problem. If members on the Executive benches, including both Malcolm Chisholm and myself, had taken the same approach as the Opposition in Oban and Fort William, by scaremongering among local people and worrying them about the future of their services, and had not done what we did, which was to encourage those responsible for the local service—the professionals and others who can help us to make the decisions—to come together to find a long-term sustainable solution for the two hospitals, we would have been giving up absolutely on our duties and responsibilities.

I believe firmly in the power of dialogue between people who genuinely have the interests of the health service at heart. We will continue to pursue that approach in other parts of Scotland, just as

we have this past week when that approach has worked in Glasgow and the western Highlands.

Shona Robison: Will the First Minister give way?

The First Minister: Ms Robison need not worry; I will come back to her remarks in a second.

When we do that, we will remember that, despite some individual controversial proposals, we have a £700 million modernisation plan for Glasgow hospitals that will replace the Victorian hospitals of the past with brand new facilities that will benefit local people in Glasgow and the length and breadth of Scotland; that, this year, we will have invested £282 million in vital new hospital buildings and equipment, which will improve the health service in Scotland, not cut it back or send it into decline or chaos; and that, as I said here last Thursday, we see more than 100 new or refurbished health centres, general practice surgeries, pharmacies and other family health facilities that are delivering care in the community where that care is most needed, which we can do nowadays with the best of technology and the best skilled staff. Those are the challenges that face the modern health service.

When I attended a charity ball organised by Enable about six months ago, I listened to a 64-year-old woman who had spent every year of her life since she was 15 in an institution in Lanarkshire. The institution has been knocked down and she is now in the community and has a job. Health care in the 21st century should be about that, not about the old buildings that the SNP wants to keep open.

Shona Robison: Will the First Minister give way?

The First Minister: No. Shona Robison cannot change her words now. She said that the SNP could never agree to closures and changes in the health service, but her analysis is very wrong.

Subject to a vote that I believe is about to take place in the Green party, only one party does not have enough talent on its benches to be led in this Parliament, and that is the SNP. I point out that those are not my words; we believe that there are plenty of talented people in the SNP who could lead the party in this Parliament, but its members chose—

Stewart Stevenson (Banff and Buchan) (SNP): Will the First Minister recognise that while this party has a man representing Scotland in London his party has London's man representing it here?

The First Minister: For the avoidance of doubt, I repeat the point to Stewart Stevenson and everyone else: only one party in the Parliament does not have the talent on its benches to be led

here. We believe that the talent exists in this Parliament to lead the SNP here, but the SNP itself does not appear to have the confidence to believe that.

I absolutely assure members that the new team that I hope the Parliament will endorse will, on behalf of the partnership that has done so much for Scotland over the past five years, take us forward into the new stage of devolution. I say to Annabel Goldie that I, too, remember a phrase from my French lessons at school: *il pleut toujours*. It certainly felt like that back in Arran in the 1970s. However, today the sun is shining on this team's bright new prospects for Scotland. We will ensure that we take Scotland forward and I hope that the Parliament will agree to the motion.

The Deputy Presiding Officer (Trish Godman): We now move to the vote. The first question is, that amendment S2M-1823.2, in the name of Nicola Sturgeon, which seeks to amend motion S2M-1823, in the name of Jack McConnell, on the appointment of junior Scottish ministers, be agreed to. Are members agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 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)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McGregor, Mr Jamie (Highlands and Islands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 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)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Swinburne, John (Central Scotland) (SSCUP)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Ballard, Mark (Lothians) (Green)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 MacDonald, Margo (Lothians) (Ind)
 Sheridan, Tommy (Glasgow) (SSP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

The Deputy Presiding Officer: The result of the division is: For 35, Against 67, Abstentions 7.

Amendment disagreed to.

The Deputy Presiding Officer: The next question is, that amendment S2M-1823.1, in the name of Bill Aitken, which seeks to amend motion S2M-1823, in the name of Jack McConnell, on the appointment of junior Scottish ministers, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 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)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)

Butler, Bill (Glasgow Anniesland) (Lab)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 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)
 McMahan, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Swinburne, John (Central Scotland) (SSCUP)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Ballard, Mark (Lothians) (Green)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 MacDonald, Margo (Lothians) (Ind)
 Sheridan, Tommy (Glasgow) (SSP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

The Deputy Presiding Officer: The result of the division is: For 36, Against 66, Abstentions 7.

Amendment disagreed to.

The Deputy Presiding Officer: The next question is, that motion S2M-1823, in the name of Jack McConnell, on the appointment of junior Scottish ministers, be agreed to. Are we agreed?

Members: No.

The Deputy 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)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 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)
 McMahan, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)

Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Swinburne, John (Central Scotland) (SSCUP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 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)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

ABSTENTIONS

Ballard, Mark (Lothians) (Green)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 MacDonald, Margo (Lothians) (Ind)
 Sheridan, Tommy (Glasgow) (SSP)

The Deputy Presiding Officer: The result of the division is: For 67, Against 36, Abstentions 6.

Motion agreed to.

That the Parliament agrees that Rhona Brankin and Johann Lamont be appointed as junior Scottish Ministers.

School Education (Ministerial Powers and Independent Schools) (Scotland) Bill: Stage 3

10:45

The Deputy Presiding Officer (Trish Godman): The next item of business is stage 3 of the School Education (Ministerial Powers and Independent Schools) (Scotland) Bill. For the first part of the stage 3 proceedings, members should have: the bill, as amended at stage 2; the marshalled list, which contains all the amendments that have been selected for debate; and the groupings. I will allow a voting period of two minutes for the first division on an amendment. Thereafter, I will allow a voting period of one minute for the first division after a debate on a group, and all other divisions will be 30 seconds.

Group 1 is on information to be included in references to ministers. Amendment 7, in the name of Euan Robson, is grouped with amendments 8, 9 and 10.

The Deputy Minister for Education and Young People (Euan Robson): Amendments 7 to 10 are purely technical. They clarify that a failure that Her Majesty's Inspectorate of Education specifies in a reference to ministers under new section 66B(3) of the Education (Scotland) Act 1980 or new section 10A(3) of the Standards in Scotland's Schools etc Act 2000, as inserted by the bill, is the same failure as that identified under new section 66B(2) or new section 10A(2) respectively. The amendments also ensure that the word "failure" is used consistently in the singular throughout the bill. The use of the singular encompasses the plural meaning, and the amendments remove any uncertainty that might otherwise arise.

I move amendment 7.

Amendment 7 agreed to.

Amendment 8 moved—[Euan Robson]—and agreed to.

The Deputy Presiding Officer: The second group of amendments is on variation of enforcement directions. Amendment 1, in the name of Lord James Douglas-Hamilton, is grouped with amendments 2 to 6.

Lord James Douglas-Hamilton (Lothians) (Con): The principal amendment is amendment 1, which I will move on behalf of the Educational Institute of Scotland. If the principal amendment succeeds, I will move all five of the consequential

amendments; if it does not succeed, the other amendments will not be moved.

The principal amendment would delete the sentences,

"The Scottish Ministers may vary an enforcement direction by giving a further such direction",

and

"A further such direction need not proceed upon a further preliminary notice under section 66C(1) of this Act."

Amendment 4 is similar and amendments 2, 3 5 and 6 are consequential.

The amendments would ensure that ministers could take only those actions that are recommended by Her Majesty's Inspectorate of Education. Ronnie Smith, the general secretary of the EIS has stated:

"Our concern is that the initial trigger for a ministerial intervention (enforcement direction) has to be a reference from HM Inspectors—that is to say that Ministers cannot intervene for any other reason than HMIE advising them that there has been a failure to act by the school or Education Authority."

He went on to say:

"The intervention cannot be politically motivated but must stem from the independent professional assessment of HMIE, which is at arm's length from the Executive."

Under the bill, ministers, having responded to an HMIE reference by issuing an enforcement direction, may then vary the direction without a reference from the inspectorate. That opens the door to the possibility of a ministerial direction that is not based on an inspectorate assessment or on objectivity. As it stands, the requirement to consult the inspectorate is not sufficiently robust. The power to vary an enforcement direction should be deleted so that any further ministerial direction that varies the original direction should also require to be preceded by an explicit reference from the inspectorate.

To paraphrase Dunning's resolution in the House of Commons, the power of ministers has increased, is increasing and ought to be diminished. Ministers should not be afforded unlimited powers to ride roughshod over the school inspection system. Our amendments on behalf of the EIS seek to uphold the authority and independence of the inspectorate and my purpose is to test the opinion of the Parliament.

I move amendment 1.

Mr Adam Ingram (South of Scotland) (SNP): I support this group of amendments. Lord James Douglas-Hamilton correctly highlights the almost unlimited powers that ministers are assuming to interfere in the management of schools. If members still doubt that that is the case, I refer them to page 1 of the bill, lines 18 to 20, which

state clearly that any matter relating to a school that HMIE flags up can be used to stimulate a ministerial intervention. I suggest that that scattergun approach belies the rhetoric of ministers to date that their sole focus is on promoting quality in education as laid out in the Standards in Scotland Schools etc Act 2000.

Lord James Douglas-Hamilton's amendments, which seek to restrict ministers to intervening only in matters that HMIE brings to their attention, are wholly appropriate and should be supported, even though they cannot correct the fundamental flaws in the bill.

I support the amendments.

Dr Elaine Murray (Dumfries) (Lab): I oppose Lord James Douglas-Hamilton's amendments on the basis that they are unnecessary. To some extent I understand Ronnie Smith's concerns, but they are already addressed in the way in which the bill has been drawn up, because ministers can give an enforcement direction only on HMIE's recommendation. The only reason why ministers would wish to vary such an order in the interim would be because the local authority or school had already carried out some of the action, and ministers might want to relax the terms of the enforcement direction. Lord James Douglas-Hamilton's amendments would remove their ability to do so.

There has been a lot of paranoia around the bill, which has been completely unnecessary and of which this group of amendments is one example. I cannot imagine why a minister would wish to sit in his office imposing additional constraints or recommendations on an authority or school willy-nilly. If a minister were doing that, it would suggest to me that he or she did not have enough to occupy them.

The bill is written in such a way as to provide that ministers can take action only if the inspectors have directed the authority but the authority has not taken action. We need to make it clear that the concerns have been addressed and that there is no need to reduce the ability of ministers to vary the conditions if an authority has already met them.

Robert Brown (Glasgow) (LD): What Elaine Murray said encapsulates the main issue and the points she made were good. I find it incredible to see the spectacle of the Conservative party, which largely emasculated local government under its regime, reinventing itself in the new guise of protector of local authorities.

We have to consider the context in which the powers will be exercised. The provision relates to the variation of directions that have already been given, so we will already be in the serious position of something being amiss in the arrangements that

has stimulated a report by Her Majesty's inspectorate in the first place. As Lord James Douglas-Hamilton said, there is a requirement for Scottish ministers to consult HMIE before varying a direction, and ministers will also have to prepare a report on their exercise of the power and lay that report before the Scottish Parliament.

This is a fairly modest issue in the overall scheme of things, and a double lock is already in place. I do not think that there is any need to restrict the flexibility in the arrangements—which will be needed—as Lord James's amendments suggest doing. Therefore, I invite members to oppose the amendments.

Euan Robson: From the outset of our consultations on the bill, it has been made clear that we seek the power to vary directions that Lord James Douglas-Hamilton seeks to remove. It is perhaps a first for Ronnie Smith to be quoted by Lord James, but there we are. At no stage hitherto has anyone brought to our attention the fact that the variation power could be problematic, and we do not think that it is.

There are two main reasons why the Executive does not support Lord James's amendments. First, the power to vary a direction has benefits for all the parties that are involved. The benefits are not just for ministers, but for the education authority, the managers of the grant-aided schools and, importantly, the children who are being educated in the schools or authorities that have had an enforcement direction served on them. Secondly, we believe that there are sufficient safeguards in place to prevent ministers from acting unreasonably when varying a direction.

The power to vary a direction will allow for ministers to take account of changes in circumstances during the period of compliance—a point that Robert Brown made. For example, if a direction had been served on an authority and it had been asked to comply by, say, 12 December, without the power to vary the direction, the authority or manager would have to comply by that date, regardless of any further evidence coming to light. Let us imagine that the authority then approached ministers in November to give them an update on progress and to inform them that the majority of the actions had been taken but that, due to unforeseen circumstances—say, staffing issues—the final action, although under way, could not be completed until January. With a power to vary directions, ministers could consider the evidence that the authority had put forward and might consider it appropriate and reasonable to vary the direction to make January the date for compliance. If the deadline was varied, the direction could be complied with and it would be clear that improvement was being secured for the education of young people in the authority's area.

If ministers did not have the power to vary the direction, the authority would not be able to comply fully by the established date—12 December—and would, as a result, breach its statutory duty, with the consequences flowing therefrom.

With the power to vary directions, ministers will be able to retain the option of a proportionate response at all times throughout the process. The power provides the flexibility in the process that will be required to deal with changing circumstances in a proportionate manner. We would not want to lose that; it is an important power for us to have.

As I said, we also believe that there are sufficient safeguards to prevent ministers from acting unreasonably when varying a direction. First, it is a principle of administrative law that all public bodies—including ministers—must act reasonably in making decisions. Any aggrieved authority or manager of a grant-aided school could challenge a decision on the ground that a minister had acted unreasonably in varying a direction if that were the case, which could lead to judicial review. Secondly, and more specifically, any enforcement direction will be fundamentally constrained by new section 66D(2) or new section 10C(2), in that it must always relate to action that is calculated to remedy or prevent the recurrence of the failure that was originally identified by HMIE. Any variation of the direction can be made only within those constraints. A variation that was intended to require a school to take action in relation to other matters would be *ultra vires*. A direction must always relate back to the failure that was originally identified: it must always be within the boundaries that have been drawn by HMIE.

11:00

Thirdly, there are additional safeguards in this part of the bill. Under new section 66D(8) and new section 10C(8), ministers will not be able to vary a direction without first consulting HMIE. HMIE is the independent assessor of education in Scotland and it is right that its opinion should be sought before giving, revoking or varying a direction. Fourthly, under new sections 66D(11) and 10C(11), ministers will have to report to Parliament on any use of the powers under that part of the bill, so if Scottish ministers consider that varying a direction is appropriate, they will be aware that their decision will be brought before the Parliament.

We expect that the power to vary a direction will be used infrequently, but any circumstances in which it is used will be truly individual. As I said, it is important that ministers have the flexibility to respond to changing circumstances. The power to vary conditions will allow that. Without it, we risk

placing an authority in breach of its statutory duty unnecessarily, or delaying the delivery of improvement in the education of children.

We believe that the power to vary alongside—and I underline this—relevant safeguards is a fair and proportionate provision. I hope that I have been able to dispel some of the misunderstanding about the provision and, given my assurances, I ask Lord James to withdraw his amendment.

Lord James Douglas-Hamilton: I regret that I am not persuaded by what the minister has said. I make it quite clear that the position of the EIS is not that there should never be any variation; it is that if a further ministerial direction varies the original direction, that should be preceded by an explicit reference from the inspectorate. The minister is trying to take away that function from the inspectorate and concentrate the power in his hands.

I appreciate the argument that the minister would act reasonably, and I have no doubt that he might. However, there might come a time when we have a minister who is not as reasonable as the current minister is. We have seen this morning that ministers come and go with great frequency. The minister cannot give a commitment that binds all future ministers, because he cannot say who his successors might or might not be. I doubt if even the First Minister could say that at this moment in time.

I am not persuaded by the minister and I will press my amendment.

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

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ewing, Mrs Margaret (Moray) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)

Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 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)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Glen, Marlyn (North East Scotland) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 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)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Wallace, Mr Jim (Orkney) (LD)

Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 35, Against 59, Abstentions 0.

Amendment 1 disagreed to.

Amendments 2 and 3 not moved.

Section 2—Power of Scottish Ministers to require action by education authorities

Amendments 9 and 10 moved—[Euan Robson]—and agreed to.

Amendments 4, 5 and 6 not moved.

School Education (Ministerial Powers and Independent Schools) (Scotland) Bill

The Deputy Presiding Officer (Trish Godman): The next item of business is a debate on motion S2M-1813, in the name of Peter Peacock, that the School Education (Ministerial Powers and Independent Schools) (Scotland) Bill be passed. I invite those members who wish to speak in the debate to press their request-to-speak buttons now.

11:06

The Minister for Education and Young People (Peter Peacock): It is a pleasure to open the final debate on this small but important bill, which is important for the Executive and for Scotland more widely. I thank Euan Robson for all his work during the detailed stages of the bill. I also thank the Education Committee for its detailed consideration of the bill, and I thank the committee clerks and Executive staff who worked hard on it.

The bill stands as testimony to the Executive's commitment to bring about improvement in Scottish education. Ministers have a duty to improve the quality of education in all Scotland's schools. The bill will ensure that ministers have the necessary and proportionate powers to drive forward the improvement agenda.

The first part of the bill will allow ministers to ensure that education authorities and schools strive to reach the highest possible standards; the second part will give a long overdue update to existing legislation on independent schools. As we have stressed on a number of occasions during the bill's passage, failure to implement the recommendations of Her Majesty's Inspectorate of Education does not of itself constitute a breach of duty under the section 70 powers in the Education (Scotland) Act 1980. Therefore, there is a gap in the system. There is currently no statutory obligation on schools or local authorities to take action on HMIE recommendations. The bill addresses that gap; it is not about ministerial takeovers or the micromanagement of schools, but about ensuring that education authorities and managers of grant-aided schools take the action that they should take when that is necessary.

The second part of the bill, which is on independent schools, has met with widespread approval from within and outside the independent sector. The changes that we will make to the existing legislation will make provisions more up to date, consistent and workable. We will continue to work with the independent sector on a revision of the regulations on independent schools.

We have taken forward all the committee's recommendations and amended the bill as a result of the committee's comments and suggestions. We have made a number of changes to the bill with the aim of ensuring that it meets the needs of ministers, local authorities, schools in the state and independent sectors and, of course, our children, who deserve the highest possible standards of school education.

The bill forms an important part of our improvement framework. I hoped that all members of Parliament would support the bill today but, sadly, it looks like that will not be the case if the behaviour of the Opposition parties at stage 1 is anything to go by. Lord James Douglas-Hamilton sought, as ever, to probe the bill at stage 2. He also sought, in his normal courteous manner, to do so at stage 3 and to make amendments. Sadly, he and his party, in cahoots with the Scottish National Party, opposed the bill in principle. Here we have another unholy alliance between the SNP and the Tories. It is opposition for opposition's sake on the one hand and purposeful destruction of constructive ideas on the other hand.

Brian Adam (Aberdeen North) (SNP): Those of us who oppose the bill do so from a principled point of view. Only a limited amount of legislative time is available and we believe that it is a complete and utter waste of Parliament's time for the bill to be brought before us. There are far more pressing education matters that could and should have been addressed by the Executive during the time that it has available for education.

Peter Peacock: It is extraordinary that the Opposition parties should seek to prevent a Government—any Government—from having the powers to bring about improvement in our education system. It is even more extraordinary to see members of the Tory party pretending to support local government in discussions on the merits of the bill when they propose to abolish any local government control over education in the future.

It is in the interests of the Tories, who are intent on dismantling state education, to have underperforming schools in Scotland. Indeed, it is part of their agenda to have underperforming schools in Scotland, in order to make the market-driven, two-tier education system that they want work. They want chaos for the many for the sake of choice for the few. They do not want a universally excellent system in Scotland; they want one in which people will probably have to leave their communities to track down a decent education.

Destructive and disreputable though their intentions towards Scottish education are, at least voting against the bill has a purpose for the Tories, given their agenda. The SNP, as we know, does

not even have an agenda for education in Scotland. SNP members have nothing to say, no ideas and no philosophy at all about education. The only idea that we have heard from the Sturgeon-Salmond manifesto is that of using our education system to indoctrinate Scotland's children in Scottish industrial history. No doubt it will be a version of history that the SNP decides and one that will blame London for any past economic ills. If SNP members vote against the bill today, it will not be for reasons of policy, because they do not have any policies, or for reasons of principle, because I do not believe that they have any principles either. Their opposition will be nakedly opportunist—opposition for opposition's sake.

The Opposition parties still have time to redeem themselves. They can still join us in standing up for Scotland's children. If they do not, I will be delighted to point out time and again to Scotland's parents that the Opposition parties did not want ministers to have the power and ability to bring about improvement in their children's schools or to be accountable to Parliament in the process. Taking the powers to bring about improvement wherever it is needed is what the bill is about. We will not turn our backs when action is needed and we will not wash our hands of our responsibility. It is right to have those powers and it will be right to use them whenever they are needed. It is right to stand up for the interests of Scotland's children. That is what the bill does and I commend it to Parliament.

I move,

That the Parliament agrees that the School Education (Ministerial Powers and Independent Schools) (Scotland) Bill be passed.

11:12

Mr Adam Ingram (South of Scotland) (SNP): I was going to start off by saying something nice about the Minister for Education and Young People, but I am beginning to have second thoughts about that. After the events of this week, it would be remiss of me not to congratulate him and his deputy on still being here to finish the job that they started in steering the bill through Parliament. Those events also serve as a reminder that ministers and, indeed, ministerial assurances can be here today and gone tomorrow.

I have no doubt that the minister is sincere in his arguments and in his intention to use but rarely, if at all, the powers that the bill, once enacted, will confer on him. However, he has failed to convince many beyond the ranks of his own department and the members around him that there is any need for the proposed new intervention powers contained in part 1 of the bill. Most, if not all, of the education

authorities that responded to the consultation exercise on the bill suggested that there was already a range of checks and balances in place and that there was little or no evidence to suggest that local authorities or schools do not respond to issues raised in HMIE reports.

The notion that new powers of intervention were needed to close the loop with the inspection and monitoring mechanisms established under the Standards in Scotland's Schools etc Act 2000, which allows ministers to fulfil a duty to secure improvement in the quality of school education, is at best arguable and at worst disingenuous. Many in the education world believe that the existing powers of ministerial intervention in education authorities that fail to meet statutory duties under section 70 of the Education (Scotland) Act 1980 would be sufficient to do the job when combined with section 2 of the Standards in Scotland's Schools etc Act 2000, which places a duty on education authorities to secure improvement in the quality of education provided in schools managed by them.

It is notable that opposition to the bill has, if anything, grown over the course of its passage through the Parliament. The Convention of Scottish Local Authorities and the Association of Directors of Education in Scotland have expressed alarm at what they see as the destruction of the partnership of trust between HMIE and local authorities. The recommendations in HMIE reports will, in effect, become instructions backed by the threat of ministerial intervention, which will remove management control from our democratically accountable local authorities.

The scope for intervention ranges far beyond the promotion of the quality of school education to any matter relating to the school, as I pointed out during the debate on Lord James's group of amendments earlier. Given the scope for intervention, it can easily be envisaged that ministers will yield to the temptation of interfering when political and departmental pressures are brought to bear, and creeping centralisation could well set in.

Robert Brown (Glasgow) (LD): Does the member accept that the professional standing of HMIE is central to the debate? However desirable it might be for ministers to intervene, they could not do that without the HMIE report that gives them the basis in fact on which so to do.

Mr Ingram: I accept the point about HMIE. However, the legislation puts HMIE in an invidious position in which its inspectors will be made responsible for flagging up issues requiring ministerial intervention. Who knows what pressures might be brought to bear on the inspectors?

Scottish National Party members believe that part 1 of the bill is the thin end of a potentially destabilising wedge that could plunge the management of our education system into disarray. Given that part 2 of the bill is not of vital import, we are duty bound to vote against this ill-conceived bill.

11:17

Lord James Douglas-Hamilton (Lothians) (Con): As far as part 2 of the bill is concerned, the Conservatives have no objection to Executive attempts to remove ambiguity from existing legislation to ensure that all persons who are employed in independent schools have to undergo the necessary checks to ensure that they are proper persons to work with children. The issue has been of particular concern to the Scottish Council of Independent Schools.

In his explanatory letter to the Education Committee, the Deputy Minister for Education and Young People explained that the Protection of Children (Scotland) Act 2003 provides robust safeguards for children's well-being. I welcome his assurances in that connection.

It is essential that employers seek disclosure checks for all proposed employees so that they avoid the risk of committing an offence by employing a disqualified person. It is widely acknowledged that there are unacceptable delays—in some cases, of up to 12 weeks—in processing applications to Disclosure Scotland. I ask the minister to confirm that the matter will receive his continuing attention and that he considers the welfare of children to be paramount.

However, it is part 1 of the bill that has given rise to controversy. Since its inception, the School Education (Ministerial Powers and Independent Schools) (Scotland) Bill has met substantial local authority opposition. That is because councils see the powers that are contained in part 1 of the bill as, at best, unnecessary or, at worst, a waste of parliamentary time.

As I outlined in the chamber during the stage 1 debate, I believe that there are no fewer than four grounds for rejecting the bill. First, there are existing powers of enforcement under section 70 of the Education (Scotland) Act 1980. Secondly, there is no widespread evidence to show that local authorities are not taking the inspectorate's recommendations seriously or that they are failing to act on improvements that HMIE considers necessary. Thirdly, the bill undermines local democracy by its imposition of yet another centralising agenda, as has happened with hospitals. Finally, COSLA views the bill as a waste of parliamentary time. A considerable number of local councils have deep reservations about the

bill, including West Lothian Council, East Renfrewshire Council, East Ayrshire Council and Glasgow City Council to mention but a few.

The minister rightly said that the Conservatives support a policy of devolved school management. In answer to an oral question, he said that he too supported that policy. Although we wish to see decision making in respect of standards being taken at school level, it is our conviction that HMIE inspectors are best qualified, have the expertise and should and must remain the prime movers in monitoring teaching standards and education in Scotland's schools. We also believe that local authorities should have the right to respond effectively to the inspectors' reports without unnecessary political interference from on high at the behest of ministers. We do not wish the bill to pass, as we are the champions of local democracy.

11:20

Robert Brown (Glasgow) (LD): I congratulate the minister and the principal Opposition spokespeople on their attempts to engender excitement in a debate on what I can only describe as a modest little bill. It is hard to get excited about the proposals. There is not even an issue of principle behind the bill because, as Lord James and Adam Ingram pointed out, fairly substantial powers already exist for ministers to intervene in the operation of schools by local authorities.

In light of the Standards in Scotland's Schools etc Act 2000 and as part of the agenda for improving education, the bill will close a loophole. Frankly, it is going over the top to suggest that the bill will destroy the partnership of trust and plunge the education system into disarray or to say "Who knows what pressures will be put on HMIE?" The unholy alliance between Lord James and the Conservative party on one hand and COSLA on the other beggars belief.

The bottom line is that this is a modest little bill, which seeks to achieve a modest but necessary part of the agenda to improve education. Nobody disputes for a minute that the principal role lies with education authorities, which are elected with a local democratic mandate but which do not exist outwith the rule of law. They exist within an HMIE monitoring regime.

It is fair to say that HMIE has the greatest reputation of all monitoring organisations in Scotland and is widely recognised as doing a good job. The idea that under the bill HMIE will be interfered with by ministers does not stand up to scrutiny. The bill will allow HMIE to draw significant issues to the attention of ministers. By amending the bill at stage 2—largely with my own amendments—we addressed some of the issues

that might have given cause for concern and improved the bill, as the minister was gracious enough to acknowledge.

The bill is important but modest. It is necessary that it is passed. There is no dispute about part 2, which relates to independent schools. All the controversy centres on part 1. However, the bill will close a loophole. It ought to be passed and I urge the Parliament to back it today.

The Deputy Presiding Officer (Murray Tosh): We will have three-minute speeches from here.

11:23

Robin Harper (Lothians) (Green): When I first read the bill—

The Deputy Presiding Officer: Mr Harper, we can give you four minutes.

Robin Harper: Thank you.

When I first read the bill, I also thought that it was a modest little bill but, like Lord James, I have been lobbied by the Educational Institute of Scotland and COSLA, and when one is lobbied by the EIS and COSLA one has to listen. They are seriously concerned—and their concerns are well founded—about the extra powers that are to be given to ministers. I will have to think carefully about how the Green party will vote, because it is a serious and fundamental flaw in the bill that there is no qualification on the varying powers.

At first, I hoped that the bill would be part of a process of further integration of the private education sector into the public education sector. We are out of step with the rest of Europe. Peter Peacock referred to a two-tier system. We have such a system with private and public sectors, never mind within the public sector. The system is out of date and should undergo a process of driven change with standards in public education being driven up and private education being integrated through a process of assimilation over a period of time.

Presiding Officer, I do not propose to use up all of the four minutes that you so generously afforded me, for the simple reason that there is a serious point that Green members shall debate among ourselves before we vote on the bill. Whether we vote against or abstain, members will have to wait and see.

The Deputy Presiding Officer: We can give four minutes to all speakers in the open debate.

11:25

Ms Rosemary Byrne (South of Scotland) (SSP): In my opinion, this so-called "modest little bill" is a complete waste of time.

Yesterday, the headline on the front page of *The Herald* was "Indiscipline on the rise, say teachers". That is the issue on which we should be focusing. We should concentrate on how we can help our teachers to support our young people appropriately in a modern, everyday school—a school with an average number of children in an average place. We should be talking about the young people throughout the country who are railing against the establishment and who are distracting others because they are unable to settle into school. We should be asking how we can ensure that our education is appropriate for all our young people throughout the country rather than considering a bill that will give more powers to ministers to intervene.

Why will ministers need to intervene? I have no evidence of any school that has not implemented HMIE's recommendations and I know of no case in which a local authority has ignored such recommendations. We have asked the Minister for Education and Young People that question and we are still waiting for an answer. I totally oppose the giving of the new powers to ministers, as do COSLA—as has been mentioned—the EIS and the local authorities. The bill that we are debating today, which the Education Committee has had to focus on for weeks, is a waste of time. We should be doing far better things.

I am still searching for the reason for the bill. I wonder whether the damage that will be done to schools and communities when schools are singled out has been considered. Is that standing up for Scotland's children? Is the way forward to have descriptions all over the newspapers of how a particular school is failing and has not achieved the targets that have been set or of how the school or the local authority has not complied with recommendations? Do we want to devastate a school's whole community—the staff, the pupils and the parents—simply because the minister wants the powers that are in the bill?

I want to know what the hidden agenda is. Is it to drive forward the private agenda or to force through more assessments and inappropriate tests at the wrong stage, in intermediate 1 and primary 7? There is pressure on head teachers to ensure that they get above-average results in their assessments. Head teachers are being bullied by the directorate in their local authorities because their results are below average, even though they might have children who come into school with no language skills. That is what we should be considering. I am angry about the focus on the bill and all the time that we are wasting on it.

Part 2 of the bill is of no interest to me. It is important that we support changes to safeguard young people and that we ensure that such changes happen, so I do not oppose part 2.

However, I certainly oppose part 1. I feel that the minister has reached the stage at which he does not trust HMIE, the local authorities or the schools. As has been said, the Standards in Scotland's Schools etc Act 2000 gave powers to Scottish ministers to request an inspection of a local authority—that can already be done. Ministers have the power to intervene in that way, so I do not think that they need the new powers in the bill.

What school or local authority in Scotland has not complied with HMIE recommendations? As someone who was a teacher for 27 years, I know that, any time HMIE inspected any establishment that I was in, I complied with its recommendations, as did the rest of the staff. We usually ended up being highly stressed throughout the process; everyone jumped through hoops to ensure that they complied with HMIE recommendations. That is an indication of how important people consider HMIE and its inspections of schools to be.

I ask the minister to give me some answers. What is his agenda? Why did he introduce the bill? I have asked those questions before and I still have not had the answers; I am waiting for them. We will not support the passing of the bill.

11:29

Mr Kenneth Macintosh (Eastwood) (Lab): I support the bill, which has now completed its amendment stages before the Education Committee and the full Parliament. It is a small but important part of the legislative framework for our schools and should be seen in the wider context of the improvement agenda. There are two distinct parts to it: one modernises the regulatory regime that governs independent schools and has been welcomed by all parties—I will return to that in a minute—and the second focuses on ministerial powers of intervention, which although not exactly controversial have generated some concern in some quarters.

The strongest criticism has come from our colleagues in local government. They are anxious that the bill might undermine their role in managing and running local schools, but I do not believe that that is its purpose. As I have pointed out on many occasions, the Government's record on devolving decision making to the most appropriate and most local level is good, and I believe that the idea of reading the bill as being about who pulls the strings—who has the ultimate authority or control—is irrelevant. The bill's focus is the local school and, in particular, the few local schools throughout the country that, to be frank, are not doing well enough. When we talk about failing schools, we mean that the pupils and the hardworking majority of teachers in such schools are being failed by a lack of clear leadership, strong management or good governance. In that

situation, pupils, parents and teachers do not care whether the support and assistance that they need come from local government or the Executive; they just want to get back on track.

The bill will do nothing to prevent good partnership working from improving a school, but it will help ministers to respond when serious problems have been identified. The Standards in Scotland's Schools etc Act 2000 placed a clear duty on ministers to secure improvement in our schools. Her Majesty's Inspectorate of Education has put in place a new inspection regime and, together with our local authorities, all those who have a role to play in working to improve our schools are now able to do so in partnership and with the necessary legal framework to support that partnership.

The second part of the bill, which introduces a modern regulatory regime for independent schools, has not been controversial. In fact, it has been an excellent example of the Executive, the Parliament and the public working consensually to achieve a shared objective, which makes it even more extraordinary that the Opposition parties cannot bring themselves to support the bill. Some members have argued that we should not waste parliamentary time on the reform, but I do not support that line of thinking because, on that basis, no lesser measure would ever be given parliamentary time, as we would be dealing only with the headline grabbers and the hot political issues of the day. There must always be time for thoughtful and considered reform of statute, particularly when, as with the bill, the result is to extend the improvement agenda to all our schools and all who have a role in their success. I am happy to support those measures.

I commend the School Education (Ministerial Powers and Independent Schools) (Scotland) Bill to the Parliament.

11:33

Brian Adam (Aberdeen North) (SNP): It is interesting that the two back-bench members from the Executive parties who have spoken in this debate made speeches that almost damned the bill with faint praise. Robert Brown's opening remarks were hardly supportive of the bill, but he eventually came round to suggesting that it was modest but necessary. I am deeply unconvinced by Kenneth Macintosh's argument that we need the bill although it is not a headline-grabbing measure, because the evidence to support that contention has not been presented to the committee or the Parliament. If we examine the language of the bill, we find that it is all about teacher bashing and how the Executive will address failing schools—the word "failure" appears regularly throughout the bill. However,

there is no evidence to suggest that education authorities or schools do not act on HMIE's recommendations or that they will not do so in the future.

The bill significantly undermines the relationship between local authorities, schools and the Executive. Kenneth Macintosh said that that is not its purpose, but the trust between them undoubtedly could be broken as a consequence of the bill.

Robert Brown: Why does the member think that trust would be broken by the new ministerial power, given all the other ministerial powers in this area that already exist? What is the difference between them?

Brian Adam: The measures are unnecessary because the powers already exist. The suspicion that was raised by Rosemary Byrne—that there is some other agenda here—will undermine trust and confidence. I really do not understand why there is a need to use such a big stick. We have devoted considerable parliamentary time to the bill against a background of significant difficulties in education.

We have problems associated with discipline, and the Executive's well-motivated inclusion agenda—which had support from throughout the chamber—has led to some difficulties. Exclusions from schools have been causing problems. There is a tension around inclusion and exclusion, which needs to be addressed. We could instead have used the time spent on this bill to address that tension and the discipline problems around it. We could also have used the time to address the difficulty surrounding the 30 per cent of pupils—and rising—who leave school with few or no qualifications. Instead, we have before us a modest and, in my view, extremely unnecessary measure.

The language in the bill is wrong. The legislation is about trying to lay blame for failures in education; it is also about a failing education agenda. I am very disappointed that we have ended up using parliamentary time on the bill. There has been no clamour for the legislation from anyone other than the ministers. I am not aware that Johann Lamont, for example, has been saying to the Executive from the back benches that there is a weakness in its legislation that needs to be dealt with. The only people who have said that are ministers—but who was responsible for that legislation? The ministers were—not the present ministers, Peter Peacock and Euan Robson, but their predecessors, who steered through the previous bill. However, no one else is saying that the bill before us is required.

Peter Peacock: I have heard those arguments from Brian Adam before and I know that he makes

them sincerely. We have heard of several examples of poor inspection reports of schools. I can think of one secondary school that was judged to be good or very good in no category. It was mostly unsatisfactory in its performance and only occasionally fair.

What would the Scottish National Party do if appropriate measures to bring about the necessary change in the performance of such schools were not being taken? It seems that Brian Adam is seeking to ensure that ministers have no power to act in those circumstances. What would the SNP do if improvement was not taking place?

Brian Adam: Mr Peacock is trying the same line that he used in the stage 1 debate. [*Interruption.*] I will address the point, if the minister is capable of remaining in his seat long enough. The minister cites one example. We believe that the required powers already exist. We do not believe that people are not acting on inspection reports. The minister has still not presented any evidence to suggest that he does not already have the necessary power. He has presented no evidence to suggest that when reports say that schools are not of an appropriate standard, action is not being taken—either by the schools themselves or by education authorities—in support of schools that are not delivering for our young people as they should. This miserable little piece of legislation is just part of a—

Ms Byrne: Will the member take an intervention?

Brian Adam: How am I doing for time, Presiding Officer?

The Deputy Presiding Officer: You are actually well over time for your speech, but we are still slightly ahead of the timetable. If you wish to take a further intervention and respond to it, I will allow that.

Ms Byrne: Does the member agree that a school that has not had its follow-up inspection should not be cited? I think that the minister was referring to a school that has had an initial inspection, but not a follow-up inspection. We would have to base any evidence of a school not carrying out recommendations on a follow-up inspection, not on an initial inspection.

Brian Adam: I take Rosemary Byrne's point. This miserable little bill would not address that situation, because a succession of failures is required before ministers will act under the new power.

The Deputy Presiding Officer: You have one minute left.

Brian Adam: In fact, I think I will conclude my remarks at that point.

11:40

The Deputy Minister for Education and Young People (Euan Robson): I have listened to this morning's debate with considerable interest and thank members for taking part. I am surprised at some of the exaggerated language that has been used. Further, I suggest that the theory that the Tories are the champions of local democracy is about as plausible as the theory that Caligula's horse improved oratory in the Roman Senate.

Clearly, Robin Harper was not listening to or did not understand the point that I made during the discussion of the second group of amendments. There is a great range of qualificatory powers. If, between now and decision time, he wants me to take him through them, I will be happy to do so. We do not want an unfettered power. We are addressing a particular issue that we need to address and believe that we have done so in a proportionate way.

Robin Harper: Why was no specific qualification on varying built into the bill?

Euan Robson: A series of procedures must be gone through and there is a series of qualifications in the bill. I will explain them to the member later, if he so wishes.

It is clear that members of the Opposition parties do not know what they would do if, in the circumstances that the bill seeks to address, HMIE's recommendations had not been followed. In those rare circumstances, the Opposition parties would leave the Executive with no powers, because they misunderstand the fact that at present there is no power for ministers to intervene in those circumstances. That is the important point that Robert Brown emphasised. I agree that the bill makes a small change, but it is significant.

I thank the Education Committee for its comments and for the concerted way in which it approached the bill in its stage 1 report. We have taken account of many of the committee's recommendations and have accepted some of the convener's amendments and fully debated others. I appreciate the committee's detailed consideration at stage 2 and the amendments that were lodged.

At stage 2, we took the opportunity to clarify the fact that the trigger for the HMIE to refer a school or an authority to ministers would be used in circumstances only in which HMIE felt that the matter was of sufficient seriousness to be addressed. We also accepted that it should be made clear that a referral from HMIE to ministers should include the recommended actions that HMIE suggests, but should also specify the failure that the actions seek to address.

I should explain to Lord James Douglas-Hamilton that Disclosure Scotland has improved its performance in recent months. There was a period in which there were some difficulties and unacceptable delays, but ministers have taken careful account of that and I am pleased to say that those delays have been reduced. Further, the outstanding number of referrals to Disclosure Scotland has dropped significantly. If Lord James Douglas-Hamilton wishes, I can give him details of that later.

There was discussion at stage 2 about the "proper person" test that is to be applied to teachers and proprietors under part 2 of the bill. I want to reiterate what I said at that time. We are all keen to ensure that only people who are suitable to work with children work in our schools, whether they be teachers, janitors or catering staff. In that respect, the Protection of Children (Scotland) Act 2003 applies equally to the independent sector and the public sector and provides safeguards to prevent persons who are unsuitable to work with children being able to do so.

The "proper person" standard referred to in part 2, which relates to the independent sector, is for much wider purposes than the standard of being suitable to work with children. It relates to whether people are proper people to be teachers or proprietors. The standard already exists, but we propose to take the additional power to specify in regulations the classes of people that are not considered proper to be teachers or proprietors. It is appropriate to examine the propriety of teachers in the private sector as, unlike those in the state sector, not all will have had their propriety checked by the General Teaching Council for Scotland. Similarly, the state sector has no proprietors, so it is appropriate to have a test for them that takes into account factors beyond child welfare.

The Executive also intends to issue guidance for independent schools that will set out how their obligations under the bill relate to their obligations under other legislation, such as the Protection of Children (Scotland) Act 2003. It is important to emphasise those points and I welcome Lord James Douglas-Hamilton's remarks about that.

Concern has been expressed about whether powers to set conditions may be used unreasonably. We have taken those powers to allow ministers to act reasonably. They have been taken not to place additional burdens on new schools, but to assist in the registration process and with on-going regulation.

I reiterate my thanks to the Education Committee for its input and I thank the various organisations and individuals who played a part in shaping the bill. The bill gives us an opportunity to close a gap whereby authorities have no clear

obligation to take on board HMIE's recommendations after an inspection. It gives ministers powers to direct education authorities to take action in response to HMIE's recommendations and it brings the legislation that covers independent schools up to date. The measure is worth commending to the Parliament.

I recommend that the Parliament support the bill and I hope that the motion will be passed at decision time.

Public Telephone Boxes (Closures)

The Deputy Presiding Officer (Murray Tosh):

The next item of business is a members' business debate on motion S2M-1706, in the name of Bruce Crawford, on the closure of public telephone boxes by BT. The debate will be concluded without any question being put.

Motion debated,

That the Parliament recognises the value of public telephone boxes as an important public service throughout Scotland in terms of social need and access to emergency services; is concerned about the plans by British Telecom (BT) to close 165 call boxes in towns and villages throughout mid-Scotland and Fife and around 1,000 around Scotland; supports the many community councils who have expressed grave concern at the planned closure of public call boxes in their communities; considers the consultation process conducted by BT to be inadequate, and therefore believes that BT should consult directly with the communities affected and reconsider its plans.

11:47

Bruce Crawford (Mid Scotland and Fife) (SNP): In the 20th century, the red public call-box established itself as a much-cherished and valued part of our street scene. Call-boxes provide a service that is valued by the many people who still have no land-line or access to a mobile phone. The service is valued by those who happen to live in an area that mobile-phone network operators do not serve and by those who choose for health reasons not to have a mobile phone. The service is valued by tourists, by those who might find themselves in an emergency and by the elderly in particular. All those reasons have been submitted to me by various community councils that want the public call-boxes in their communities to be retained.

However, as we enter the 21st century, a huge increase in mobile phone ownership has led to a culture change in the communication world and means that far fewer people use public call-boxes. A review of the number of call-boxes was as inevitable as the fact that night follows day. However, people have the right to expect any review process to be robust and any consultation process to reach the communities that are to be affected.

We have been told that in the past three years alone, the number of calls that are made from BT's public call-boxes has almost halved and that revenue has plummeted by about 41 per cent. Scotland has 6,113 boxes, of which a stubborn 3,800 are not in a position to pay their way. It is therefore clear that BT has a difficult balancing act to perform. It is understandable that, as a public limited company, it wants to ensure that its

shareholders' interests are upheld but, at the same time, it is required to discharge its universal service obligations as laid down by the regulator.

In Scotland, 1,030 non-profit-making call-boxes that attract less than £200 per annum have been targeted for removal, and 165 of them are in Mid Scotland and Fife. By far the majority of the call-boxes that are targeted for removal are in rural areas; the cities and larger conurbations fare much less badly.

There is a real danger of the process leading to discrimination against rural communities. To be fair, BT has told us that if a community objects to the removal of a call-box it will not proceed, but the reality is that Office of Communications regulations do not allow BT to proceed with removal if it has received a simple written representation with reasons for objection. That shows that the Ofcom regulations are very weak; they place no requirement on BT or the other providers to construct a reasonable, criteria-based solution by which call-boxes can be removed.

To be fair to BT again, it has said that it is intent on retaining 850 call-boxes on the ground of social need. However, there is a fatal flaw in BT's procedures. If one does not establish clear and objective criteria for removing a public call-box where there has been no objection because the community or persons affected have been unaware, it is inevitable that unsafe decisions to remove call-boxes will be arrived at. That is one of the main reasons why the motion states that BT should "reconsider its plans".

In addition to the lack of clear criteria, BT's consultation process has not been as robust as it should have been. I say that because, in July 2003, Ofcom issued a new direction that clearly laid down the requirements that BT must follow if a proposal to remove a call-box is being considered. BT is required to give community councils notice of a proposal to remove a call-box and, when all reasonable efforts to do that have failed, BT can ask the local planning authority to give such notice. BT has chosen to use the route of consulting Scotland's community councils through the planning authority—I presume that it has done so on the basis that it thinks that it has made reasonable efforts directly to consult community councils. If that is its argument, I would dispute whether all reasonable efforts have indeed been made. I simply do not believe for one moment that an organisation of the scale and with the resources available to BT cannot make direct contact with the community councils that will be affected by the potential removal of call-boxes. If I, as an MSP with limited resources at my disposal, can get to a large chunk of Mid Scotland and Fife community councils, surely BT can manage to consult directly community councils in Scotland.

Some people might ask why the local authority is not relied on to do that job for BT. No matter how much we love our councils, we all know that some are good at consultation, but that some are quite dreadful. In such circumstances, BT should surely make much greater attempts to consult community councils directly.

I would like members to hear the words of a couple of community councils that responded to BT. One community council said:

"We are ... deeply concerned that your version of 'consultation' appears to have been no more than a Notice displayed on the kiosk. In all previous exercises by yourselves of this description, we have been consulted as a COMMUNITY COUNCIL (even where the kiosks were not within our area). We suggest that your inadequate consultative procedure, should lead you to re-launch this current exercise."

Another community council said:

"We again have to raise our concerns over BT's very poor local consultation procedures ... BT are obliged to contact local authorities down to Parish or Community Council level. Why has this not happened? ... Why is the first intimation ... beyond reports of notices in the boxes, via an MSP?"

In considering the motion that is before the Parliament, I ask the minister to take on board the points that I have made, to support my motion and to ask BT to reconsider its plans and to start the consultation process again so that we can get directly to all the communities that are affected and so that no unsafe decisions are taken.

I thank the 29 MSPs who signed my motion.

The Deputy Presiding Officer: The debate is heavily subscribed. I will try to get in as many members as possible.

11:54

Mary Scanlon (Highlands and Islands) (Con): I am grateful to Bruce Crawford for the opportunity to debate this matter. Although his motion mentions plans to close 165 call boxes in Mid Scotland and Fife, I remind him that, of the 1,300 call-boxes under threat, 257 of them are in the Highlands, which is probably one of the most remote areas in Scotland.

Bruce Crawford criticised the consultation period, but I am sure that he is aware that it has been extended by a further three weeks.

Last week, along with many other MSPs, I attended a meeting arranged by my colleague David Mundell with the director of BT pay-phones. I attended that meeting precisely because of my concerns and because people had written to me about theirs. It comes as little surprise to any of us that, in an age when the popularity and use of mobile phones is ubiquitous among people of all ages, the revenue produced by pay-phones is

reduced. Likewise, it is understandable that BT, as a company with profit margins to keep, will try to make changes in those areas of business that perform less efficiently.

Some £1,500 per phone box is a substantial amount. Perhaps we should look at why BT has to subsidise the phone boxes as that might be another issue. However, there are concerns about public safety and communication. On the point that Bruce Crawford raised about community councils and people being made aware of the situation, I say to him that the matter is not that simple; many areas in the Highlands do not have a community council. My worry is that such areas will not be part of the consultation process.

My other worry, which was raised at the meeting, is that the objection response rate in Scotland is 26 per cent. That is not high, given the huge change that the proposed closures will impose.

Rosie Kane (Glasgow) (SSP): Does the member agree that, when BT wants to flog us something, it manages to get itself into every home in the country? Could it not apply that same logic and expense in the current situation?

Mary Scanlon: I am sure that BT is well aware of how to implement its ideas and that is important for it.

Pay-phones serve an emergency need for tourists whose cars have broken down, for example, but that is also why BT has to act sensitively when working with local communities. Bruce Crawford did not raise certain points that were made at the meeting so I will raise them. BT needs to ensure that all phones are in working order because it cannot complain that phones are underused if they are not in proper working order. BT has to rely on members of the public to report those phones and many people do not bother.

However, there are three other options to pursue and I hope that, rather than remove the telephone kiosks, we can use and advance those three options. I also hope that they will be available to community councils as part of the consultation process. One option is for kiosks to be used as tourist information points—I believe that that is being considered for a kiosk beside Loch Ness. That would cost around only £200 a year and I understand that local authorities are also looking at that option. There is also the option of modernising pay-phones to make them into multimedia terminals that would be accessible throughout many areas of the Highlands where broadband and internet access do not exist. The third option is to use the telephones to contact the emergency services. No cash would be used, but people would be able to telephone emergency numbers, dial 0800 numbers and to reverse the

charges. Rather than looking at the threats, we should look at the opportunities.

11:58

Mr John Swinney (North Tayside) (SNP): It is a pleasure to speak in this debate and I begin by congratulating my colleague Bruce Crawford on securing this important debate on ensuring the protection of an important part of the public services of rural Scotland in particular.

Some 54 call-boxes in my North Tayside constituency are under threat of closure by BT. In addition to the fine efforts that Bruce Crawford has made in leading the debate, I have written to each of the community councils that cover the phone boxes concerned to encourage them to be part of the consultation process. It is essential that community councils raise their voices to protect this vital public service.

It is a pleasure at any time to visit any part of my constituency, but it is a particular pleasure when I go to Kinloch Rannoch, Glenisla or Glen Esk. Those are some of the very few parts of my constituency where my mobile phone does not receive a signal and I can escape from the travails of political life. "He's up in Kinloch Rannoch and uncontactable" is a great excuse for avoiding calls from the press, but the fact is that in many areas of my constituency—and particularly in a number of areas where BT proposes to remove the phone boxes—there is very poor or no mobile phone coverage. We cannot assume that because most people in our cities and across central Scotland are able to use mobile phones they are accessible to everyone in every part of the country.

We must also address individuals' access to public services. Some low-income households might not have access to a mobile phone—indeed, they might not even have a land-line—and public telephone boxes are the only way that those people can access telecommunication services. In the interests of fairness and access to services, the network must be preserved.

Obviously, tourism forms a substantial element of my constituency's economy. As a result, we cannot assume that every visitor who gets into trouble in our area can put their hand in their pocket, pull out their mobile phone and make the required connection. We need a credible communications network that is available to everyone, no matter whether they are people in low income households or tourists. The obligation is on us to encourage the network's retention.

As I said at the start of my speech, I have encouraged community councils in the north Tayside area to make representations directly to BT. I want to reinforce that in this debate. Many of our parliamentary debates centre on the

deterioration of general practitioner out-of-hours services, ambulance services and other public services in our rural areas. I really hope that we can make a powerful case to BT that it should rescind its decision, because removing these phone boxes will inevitably undermine the quality and range of public services that are available to people in rural Scotland. We must resist any such move if we are to protect the public interest.

12:02

Dr Sylvia Jackson (Stirling) (Lab): I apologise to Bruce Crawford for not being in the chamber for the beginning of the debate. I did not realise that it had been brought forward so much.

I welcome Bruce Crawford's motion and this debate. I certainly reinforced many of his points in my amendment, which dealt specifically with Stirling constituency. I should point out that my remarks concern both urban and rural areas, although I accept the point that the rural dimension is very important.

I first heard about BT's proposal in an e-mail from Ian Shanks of BT. My colleague Anne McGuire, the MP for Stirling, was informed about the matter in a letter from Tim O'Sullivan. I assume that that the same happened throughout Scotland. As the e-mail and letter made clear, the rationale for the decision is that the increase in mobile phone use has meant a fall in the use of pay-phones. Indeed, that rationale was elaborated on in the meeting last week that Mary Scanlon mentioned.

However, BT's e-mail and letter also acknowledged social need and stressed the new initiatives that it was introducing. Perhaps the picture is not all black, and I hope that in the few minutes available I will be constructive as well as outline some of the concerns that have been expressed.

BT intimated that in its consultation process it had written to councils to ensure that they would communicate with community councils. When I found that that had not happened in my constituency, my colleague Anne McGuire and I wrote to every community council to tell them exactly what was happening and to ask them to get involved in the consultation process. As Mary Scanlon has said, the deadline for the consultation has been extended from 10 October to 22 October, largely because of difficulties that have been experienced during the process.

The six replies that I have received so far from community councils have welcomed our intervention, which has at least allowed them to know what was happening. They were surprised that BT communicated with me by e-mail, feeling that that was possibly not the best way. They

recognised some of BT's rationale, as outlined in that communication, and two of the community councils agreed that some phone boxes were not being used and should be removed. However, that was not one of the big issues that the community councils wanted to get over to me.

The main issue was that consideration of social need was paramount—especially in disadvantaged areas where access to a phone is not always available. The community councils also emphasised the emergency issue, and mentioned—just as John Swinney did—areas where a mobile cannot be used. That issue becomes even more important when we consider tourists coming to national parks.

It was very useful to meet Ian Shanks and Paul Hendron last week. They agreed that if community councils approached their councils and put forward a case—with information that would then be sent to BT—the phone box would not be removed. That is exactly what they said at that meeting.

I am confused about what has been said about Ofcom and I would like the minister to clarify. As I understand it, Ofcom will be consulting in November and considering pay-phones and cashless phones—which could include emergency pads, for example. It could be argued that some phone boxes should be replaced with new ones equipped with emergency facilities—for example, in national parks, to follow on from what John Swinney said. I wonder whether it might have been better to wait and have a consultation that considered all the issues together. Perhaps the minister will comment on that. There is great concern about these issues and I hope that the minister will address them.

12:07

Euan Robson (Roxburgh and Berwickshire) (LD): I congratulate Bruce Crawford on obtaining this short debate and I am grateful to the minister for allowing me to make a few constituency points.

Of the 136 pay-phones in my constituency, 56 are said to be profitable and 54 have been scheduled by BT for removal. BT says that it will retain 26 loss-making pay-phones

“to provide an essential community service.”

Although one or two of the 54 that are scheduled for removal are redundant or duplicate existing provision, the majority of the 54, in my view, provide an essential community service, especially for emergencies.

As with John Swinney's constituency, it is possible in parts of my constituency to escape the mobile phone. In northern Berwickshire and around Newcastleton, for example, there is no

mobile phone signal. It is therefore especially important that those areas should have a continuing pay-phone presence. We must also remember that mobile phones can run out—of battery or credit—so, again, it is important to have a network of emergency phones. In other constituencies, there are doubtless overwhelming social reasons for retaining certain pay-phones even if they collect little money. There are plenty such instances in my area.

I am particularly concerned about the maintenance of pay-phones. Recently I tried to use a pay-phone at Ellemford in north Berwickshire only to find that it was for 999 calls only. For some reason that pay-phone is included among the loss makers, but it is no wonder that it makes a loss when it is out of order and people cannot put any money in it.

If we regard the pay-phone network as providing an emergency service, we must ask Ofcom to look at the regulatory framework. It appears to me that BT is under some constraints, and I agree with Sylvia Jackson that it might have been far better for Ofcom to have conducted its review of emergency service provision before the present initiative was embarked on.

Like many other members, I would encourage community councils and individuals to make known the detailed implications of the removal of phone boxes in their localities. It was helpful to have the assurance from BT's pay-phone director and I appreciated the manner in which he approached the meeting. I urge all those concerned to approach BT with the relevant reasons, but BT must then respond, because it is no use its making commitments and then, in the fullness of time, not delivering on them.

I hope that the vast majority of the pay-phones in my constituency and beyond can be saved. If in due course there are opportunities for new technology and new development, so be it, but we should not deny the access that is vital to a number of people and in emergency situations before the alternatives are in place.

12:10

Alasdair Morgan (South of Scotland) (SNP): I congratulate my colleague Bruce Crawford on securing this important debate. Listening to John Swinney talk about Kinloch Rannoch and to Euan Robson, I thought for one moment that they were going to say that they held their surgeries in telephone boxes in some areas—although I am sure that they get many more people along than would fit into a telephone box. That helps to illustrate my next point, which came across at the meeting with BT. Telephone boxes in some areas are often used for purposes other than making

telephone calls—I refer to the ones that are used as bus shelters and will take that line of argument no further.

Clearly their use qua phone boxes is minimal, because they are often used only in an emergency, whether by a passing motorist or a local inhabitant whose land-line has gone down. When the land-line is not available, there is a real emergency and there is no mobile phone coverage, there is a real problem.

I am not quite as critical of BT as Bruce Crawford's motion is, in respect of its not using community councils. There should be a seamless way in which local authorities can automatically pass down consultation to community councils. Local authorities should not have to think twice about that, but I suspect that that is not the case; I suspect that local authorities sometimes do not have up-to-date records of who the secretaries of community councils are. That is symptomatic of the way in which community councils are often treated in the local government structure—they are not seen as an important part, but in many areas they are the only representative true local voice.

If community councils have not been spoken to and the phone box in question is used only occasionally when there is a dire emergency, what on earth is the point in putting up a notice to say that it is going to be taken away? The reality is that someone who is likely to complain would have to go into the phone box during the consultation period; not everyone takes up their opportunities to make their voice heard and perhaps we should not be surprised that, in many cases, nobody has come forward to say, "That phone box could well be essential to me."

BT should be congratulated on some of the innovative ways in which it is using phone boxes in certain places to try to make them more valuable and on co-operating with local authorities, which are using the phone boxes as ways of delivering local services that they might find uneconomic in other circumstances. That being more widespread presupposes that local authorities will have sufficient budgets, because somebody has to fund those phone boxes. I am a bit worried that local authorities, which would be the obvious bodies to do that, might find that there is so much pressure on their budgets as a result of successive settlements from the Parliament that they cannot go down the social routes that do not involve a legislative requirement. BT is a commercial firm whether we like it or not—some of us might not like it—and we cannot expect it to deliver every social service that we as legislators think should be delivered.

12:14

Mr Mark Ruskell (Mid Scotland and Fife (Green)): I thank Bruce Crawford for introducing this topic for debate. The issue concerns many communities in Mid Scotland and Fife and throughout Scotland.

In many ways, the debate is a microcosm for a lot of our debates about the provision of public services. What we are talking about is a form of centralisation and rationalisation of a public service. There is also an issue about the way in which major private and public bodies that supply the services on which we all rely consult members of the public. Additionally, it is about the balance that we strike between the facilities that private individuals have—in this case, mobile phones and land-lines—and the public facilities on which we all rely.

Rather than centralising, we should look to localise services where that is appropriate. However, that does not mean that those services should just stand still. A good example is the way in which the Royal Mail has enabled post offices to work with Clydesdale Bank, which has enabled new services to be brought into post offices to keep them viable as places that we can all use in our communities. We need to look at phone boxes in the same way and start to offer additional services in them. I am not talking about time travel; I am talking about enabling people to access the internet through phone boxes, especially in remote areas that do not have broadband coverage, so that they can shop and pay their bills. Walkers could gain access to information on weather and local walking routes, and tourists could access other forms of information. All those additional services could be provided through our phone boxes as part of our localising of the services that we all need.

It is clear that there have been flaws in the way in which British Telecom has conducted its consultation, and communities have often had to run campaigns to get proper dialogue with BT on the issue. For example, the community in Glen Lyon had to run a campaign to get BT to reconsider the closure of a phone box there. In the 21st century, we need to move away from that kind of dialogue between service providers and communities. We need a much less confrontational approach and a process of greater engagement to come from companies such as BT. I would like BT to go to communities to spell out why it feels that some of the phone boxes need to close and what the options are to make them viable in the future, including the building of additional services into the phone boxes.

As has been pointed out, not everyone owns or wants a mobile phone, just as not everyone owns or wants a private car, and lots of people do not

even have access to a land-line. There are unanswered questions about the long-term safety of increased mobile phone usage, and many people want the choice not to use a mobile phone.

Phone boxes provide a valuable social service. In Perthshire, a lot of migrant fruit pickers come into the area over the summer to pick the fruit, and in one village every season there is a huge queue of fruit pickers who want to call home from a public phone box. That phone box is extremely well used and provides a valuable social service for those people, who do not have mobile phones or access to a land-line in their accommodation. The irony is that many of them make reverse-charge calls when they phone home. I wonder whether BT, as part of its economic rationalisation, is taking into consideration the fact that people are not always putting cash into the phones but are sometimes using them as a vital public service to make reverse-charge calls.

The Deputy Presiding Officer (Trish Godman): As Murray Tosh said, the debate is oversubscribed. I therefore invite a member to move a motion without notice to extend the debate by 15 minutes.

Motion moved,

That, under Rule 8.14.3, the debate be extended by 15 minutes.—[Bruce Crawford.]

Motion agreed to.

12:19

Dr Elaine Murray (Dumfries) (Lab): I, too, congratulate Bruce Crawford on securing the debate. Although he referred specifically to Mid Scotland and Fife, the issue concerns all MSPs who represent rural areas throughout Scotland.

I, too, attended the meeting that was organised last week by my rival, David Mundell. He is not here today—I presume that he is detained somewhere down south. The meeting, which was very interesting and useful, gave some of the background to the debate in Paul Hendron's exposition of the problems that BT faces in the delivery of the pay-phone service. Because of the increase in the use of mobile phones and the decrease in the use of pay-phones, BT cannot continue with the status quo and has to look at something else.

There is definitely an issue about the way in which information was sent out to elected members and local people. As Sylvia Jackson said, the information was sent to members by e-mail. I did not pick up my e-mails on that Friday night and the first that I knew about the whole thing was when I heard Alasdair Morgan's dulcet tones on the radio on Monday morning saying that people should get involved. I was ready to be

insulted by the fact that BT had not consulted me, but found that it had, in fact, done so. I am not sure that e-mail is the best way of reaching people who might not have good telecommunications in their constituency offices.

More concerning is the way in which the situation was passed on to local authorities to deal with through community councils. As has been said, not every area has a community council; not every community council meets regularly; and not every local authority has the address of their local community council secretary. People can slip through the consultation net. Of course, everyone has a councillor and perhaps local authorities should consider the way in which they communicate through their councillors on such matters. Councillors should attend community council and tenants and residents association meetings where such organisations exist; that is part of their role in representing their community. Perhaps a bit more attention should have been paid by the local authorities to the way in which councillors could deal with some of the consultations.

We have examples of consultations from other private companies. For example, ScottishPower has been consulting on various wind farm proposals in my area. Other companies are going around with roadshows and inviting local people to come along and see what is being suggested. There are models available that BT might have considered.

I agree with Sylvia Jackson and Euan Robson that the consultation in November on the provision of cashless and emergency phones could have been better co-ordinated with what is going on now. If it were properly organised, that initiative could offer a solution to some of the problems that will arise in rural areas if the pay-phones are removed. As Paul Hendron told us, cashless phones are considerably cheaper because they do not have to be emptied and they do not need to be located in a kiosk, so people cannot use them as bus shelters or for any of the other nefarious purposes that pay-phones are sometimes used for. Hopefully, if such phones are vandal-proofed, they should be considerably cheaper to operate. They allow people to make 999 calls and reverse-charges calls. It was suggested that credit cards or phone cards could be used in them, and that would allow people to make normal communication from them.

It is important that the various people who run public services and the private companies that have an obligation to provide such information technology—including the new IT such as broadband and the multimedia centres to which Mary Scanlon referred—get together and speak to each other about the best way in which services

can be provided. There are examples of good practice from other parts of the UK and Scotland, but I do not get the impression that people are working together and talking to each other. That is what needs to be done.

12:23

John Farquhar Munro (Ross, Skye and Inverness West) (LD): I thank Bruce Crawford for introducing the debate. The possible loss of phone boxes is an issue that is being discussed by people in communities the length and breadth of Scotland, including people in my constituency. I therefore welcome this opportunity to consider the matter in our own Scottish Parliament.

As members will appreciate, I come at the debate from a Highland perspective. I recognise that in towns today, mobile phone coverage is probably universal. Regrettably however, there is a major problem with vandalism and I therefore appreciate the problem that BT faces in maintaining its phone kiosk network. However, things are very different in rural areas, particularly in much of the area that I represent, where coverage is erratic at best or non-existent in some parts.

Maintaining access to a network of pay-phones is important and, in some circumstances, could be a matter of life and death. For example, motorway travellers are provided with emergency phones at regular intervals. I can assure members that the local road authority provides no such facilities on the A87 between Invergarry and Kyle of Lochalsh. Travellers in the north have no such luxury and must rely on pay-phones.

Our friends in the Tory party privatised BT and the company's board obviously has a duty to its shareholders. However, I argue that BT and all private companies still have a duty to the communities that they serve. That argument should apply to the provision of telephone boxes in rural areas of Scotland. Should some telephone boxes become unviable, BT should approach the Government and ask it to help maintain them because, in many cases, they are vital community assets.

Much of the impetus to remove boxes comes from a reduction in demand because of the prevalence of mobile telephones. We all know that most people today carry a mobile phone. However, as I mentioned, not everywhere in the north has mobile phone coverage, so it is vital that boxes are maintained in areas where there is no complete coverage by all the networks. More important, it must be remembered that not everyone has a mobile phone. It is possible that tourists will have no access to mobile telephones and they may well need a phone if they get lost or

break down on their way to somewhere. In addition, those who do not own telephones are likely to be the most vulnerable in society, and to be poor and elderly. There is no doubt in my mind that BT phone boxes have an almost iconic position in the public's psyche and, for that reason, no one wants to see them go. However, there is a strong case for their being maintained in rural areas of Scotland on community and safety grounds.

Highland Council has recognised the problem and it suggested to BT that there should be no more than 5 miles between pay-phone kiosks in the rural network, except where there are large areas of uninhabited countryside. I support that proposal. BT should be encouraged to discuss the reduction in services with the various community councils in the most affected areas, so that a reasonable, practical and acceptable solution can continue to be available.

12:27

Ms Rosemary Byrne (South of Scotland) (SSP): I thank Bruce Crawford for lodging the motion and securing the debate. We have heard about many issues regarding safety aspects and I will go over one or two of those. However, an important aspect that we have missed is the use by young people of the ChildLine helpline. Many young people who call ChildLine use a pay-phone rather than a phone in their house, if the situation concerns abuse problems within their household. There has been a huge increase in the number of young people who access ChildLine. I do not think that any research has been done to assess how many of them use pay-phones and how many do not, but if only one child gets help from using a pay-phone, it is worth having them.

Alasdair Morgan: Does the member agree that that issue is similar to the one that Mr Ballard raised, which is that BT gives us revenue figures for the telephone boxes, but of course an 0800 call to ChildLine does not generate any money at all?

Ms Byrne: That is correct; I was just coming to that point. There is no measurement of how many young people use pay-phones and what profits are made. Profit should not be part of the issue. What we are talking about should be a public service to which people have easy access for the kind of situations that we have described. We should point up strongly that that issue should be considered in much more detail.

Last year, more than 8,000 children in distress used a phone box to telephone ChildLine. Many youngsters, especially those who live in poverty, do not have a mobile. Even when they do, they may lack credit or a signal, or they may be uneasy

about making a confidential call in public if they are unable to phone from home.

ChildLine's chief executive, Carole Easton, said:

"Public telephones are very important for children and young people in danger or distress, giving them direct and confidential access to ChildLine.

They are especially important as a means of emergency communication in remote and isolated, or rural, areas."

It is those remote and isolated areas that we have talked about today. I have been contacted by a number of people in the Borders who are concerned about the situation and who feel that issues such as the needs of young people and emergency situations have not been considered.

There are accident black spots at which there will be no access to phones in the area if the call boxes are taken away. There could be an emergency in which no one can make contact because they cannot get a signal from their mobile phone or because they do not have a mobile phone. We have to consider such situations. Phone boxes are marked on Ordnance Survey maps, which have been mentioned. If someone needs to get emergency help and is following an Ordnance Survey map, they might soon find that the phone box that they are looking for is not there.

The consultation process has been extremely poor—a lot of comments have been made about that—and BT needs to consider how it conducts consultations. Rosie Kane pointed out that BT is quick enough to phone us up to sell us stuff. If we are sitting at home having dinner at night and the phone rings, it is invariably BT. If BT can do that, I am quite sure that it can do a better consultation than it has done. I hope that everyone will support the motion, particularly with regard to ChildLine.

12:32

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): I begin by declaring a small shareholding in BT. Sadly, it is a modest one.

The constituency that I represent is the second largest in Scotland—and indeed in Britain—and includes rural communities from Ardnamurchan to Auldearn, from Drumochter to Dalcross and from Nairn to Knoydart via Loch Ness. If the proposal to remove pay-phones goes ahead, there will be about as many pay-phones on the shores of Loch Ness as there are annual sightings of the loch's most famous resident.

Broadly speaking, I endorse the arguments put by members of all parties who are representatives of rural constituencies. Rather than repeat arguments that have already been made, I shall ask the minister to address what seems to me to be a fundamental illogicality in the current process.

In order to stop the proposed removal of any public pay-phone, all that is required under the existing rules is that a written objection to the proposal is made providing reasons for the objection. The rules do not define what the reasons are. If there are any reasons at all, the mere intimation of an objection will bring the proposal to a halt. That seems to me to be bonkers, but that is the regulatory regime in which BT finds itself operating and in which we, as representatives of largely rural constituencies, are making the valid points that have been put in this debate.

In particular, we have been pointing out that nowadays, when 99 per cent of households have either a telephone or a mobile phone and only 1 per cent lack that access, the primary role of a pay-phone should be—for the reasons identified by Rosemary Byrne, John Swinney, John Farquhar Munro and Sylvia Jackson—as an emergency service for locals and tourists, in areas where there is no mobile coverage and for use to alert the emergency services. It is an emergency facility, but under the same rules as apply to objections—and perhaps the minister could address this point—there is no power for BT to replace pay-phones with emergency phones. That seems to me to be absurd.

Thirdly, we understand that, although BT has put forward these proposals, it is only following the procedure that was set out in Oftel's direction of last July, which says that BT must consult community councils. Mr Ruskell made the rather bizarre and onerous proposal that BT should consult every community in Scotland. Even if BT were to consult even every community in my constituency, I think that it would take several BT employees an entire year to do so. BT is only doing what it has to do. Will the minister confirm whether BT consulted the Scottish Executive on whether the consultation procedure should be enhanced? If so, what was the Executive's response?

Even more perverse is the fact that, at the same time as BT is proposing the closure of a great number of pay-phones throughout Scotland, Ofcom is undertaking a review of the universal service obligation for pay-phones that could change the criteria for the retention of pay-phones. Surely the cart has been put before the horse. Does that not illustrate amply the utter idiocy of operating under a regulatory regime of which Westminster is in charge? Would it not be preferable if our Minister for Transport—whom I am sure all members would wish to support as appropriate—had the power to introduce a regulatory regime that determined the rules before they were applied to a given situation? Living as we do in the real world, we have to recognise that the present situation needs to be addressed.

Does the minister agree that any savings in expenditure that BT achieves through the closure of pay-phones—most of which will be in rural Scotland—should be reinvested in Scotland? Has the Scottish Executive asked BT to make that investment in Scotland, for Scotland and, in particular, for rural Scotland?

12:37

Nora Radcliffe (Gordon) (LD): I, too, thank Bruce Crawford for securing the debate; it has come at exactly the right time. I also thank him for giving us the opportunity to debate BT's proposals for a reduction in the number of public telephone boxes. It enables us to highlight the issues and to alert our constituents to the proposals so that they might be encouraged to write to BT. We need to put the arguments for the retention of our local phone boxes in places in which there is a real need for them to be retained.

BT proposes a reduction in the number of pay-phone kiosks across the county from 6,113 to 5,083. Of the kiosks that are earmarked for closure, 103 are in Aberdeenshire, of which 37 are in my constituency. In fairness, I note that 32 have been identified for retention on social-need grounds. Although I welcome those reprieves, if all the proposed closures were to go ahead, only 80 public telephone boxes would be left to serve my constituents in a large rural area that has a scattered but numerous population. No pay-phones will be left in any of the rural stretches of the A96 between Aberdeen and Inverness.

According to BT, 3,800 of the current 6,113 phone boxes lose money. The number of calls that are made from BT pay-phones has almost halved in the past three years. Overall revenue from phone boxes has dropped by 41 per cent in that time. [*Interruption.*] I have a feeling that the automatic ventilation is working overtime, Presiding Officer—perhaps it is having to deal with too much hot air.

A review of the network of provision is inevitable. Undoubtedly, part of the reason for the drop in usage and profitability is the expanding use of mobile phones. However, although two thirds of the population own a mobile phone, one third does not. It is also the case that mobile phones can be out of range, out of credit or out of order. Furthermore, 1 per cent of homes have access to neither a mobile nor a land-line phone. Those households are completely dependent on their access to a public phone box.

Phone boxes provide an important service for people who do not have a phone and also for tourists and people who work away from home. Many speakers today have made constructive and innovative suggestions about other ways in which

the public telephone network could be used to provide a service.

In an emergency, access to a phone box can be crucial. Seven per cent of calls to the emergency services are made from pay-phones. I guess that many of those calls are made from phone boxes that have low usage in relatively remote sites, but of the few calls that are made, some could be vital in saving lives. At the Liberal Democrat conference in Glasgow on Saturday, we voted unanimously to ask BT to reconsider closing public pay-phones in isolated areas where they could provide a vital service, and we called for BT's provision of service guidelines to be revised to include provision for emergency situations and tourist areas.

However imperfectly, BT has invited members of the public and their elected representatives to tell them which pay-phone kiosk removals should be reconsidered and why. The period for making representations has been extended until 22 October. I hope that the responses that BT receives—some of them, perhaps, prompted by this debate—will make it think again in respect of those phone boxes for which a reasonable case can be made for retention, and particularly where a phone might be required in an emergency. It might also be enthused and motivated by the various suggestions that have been made today that could extend service provision through the phone box network in the 21st century.

12:41

The Minister for Transport (Nicol Stephen): I, too, thank Bruce Crawford for raising this issue. There was a great deal of sense in his introductory speech.

The Executive fully recognises the points that have been made about the importance of public call-box provision. Call-boxes have a clear role to play in terms of social need and emergencies, particularly in remote and rural areas. I have noted members' concerns on the matter and assure everyone that those concerns will be reflected in the response that we will be making to Ofcom's imminent wider consultation on the universal service obligation, which will include its new proposals on public pay-phones.

It is important to emphasise that the regulation of call-boxes is a matter for the independent UK-wide body, Ofcom. Call-boxes have been, and remain, included in the concept of the universal service obligation, which is fundamental to the regulation of the telecoms industry in the UK. Under that obligation, basic telephone services should be available to everybody on reasonable request and at an affordable price. Ofcom set out a universal service condition that applies to BT in

most of the United Kingdom, including in Scotland, which allows Ofcom to make a direction setting out the circumstances in which BT can remove a call-box. *[Interruption.]* Given the noise, I do not know whether one is being dug up outside at the moment. We will see whether the sound system holds out.

As has been said, BT cannot remove the last phone box from a site without a 42-day consultation period. In this case, the consultation period has been extended, and 22 October is now the key date. If a local planning authority or community council in Scotland objects in writing, for whatever reason, BT cannot remove the pay-phone. BT also has to place a notice in the phone box, as has been commented on today, but we should be clear that it is only if the local council or the community council objects to the proposal that it will be blocked. Somebody writing to BT after seeing the notice in the phone box would not, on its own, be enough to stop the removal.

Bruce Crawford: Is the minister aware just how ridiculous the situation is? We were told by BT that a parish council in England objected to a telephone box being removed because light from the box shone on the parish signpost and therefore BT could not remove it. BT is obviously in a ridiculous regulatory situation.

Nicol Stephen: It is important to have a clear understanding of the closure safeguards, but I would not like to defend the nature of those safeguards or the mechanisms that have been put in place. It is important that communities and local people are clear about the current arrangements.

Another two weeks remain for the consultation process in Scotland and I strongly encourage people who object to their local call-box being removed to make known their objection, but I repeat that that objection should come from the community council or the local council, if they wish to block the proposal.

Mr Swinney: Will the minister say a little more about the Executive's view of how the public call-box network fits into the wider network of rural public services? Is the Executive giving any thought to integrating some of those facilities with wider public information services, such as tourist information facilities? That would strengthen the availability of such services in rural Scotland.

Nicol Stephen: We have considered that. I share many of the concerns that have been expressed today; I have already spoken of my concern about the removal of phone boxes, especially in areas in which mobile coverage is patchy, in rural areas and in the circumstances that many members have described, in which their local area or constituency is affected. There is no doubt that the provision of call-boxes takes on far

greater significance in such areas, which are often, but not exclusively, rural. In remote areas, a call-box often stands some distance apart from the next one. Although such call-boxes might be used far less than those in urban areas, the nature of calls that are made from them can be very important. Calls to ChildLine have been mentioned. When motorists are involved in an accident or when walkers or climbers find themselves in an emergency, a mobile phone is not always available. Call-boxes remain an important part of the Scotland-wide telecommunications infrastructure and, in such circumstances, they are vital to communities.

We will emphasise concerns about accessibility and alternatives, especially in rural areas, to Ofcom in the forthcoming consultation. We will also support the examination of other approaches that could allow the provision of public call-box access in rural areas, some of which have been mentioned in the debate. Those include allowing BT to convert some of the less-used call-boxes into emergency phones. We should be clear that that is prohibited under the present Ofcom regulatory framework.

Ms Byrne: Will the minister give way?

Nicol Stephen: It will have to be the last intervention that I take.

The Deputy Presiding Officer: Quickly, please.

Ms Byrne: What is your interpretation of an emergency phone? Would such a phone allow an 0800 number, such as those for ChildLine and the Samaritans, to be dialled? Would it not be the case that children with a problem who used an emergency phone would be noticed? That might be a difficulty.

Nicol Stephen: It is important that all such issues are examined carefully. We would wish it to be the case that 0800 numbers could be dialled. Given the technological advances that have been made with modern phone systems, just about anything is possible. It may already be the case that that issue can be resolved. Mary Scanlon might have some information on that.

Mary Scanlon: As I indicated in my speech, BT said at its meeting last week that 0800 numbers would be free and that it would be possible to reverse the charges, so ChildLine and many other similar organisations could be contacted. I understand that that facility is available now.

Nicol Stephen: I am grateful to Mary Scanlon for that information. It is clear that we need to address such issues and to ensure that there is a sensible solution.

We have alerted Ofcom's Scottish representatives to the situation. The Executive argued successfully for the creation of statutory

Scottish elements to Ofcom's structure, such as an office in Scotland, a Scottish advisory committee and the presence of a Scottish member on Ofcom's consumer panel. I have no doubt that MSPs will want to contact the people in those bodies. In addition, the Executive is determined to play a full and active role on the universal service obligation and on the future of public call-box provision.

Some members have asked whether loss-making call-boxes that are at risk could be turned into multimedia kiosks. Highland Council is looking into that idea for the Inverness area and I hope that other local authorities will do the same, because it is worth further investigation.

The debate has been important and worth while and I welcome members' views which, I assure them, will be fed into our discussion with Ofcom and our response to the consultation process. We need to encourage regulation that sufficiently safeguards pay-phones in the long term. In the meantime, I repeat my call to local councils and community councils to use the remaining time in the current process wisely and to think carefully about all the phone boxes that are threatened with closure in their local areas.

12:50

Meeting suspended until 14:00.

14:00

On resuming—

Question Time

SCOTTISH EXECUTIVE

Education and Young People, Tourism, Culture and Sport

Scottish Biennale

1. Dr Elaine Murray (Dumfries) (Lab): To ask the Scottish Executive what consideration it has given to the establishment of a Scottish biennale to celebrate Scottish culture and architecture. (S2O-3533)

The Minister for Tourism, Culture and Sport (Patricia Ferguson): The Executive's major events strategy aims to establish in Scotland new events that will provide economic benefit and overseas profile. We will announce further details of the recent spending review implications for the strategy in due course.

Dr Murray: I thank the minister for her reply and wish her well in her new portfolio of tourism, culture and sport. Her predecessors have, for one reason or another, found it to be a springboard to the back benches, but I am sure that she will break that tradition.

On Saturday, the architecture of the new Parliament building will be the focus of attention throughout Scotland and well beyond. Does the minister agree that that interest should be used to promote the many examples of fine architecture in Scotland, not just in the capital city, but—as the minister well knows as a citizen of Glasgow—in our towns and cities up and down the country? Will she undertake to come back to Parliament at the earliest opportunity—she has not had much opportunity to think about the matter so far—to report on any developments that she thinks she can take forward?

Patricia Ferguson: I thank Elaine Murray for those kind comments. I reflected earlier that, as a minister, I have had only one question in the past three years, but I have five today. I do not know whether that is a good or a bad sign, but I will take it as a good sign.

Elaine Murray is absolutely right about the place that architecture has in Scottish arts and culture. The programme that is under way in Scotland has recently been expanded to an international level and new Scottish architecture has been showcased in a number of countries during the past year. For Elaine Murray's information, I point out that Scotland is, for the first time ever,

currently being represented separately at the Venice biennale of architecture.

Mr Jamie McGrigor (Highlands and Islands)

(Con): On 18 December, I asked Frank McAveety, who was then the Minister for Tourism, Culture and Sport, whether he would support Richard Demarco's exciting concept for an equivalent to the Venice biennale in the visual arts. That idea has received support from the Scottish National Gallery of Modern Art and the Scottish Arts Council. Is the minister aware that Liverpool plans to spend £50 million on promoting itself as a culture centre? Does she agree that that will be a threat to Scotland if Scotland is not prepared to make further investment in the arts?

Patricia Ferguson: I am aware of the proposals for Liverpool and I will watch them with great interest. It is important to recognise that the arts in Scotland play an important role in what we do, as can be seen in the major investment that the Scottish Executive has made through the Scottish Arts Council. It is largely for the Scottish Arts Council to decide on priorities, but as time goes on I will come back to the Parliament with further proposals, as Elaine Murray prompted me to.

Dyslexia (Early Recognition)

2. Mike Rumbles (West Aberdeenshire and Kincardine) (LD): To ask the Scottish Executive what action it is taking to ensure early recognition of dyslexia among school pupils. (S2O-3559)

The Deputy Minister for Education and Young People (Euan Robson): Early identification of dyslexia is a priority area. In 2004-05, the Executive is providing £8.4 million to local authorities for the training and development of staff who work with pupils with special educational needs, including dyslexia. In addition, for the period 2002 to 2005, voluntary organisations have been awarded £335,000 to produce dyslexia-specific training materials. Research into current local authority provision for dyslexia has recently been completed and a national conference to share the findings and good practice will be held early in 2005.

Mike Rumbles: It seems that resources are going in, but does the minister agree that undiagnosed dyslexia has a tremendous cost both in personal terms and to the economy as a whole? Does he also agree that a statutory assessment should be carried out on all schoolchildren at an early stage?

Euan Robson: I agree that undiagnosed dyslexia can have profound effects both for the individual and, as Mike Rumbles said, beyond that. I believe that the changes that will be brought about by the Education (Additional Support for Learning) (Scotland) Act 2004 will help with

assessment. On Mike Rumbles's specific proposal, if he cares to write to me with the details, I will be happy to consider whether, in the light of recent legislation, his suggestion would add anything to existing provision.

Elaine Smith (Coatbridge and Chryston)

(Lab): Has the minister any plans to consider extending assessment and recognition of dyslexia to children at a younger age, perhaps when they are in nursery rather than in school? Will he join me in congratulating North Lanarkshire Council's Coatbridge network support team, which runs excellent workshops for parents of dyslexic children?

Euan Robson: I am happy to join Elaine Smith in congratulating North Lanarkshire Council on its interesting and innovative project. I agree that the earlier the diagnosis is achieved, the better can appropriate remedies be undertaken.

Ms Rosemary Byrne (South of Scotland)

(SSP): Is the minister aware that many local authorities do not recognise the condition of dyslexia? Does he agree that the Parliament and ministers must ensure that all local authorities recognise the condition and deal with it appropriately?

Euan Robson: As I said, the research that has been undertaken into current local authority provision will be presented at a conference in early 2005. That will provide the opportunity to ensure that all local authorities have the advantage of hearing about best practice. If there are any shortcomings, I will expect local authorities to address those in the light of the research that has been undertaken for that conference.

John Scott (Ayr) (Con): As the minister may be aware, Dyslexia Ayrshire is concerned at the lack of effective support in South Ayrshire for children with dyslexia. What guidance should councils adhere to in providing recognition, support and remediation of the condition?

Euan Robson: Guidance is provided in circular ED 4/96 "Children and Young Persons with Special Educational Needs—Assessment and Recording" and in "A Manual of Good Practice in Special Education Needs", which was published in 1999 and has been disseminated widely. Both those documents cover the general principles for dealing with children who have special educational needs. I would be happy to confirm that those general principles encompass work on dyslexia. If the member wishes, I would be happy to provide him with copies of those documents. In addition, local authorities issue their own guidance and policies on SEN, including dyslexia. As I said, the research and the conference will help to highlight best practice.

Margaret Jamieson (Kilmarnock and Loudoun) (Lab): Does the minister agree that young people can sometimes be wrongly diagnosed as dyslexic? Does he agree that more must be done to ensure that conditions such as Meares-Irlen syndrome are recognised in the initial diagnosis, which is often for dyslexia?

Euan Robson: I heartily agree with Margaret Jamieson. As another member has pointed out, failure to diagnose early can have unfortunate consequences, but misdiagnosis can equally have unfortunate long-term effects for the individuals concerned.

School Playing Fields

3. Christine Grahame (South of Scotland) (SNP): To ask the Scottish Executive what concerns it has regarding the provision of school playing fields. (S2O-3601)

The Deputy Minister for Education and Young People (Euan Robson): It is vital that schools have appropriate provision of playing fields. As Scotland's schools are modified, it is important that the quality of such facilities keeps pace with improvements overall.

Christine Grahame: I refer the minister to Mr Frank McAveety's letter to me on the provision of a playing field at Moat park, which was to be levelled off for pupils of Drumlanrig St Cuthbert's Primary School in Hawick. Helpfully, the letter of the then Minister for Tourism, Culture and Sport refers to the community facilities strand of the building for sport programme. It states:

"In the main, proposals will be led by local authorities, clubs, trusts and the like."

Will the minister advise whether individual schools can apply to the fund, as the website to which the letter refers is currently down?

Euan Robson: I do not have the specifics on that to advise the member, but I will write to her. Having visited Drumlanrig school recently, I understand all too well the importance of that project.

Gaelic (Secure Status)

4. Maureen Macmillan (Highlands and Islands) (Lab): To ask the Scottish Executive what action it will take to secure the status of Gaelic. (S2O-3646)

The Minister for Education and Young People (Peter Peacock): The Scottish Executive will seek to secure the status of Gaelic in Scotland through a wide range of measures. Last week, we fulfilled our partnership commitment to introduce a Gaelic language bill to promote the use of Gaelic and to confirm that Gaelic has official recognition in Scotland.

Maureen Macmillan: Labour members welcome the introduction of the Gaelic Language (Scotland) Bill. I am particularly pleased that the bill will have a strong focus on education. Does the minister have any plans to encourage Gaelic-speaking teachers to convert to Gaelic-medium education?

Peter Peacock: Maureen Macmillan raises one of the key issues in securing the future of Gaelic. Regardless of what we put into law—and we can put many things into law—we must have teachers to teach through the medium of Gaelic to encourage more young people to get the language skills that we require. We have made it clear to the Scottish Higher Education Funding Council that the funding of places for the training of new teachers is important.

We have made new provisions on entitlement to Gaelic-medium education. I hope that those will encourage more people to decide to make Gaelic-medium teaching, rather than English-medium teaching, their career choice. There are also developments in secondary education to encourage that. Sabhal Mòr Ostaig is working to help to convert people who are Gaelic speakers into Gaelic-medium teachers for the future. In the Highlands and Islands, there is local training for teachers through the medium of Gaelic through Highland Council's linkage with the University of Aberdeen and UHI's linkage with the University of Strathclyde. I am awaiting recommendations that will allow us to do more to advertise and promote Gaelic-medium education as a career choice for teachers.

Jim Mather (Highlands and Islands) (SNP): I thank the minister for the full answer that he has just given. Can he confirm that three of the four sixth-year secondary schools in the Western Isles are not teaching any subjects through the medium of Gaelic? Gaelic is taught as a subject, but only in the same manner as French. How will the Gaelic Language (Scotland) Bill provide all parents and pupils in the Western Isles—the heart of Gaelic Scotland—with the option of Gaelic-medium secondary education?

Peter Peacock: Collectively in Scotland, we have made huge progress over recent years in increasing the amount of Gaelic-medium education that is available. It is one of the great success stories of Scottish education. However, what we have is still insufficient to meet the requirements to sustain the language into the future. That is why two or three weeks ago I issued guidance to local authorities, to which they must have regard, requiring them to make policy statements about Gaelic-medium education; to specify the circumstances in which they will give an entitlement to such education, on the basis of reasonable demand from parents; and to say what

constitutes reasonable demand. Over the coming period, all those measures will come into the public domain and establish much more firmly the rights to Gaelic-medium education that we want. However, what we require more than anything is for more people to choose to teach through the medium of Gaelic as a career option. In that way, we can help to save the language for the future.

Scottish Art

5. Michael Matheson (Central Scotland) (SNP): To ask the Scottish Executive what action it is taking to promote Scottish art. (S2O-3553)

The Minister for Tourism, Culture and Sport (Patricia Ferguson): The Executive promotes Scottish arts principally through sponsorship of the Scottish Arts Council, which is the lead public body for the funding, development and advocacy of the arts in Scotland.

Michael Matheson: I welcome the minister to her new portfolio, although I am not too sure how much use she will be able to make of the free kilt jacket that I believe comes with the post.

I bring to the minister's attention a problem that has been encountered by some artists in Scotland who work and sell their art from home having converted a garage or spare room in their property. Some local authorities are enforcing the full rigours of the commercial planning regulations on those artists' properties, forcing them to provide extra parking and toilets for the public to use. Does the minister agree that enforcing the regulations in that fashion will undermine the commercial viability of such enterprises, many of which are in rural areas where there is already a problem of depopulation? Will the Executive do something to address the problem that I have highlighted?

Patricia Ferguson: As a fellow Partick Thistle supporter, I will ignore the beginning of Mr Matheson's comments in the interest of consensus across the chamber. He has identified a specific problem that has not been raised with me in the past 48 hours. I know that the Scottish Arts Council works hard to assist artists who wish to sell their produce. It is important that we ensure that artists have a market for the items that they wish to sell, if they wish to make that a full-time profession. I would be happy to investigate the matter on the member's behalf. Once I have had an opportunity to do that, I will write to him with further details. I suspect that I may have to consult my colleague the Minister for Finance and Public Service Reform, who is responsible for local government, but I will get back to the member.

Area Tourist Boards

6. Mr John Swinney (North Tayside) (SNP): To ask the Scottish Executive what its current plans are for reorganising area tourist boards. (S2O-3579)

The Minister for Tourism, Culture and Sport (Patricia Ferguson): Our plans were announced in March, as I am sure Mr Swinney is aware, against the background of our ambition to grow tourism revenues by 50 per cent over the next decade. The project to integrate the area tourist boards is on track to deliver a tourism network to assist tourism businesses and other partners throughout Scotland in support of that ambition. We expect the network to be operational from April 2005.

Mr Swinney: Can the minister confirm whether two of the existing milestones in the reorganisation of the area tourist board network will be met? The first one is that the funding mechanism for and the roles and responsibilities of the hubs will be clarified by the end of the month and the second is that the staffing structures will be in place by the end of December to guarantee the delivery of the target date of early 2005.

Patricia Ferguson: Yes, we are determined that we will achieve the 2005 date; we are working closely with the organisations involved to ensure that we do so. The project team that has responsibility for defining the functions of the hub office is working to define the roles and structure of the integrated tourism network. That information will be available from the end of the month.

George Lyon (Argyll and Bute) (LD): Tourism operators in my constituency have two major concerns about the changes that are being proposed. First, how will small bed-and-breakfast operators and hotel owners be able to influence the new tourism hubs, given that we are abolishing membership? Secondly, local marketing groups, which are important in promoting destinations throughout my constituency, are concerned about how the future funding arrangements will be implemented under the new tourism hubs. How much progress has been made by the working groups in addressing those issues, which are crucial to the small bed-and-breakfast operators in my constituency?

Patricia Ferguson: Obviously, the bed-and-breakfast market is particularly important to the tourism sector and is increasingly being accessed by visitors from abroad and from the rest of the United Kingdom. We are working to ensure that the operators are supported by the changes that we are making. One example of that is the importance that we are placing, in the new tourism proposals, on the role of local authorities. Because local authorities know their local areas and know

what is happening there, they can help to make decisions about what is provided locally to ensure that those small businesses can be supported.

Dr Sylvia Jackson (Stirling) (Lab): I realise that the minister has just taken over the portfolio, so it might be difficult for her to comment on this. Killin and district tourist association, which operates in my area, wrote to the former Minister for Tourism, Culture and Sport to outline the difficulties of advertising for 2005 without knowing what the structure will be then. Will the minister look into the issue and perhaps reply to me and to the association to indicate how it can be supported?

Patricia Ferguson: I have not yet seen that item of correspondence—it has not yet passed across my desk—but I am happy to look into the matter for Sylvia Jackson and to respond both to her and to the association.

Alasdair Morgan (South of Scotland) (SNP): The minister will know that the current structure is dependent on local authority funding. Can she say at this stage what indication she has of how much of that local authority funding will continue after April?

Patricia Ferguson: We certainly hope that local authority funding will be maintained under the partnership agreements that we are putting in place, because there will be a greater role for local authorities to be involved with the new set-up. Over the summer, officials have had a series of encouraging meetings with local authorities throughout Scotland. We have been able, through that mechanism, to dispel some of the anxieties that local authorities have expressed. We are certainly hopeful that such funding will continue. A number of local authorities have indicated their willingness to be part of the process and to be creative about the kind of financing that they can provide. I am certainly hopeful that that will be the case.

Private Schools

7. Mr John Home Robertson (East Lothian) (Lab): To ask the Scottish Executive what its assessment is of the benefits of private schools to the wider community. (S2O-3534)

The Deputy Minister for Education and Young People (Euan Robson): The Scottish Executive makes no such assessment. Our principal interest is in the quality of the education provision that is offered to pupils within such schools. The monitoring and assessment of that quality is properly a matter for Her Majesty's Inspectorate of Education.

Mr Home Robertson: Does the minister agree that any objective test of public benefit for the purposes of assessing charitable status would

have to take account of the principles of public accessibility and social inclusion? He might be aware that I have relevant experience in the field. Will he take it from me that public schools are far from public and private education is by definition exclusive?

Euan Robson: The short answer is yes. However, those matters will be extensively debated when the draft Charities and Trustees Investment (Scotland) Bill is introduced. Indeed, the bill will contain a new definition of charitable status and provide for a public benefit test. Organisations that are currently charities will need to satisfy the Scottish charity regulator of their fitness to continue and will need to pass the public benefit test.

Finance and Public Services and Communities

Civil Service Jobs (Rationalisation)

1. Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): To ask the Scottish Executive what representations it has made to the Department for Work and Pensions on the rationalisation of civil service jobs. (S2O-3615)

The Minister for Finance and Public Service Reform (Mr Tom McCabe): With the Presiding Officer's indulgence, I will preface my reply by making it clear that I answer questions this afternoon as an existing minister of the Scottish Executive and as finance minister designate. The Parliament was good enough to endorse my appointment this morning, but important steps in the appointment process have yet to be carried out and it is important that we show no discourtesy.

The Scottish Executive has contact with the Department for Work and Pensions on matters that could impact on the Scottish economy.

Jeremy Purvis: Although the minister has yet to make his visit to the Court of Session, he will be aware of the Finance Committee's recent report on the relocation of public sector jobs, which commended the relocation of the Scottish Public Pensions Agency to Tweedbank in my constituency. There is evidence that those jobs are sustainable, of high quality and highly productive. Does the minister share the anger of many people in Galashiels over the proposed relocation of DWP Jobcentre Plus jobs from Galashiels, possibly to Bathgate? Will he make urgent representations to the DWP, stressing the benefits of those civil service jobs to the Borders and the benefits that they accrue to Government?

Mr McCabe: I think that all members were delighted that the Executive's relocation policy was able to bring benefit to Mr Purvis's

constituents. Clearly, any threat to people's jobs in Scotland is a matter of extreme regret. I am aware of the sentiments that were expressed in the Finance Committee's report and I am happy to ensure that the Department for Work and Pensions is made aware of the report's contents.

Shona Robison (Dundee East) (SNP): Is the minister aware that the rationalisation proposals would lead to the loss of more than 100 benefits-processing jobs in Dundee? That would undermine attempts to relocate civil service jobs to the city, which, as the minister will be aware, is under-represented in relation to civil service jobs. I have made representations to Alan Johnson, the Secretary of State for Work and Pensions. Will Mr McCabe do likewise, with specific reference to the proposed job losses in Dundee?

Mr McCabe: As I said, any loss of jobs in Scotland is a matter of extreme regret. As I also said, I am happy to make available the contents of the Finance Committee's report to the Department for Work and Pensions so that it can be made aware of the opinions that have been expressed by the Parliament. However, it is important to put the issue in perspective. Just a few days ago, my predecessor announced a substantial expansion of public expenditure in Scotland, which will be a driver of economic expansion. Through investments in physical and electronic infrastructure, we will allow enterprise to flourish in Scotland and produce a more robust and competitive economy, which will create employment opportunities for a great many people in Scotland.

Domestic Abuse Service Development Fund

2. Marilyn Livingstone (Kirkcaldy) (Lab): To ask the Scottish Executive what level of support will be made available from the domestic abuse service development fund in future. (S2O-3606)

The Minister for Communities (Malcolm Chisholm): The domestic abuse service development fund has been running since 2000 and will end on 31 March 2006. The Scottish Executive has allocated £9 million through the fund over that period. We are currently considering funding arrangements for that area of work post-2006.

Marilyn Livingstone: Will the minister join me in praising the vital work that is carried out in my constituency and Fife-wide by projects that are supported by the development fund? Will he reassure those projects and inform them what funding they can expect post-2006?

Malcolm Chisholm: It was made clear when the latest guidance went out that the current period is to be the final one for the funding, in the present form. However, the Scottish Executive is

massively committed to such work and has expanded the areas that are covered. In the past year, the domestic abuse service development fund has been supplemented by a wider violence against women fund and a fund for rape crisis groups. I am pleased that the first official engagement in my new ministerial post will be the annual general meeting of the Central Scotland Rape Crisis and Sexual Abuse Centre in Stirling tonight. The Executive is massively committed to the issue—it has put £32 million into such work since 1999. Because I was involved in the issue as a minister in 1997, I know what massive progress has been made since the establishment of the Scottish Parliament.

Ms Sandra White (Glasgow) (SNP): The minister will be aware that many victims of domestic abuse are elderly women, but is he aware that only one refuge exists in Scotland for elderly women who have suffered domestic abuse? Does he have any plans to create more refuges for those vulnerable women?

Malcolm Chisholm: One significant development in the past few years has been the expansion in the number of refuges. Part of the £32 million to which I referred was the £10 million refuge development fund. An expansion in the availability of places was badly needed. I am sure that people will take into account Sandra White's comments about the needs of older women who are in that terrible situation.

The Deputy Presiding Officer (Murray Tosh): Question 3 has been withdrawn.

Procurement Policy

4. Sarah Boyack (Edinburgh Central) (Lab): To ask the Scottish Executive what progress it is making with the implementation of its environmentally sensitive procurement policy. (S2O-3644)

The Deputy Minister for Finance and Public Service Reform (Tavish Scott): The Scottish Executive's procurement policy has already contributed positively to an environmentally sensitive and sustainable Scotland. The Executive has published a considerable amount of guidance and information for public purchasers and suppliers. The guidance, which is available on the Executive's website, requires purchasers to take full account of relevant sustainable development objectives and policies. Guidance to suppliers who wish to sell to the Executive underlines the point that, if they fail to comply with environmental legislation, they may be excluded from competition and that those who offer environmentally preferable goods and services are likely to have a competitive advantage.

Sarah Boyack: I welcome the minister's positive reply and the importance that is attached to the policy in "Building a Better Scotland: Spending Proposals 2005-2008: Enterprise, Opportunity, Fairness". What monitoring does he intend to carry out to ensure that the policy is driven forward? Will he set targets so that real efficiencies are encouraged throughout the public sector? Does he believe that the efficient use of resources and the procurement policy will raise standards in the private sector through companies that provide the Executive and other public bodies with services and goods?

Tavish Scott: I recognise Sarah Boyack's consistent interest in the issue. She will be interested to know that the greening government policy continues to process environmental improvement. We have adopted a number of specific targets that are to be achieved annually. For the years 2003 to 2006, our key targets included reducing the amount of office waste that goes to landfill by recycling 70 per cent of the total waste that is produced by March 2005; reducing the amount of paper that is purchased annually for general in-house daily use by 10 per cent by March 2004; and further reducing our energy consumption by 1 per cent by March 2004. The Executive's environmental performance annual report, which includes the latest performance figures and many others, will be published shortly.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): I welcome the minister's response and accept that Government policies can be achieved through the guidance to and conditions on contractors who engage in business with the Government. Will the minister share his thoughts on the guidance that is given to companies that are on the approved list of contractors to achieve our aim of ensuring employment rights, positive training and appropriate attitudes in the work force and to ensure that companies that are in receipt of public money for services have a high employment ethic?

Tavish Scott: The Executive believes the ethical considerations that Cathie Craigie has raised to be extremely important. In publishing the guidance on our website and in other ways, we seek to ensure that our processes and our requirements are as transparent as possible, so that organisations and businesses that wish to transact with the Executive are clear about what is required. However, that is something that we always have to do, in the context of legal requirements at the European level and the domestic level.

Supporting People Initiative

5. Alasdair Morgan (South of Scotland) (SNP): To ask the Scottish Executive whether it

has any plans to change the basis on which funds from the supporting people initiative are allocated to local authorities. (S2O-3597)

The Minister for Communities (Malcolm Chisholm): On Friday 1 October, we announced that future funding for supporting people would be allocated on a new formula basis that more fairly reflects relative need across Scotland. A £1.2 billion investment over three years in housing support services was announced.

Alasdair Morgan: Dumfries and Galloway Council tells me that its funding is dropping from £15 million this year to £10.6 million in three years' time—a drop of 30 per cent. Why does the minister think that the people of Dumfries and Galloway will be 30 per cent less worthy of support in three years' time?

Malcolm Chisholm: There are variations in how different local authorities are affected. That is because of the new distribution formula that I mentioned in my substantive answer. Nobody can quarrel with the general principles of the new distribution formula, which is based on the number of older people and people receiving disability living allowance, and on homelessness and deprivation. In principle, it is a good formula. However, we should also remember some of the headline facts about the overall amounts. The amount is double the figure for supporting people in 2002 and it is double what it would be if it was being allocated according to the Barnett formula. I am meeting the Convention of Scottish Local Authorities later in the week, and there are serious issues and concerns about which I want to have a dialogue with COSLA. However, we should remember the general facts as well.

Susan Deacon (Edinburgh East and Musselburgh) (Lab): Does the minister have any plans to introduce transitional arrangements—or could that be discussed further at his meeting with COSLA—to ensure that those local authorities that experience a reduction in their share as a result of the changes that he outlined are given support and assistance to soften the blow of having to make those adjustments?

Malcolm Chisholm: Transitional funding has been built in so that there is not too major a drop in any one year. COSLA will want to raise the details of the transitional funding with me on Friday. There was a review of all the funding, which, as I have said, has doubled in the past two years. No one can deny that there is scope for efficiency savings. However, that will not satisfy everyone or meet all of people's problems and concerns. Again, we should consider the wider context. I am keen to discuss some of the details with COSLA.

Mr John Home Robertson (East Lothian) (Lab): Will the minister pay tribute to East Lothian Council and other local authorities that have implemented the Executive's policy of supporting old people, disabled people and people at risk in the community under the excellent supporting people scheme? Does he accept that a cut of £3 million—or 33 per cent—is not details or efficiency savings? Such a cut to supporting people in East Lothian could not possibly be made without having a drastic effect on that vital programme. I am sure that the minister would not want to leave vulnerable people in the lurch or to force them to go into hospital instead, so I urge him to reflect carefully on the implications of last week's announcement.

Malcolm Chisholm: I am reflecting very carefully on that and I shall reflect further before and, no doubt, after my meeting with COSLA on Friday. Some councils are having bigger changes than others because of the new distribution formula. I accept that there is an inherent problem in that, which is why transitional funding is very important. I will discuss that with COSLA on Friday.

Jackie Baillie (Dumbarton) (Lab): I am sure that the minister will commend those local authorities that have worked hard to maximise the size of the funding pot for supporting people, but does he agree that, in any change in funding allocation, we should always, as a priority, seek to protect the services that are delivered to our most vulnerable people? Given the scale of some of the funding reductions, will he ensure that local authorities, specifically West Dunbartonshire Council and Argyll and Bute Council, receive assistance from transitional funds to mitigate any reduction in their overall funding package?

Malcolm Chisholm: I am aware of the situation in West Dunbartonshire in general terms and I am sure that I shall have discussions with the relevant local people about that. As I have said, the Executive considers transitional funding to be essential as part of the changes—that will be further discussed on Friday.

Contracts (Confidentiality)

6. Stewart Stevenson (Banff and Buchan) (SNP): To ask the Scottish Executive whether it will require that all future contracts into which it and its agencies and partners enter, and which involve the expenditure of public money, do not contain any clauses requiring confidentiality. (S2O-3620)

The Minister for Finance and Public Service Reform (Mr Tom McCabe): The Scottish ministers' code of practice on the discharge of functions by public authorities offers best-practice guidance to Scottish public authorities on

complying with the Freedom of Information (Scotland) Act 2002. It discourages the use of confidentiality clauses wherever possible but does not rule them out completely. That is because, in certain circumstances, agreement to such a clause might be necessary to protect legitimate interests—for example, trade secrets or information that, if published, might have security implications. However, confidentiality clauses should be used only in exceptional circumstances, as the indiscriminate use of such clauses is clearly contrary to the requirements of the 2002 act.

Stewart Stevenson: I thank the minister for what I think is quite an encouraging reply. Does he agree that the future contracts that he enters into on behalf of the Executive should therefore contain all the necessary financial information to enable members of the Parliament to assess whether interest rates on private finance initiative contracts are appropriate or whether penalties are appropriate, as well as any other information that enables us to get to the bottom of what is going on? There are many dark secrets in public life at the moment.

Mr McCabe: The Scottish Executive is committed to openness with regard to our contract dealings. In my initial answer, I made clear the direction of travel that we intend to take. In future, we will do all that we can to ensure that there is confidence in Scotland that we go about our procurement business in as open and accessible a way as possible. We will do our level best to avoid the flowery language that Mr Stevenson has just indulged in.

Lord James Douglas-Hamilton (Lothians) (Con): The minister no doubt welcomes openness and transparency wherever possible, but does he not agree that in cases involving children's issues, such as situations in which there has been abuse of, or problems relating to, children, there is justification for confidentiality?

Mr McCabe: I agree completely. There will always be instances in which the disclosure of information would be far from appropriate. It is important that there is proper guidance that allows people to make those judgments and we will do our best to ensure that such guidance is available.

European Constitution

7. Phil Gallie (South of Scotland) (Con): To ask the Scottish Executive what changes that affect Scotland were incorporated in the final version of the European constitution, as agreed at the intergovernmental conference on 18 June 2004. (S2O-3655)

The Deputy Minister for Finance and Public Service Reform (Tavish Scott): If ratified, the European Union constitutional treaty will introduce

a number of changes that affect Scotland, which are set out in the United Kingdom Government's "White paper on the Treaty establishing a Constitution for Europe", which was published on 9 September.

The treaty will enable the EU to respond more effectively to the needs of Scotland, while defining the limit of the EU's powers. It will allow better co-ordination between member states in key areas, such as judicial co-operation on criminal matters and police co-operation. Further protection against a shift of decision making towards Brussels is provided by clarification of the competences of the EU and strengthened subsidiarity provisions.

The various references in the treaty text to regional and local government represent a helpful recognition at European level of the growing decentralisation of government in many member states. They reflect increased political pressure on the European institutions and member states to involve regional authorities more fully.

Phil Gallie: That was a very wide-ranging answer. I have some specific questions. Have there been changes in article 17, which gives a remarkable amount of flexibility to the European Union to judge on issues that are supposedly the preserve of the Scottish Parliament? Has there been any improvement in article 9, which refers to competences and which has the same effect as article 17?

Tavish Scott: I never cease to fail to understand Mr Gallie's logic. Although the Conservative party is implacably opposed to the treaty, he seeks to argue about how the treaty could be made better for the Scottish Parliament and for Scotland.

Mr Gallie should be familiar with the reality that the final text contains proposals on subsidiarity and the role of the regions that are advantageous to Scotland, which his party would oppose. He will know that the treaty contains proposals that reflect and support an enhanced role for the regions with legislative powers, to which he, of course, is opposed.

Phil Gallie: Answer the question.

The Deputy Presiding Officer: Order.

Tavish Scott: Mr Gallie would also be opposed to the fact that the treaty, if it is ratified, will allow national and sub-national Parliaments to object through the subsidiarity mechanisms. Those are all improvements for Scotland, but Mr Gallie and his party are implacably opposed to them all.

Richard Lochhead (North East Scotland) (SNP): Does the minister acknowledge that the proposal to make fisheries an exclusive competence is one change that will be foisted on Scotland if the constitution goes ahead against the

will of the people of Scotland, particularly the minister's constituents in Shetland? Will the minister explain how he can reconcile support for that exclusive competence with the Executive's stated objective of giving more powers to the regional advisory councils that are going to be set up? Does he accept that that objective will be impossible to fulfil if the constitution goes through as it stands?

Tavish Scott: As one who represents a fishing constituency, I find Mr Lochhead's attitude to such matters quite distressing, because the regional advisory council, which will be chaired by my colleague Ross Finnie later this month, will provide active involvement by fishermen in the management of the common fisheries policy for the first time. That must be a step forward, but it is not as far as matters will go; they will go much further, because they are of direct importance to the fishing communities that I and the Executive represent. It would be useful if Mr Lochhead woke up to that fact.

General Questions

Renewable Energy

1. Richard Baker (North East Scotland) (Lab): To ask the Scottish Executive what action it is taking to ensure that more energy is provided from renewable sources. (S2O-3621)

The Deputy First Minister and Minister for Enterprise and Lifelong Learning (Mr Jim Wallace): We are committed to our target that 40 per cent of electricity generated in Scotland should come from renewable sources by 2020. We are currently consulting on changes to the renewables obligation (Scotland). Among the changes will be a requirement on suppliers to provide increased amounts of electricity from renewables in the period to 2016. We are also continuing to work in partnership with the industry through the forum for renewable energy development in Scotland to encourage the development of a wide range of renewable technologies.

Richard Baker: Will the minister outline what action is being taken to ensure not only that developing renewable energy industries are incentivised but that, through initiatives such as the intermediary technology institute in Aberdeen, they capitalise on the skills, expertise and infrastructure that are already established in the energy sector in Aberdeen, so that the city will remain the energy capital of Europe in the long term?

Mr Wallace: I know that Mr Baker is aware of the green jobs strategy on which we are consulting and which identifies renewable energy as one of the areas in which Scotland can capitalise on a

rich natural resource, not only in wind power but in wave power, tidal power and biomass. The intermediary technology institute in Aberdeen, with its focus on energy, is well placed to take many of the skills that have been developed over the years in the oil and gas industries and find out how they can be translated into work, skills and opportunities for the increasingly important renewable energy industry in Scotland.

Wave Power

2. Maureen Macmillan (Highlands and Islands) (Lab): To ask the Scottish Executive what action it is taking to encourage the development of wave power. (S2O-3622)

The Deputy First Minister and Minister for Enterprise and Lifelong Learning (Mr Jim Wallace): Our contribution of over £2 million enabled the construction of the world-class European Marine Energy Centre on Orkney, where the Pelamis device is currently being tested. Our forum for renewable energy development in Scotland recently published an action plan for accelerating development within the sector and we and the industry are now moving to implement that report's recommendations.

Maureen Macmillan: I am sure that the minister is aware that engineering construction firms in the Moray firth area are impatient for the move from prototypes to production to take place. What support can the Executive give to encourage generating companies to move into wave power once the prototypes have been proved, whether that is direct support or representations to the Department of Trade and Industry?

Mr Wallace: Maureen Macmillan hits on an important aspect of the green jobs approach, which is that there will be opportunities not only in research and development but in construction. I am sure that the construction yards to which she refers have the skills and are well placed to take advantage of marine turbines when they come into production.

It is important that we move forward by, for example, developing the European Marine Energy Centre, which will be important for testing devices and for establishing international standards for calibration so that Scotland can become a world leader in the field. I am sure that Maureen Macmillan is also aware that, in addition to the practical support that we have given to the centre's development, £50 million has become available for renewable energy projects through the DTI. We are consulting the DTI and the industry on how we can best deploy that substantial sum of money to help the improvement and deployment of renewable energy in Scotland, particularly in the marine sector.

Rob Gibson (Highlands and Islands) (SNP): I am glad to see those developments in wave power, but will the minister say what efforts the Government is making to encourage energy efficiency and energy saving in businesses and homes, so as to make the renewable energy targets that it has set easier to achieve?

Mr Wallace: The Executive has a strong commitment to energy efficiency. We provide £10 million annually to support the work of the Scottish energy efficiency office, which increases the take-up of energy efficiency measures in businesses and in the public sector. The office carried out more than 600 energy audits in 2003-04, identifying potential savings of around £15 million to Scottish business.

Around this time last year, I launched, along with the Federation of Small Businesses, an energy efficiency toolkit giving good advice to small businesses on how they can help their bottom line by taking proper energy efficiency measures. Rob Gibson might be aware that, earlier this year, I announced a further £20 million of new funding dedicated to energy efficiency measures in the public sector—in local authorities, health boards and Scottish Water. The considerable return on that can be reinvested in further energy efficiency, and the savings can be deployed on front-line services.

John Scott (Ayr) (Con): The minister will be only too well aware that the lack of adequate distribution networks to harvest renewable energy is one of the limiting factors in his achieving his targets. Will he tell Parliament how discussions with the DTI and the power companies are progressing with regard to the delivery of adequate networks to harvest wind and wave power?

Mr Wallace: I assure John Scott and the Parliament that there are regular, continuing discussions with the DTI and with the companies involved to ensure that we have the infrastructure in place to maximise the advantages of renewable energy in Scotland. A series of initiatives is being pursued. I have to be careful what I say when it comes to individual applications for upgrades, because of ministerial involvement in giving consents.

Witnesses with Special Needs

3. Irene Oldfather (Cunninghame South) (Lab): To ask the Scottish Executive what provisions are made for witnesses with special needs who are called to give evidence in court. (S2O-3608)

The Solicitor General for Scotland (Mrs Elish Angiolini): Any victim or witness who is considered vulnerable is offered the service of

VIA, the dedicated victim information and advice service, which is part of the Crown Office and Procurator Fiscal Service. VIA provides information on the progress of the case and liaises with other agencies and voluntary organisations to ensure that each individual victim or witness receives the necessary information and support. The special needs of victims and witnesses are addressed before they attend court to give evidence and, where necessary, pre-trial visits are arranged. Appropriate measures are also taken to ensure that witnesses can give evidence.

Irene Oldfather: Is the Solicitor General aware that there is presently such a shortage of lip-readers that there is a danger that some cases could fall, because of the one-year time bar for some offences? What assurances can she give to deaf people who require those services to give evidence? Some of them, in my constituency, currently feel that they are being discriminated against.

The Solicitor General for Scotland: I am not entirely clear what the role of lip-readers would be in relation to witnesses and victims. Generally, there are signers, who liaise closely with the Crown Office about the services that they provide. I assure Irene Oldfather that there would be no question of cases being time barred on the basis of the absence of an interpreter for any victim. That service would be provided even if we had to look elsewhere for it. The Crown Office is constantly examining the services that are provided for victims who have special needs and ensuring that they are provided.

Fines (Collection)

4. Miss Annabel Goldie (West of Scotland) (Con): To ask the Scottish Executive to what extent sheriff officers are deployed for collecting outstanding fines. (S2O-3535)

The Minister for Justice (Cathy Jamieson): If a court thinks it expedient, it may order that a fine be recovered by civil diligence. Sheriff officers can then be employed in the collection of the fine. Civil diligence tends to be used only when a fine has been imposed on a company, as a range of other enforcement measures is available to the court to be used against individuals.

Miss Goldie: I thank the minister, but for what I think is a singularly unsatisfactory response. The minister will be aware that outstanding fines are running at unparalleled levels. One of the sanctions that is applied is imprisonment. Her Majesty's prisons inspectorate for Scotland has this morning produced a report that highlights overcrowding. Would it not make an awful lot of sense for the Executive to instruct that outstanding fines are collected at an early stage by sheriff

officers, who are competent to do that under the Criminal Procedure (Scotland) Act 1995?

Cathy Jamieson: I am aware that the Society of Messengers-at-Arms and Sheriff Officers has been in touch with Executive officials, offering its services in relation to fine enforcement. I have noted that approach and proposals that it has made are being dealt with as part of the consideration of the McInnes report's proposals to speed up the court system and make it more efficient.

I hope that Annabel Goldie understands that we have a high prisoner population and a problem with overcrowding and that it is right and proper that those who do not need to be in prison on the ground of public safety are diverted into either appropriate community sentences or, in the case of fine defaulters, supervised attendance orders and other forms of punishment that will ensure that those people do not inappropriately end up in prison.

John Swinburne (Central Scotland) (SSCUP): Does the minister agree that, with modern technology, it should not be difficult for the courts to get in touch with the people who administer the pay-as-you-earn system in order to get them to deduct the unpaid fines at source? A simple press of a button would save a lot of running about.

Cathy Jamieson: I wish that a simple press of a button could solve a number of issues. To an extent, John Swinburne is correct. In some cases, for example, it is possible to have money deducted from benefits.

I would not want the chamber to be under the illusion that the Executive is not pursuing fine defaulters. In 2003-04, fines totalling around £18.2 million were imposed by the sheriff courts. At the end of June 2004, a significant figure—some £13.9 million—was outstanding. However, more than half of that amount related to cases in which offenders had been given time to pay their fines and enforcement procedures had not already been processed.

Human Rights (Consultation Responses)

5. Chris Ballance (South of Scotland) (Green): To ask the Scottish Executive when it expects to complete its consideration of the report "The Scottish Human Rights Commission: Analysis of Consultation Responses". (S2O-3638)

The Minister for Justice (Cathy Jamieson): Consideration of the report is under way and will be completed as soon as possible.

Chris Ballance: Soon, I hope.

Given that there are examples of patients starving in our hospitals, prisoners slopping out and asylum seekers destitute on our streets, does

the minister recognise the urgency of creating a Scottish human rights commission? Can she give any explanation for the delay in analysing the responses? Will she please reaffirm her intention to create a Scottish human rights commission regardless of moves at Westminster to create a United Kingdom-wide equalities commission?

Cathy Jamieson: I can give the Executive's commitment to continue with the process of creating a Scottish human rights commission. However, it would not be right for the chamber to believe that we are not tackling the issues that the member raised. Again, I mention that the report by the chief inspector of prisons that was published today recognised the work that has been done in relation to slopping out. Some 86 per cent of people in our jails now have access to night sanitation. I want that to be 100 per cent and the spending review, which was announced last week, will give us the finance that will enable us to move towards that, just as it enabled significant improvements to be made in the health service and across the Executive's programme.

Pauline McNeill (Glasgow Kelvin) (Lab): Can the minister assure me that the powers and remit of the Scottish human rights commission will be appropriate in the context of the devolution settlement, given that elected members of this Parliament are already scrutinising and raising the important issues that Chris Ballance mentioned? We have been effective in holding the Executive to account on human rights issues. Can she further assure me that we will take our time in considering what the commission's remit should be and give careful consideration to the position of the other commissions that deal with human rights issues, including the Equal Opportunities Commission Scotland and the Commission for Racial Equality Scotland, and to the role of the recently established post of commissioner for children and young people? Will she confirm that a key function of a human rights commission will be to ensure that ordinary Scots get the advice that they want?

Cathy Jamieson: Pauline McNeill has made a number of serious and important points to which I hope that members have listened. I will attempt to give a relatively brief answer in view of the time.

The Scottish human rights commission will work closely with the proposed UK commission for equality and human rights. It is proposed that we will do that through a memorandum of understanding. The commission for equality and human rights will lead on reserved human rights issues and the Scottish human rights commission will lead on devolved matters. They will have to work together on matters that raise both reserved and devolved issues or are otherwise of mutual interest. The Executive will continue to work closely with UK Government departments on the development of proposals.

If we are serious about consulting, we must also be serious about taking account of consultation responses. The consultation responses raised several issues, including the relationship between the human rights commission and the courts. It is right and proper that we reflect on those matters and produce the proper proposals.

Container Ports (Scapa Flow and Hunterston)

6. Iain Smith (North East Fife) (LD): To ask the Scottish Executive how it will pursue the economic potential of developing international container ports at Scapa flow and Hunterston. (S2O-3542)

The Minister for Transport (Nicol Stephen): Our partnership agreement commitment recognises the significant potential economic benefits of such major developments to Scotland. I have visited both locations and the Executive is working closely with Scottish Enterprise and with Highlands and Islands Enterprise to promote the developments at Scapa flow and Hunterston.

Iain Smith: Does the minister agree that both container ports offer Scotland a fantastic economic opportunity? Will he ensure that the Scapa flow development is promoted as a transshipment port over any potential competitors around the North sea? Will he further engage with the United Kingdom Government to ensure that the Hunterston development offers a solution to overcrowding in English channel ports such as Southampton? Will he ensure that rail freight links are included in any assessment of those terminals? Will he also consider the potential for rail freight links to the Rosyth ferry port?

Nicol Stephen: The rail link opportunities at Scapa flow are somewhat restricted.

As for the general point that Iain Smith makes, the good aspect of the two significant proposals for transshipment terminals is that they are complementary projects. I emphasise that there is a genuine prospect that both projects will proceed. Some people see them as being in competition, but Clydeport and Orkney Islands Council, which are promoting the projects at Hunterston and Scapa flow respectively, believe that they are complementary and that both have a good prospect of success.

We want to do all that we can to encourage, support and promote the developments. The final decision will depend on gaining the backing for engaging in what is increasingly a major international business, for which significant capital investment will be required. The Scottish Executive is determined to do all that it can to support the proposals, but transport and planning issues will require to be properly and fairly assessed in due course.

On rail links at Hunterston and Rosyth—

The Deputy Presiding Officer: Quickly.

Nicol Stephen: A huge opportunity is available to improve our rail connections and to improve rail freight connections throughout Scotland and to the rest of the UK. That will be a central part of what we examine at Hunterston. As a result of the Stirling-Alloa-Kincardine railway proposal, I hope that we can have a rail connection to Rosyth, too.

Alex Neil (Central Scotland) (SNP): We could have nearly completed the development by the time that the minister had finished his answer.

Will the minister give a commitment that the necessary investment will be made in the road infrastructure for Hunterston? He may be aware that this is a 40-year project, which used to be called oceanspan. It will work only if the road infrastructure is put in place.

Nicol Stephen: Yes.

Mr Jamie McGrigor (Highlands and Islands) (Con): Given that the real asset value of Hunterston and Scapa flow lies in their deepwater facilities, will the Executive ensure that any development maximises the return on those valuable assets?

Nicol Stephen: I agree about that. The facilities are excellent. Studies require to be undertaken on the environmental impact, but the depth of the water and the availability of access all year round are two of Hunterston's key advantages, which we need to exploit as best we can.

Skye Bridge Tolls

7. John Farquhar Munro (Ross, Skye and Inverness West) (LD): To ask the Scottish Executive when it will review the criminal convictions of Skye bridge protesters convicted of refusing to pay the bridge toll, in light of the European Union ruling that the toll is a service charge, not a tax. (S2O-3583)

The Minister for Justice (Cathy Jamieson): It is not for the Scottish Executive to review criminal convictions. If a person considers that he or she has been wrongly convicted of a criminal offence, they may appeal against that conviction to the High Court of Justiciary acting in its capacity as the court of criminal appeal. If all appeal avenues have been exhausted, they may take their case to the Scottish Criminal Cases Review Commission, which will consider whether a case should be referred back to the appeal court.

John Farquhar Munro: The minister will be aware that the protesters were wrongly charged and were given a criminal conviction for refusing to pay a tax, but it has been decreed that the toll is, in fact, a service charge and subject to VAT. Accordingly, the matter is a civil matter in any court of law. What steps does the Executive

propose to take to quash the convictions? Would it not be more appropriate to prevent further legal confusion by abolishing the tolls immediately?

Cathy Jamieson: I can do no better than refer back to previous answers that have been given by the Minister for Transport, who has answered a number of questions on the matter and has stated how the Executive intends to deal with the Skye bridge tolls.

The Deputy Presiding Officer: That concludes question time.

Phil Gallie (South of Scotland) (Con): On a point of order, Presiding Officer. I draw your attention to the fact that the Scottish Parliament information centre does not have a copy of the revised European constitution, which I am sure is a document that is of interest to all members. Will you tell me what steps you can take to ensure that copies are provided by SPICe? If you can take steps, will you ensure that Tavish Scott receives a copy?

The Deputy Presiding Officer: That is not a point of order under the standing orders—indeed, nothing to do with documents in SPICe falls within that category. If Mr Gallie would care to write to me or to e-mail me, I will give him an answer. However, I would prefer to do so in my time rather than in the Parliament's time.

Renewable Energy

The Deputy Presiding Officer (Murray Tosh):

The next item of business is a debate on motion S2M-1762, in the name of Alex Neil, on behalf of the Enterprise and Culture Committee, on renewable energy in Scotland. I call Alex Neil to speak to and move the motion.

Alex Neil (Central Scotland) (SNP): I am sorry, Presiding Officer, but the debate will be introduced by my colleague Mike Watson, who is the deputy convener of the committee.

The Deputy Presiding Officer: In that case, I am happy to call Mike Watson.

15:02

Mike Watson (Glasgow Cathcart) (Lab): I am pleased to open the debate on behalf of the Enterprise and Culture Committee. I do so as the deputy convener of the committee, as our convener throughout the inquiry—Alasdair Morgan—has moved on to what can surely be described as sunnier climes in the Finance Committee; I say that as a former convener of the Finance Committee. My fellow committee members and I wish Alasdair Morgan well in his new challenges in that committee.

I am pleased to welcome the many visitors who are in the gallery to watch the debate. That reflects the fact that, throughout the inquiry, it was clear to all of us that the subject really matters to the people of Scotland and that they want to have their say on it. That was one of the reasons why the inquiry was so comprehensive. Before it had even been decided that the committee would undertake the inquiry, the convener and members of the committee received more than 100 letters and e-mails from members of the public asking us to consider this important issue. In the course of our inquiry, we heard oral evidence from 50 witnesses representing 34 different organisations and groups, and we received more than 140 written-evidence submissions and considered five petitions, which came from places from the Borders to the Highlands.

We had a fascinating visit to Campbeltown to see at first hand the economic impact of renewable energy on a community in which traditional industry no longer exists. The visit was also important in respect of the drive that all members in all the committees have to take Parliament to the airts and pairs of Scotland. At a public meeting in Campbeltown, more than 60 local people came to meet us. They told us about how renewable energy affects their lives, not least in the light of the fact that about 300 jobs are provided by the nearby wind turbine plant at Machrihanish.

Our report is therefore based on a considerable amount of evidence. We were determined to get out of the Parliament so that we could listen to the people of Scotland about the potential benefits—as well as the threats and pitfalls—that are associated with renewable energy.

We published our report on 30 June and, breaking ground in respect of Parliament's engagement with Scotland's public, we also produced a handy pocket edition of the report. It was the first time that has been done in Parliament—it was a pilot scheme which, I say for the benefit of members on other committees, has already proved to be popular.

Indeed, it is heartening to report that, since the publication of the report, we have received dozens of responses from members of the public and organisations. That has continued right up until this morning: over the past two to three days, I and other members of the Enterprise and Culture Committee have received numerous messages—I received 13—on aspects of the report that might be included in this debate. That highlights the public interest in the subject.

Christine May (Central Fife) (Lab): Will Mike Watson confirm that, as I have, he has received representations on the trans-European networks and the potential of the European strand for interconnectors to create jobs in construction and improve opportunities for Scotland to sell the products of its renewable energy to other European Union member states?

Mike Watson: Yes, like Christine May, I have received information about that and it seems to be a valuable contribution, because it is a trans-European project—as the name suggests—and one in which Scotland can play its part and produce jobs in the process.

The Scottish Executive has set ambitious targets to demonstrate its commitment to maximising the use of renewable energy. It aims to generate 18 per cent of Scotland's electricity from renewable resources by 2010 and 40 per cent by 2020. Our inquiry led us to conclude that it is likely that the first target will be met, mainly because of existing hydro and new onshore wind power developments.

We consider, however, that the Executive's current renewables policy is unintentionally working against the development of renewable energy sources, other than onshore wind.

Phil Gallie (South of Scotland) (Con): Will the member take an intervention?

Mike Watson: I would like to make some progress, although I might have time later.

It is understandable that energy companies will want to use proven technology that makes

electricity cheaper and thus more profitable to produce—their shareholders would not expect anything else. However, we recognise that there must be more wind farms to reach the target. The committee believes that such over-reliance on one source of energy does not represent sound policy for the country as a whole and we are therefore clear that the additional capacity that is required to meet the 2020 target must not be met entirely from large-scale onshore wind farms. I very much welcome the Executive's stated commitment

"to develop a wide and diverse spread of renewable energy sources."

We say in the report that

"the first element of an energy policy should be a revised Renewables Obligation."

The renewables obligation Scotland scheme has been a genuine success in encouraging onshore wind farms to the extent that there is every likelihood that we will meet that 2010 target. Looking ahead to 2020, however, it is likely that to meet that target, we will be far too reliant on onshore wind development. The Scottish Energy Environment Foundation has suggested that it could be as much as 85 per cent of the 40 per cent target. That is why the committee recommends that the Executive now reviews the renewable obligation Scotland scheme so as to promote other renewable technologies in the same way.

The Executive has replied that it will indeed review the scheme in 2005-06. I am glad that it has made a commitment to take into account the committee's views when conducting that review. I urge the Executive to complete that review and implement the findings as quickly as possible because we have learned from the inquiry that developments are happening very fast.

Christine Grahame (South of Scotland) (SNP): As Mike Watson knows, I gave evidence to the committee on the Minchmoor petition. I note from recommendation 33 in the committee's report that the committee wants the Executive to take

"an active lead and develop a national strategic framework for wind farm applications".

Given that the Executive's most recent answer on the national strategic framework says simply that it will respond to the committee's report in due course, that those planning applications are still in train and that there is no national framework, will the committee press for an early response from the Executive so that those applications do not proceed in the meantime?

Mike Watson: The committee has not been that precise, but we are disappointed that the strategic framework that we asked for has not yet been accepted by the Executive. For the reasons that

are outlined in the report, we believe that the framework is necessary to ensure that planning applications are dealt with more appropriately.

It was clear to us throughout the inquiry that Scotland is not reaping the full benefit of wind energy technology, but that the potential exists for us to become world leaders in marine energy. The Executive's response to our report states, for example, that by 2020 20 per cent of our electricity production could come from marine sources. We have the natural resources in Scotland and we have the scientists and the engineers, so there is genuine scope for investment now to pay huge dividends in the future in terms of high-quality sustainable employment and cleaner energy from renewable sources.

One of the Executive's newly established intermediary technology institutes is based in Aberdeen, with good reason. It has been given responsibility for developing energy technology in the city that has been the United Kingdom's oil capital for the past 40 years. It is essential that, through making the right links with our academics, investors and businesses, the institute develops modern energy technologies to ensure the next generation of energy supply. By doing that, Scotland will move to the forefront of this technology.

We are fortunate in Scotland because we are richly endowed with the raw materials for a variety of other renewable energy sources. In addition to marine energy, we have—believe it or not—one of the best solar energy sources in Europe. We also have acres of forest that can be used to provide fuel for biomass burners. All those could, potentially, transform some rural areas with the possibility of spin-off benefits in sustainable employment—so-called green jobs—in coppicing and forestry.

In the course of our inquiry, we saw and heard of a number of examples of very high-quality, but small-scale renewable energy developments. For example, by providing half of the domestic hot water requirements of an average house in Scotland, a typical domestic solar panel system would each year prevent the release of thousands of kilograms of carbon dioxide into the atmosphere.

We also heard about the development of a domestic wind turbine that would cost about £750 to install in a house, but which—it is estimated—would pay for itself in about five years and would provide 15 per cent of household electricity needs. Because of the major benefits that such micro-developments can deliver for some rural communities, they need to be assisted. The committee heard that some such communities are already demonstrating their determination to become leaders in renewable energy.

Planning was a major issue. The ability or otherwise of the planning process to cope with the growing demand for renewables was a recurring theme throughout the inquiry. Many, if not all, members would attest to the fact that one of the most controversial aspects of the development of renewable energy in Scotland has been the rapid increase in the number of onshore wind farms. Current figures point to a threefold increase in such developments by the end of next year. I am sure that we have all received representations from people who are either hugely in favour of or bitterly opposed to such developments. As a result, it is hardly surprising that the committee heard a range of views about their human, environmental, social and economic pros and cons.

It was abundantly clear that no one who is affected by the issue—from those who submit plans for wind farms, to people who live nearby, to the local authorities that are responsible for assessing the suitability of plans—is in any doubt that there are major weaknesses in the current planning system and that there is a lack of clear guidance from the Executive. As a result, we recommended in our report that the Executive take an active lead and develop the national strategic framework for wind farms, to which Christine Grahame referred. It is a matter of concern that the Executive has rejected that recommendation on the ground that it will review current Scottish planning policy on renewable energy development with an announcement expected in 2006. That takes no account of the need to act as quickly as possible, given that the present system clearly cannot deal with the scale of applications and the pace at which their number is increasing.

The Executive has not responded at all to the committee's recommendation that, for larger wind farm applications in which the final decision rests with Scottish ministers, a system should be established to allow local authorities to keep planning fees. After all, although they are not given responsibility for deciding on applications, local authorities are required to carry out the work that is associated with them. Arguments in favour of that change were made forcefully to us; the committee believes that the case is just. In evidence, the Deputy Minister for Enterprise and Lifelong Learning accepted that and stated that the Executive would be

"happy to consider that point and whether there is a way in which we can satisfactorily address that concern."—[*Official Report, Enterprise and Culture Committee*, 30 March 2004; c 833.]

That has not happened. The Executive cannot have its cake and eat it. I hope that the new minister might have reconsidered the matter and that he will have something positive to say about it.

Overall, the Executive's response to the report is disappointing. I have mentioned some aspects, but I have to say that it was silent on a significant number of recommendations. Although we recommended the development of hydrogen technology as a means of countering intermittency problems, it was not mentioned in the Executive's response. I have commented on our recommendation that the Executive should establish a system to allow local authorities to be reimbursed for planning fees.

We also recommended that the Executive examine the potential for disseminating good practice and for linking the warm deal and new deal programmes; again, those were not mentioned in its response. Although we recommended that the Executive continue to raise the visibility of promoting the concept of community ownership of renewable projects, the Executive's response did not mention community ownership.

We recommended that, in developing the renewable energy sector as a priority, the Executive take the lead where the private sector is risk averse, that it undertake research as soon as possible to estimate the generating capacity that the market will be able to deliver by 2020 and that it develop a clear policy to ensure that communities in Scotland gain the maximum benefit from the renewables sector. None of those recommendations was mentioned in the Executive's response. We hope that the new minister will revisit the committee report and come back to us on the issues that the Executive has not addressed.

I thank everyone in Parliament who participated in the inquiry—not just the clerks and the Scottish Parliament information centre but those outwith the Parliament. It has been a good example of the way in which Scotland's public can engage in our work and contribute to the outcome.

Members of the Enterprise and Culture Committee spent a lot of time reading a lot of submissions and hearing a lot of evidence. At the end of that process, we produced a unanimous report and one that I commend to the Parliament.

I move,

That the Parliament commends the 6th Report 2004 (Session 2) of the Enterprise and Culture Committee, *Renewable Energy in Scotland*, including its support for the Scottish Executive's ambitious renewable energy targets; recognises that, if the targets are to be met, further development of all sources of renewable energy will be necessary, and urges the Executive to take active steps to ensure that the targets are met from a range of renewable sources including wind, wave, tidal, solar and bio-mass, that energy efficiency measures continue to increase and that the current planning regime is kept under review to facilitate this.

15:15

The Deputy Minister for Enterprise and Lifelong Learning (Allan Wilson): Before I address the terms of the motion, I would like to express my admiration for the Enterprise and Culture Committee and its inquiry into renewable energy, which was described so ably by Mike Watson. The conduct and expertise of the committee members, as well as the participation by so many bodies and individuals from across Scotland and the United Kingdom, have helped to shine a light on this important policy area. The importance of such focus should not be underestimated and all who were involved deserve credit from Parliament for the part that they played. It is probably fair to say that the committee has gone from strength to strength since John Swinney and I were members of the Enterprise and Lifelong Learning Committee all those years ago.

It is good to be here today and I am pleased to take part in this debate. I firmly believe that the renewables policy that we have in place will continue to deliver environmental and economic benefits to Scotland. I believe that there is a great deal of common ground—dare I say consensus?—in the chamber regarding renewable energy. That came out in Mike Watson's speech and strongly in the committee's report. Consensus is very important in the new politics here in Scotland, and I think that we in Parliament share a responsibility to ensure that that consensus is not shrouded or drowned out by detailed debate on how our renewables policy might be delivered.

The motion expresses welcome support for the ambitious targets that we have set. Those targets are often misinterpreted, innocently or otherwise, but they underline our potential to meet our energy needs from clean—

Phil Gallie: Will the minister give way on the issue of targets?

Allan Wilson: Certainly.

Phil Gallie: Page 24 of the committee's report states that neither the Department of Trade and Industry nor the supply industry can identify what generation requirements will be by 2020. How then can the minister set a 40 per cent target for renewables, especially when I have yet to hear an explanation from ministers on whether or not they are talking about sent-out figures or generation-capacity figures?

Allan Wilson: We set targets for good reason—so that we can meet our renewables obligations. The environmental benefits and the benefits in economic performance are manifest. The further we move towards securing those targets, the greater the benefits will be for our country. Our targets demonstrate to the renewables industry at

home and abroad that Scotland can—as Mike Watson mentioned—become a renewables powerhouse in the European context and in a global context. Developers and investors alike are already reacting to what I believe is a very strong signal to the market. I would have thought that that would have been welcomed by the Tories.

Richard Lochhead (North East Scotland) (SNP): The minister talks about Scotland's potential to become a “renewables powerhouse”, but does he accept that the current proposals of the National Grid Company plc—which are being considered by the Office of Gas and Electricity Markets and which discriminate against Scottish renewable projects because of transmission charges—would pull the rug from under all our efforts to create a renewables industry in Scotland?

Allan Wilson: I understand the point that Mr Lochhead makes and I assure him that we are involved with our colleagues in the Scotland Office, the DTI and elsewhere to ensure that the British electricity trading and transmission arrangements benefit Scotland. However, Mr Lochhead cannot have his cake and eat it. BETTA is absolutely fundamental to our being able to develop the renewable energy potential to which I have referred.

Consistency in the message is very important, although that is probably an alien concept to the nationalists. I will happily place on record again today the point that we made in our initial submission to the committee, that my predecessor made again when he appeared before the committee in March and that was reiterated in our subsequent response to the committee's report: we are determined to support the development of as wide a range of renewable sources as possible. Work is already under way to ensure that offshore wind, wave, tidal, hydro, solar and biomass power can join onshore wind in making a real contribution to meeting our future energy needs.

Christine May: The minister mentioned the Executive's welcome initiatives on biomass. Does he accept that there is some concern among producers about the decisions and attitudes of Ofgem, particularly in relation to the licensing of off-site blending of biomass with coal for co-firing purposes? Will he undertake to examine that and to have discussions with his colleagues at Westminster?

Allan Wilson: I am aware of those concerns. I understand that Scottish Coal and Ofgem, with the Executive as mediator, are seeking solutions to the problems in respect of blending to which the member referred. I hope that those discussions will prove to be fruitful.

We agree that wave and tidal power have tremendous potential and need additional support. The successful operation, and growing reputation, of the European Marine Energy Centre in Orkney, which we have funded, is crucial, but it is part of a chain of measures. We have begun work with EMEC to position it as the global centre for marine energy operating and safety standards, in line with the recommendations of the forum for renewable energy development in Scotland, or FREDS.

Murdo Fraser (Mid Scotland and Fife) (Con): Will the minister give way?

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

Allan Wilson: I am spoiled for choice. I give way to Murdo Fraser.

Murdo Fraser: I press the minister on his point about wave energy. Will he tell us what projects are available, perhaps funded by the enterprise companies, to encourage entrepreneurs to perfect technology for wave energy? I ask that question specifically because a constituent who came to see me last week applied for SMART:Scotland funding for a wave energy project but was told that he could not have it because projects have to be demonstrably commercially and financially viable. Clearly, he cannot demonstrate that because it is an experimental project. Are other sources of funding available for people in that situation?

Allan Wilson: I am not familiar with the detail of the individual case to which the member referred, but I am happy to write to him. As I understand the position, the £50 million DTI funding gives opportunities to explore potential commercial success as well as to develop tried and trusted commercial ventures. I hope that those efforts and others like them will strengthen our marine energy sector and attract more investment from overseas. Scotland could and should become a byword for marine energy success in the future.

Mr Stone: Mike Watson referred to hydrogen power. Given that Arnold Schwarzenegger is having a hydrogen highway put in in California, will the minister tell us something about that technology? I believe that it will be crucial to renewable energy.

Allan Wilson: There is a school of thought that says that hydrogen will produce a large part of the energy that we need in the future. There is work in my constituency that involves potential suppliers of energy who are involved in hydrogen production. That is an important element of developing our renewable energies potential; I am keen to work with the committee and others on that.

John Scott (Ayr) (Con): Will the minister give way?

Allan Wilson: No. I have done reasonably well so far in taking interventions.

Our forum for renewable energy development continues to produce results. FREDS envisages the Executive, the renewables industry and academia working side by side to promote the renewables agenda and emerging technologies in particular. We have already begun to implement the recommendations of the FREDS marine energy report and similar papers will be published during the next few months that will set out road maps for the promotion of biomass and hydrogen technology.

The £5 million that we have spent during the past three years has seen wind, biomass, solar and geothermal heat and power technologies installed in homes and communities throughout Scotland. We are delighted with the progress, popularity and effectiveness of that scheme and we plan to make an announcement on its future in the next few weeks. I was delighted to grant consent earlier today to two new developments: one at Braes of Doune near Stirling and the other at Farr in the Highlands. Those will involve 200MW of new renewable generating capacity and represent a strong and positive signal for the market in Scotland.

Mr John Swinney (North Tayside) (SNP): Will the member take an intervention?

Allan Wilson: If the member does not mind, I would like to make progress

It is also worth noting that those large developments drew only a tiny handful of objections, which belies the myth that the public at large are up in arms against wind power. It also exposes any calls for a moratorium as hollow and unnecessary.

Mr Swinney: Will the minister give way?

Mary Scanlon (Highlands and Islands) (Con): Will the minister give way?

Allan Wilson: If members will calm down, I hope that what I am about to say will be welcomed by all members in the chamber.

Our position at this time remains that current planning guidelines provide a sufficiently robust mechanism against which to assess all renewables development proposals. The guidelines are due to be reviewed shortly under a previously established timetable. We have also made it known that we intend to consult on improving the procedures under section 36 of the Electricity Act 1989. Given that it is vital that those reviews have buy-in from all the relevant people, we intend to draw together representatives of all the interested parties—including local authorities, key environmental stakeholders, regulators and the industry—to take part in a forum to support the

planned reviews. In doing that, we can ensure that our planning and consent procedures remain as robust and responsive as possible and that we continue to progress towards achieving our ambitious renewable energy targets. In the meantime, developments will continue to be judged against our existing planning and consent guidelines.

Mr Swinney rose—

Allan Wilson: I am aware of the continuing uncertainty over the new British electricity transmission and trading arrangements and of the concern about the revised transmission charges.

I give way to Mr Swinney.

The Deputy Presiding Officer (Trish Godman): The minister is in his last minute, so the member must be quick.

Mr Swinney: I welcome the review of the Executive's existing planning policies, but will the minister commit to issuing guidance on situations in which there is congestion because of the number of applications in a small geographical area, which is causing enormous anxiety in parts of Scotland?

Allan Wilson: My announcement today, which I am sure Mr Swinney welcomes, helps to build on the consensus that exists in Parliament. We all want Scotland to benefit from renewable energy, but not at an unacceptable cost to the environment. I have asked my officials to develop plans for an advisory forum that will bring together experts from throughout Scotland who have an interest in renewable energy. In addition, the forum might include heritage bodies, environmental groups, local authorities and the industry. The forum will consider the issues to which the member referred, together with the other issues that lie out there.

In both my environment and enterprise portfolios, I have learned that there is consensus, which I hope to build upon, on the need to achieve our targets for producing energy from renewable sources while protecting our natural environment for future generations. We remain committed to supporting renewables and to protecting our environment. We intend to create new jobs and to inspire new economic activity. In doing so, we will respond to the committee's favourable report by leading Scotland towards a sustainable energy future.

15:28

Richard Lochhead (North East Scotland) (SNP): In this important debate on renewable energy, it is good to see that political portfolios are also renewable. Since the Enterprise and Culture Committee's report was published, we have had a

new Deputy Minister for Enterprise and Lifelong Learning, whom I welcome to his new role, and a new committee convener, Alex Neil, whom I also wish all the best. I pay tribute to the outgoing convener, Alasdair Morgan, who steered a hard-hitting report through the committee.

Scotland has a massive opportunity for renewables. With our abundance of wind, we could provide 25 per cent of Europe's potential wind energy. We also have 10 per cent of Europe's potential wave energy and 25 per cent of Europe's potential tidal energy. Our massive forests could be used in delivering biomass energy and our agriculture industry could supply energy crops. Lo and behold, Scotland even has potential for producing solar energy.

In 2004, however, we still find ourselves in the position such that our production of renewable electricity is below the European Union average. That is a great pity, given the huge potential of Scotland's environment. For CO₂ emissions, only five of the 26 European countries and only 22 of the 203 countries that were measured by the United Nations have a worse record than Scotland.

There are huge job opportunities for Scotland. Tidal and wave energy present opportunities that should be grasped. We have lost out on many jobs in the wind energy sector, but there is still potential in the tidal and wave energy sectors.

There is also enormous potential for Scotland in securing energy supplies, not just nationally but in communities throughout Scotland. We need to secure energy independence, as well as political independence.

Phil Gallie: The member was previously convener of the European and External Relations Committee, so he will be familiar with the Lisbon agenda and the need to ensure secure electricity supplies. Does the report of the Enterprise and Culture Committee identify anywhere the amount of savings on CO₂ that will result from wind farm provision, especially given the need for spinning reserve?

Richard Lochhead: Mr Gallie should read the report for himself—it is the subject of the debate—instead of asking me what its contents are. Of course we need to secure the figures to which he refers if we want to have a strategic policy in this area.

Allan Wilson: The member mentioned CO₂ emissions and contrasted Scotland's record with that of the rest of the European Union. Does he accept that emissions data do not reflect all the complexities that are associated with production and use of energy? Scotland exports electricity to England and Northern Ireland; although that electricity is consumed elsewhere, the associated

greenhouse gas emissions appear in the Scottish record.

Richard Lochhead: That is a fair point. However, in the context of the debate it is important to make it clear that by tackling only electricity we will not reduce CO₂ emissions substantially.

The report is excellent, but it concentrates on the production of electricity from renewables. If we are to make a real difference, Parliament must tackle the other huge areas, especially heat. It would be useful if the minister would today give a commitment to set targets for heat production, as well as electricity production, from renewables.

We must also consider transport. The Executive's response to the committee's report was interesting because it highlighted three current schemes for transferring vehicles from current fuel use to clean technologies. Over the past couple of years, those three schemes have between them converted only 1,049 vehicles in Scotland to clean technologies and fuel efficiency. Given that there are 2.3 million vehicles in Scotland, at that rate it will take us about 2,500 years to tackle the transport issue here. A great deal more work needs to be done on that.

Energy efficiency is a huge area. At question time, the minister said that £10 million has been allocated to it, but that is nowhere near enough if we are to take the issue seriously. Given that 80 per cent of the energy that is used in homes is for heat, we must invest much more cash in that.

Perhaps the biggest indictment of the Government after five years in office is that despite rising energy prices in Scotland, despite our impending dependency on imports of energy, despite the freak weather conditions that remind us of the challenges of climate change—I notice that in today's news there are flood warnings throughout Scotland—despite the fact that we know that nuclear power stations in Scotland are coming to the end of their lives and despite the unstable international situation, which will have an impact on oil prices and so on, the exasperated Enterprise and Culture Committee has had to make a plea to ministers to produce

“a comprehensive Scottish energy policy”.

That is an indictment of the Executive's track record over the first five years of devolution.

The report contains a number of criticisms. In his opening speech, Mike Watson alluded to some of them, especially the emphasis in recent years on producing wind energy. All members agree that we must diversify and address issues such as the renewables obligation, which has tended to make wind the sole form of renewable generating capacity. All members accept that onshore wind is important, especially when we hear that from

Executive ministers, as was the case earlier. However, we must examine other sources, especially offshore wind production, which has huge potential for Scotland. We all welcome the recent announcement by Talisman Energy concerning the Beatrice field, which will allow us to transfer many skills from the onshore sector, especially in oil and gas, to the offshore sector.

We must have public support throughout Scotland for onshore wind power production. The report points the way forward. We are almost begging ministers to introduce national guidance and a national framework. Today we heard that the minister is willing to steal an SNP policy that was proposed a couple of years ago and to set up an advisory forum. It is a great pity that he did not do so two years ago. However, it seems that there will be no action on that front for the next couple of years.

We have to secure public support and address those issues. We also have to ensure that communities can see direct benefit from having wind turbines in their areas through access to the energy and to some of the revenues.

Tidal and wave power has been mentioned, which has perhaps the greatest potential. The world expertise in that is based in Scotland, but I put it to the minister that we must ensure that the academic expertise that exists stays in Scotland. He must introduce measures to ensure that that will be the case. This week the United States announced another \$28 million project to open a renewables laboratory in the US.

The Deputy Presiding Officer: You must finish now.

Richard Lochhead: There is a real danger that our academics will be poached; we cannot allow that to happen. We must also ensure that assistance is provided to get projects out of the experimental stage. It is very difficult for projects to attract venture capital because of the risks that are imposed.

I want to mention two final issues.

The Deputy Presiding Officer: No. I am sorry, but you must finish now.

Richard Lochhead: Finally, the minister must produce better regulations and ensure that our energy projects are not undermined. We have the potential in Scotland, but we need the policies to make that potential a reality.

The Deputy Presiding Officer: I call Murdo Fraser, who has six minutes.

15:36

Murdo Fraser (Mid Scotland and Fife) (Con): Thank you, Presiding Officer. I will try to keep to my time.

I welcome the new Deputy Minister for Enterprise and Lifelong Learning to his portfolio. I know that he takes a keen interest in energy matters, not least because of his constituency interest in the nuclear industry. I am sure that we look forward to debating the issues with him over the coming months.

I join Mike Watson in thanking the clerks and the Scottish Parliament information centre for all their assistance in the preparation of the report. The report represents a substantial piece of work for the committee and took up some months in evidence taking and preparation.

It is fair to say that members of the committee came to the inquiry with varying degrees of knowledge about renewable energy. For my part, I had some knowledge of wind power, driven mainly by constituency concerns, but my knowledge of other aspects of renewable energy was very limited. I think that all members of the committee learned an awful lot during the inquiry. Given that we all came from different political perspectives and with different degrees of knowledge, it is remarkable that we were able to agree the report unanimously. That gives the report added weight. As the enterprise committee, we were keen to examine the economic opportunities for Scotland from renewables. We accept that some technologies are currently far from market and need to be incentivised.

I believe that the conclusion of the report could be summarised in one sentence: we see great opportunities for renewable energy, but those opportunities will not be exploited given the current over-reliance on onshore wind energy. This afternoon I will concentrate on two points that arise from that conclusion. First, there is tremendous economic opportunity for Scotland to lead the way when it comes to developing new technologies, such as wave and tidal power, biomass and hydrogen cell technology. We know that construction jobs have been created in Scotland in relation to wind power—the committee visited the Vestas-Celtic Wind Technology Ltd plant in Campbeltown—but the fact is that the intellectual property is owned elsewhere, in particular in Denmark. Therefore, comparatively speaking, there is little economic benefit to us in pursuing wind power further. However, we can be world leaders in the new technologies.

George Lyon (Argyll and Bute) (LD): I take the point that Murdo Fraser is making, but he should try telling the 225 people who are currently employed at the plant in Campbeltown that there are no economic benefits—they would disagree with him. They would also question why, if Murdo Fraser had the chance, he would put in place a moratorium and put the whole lot of them out of a job.

Murdo Fraser: Mr Lyon should listen carefully. I did not say that there was no economic benefit. When Mr Tom Pederson from Vestas-Celtic spoke at the cross-party group on the economy, I quizzed him on the issue and he said that he saw the growth industry for his factory coming from offshore wind farms. There is no question of Vestas-Celtic closing down as a result of our policy, about which I will say more shortly.

The problem is that the renewables obligation certificate system creates a level playing field for different technologies and does not distinguish between them. As onshore wind is by far the cheapest technology to develop, an all-our-eggs-in-one-basket approach is being taken. We must increase the incentives to develop the new technologies, which means disincentivising onshore wind by comparison. The committee's recommendation is that the ROC regime has to be made more sophisticated to try to deal with that issue. I fully support that conclusion.

The second key aspect that I will concentrate on is national planning guidance on the siting of onshore wind farms. Members will recall that I raised the issue in a members' business debate in November of last year. I said that there should be new national strategic guidance as local authorities throughout Scotland were complaining that they were unable to cope with the deluge of planning applications coming in throughout the country and that they felt that they were swimming in the dark to an extent. During that debate I was criticised by members from the coalition parties, including Alasdair Morrison, Nora Radcliffe and George Lyon, for questioning the planning regime. The then Deputy Minister for Enterprise and Lifelong Learning, Lewis Macdonald, said in responding to the debate that the

"framework allows us to meet our aspirations and to maintain the high quality of the Scottish environment."—*[Official Report, 6 November 2003; c 3123.]*

Time has moved on since then. The number of planning applications has multiplied and communities throughout rural Scotland feel that they are under siege from developers and are facing the prospect of 400ft-high wind turbines on our hillsides.

It is interesting that all those who gave evidence to the Enterprise and Culture Committee's inquiry—whether they were objectors, representatives of local authorities, the Convention of Scottish Local Authorities or power companies, or even developers—agreed that there is a lack of national, locational guidance. The committee agreed unanimously that a national strategic framework for onshore wind farm applications is required. However, the Executive's response to the report says that it strongly believes that the existing guidelines continue

"to provide a fair and robust method of assessing renewables projects, striking a fair balance between development and conservation needs".

Given all the evidence that was presented to the committee and the committee's recommendation, the best thing that I can say about that response is that it is very disappointing.

The Executive concedes that the guidance should be kept under review and says that it will publish its review in 2006. That is the equivalent of shutting the stable door once the horse has bolted, galloped over the horizon, found a nice field in which to make its home and died of old age. The current tranche of planning applications—more than 150 throughout Scotland—will have been determined by 2006. All the suitable sites are being snapped up now. We simply cannot afford to wait until 2006, which is why we must have a moratorium on planning applications for onshore wind farms until new strategic guidance is in place, with the important proviso that those applications must have generated a substantial body of objections.

The current rush to develop onshore wind power will have a significant effect on our rural landscape and could have a seriously detrimental effect on our tourism industry. We cannot take a short-term view on such matters. A moratorium would give us an opportunity to pause and think and would allow time for new, national, strategic guidance to be published and for a national energy strategy to be considered, as the committee advocates. There would be no blanket ban on onshore wind, because the moratorium would apply only to applications in relation to which there was a substantial body of objections. That would be for local authorities to determine. Such a moratorium would offer a sensible compromise between competing interests in the field and I call on the Executive to give it consideration.

I have gone over time, so I will close to let others participate in the debate.

15:42

Nora Radcliffe (Gordon) (LD): It is my pleasure to open for the Liberal Democrats in a debate on a subject that is close to my heart. The interest that has been generated by the Enterprise and Culture Committee's report of its inquiry into renewable energy in Scotland and the importance of the issue are reflected in the volume of communication that members have received about the matter. Last night I forwarded to committee members and clerks an appreciative e-mail from a constituent who urged me to support the report, which

"shows a balanced and sensible approach to renewable energy issues in Scotland."

I concur with that. The report's introduction clearly sets out the context in which the debate takes place and outlines why the committee focused on electricity generation, which the report acknowledges is just one aspect of a hugely wide-ranging topic.

Scotland has the best renewable energy resources in Europe. Although there is currently an emphasis on land-based wind power as the best developed available technology—a technology that supports hundreds of Scottish jobs—it is vital for our future economic and environmental benefit that we nurture the development of other technologies. In the immediate future it will be particularly important to nurture the development of the marine-related technologies: offshore wind power and wave and tidal power. We are currently ahead of the game. The first onshore wave energy device is in Islay, the world's only marine energy testing centre is in Orkney, where an offshore wave power device is being tested, and plans for a deepwater wind farm in the Moray firth are making progress.

However, we will have to work effectively to maintain and capitalise on our lead. Other people out there are equally alive to the potential of marine energy resources and are investing in their own developments. Success does not just happen; the right action must be taken to enable it to happen. It will be for us to undertake much of that action, and action taken in respect of renewable energy will come under our remit. However, much of the action must be taken through energy policy, which is a reserved matter and so must be undertaken by the Westminster Government. The report made sensible comments on those matters, particularly on the operation of the national grid. Westminster must play fair with us in the exploitation of the natural resources that we have in abundance and which will enable the UK to meet its targets on the reduction of carbon emissions.

Now that I have mentioned carbon emissions, this is probably the time to say the little that I intend to say about that competitor to renewable energy, nuclear power. I am not paranoid about it, nor am I persuaded by its proponents, and I am prepared to be pragmatic. When the costs of nuclear power are brought down to levels that are slightly lower than stratospheric; when I am satisfied that we can deal safely with the hazardous waste; when the risk factors of a sudden failure of a large single chunk of supply are compensated for; and when the potential threat of terrorist attack is factored in, I will happily embrace nuclear generation as a carbon emission-free source of power.

The report focused on electricity generation, but it highlights that energy conservation must be a

key part of energy policy. As the report points out, although a number of initiatives are doing good work, energy conservation is always the Cinderella of the emission-reducing family. If we are to capitalise on the full and significant contribution that conservation can make to emission reduction, there must be a full-on concerted effort to put mechanisms in place, up building and design standards, disseminate information and provide incentives to get us all to be more energy aware and much less wasteful.

The report covers the impact of the renewables obligation Scotland scheme. I emphatically support the recommendation that a similar mechanism is needed urgently to incentivise a wider range of technologies. We need heat as well as light. Furthermore, confidence in long-term support is essential to underpin significant private sector investment.

The final paragraphs of the report deal briefly with the many and varied ways in which we can harness renewable energy sources. Some sensible observations and recommendations are made. In particular, I draw attention to the report's comments to the Executive on supporting the hydrogen sector. When I met David McGrath of siGEN recently, he drew unfavourable and uncomfortable comparisons between what he saw in Japan of support for the development of hydrogen technology and his experience of the support that is available to him in Scotland.

I endorse the report's comments on supporting community ownership of renewable energy projects, which is an issue that I have raised before. Initial measures to achieve that could be put in place quickly and simply. At the individual home level, small is indeed beautiful and more widespread uptake of available technology could cumulatively have a major impact.

There is a great deal of sense in the report. If the Executive takes on board all, or even most, of what it says, Scotland will be the better for it. I commend the report to Parliament.

15:48

Maureen Macmillan (Highlands and Islands) (Lab): I congratulate the Enterprise and Culture Committee on its thorough report, which deals with a matter of crucial importance to Scotland, the UK and the world. During the summer recess, I visited the National Grid Transco site at Wokingham along with a member of Scottish Environment LINK. I urge members of the Enterprise and Culture Committee to visit that site if they get the chance because it gives a clear overview, on an enormous computer screen, of power generation and consumption in England and Wales. Scotland will soon be added to that screen when the grids

are combined. Scotland already exports electricity to England and we want to export more, which we can do most acceptably and advantageously with renewables.

As the committee report said, if we are to help to cut global warming, we need to use a range of renewables, including wind, wave, tide and biomass energy. Scotland has marine and land sites that are second to none in their potential for renewables and we must play our part in countering global warming. We cannot ignore that as a factor in our decisions, especially when we consider the projected huge increases in carbon emissions from countries with emerging economies, such as China. That is why we have targets to meet and why I, for one, would be happy if we exceeded them.

Onshore wind is already tried and tested; it is natural that electricity companies should consider that first. However, I am appalled at the amount of sheer hatred being whipped up against onshore wind by a minority of people, not just to protect specific scenic areas but to stop any development at all. It reminds me of the outcry in the years after the second world war against hydroelectric schemes, which was of course led by the landed interests. The same arguments were used: that they would spoil the landscape; drive away tourists; and bring unwanted development to the Highlands. I dare say that David Bellamy would have condemned hydro schemes too. Would we prefer now not to have hydro power? Has a single tourist stayed away from the Highlands because of hydro dams? No, and I do not believe that tourists will stay away because of wind farms either.

Onshore wind power is an important part of our renewables portfolio. It has the potential to bring much-needed revenue to communities. I am deeply concerned that the shenanigans of some loopy environmentalists and shameless nimbys are causing communities to shy away from a major source of revenue. Yes, communities need to ensure maximum benefit for themselves and learn to negotiate with power companies. Yes, we need to encourage communities to develop their own wind farm plans, and I recommend Highlands and Islands Enterprise and Highland Council's booklet on the community toolkit, which helps them to do just that. Community plans are being developed, from Ormlie in Thurso to Kinlochleven in Lochaber. I do not want those disadvantaged communities to be knocked back because of nimbyism and totally misplaced blanket campaigns against wind farms.

Wind farms are not the only renewables option, but they are the most developed one. There is an understandable impatience to make swift progress with marine energy. The north and north-west coasts of Scotland are among the best sites in the

world for installing wave or tidal devices. Several marine devices are already being tested—for example, in Orkney—and will shortly be ready for commercial development. I know that there is anxiety over how that transition will be supported. Will marine renewables be subjected to the same vilification as wind farms? There is no way of generating power that does not leave some footprint on our landscape or our marine environment. I recently chaired a seminar on the marine environment, where Simon Pepper of WWF Scotland pointed out the need for spatial planning in the marine environment to cope with renewable energy generation among other things. I totally agree with him. I urge the Executive to put such planning in place quickly. We cannot afford to have a piecemeal approach or a pitched battle over the siting of marine renewables and the associated landfall and transmission infrastructure.

No matter what method of renewable generation we use—in the seas or in the remoter areas of the Highlands and Islands—we have to face up to the fact that the grid needs strengthening. That has spawned campaigns against pylons in the Ullapool area even before proposals are on the table and there are concerns about the massive increase in the size of pylons on the Beaulieu to Denny line. I have every sympathy with those campaigners but we must balance their concerns with the need to deliver renewables to the national grid and find a workable compromise that minimises visual impact without making the proposed wind farms in, for example, the Western Isles uneconomical because of the cost of placing the power lines wholly underground. If we can have a gas pipeline from Norway to Norfolk, why not an undersea electricity cable from the Western Isles to meet the grid at Dounreay? What planning gain or compensation can we offer communities affected by the upgrading of the grid?

The development of renewables is a tremendous opportunity for the Highlands and Islands, just as the hydroelectric schemes of last century were. I wish that the protestors would step back and look at the whole picture. Do the protestors in Perthshire ever stop to think just how many jobs in their area depend on Scottish and Southern Energy? I find the idea of wave and tidal power exciting and the use of biomass is a real alternative to oil-fired central heating in the countryside, whether for single homes or for district heating. I note in passing the investment by the Department of Trade and Industry in the Fort William paper mill to allow it to convert from oil to biomass. Generating power or heat exclusively for our own communities, which is what some wish for, is not sufficient for me. We have a global responsibility and we could make a global impact.

I could say a lot about the need to maximise the opportunities in engineering offered by

renewables, particularly in those areas where oil rigs and production platforms were once built, but as I hope to have a members' business debate on that subject after the recess, I will merely flag up the issue now. Suffice to say that the placing of the Talisman Energy contract will be crucial to confidence that renewables can deliver for us in economic terms. Renewables are a huge opportunity for this country—let us not be blown off course.

15:54

Mary Scanlon (Highlands and Islands) (Con):

I congratulate the Enterprise and Culture Committee on its report and, in particular, on the booklet that summarises its main points, which is very user friendly. It provides easily accessible information and reduces the need for huge piles of paper. I hope that other committees will consider the use of such a format, if and when appropriate, as a way of giving out concise information.

As other members have mentioned, in a debate on renewable energy and related issues, we should not forget the necessity of addressing the issue of the 60 per cent of our energy that will still need to come from the base-load stations beyond 2020. That debate has to include nuclear power. When David McLetchie and I met the Dounreay management and trade unions recently, it became clear that we in Scotland are world leaders in decommissioning at both plant and academic research levels.

Christine May: Will the member give way?

Mary Scanlon: No.

The North Highland College is taking full advantage of the opportunities that that strategy affords. We have learned that decommissioning and safety issues must be taken into account at the building and planning stage, in preparation for the end decommissioning stage.

Any member who would like a reasoned and balanced view on nuclear power and wind power—the name of Maureen Macmillan, my colleague in the Highlands, springs to mind—just needs to ask the people of Caithness whether they would prefer the jobs, investment and power from Dounreay to the Caithness landscape being covered in wind turbines such as those at Causeymire and pylons that are 70ft higher than those that exist at present.

Chris Ballance (South of Scotland) (Green)
rose—

Mary Scanlon: Does the member want to intervene or is he just standing there for the good of his health?

Chris Ballance: Would Mary Scanlon care to say where she would recommend putting the

extremely radioactive waste that will be dangerous for many thousands of years to come?

Mary Scanlon: I would be very happy to accompany the member to Dounreay and to North Highland College, where he will be told all the answers. I am not an expert on the subject.

We should also listen to the people of Ullapool and Wester Ross, who are bitterly opposed to the new pylons that will form the grid transmission line from Ullapool to Beaulieu. The line will run across one of the most beautiful areas in Scotland, which is part of the last wilderness in Europe. Even though the members of the Cairngorms National Park Authority decided that the area should be wind farm free, that decision can be, and is likely to be, overruled by the Executive in its headlong rush for wind farms—especially those with a capacity of more than 50MW, which are the subject of applications under section 36 of the Electricity Act 1989. Even when communities win their battles locally against wind farms, they are still not in a position to match the developers. That was the case in Thurso recently, when the developers flew up three lawyers from London to the pre-public inquiry meeting. Local communities cannot match that.

Alasdair Morgan (South of Scotland) (SNP): I ask the member to forgive me if I am wrong, but is it not the case that, were Dounreay to be rejuvenated and expanded, as I presume that the member would wish, the electricity from it would also need to be taken away using transmission lines?

Mary Scanlon: The reason for the huge expansion of wind farms in Caithness rather than in Ayrshire or in the member's area is that there is spare capacity on the national grid. However, that does not mean that we need to have pylons that are 70ft higher than those that we have at present.

Nora Radcliffe: Will the member give way?

Mary Scanlon: I am nearly finished; I have given way quite a few times.

The Highlands of Scotland are paying a hefty price for wind farms. Each week, I probably receive as much mail as Maureen Macmillan receives—dozens of letters and e-mails—from people who are opposed to the enormous changes that are being imposed on the landscape and environment of their area; that is not to mention the packed surgeries in Ullapool.

The committee's report raises many issues, a few of which I will list. Wind farms have an impact on scenery, wildlife and the environment. The reliability of wind power is highly questionable and there could be an over-reliance on one source of renewable energy. The Executive has failed to provide an energy strategy. There are serious

concerns about the 230 giant turbines in north Lewis, each of which is 460ft high and which a local constituent described as

"desecrating the island's landscape for eternity."

Investment is being diverted from other forms of renewable energy into an unco-ordinated and unbalanced rush towards wind power and, as Nora Radcliffe said, more emphasis on conservation is needed.

Many people have mentioned the local plan. It is probably considered quite clever in planning to call the developments wind farms, but it is wrong. They represent the industrialisation of our countryside, with megatons of concrete under ground and 460ft-high turbines above ground. That is the opposite of working the land and using our natural resources, so, like Mike Watson, I hope that the ministers will respond positively to the recommendations in the report and that they will do better than their disappointing response so far.

16:01

Alasdair Morgan (South of Scotland) (SNP): I thank all those who participated in the committee's inquiry, which was so interesting and complex that, every time that a question was answered, it seemed simply to lead to many more. We therefore had to restrict the inquiry's scope somewhat, so we spent a lot less time on overall energy use, other than for electricity generation, than we would have liked. Energy use is obviously important, especially for space heating. I was fascinated by our visit to Lochgilphead swimming pool in George Lyon's constituency, where wood fuel is used in the boiler. The advantage of that is that the CO₂ is already fixated and the fuel is transported only a couple of miles, which saves on petrol emissions.

We also had to spend less time than we would have liked on energy conservation, although it is important. For Mary Scanlon's benefit, I point out that we did not consider the 60 per cent of non-renewable generation partly because that might not have resulted in a unanimous conclusion from the committee. As the Enterprise and Culture Committee, we were interested not only in energy issues, but economic issues for Scotland. On wind power, we have to some extent missed the bus. The 200-plus jobs at Vestas-Celtic Wind Technology Ltd in Machrihanish are very important, particularly in the depressed economy of Campbeltown and the Mull of Kintyre, but it is vital that we do not repeat the mistake that we made on wind power with tidal and wave power. The Executive is supporting research and development in tidal and wave power, but we must keep our eye on that ball so that we drive it forward and become world leaders in that area.

Wind power inevitably took up much of our time. If somebody thinks that wind turbines or wind farms are ugly, nobody will convince them that they are beautiful. That argument is purely subjective, not objective, but many of the other reasons that are given against wind farms are spurious. The argument that tourism is affected negatively by wind farms is often held up, but the committee saw no evidence that that is the case. Unfortunately, some opponents of wind farms take an oppositional stance that brooks no compromise at all; there is no middle path for them.

Murdo Fraser: Does Alasdair Morgan accept that although there is a number of relatively small-scale wind farm developments, we cannot judge what the impact will be on tourism of the new, much larger-scale wind farms that are likely to be constructed and which will have turbines that will be much higher than those that are currently planned?

Alasdair Morgan: I take that point to an extent. I will address the problem of the exaggeration of the number of wind farms. It is clear that not every wind farm development is suitable and we do not want a carpet of wind farms on every spare bit of elevated ground, but neither do we want the totally negative attitude that wind farms are industrial developments—that is the phrase that Mary Scanlon used—that are somehow unsuitable for rural areas. In that context, “industrial” is used as a dirty word that is meant to trigger a negative Pavlovian response. I reject that argument, because I do not accept that much of Scotland is a natural wilderness that must be preserved unchanged at all costs. Rural Scotland is the product of man’s intervention on the land over millennia and we must ensure that it continues to grow and develop in a way that sustains and nourishes the existing population. There are far too many people who seem to want their house to be the last that is ever built within 50 miles; they also oppose any industrial development that would bring new jobs and encourage other people to live in the area.

There is a real problem with the current planning situation. Those who wish to build wind farms put in far too many applications because they have no way of knowing in advance which applications will be successful or what the likelihood of success is. The local planning departments are overwhelmed with applications—they cannot deal with them. Those who are against wind farms at any price can point to the number of applications, rather than to the number of likely successes, and claim that their areas will be overwhelmed with wind farms. Ordinary people in the middle just do not know what to believe. Local authorities need a more strategic framework, as the committee suggested, rather than the piecemeal basis for decisions that pertains now.

I am concerned that the minister’s announcement will not solve the problem. Although the announcement guarantees that when we look at the situation we might reach a more rational and wide-ranging review, the problem exists now, never mind in 2006 or whenever the new guidelines are introduced.

Other renewables will run into the same problems as wind power. So far, there have been very few environmental objections to wave and tidal stations because none has been built yet. Once some are, we will get the objections. As most of the proposed sites are remote, lying off the coast, we will run into the same transmission arrangement problems as we are running into just now in relation to wind farms.

We must find a balance between meeting our energy needs, reducing pollution, maintaining a good environment—which includes our scenery—and revitalising the communities who live in that environment. A sensible resolution to the renewable energy debate is essential if we are to achieve all four of those objectives.

16:06

John Farquhar Munro (Ross, Skye and Inverness West) (LD): I am sure that we all agree that renewable energy presents a massive opportunity for Scotland to reduce harmful emissions and to create thousands of jobs in related industries. Currently, 2,000 jobs are directly connected to renewable energy in Scotland, with about 1,200 people employed in the wind energy sector. That level of employment is incredibly significant for rural Scotland here and now, but there remains a vast, untouched economic potential, especially compared with the Danish wind industry, which currently employs 16,000 people, generating £2 billion each year for its national economy.

Both the Tories and anti-wind farm campaigners have demanded a moratorium on wind farms, failing to recognise that many farmers, crofters and communities could benefit from the location of wind farms on their property. Members could ask the people of Gigha whether they regret the benefits that they are set to reap from the construction of three turbines on the island, which are set to generate £50,000 to £60,000 a year for the first five years. That is while they are repaying their loan to Highlands and Islands Enterprise; thereafter, the turbines will generate £120,000 a year. Surely the Opposition is not suggesting that no other community in Scotland would want to embark on such a lucrative path.

However, a topic that is directly related to the construction of wind farms is becoming of great concern to my constituents: the potential

construction of a high-power transmission line between Beaully and Ullapool and on to the Isle of Lewis. At various public meetings, it has been made clear to me that there will be a negative impact, both on the environment and on tourism, should the vast new pylons be built. I share that view. I recognise the need to get electricity that is generated from renewable sources to the market; otherwise, it is pointless. However, I ask the minister to ensure that before permission for the development of the transmission line is given, other options are considered in a properly costed manner.

Mr Stone: John Farquhar Munro will be aware that the residents of Kinlochbervie and Durness are keen to get a wind farm there. They would very much like the power lines to go rather to the north of the route that the member advocates. Should the minister be thinking about that?

John Farquhar Munro: Yes. The route that is currently being proposed traverses my constituency from start to finish. At present, no other constituency is involved, which is a huge problem. I would be particularly interested if the minister would investigate the cost of a subsea cable running from the Western Isles to Ayrshire. That idea was originally promoted by Brian Wilson, the former UK Minister for Industry and Energy. At a meeting on Monday in Ullapool, it was suggested that recent new developments in direct current cables could allow the construction of an underground route without the disruption that is associated with existing buried high-capacity cable technology. I hope that the Scottish Executive will encourage Scottish and Southern Energy to investigate that option fully.

I support the concept of renewable energy, but only where it can be accommodated in harmony with our environment and with the approval of our communities. More support and effort must be directed towards wave and tidal power generation. We have a massive resource to tap and I am sure that many of the inland lochs across the west of Scotland could generate a great deal of energy and electricity in the years to come.

We also need an independent estimate of the grid costs. We simply accept as true the figures that are presented to us because we have no accurate information that would allow us to determine whether they are credible costings. Most important, as we have heard, we need the Scottish Executive to produce a strategic plan and a policy for the benefit of all concerned. That would be of particular benefit to the local authorities, their planning departments and developers who see a potential in wind farms and other forms of renewable energy.

The Deputy Presiding Officer (Murray Tosh): If everyone else sticks to five minutes, I should be

able to balance the debate. However, I will not be able to get everybody in.

16:12

Mr Alasdair Morrison (Western Isles) (Lab): Like all other members, I congratulate the committee on its thorough inquiry. Its report is a useful contribution to the on-going debate. I also wish my friend the Deputy Minister for Enterprise and Lifelong Learning well in his new role. I remind him that, now that he has left the Environment and Rural Affairs Department, I would like him to return the wellies that I loaned him three years ago.

Maureen Macmillan has already alluded to Tom Johnston in this debate. I assure members that if Tom Johnston were sitting on the front bench in this Parliament, proposing that we generate electricity by building huge dams and diverting millions of gallons of water through Highland glens, he would face exactly the same opposition that Allan Wilson will have to endure as we debate wind farms on land and at sea. Tom Johnston was a visionary. He had the courage and determination to pursue his dream of transforming the Highlands. Today, the incredible structures that he built continue to generate electricity using a renewable source. It is also worth remembering that, during that important era, the money earned put bread on many Scottish tables. That is happening again in George Lyon's constituency with money from the Vestas wind turbine factory in Campbeltown.

We all know the urgency of the need to reduce carbon dioxide emissions. In Scotland, we are well placed to harness wind, wave and tidal resources. We now need to ensure that the United Kingdom Government continues to work in partnership with the Scottish Executive to forge ahead with its plans to ensure that 40 per cent of our electricity is generated from renewable sources by 2020. In that regard, earlier today we heard the First Minister reaffirm his commitment to realign and refresh the planning regime, which will be essential in the context of the wind farms debate. All arms of government must work together to help us to achieve our target, so that we can ensure that generations to come benefit from the environmental and economic prizes that can be won.

Maureen Macmillan has dealt with the illegitimate scaremongering tactics that are used by some, but not all, anti-wind farm protesters. I recognise, as do all members, that some people have genuine concerns about the location of some wind turbines and the proposals that have been made for the location of others. I certainly do not dismiss those concerns, but I hope that no member will ever countenance the more ridiculous claims from the people whom Maureen Macmillan ably described as being loopy so-called

environmentalists. The most noxious of those claims, which I heard recently, is that wind turbines cause cancer. That is a hugely irresponsible suggestion.

Mary Scanlon: Would the member describe the 88.4 per cent of people in north Lewis who said in a survey that they oppose the AMEC scheme as loopy environmentalists?

Mr Morrison: I have never met a loopy constituent yet, but I have certainly met and heard of loopy environmentalists, one of whom is David Bellamy, who was recently parachuted into Lewis on a 24-hour visit.

I am going to condemn a Mr Hodgson, from whom all members have received e-mails. He holds the British record for the number of anti-wind farm letters to newspapers. He has been responsible for many scare stories, one of the most unpleasant of which is the threat that children might be swept away in an Aberfan-style disaster if turbines are erected close to villages or on moorland. I tell Mr Hodgson and all of his ilk that my attitude to renewable energy will be guided by my constituents' interests and not by scaremongers. I endorse the views of the vice-convenor of Western Isles Council, who strongly condemned Mr Bellamy, and I am glad to see that my friend Angus Campbell is in the gallery today.

The minister is well aware of my concerns about landowners retaining land rights in the event of a community buyout. I know that he shares my passion for land reform and for empowering communities. The Executive must tackle head-on the latest ruse by landowners. If we are legislating to redistribute rights—as we have done through the historic Land Reform (Scotland) Act 2003—we must ensure that all rights transfer when a community buys an estate. I urge the minister to raise with his colleague Lewis Macdonald that hugely important issue.

I will mention the Arnish yard in Stornoway in connection with the views of Murdo Fraser and of some nationalists such as Christine Grahame, who demanded a moratorium on wind farm developments. Such a moratorium would be a moratorium on jobs and investment. It is obvious that those members want to close the Campbeltown factory and never want the doors of the Arnish yard to open again.

Last, I will utter words that I thought I would never utter on this planet, never mind in the chamber: I urge all members to support the motion in the name of Alex Neil.

16:17

Chris Ballance (South of Scotland) (Green): I add my congratulations to the clerks and other

staff who had the extraordinary logistical task of organising much of the inquiry and drawing all the evidence together.

I draw members' attention to paragraph 323 of the report, which says:

"Responsibility for the energy we consume, how that energy is generated, the impact it has on society and the climate are key message which must be brought to the forefront of public debate."

We must be aware of the energy that we use, because any energy consumption impacts on the environment. In conventional electricity generation, we achieve only between 25 per cent to 30 per cent of the calorific value of the fuel. As we saw in Denmark, that proportion increases considerably under combined heat and power systems. In addition to that is the basic energy input to build the power station and the further loss of up to 20 per cent in transmission. That means that every kilowatt of demand reduction by the consumer can have a fourfold impact on the country's primary energy requirements.

Demand reduction and efficiency must be the core of energy policy. The debate must be not just about keeping the lights on; it must also be about turning them off when they are not needed. Energy efficiency helps us to grow our living standards and our economy. The dominance of the Japanese steel industry was based on the fact that its energy requirement was 50 per cent less per tonne produced than that in the west.

The Executive is increasing investment in energy reduction. That must continue and, as the motion says, it must continue to grow—it must increase above the current level. We must consider measures such as utilising the current round of private finance initiative contracts to maximise energy efficiency and build energy efficiency into every procurement contract. We must consider it as part of sellers' surveys, for example, and examine energy audits at the point of sale. Perhaps most important, given reserved matters, we must lobby Westminster for tax breaks for energy efficiency. We must also stop seeing the big industrial solution as being the only solution. The committee found enormous scope for small-scale, micro and community-owned wind power in cities as well as in the countryside.

Christine May: Will Chris Ballance join me in commending the work of Energy4All, which seeks to promote a co-operative solution to community ownership of sources of energy? Does he hope that its work can be made more widely known throughout Scotland, so that local communities, supported by the Executive, can have ownership of part of those renewable energy sources?

Chris Ballance: Absolutely. Indeed, the report commends Energy4All for the arrangements for

the wind farm at Boyndie, which allow community development. We recommend such solutions to the Executive and are rather disappointed that our finding on that was one of the many findings that the Executive ignored in its response. I urge the minister to consider the matter further.

Indeed, much of the response was disappointing. Mike Watson outlined many areas in which there has been no response at all. The committee supported many of the Executive's current measures and targets, but that is why it is so depressing that the response was so anodyne and self-congratulatory. The committee welcomes the Executive's renewables targets and thinks that they will be met. We also agreed unanimously that that means that there will need to be more onshore wind farms. Will the new minister in the post consider the whole report, including its main body, and accept some of those recommendations?

We call for an energy strategy with analysis of whether the system of renewables obligation certificates can deliver marine power developments without extra market support. We need an impartial evidence base to develop such a strategic policy analysis. We also call for the development of hydrogen technology and geothermal technology, and for clear, measurable targets to reduce transport energy consumption. There has been no response to any of those calls. We call for clear targets to reduce domestic heating consumption, but there has been no response to that call either.

We found that

"Government in Scotland and the renewables sector must learn the lesson ... and put in place any additional measures required to ensure that Scotland achieves the ambition"

for marine renewables, and I urge the minister to take that on board.

16:22

Sarah Boyack (Edinburgh Central) (Lab): I very much welcome the debate. The quality of the Enterprise and Culture Committee's report has already raised the quality of debate in the chamber. The committee should be congratulated on pushing the debate further ahead.

The report is important and has identified key issues. The overarching issue is our need for a mix of renewable energy. It is not good enough to rely on one source of renewable energy. The key issue for the Parliament is not how we get to the 18 per cent target by 2010, but how we build a bridge from 2010 to 2020. How can we reach the aspirational target of 40 per cent and not increase our energy demands at the same time? There are fundamental issues.

Countless members have talked about the fact that marine energy must be part of the process. There is a real opportunity for Scotland, which we must grasp, using the work of the research institutes in Orkney and Aberdeen and the new Pelamis project. Marine energy is hugely exciting for Scotland and we must ensure that the technology stays in Scotland and that we get the benefits, the jobs and the energy that can be produced.

I would have liked the committee to have spent more time on other forms of energy. I take the points that Alasdair Morgan made; if the committee was going to get into any of the issues in depth, it had to focus and prioritise. I welcome the work that the committee did, but I would like there to be more debate in future on the potential for micro-renewables and more consideration of solar heating issues, photovoltaic technology, mini wind vanes, biomass, which Alasdair Morgan talked about, and combined heat and power.

Around the world, the technology has been proven, but how to do things in Scotland has not. Other parts of the United Kingdom are beginning to bring the technology into being—for example, parts of London that are part of the mayor's energy plan. Every school, office, house, hospital and all new buildings should make the most of the new technology now; let us not wait until 2010 to start that work. We have to build on the grant system that has been put in place by the Executive and to learn the lessons.

I welcome the Executive's commitment to renew national policy planning guideline 6 on renewable energy next year. Today's debate has started the discussion. I make a plea for a much higher profile for micro-renewables so that every householder and builder in Scotland knows about them. We need joined-up government and we need building regulations, procurement, the planning system and the Executive's green jobs strategy to kick in so that we do not miss out.

When preparing for the planning review next year, I ask the ministers to focus on capacity and expertise in planning authorities. That issue comes out loud and clear in the report. We need the expertise to deal with all renewables applications, from the micro-scale developments to the larger ones. Before I came here, I used to teach town planners. I did not teach them about renewables developments, because they were not even on our agenda five years ago. We face a huge challenge in getting expertise and capacity into local authorities.

Allan Wilson *rose—*

Sarah Boyack: Does the minister wish to intervene? If he has a good answer, I would love to hear it.

The Deputy Presiding Officer: I ask the minister to speak into his microphone.

Allan Wilson: I was not just stretching my legs. I am interested in what the member said and I readily acknowledge her expertise in the planning field. Does she agree that the advisory group whose establishment I announced today will give us an opportunity to develop the cross-cutting agenda to which she refers?

Sarah Boyack: I was going to welcome the minister's announcement and his appointment as Deputy Minister for Enterprise and Lifelong Learning. I was also going to ask him to continue the work that he has been doing in the environment field and, when he establishes the advisory group, to ensure that it joins up with industry, local communities and environmental groups, all of which have expertise that must be plugged into the debate.

We have some cracking examples of best practice throughout Scotland, but we need to move them into generalised practice. That is the genuine challenge over the next few years. We need to ensure that planning departments have the capacity to debate and negotiate with the RSPB and the Scottish and Southern Energy Group, both of which have expertise, so that local people have confidence that the issues are being played out in full.

It is important to consider the national framework and the experience of the past five years, but let us not kid ourselves that there will be easy answers—there will always be difficult debates. What we need is confidence that the choices are being considered properly.

Today's debate has been good; let us now proceed with it. Let us consider how we get from the 18 per cent to the 40 per cent—from 2010 to 2020. That work must start in this chamber—parliamentary scrutiny and engagement are vital. I would like the new minister to come back to us on some of the questions that were not answered, because those are some of the difficult issues. We need to focus on them and find answers.

16:28

Mr John Swinney (North Tayside) (SNP): I join other members in welcoming the Enterprise and Culture Committee's formidable report, which has given the Parliament an important subject of genuine substance to debate.

I suspect that everyone in the chamber supports renewable energy—everybody has said that. However, if we live in the real world, we must recognise that there are clear problems with public confidence in the current approach to it.

The committee report—quite rightly in my view—highlights the inadequacy of a one-legged strategy

that has an over-dependence on onshore wind energy. However, it is of greater importance that the committee offers the Government a constructive approach that not only will secure the Government's renewable targets but, crucially, will command greater public confidence.

I encourage the Government to heed the committee's recommendations and to rebalance its renewables strategy, using other renewables technologies to complement onshore wind. As part of that, I encourage the Government to establish a much stronger national framework for implementing its objectives. Following his announcement today, I hope that the minister will recognise the urgent need to focus the debate on current planning applications and will not kick the issue into the long grass of 2006.

From all the material that members have been sent in advance of today's debate, whether by the RSPB, WWF or other organisations, it is clear that there is a consensus on the need for a stronger national framework to give guidance to local authorities. I urge the minister to take that matter seriously. He should also give consideration to recommendation 33, which states that, in pursuing and implementing a national strategy, local authorities must be very clear about what is expected of them.

The Government must also take account of the fact that, with the congestion of wind farm applications, many communities feel that there must be more clarity in the system. Indeed, in Amulree and Strathbraan in my constituency, four applications to build wind farms within a 10-mile radius have been made.

On the question of joined-up government, the committee has called for the renewables strategy to be broadened to ensure that public procurement gives a nod to sustainable energy principles in best value or public-private partnerships. I have already written to ministers on behalf of Perth and Kinross Council about a proposal to use biomass and wood fuel to power the new Breadalbane Academy, which is a PPP project in a school where my colleague Mr Morgan was educated. There is an undeniably strong case for that to happen in that part of the country. However, as it is a PPP project, it is not practical to apply for the grants that are required to make that happen because the assets must be retained within the public sector. I am not making an ideological point; I am simply asking ministers to give a bit more support in order to resolve the issue. After all, we must ensure that we apply the report's principles to the practice of school construction in our communities to make a substantial contribution to their energy needs.

The Deputy Presiding Officer: I thank all members who took a reduction in their time.

16:31

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I am the Liberal Democrat member of the Enterprise and Culture Committee and am winding up the debate because I have spent all morning at the very last meeting of the Holyrood progress group. Winding up a debate is rather easier, because one simply listens to the debate and comments on it. At this point, I offer my personal congratulations to the minister not so much on his elevation as on his translation. He did well in his previous job and I am sure that he will do well in this job, minded as ever by a Liberal Democrat member.

I should say, first, that I whole-heartedly endorse Mike Watson's remarks. He was extremely fair in summing up our report and identifying the shortfalls in the Executive response.

We have had a very good-quality debate this afternoon; I do not know whether it is the effect of the chamber that has made members rise to the occasion. We heard Allan Wilson's initial remarks on the issue; I pressed him on the matter of hydrogen, to which I will return. Richard Lochhead quite rightly mentioned the vital role of the Talisman project. I salute that project and believe that it could show us the way forward. We also heard from Murdo Fraser, Nora Radcliffe and Maureen Macmillan, who made a spirited defence of wind farms and, along with Alasdair Morrison, invoked the great name of Tom Johnston.

Mary Scanlon made nothing less than her usual impassioned contribution to the debate. Alasdair Morgan made a thoughtful and worthy speech, which is not surprising, given that he is the committee's former convener. John Farquhar Munro again flagged up his problem with pylons in his constituency and then mentioned the concept of the subsea cable. I know that some discussions are taking place about a north coast cable. The point is that although some communities do not want wind farms, other communities do. For remote parts of the Highlands such as Durness and Kinlochbervie, installing a cable along the north and west coast would be manna from heaven. Finally, we had thoughtful speeches from Chris Ballance and Sarah Boyack, who quite rightly flagged up the issue of micro-renewables.

As members know, I have gone on about hydrogen several times in the chamber. The beauty of hydrogen is that it is ultimately sustainable. One simply combines oxygen and hydrogen to make water, which releases the energy and in no way spoils our environment.

Alex Johnstone (North East Scotland) (Con): Does the member agree that the hydrogen argument is, to some extent, a red herring? Although it is a viable system for storing and

transporting renewable energy, is it not actually a renewable energy source in its own right?

Mr Stone: I completely and utterly disagree. I have already mentioned Arnold Schwarzenegger's hydrogen highway. Countries such as Japan and especially the United States are pouring money into research because they realise that one day the oil and fossil fuels will run out. I do not think that those countries would be putting quite so much money into hydrogen research if the energy was not realisable. In Aberdeen, the committee saw that work is going on, but we should put more money in that direction. Tavish Scott has spoken about the hydrogen plant that is being developed in Unst; if that can be done in Shetland, surely to goodness we can do an awful lot more on the mainland.

Strong points have been made about fees for planning not going to local authorities when they carry out work on behalf of the Scottish Executive; such points were made clearly to us in Campbeltown. We should continue to press the Executive on that.

I want to pay a personal tribute to my colleagues on the committee and to the clerks. At our away day in the summer after the election, we made a unanimous decision to undertake the inquiry. Very few of us expected quite the weight of detailed evidence that came at us. It has been hard work, but it has been worth while. The clerks and SPICE have worked hard in getting all the witnesses for us.

This Parliament was surely designed so that committees would be the counterweight to the Executive, probing and testing and taking evidence. I think that we have proved something here, and I am rather proud to associate myself with what I consider to be a quality report.

Mary Scanlon: Does Jamie Stone share Nora Radcliffe's concerns on nuclear power, or is he slightly more positive about it?

Nora Radcliffe: I was very positive about it; I just think that the money could be better spent.

Mr Stone: I associate myself entirely with Nora Radcliffe's remarks. Safety is paramount, and I salute the work that is being done at Dounreay on decommissioning. That is cutting-edge work and will provide jobs for our young people in the future.

We have a system whereby a parliamentary committee holds an inquiry and produces a report to which the Executive responds, but then the report might just lie on the shelf. We have to think about how devolution works. Is it right that one thing is said but then the issue just rests? I am not sure. I would like to have the opportunity—in addition to this debate—to respond to the Executive and probe it still further on its response.

I thank the Executive for what it has come forward with but, like Mike Watson, I feel that it is not as much as I would have hoped for.

16:37

Alex Johnstone (North East Scotland) (Con):

I begin by doing what many others have done—praising the committee for the work that it has done on its report. The report is one of the best that we have seen and it will serve an important function in the Parliament. It will be the bedrock and the foundation on which we can build our work on the whole issue of renewable energy and carry out what we all hope will be the successful development of renewable energy policy.

The report is balanced. It takes account of many of the concerns that have been expressed, including concerns that are beginning to develop about energy policy in general. In fact, the report reflects many of the concerns that have been expressed in the chamber by Conservatives over a significant number of years now. The Conservatives support the development of renewable energy but, as I have suggested, we must address some concerns. The report almost acts as an agenda for discussing those concerns.

First, we are concerned about the target of 40 per cent of energy coming from renewable sources by 2020. Our concern is based largely on the fact that we do not know what the target will entail and we do not know how the remaining 60 per cent of our energy, or electricity, requirement will be achieved. For that reason, it is important that we adopt the report's recommendation that there should be a Scottish energy policy that is designed to deliver electricity in the quantity and at a price that will support the continued growth of the Scottish economy; that takes account of the fact that renewables will be significant; but that also takes account of the requirement for a broader range of alternative—or, rather, complementary—strategies to renewables.

Christine May: Does the member agree that the report highlights the potential for increasing the renewable element of conventional coal-fired generation, using biomass? Does he agree that that would provide us with considerable scope to increase the amount of generation from renewables to help to cover the 60 per cent that he talked about?

Alex Johnstone: I accept that, but it is important for us to look at the system of renewable obligation certificates to ensure that it is not biased against the practice of adding partially renewable material to coal. I ask the minister to examine that and to use his influence to see whether there are any disadvantages that can be taken out of the system.

Many technologies other than wind should be considered, but because of the targets that the Executive has set, we have put ourselves in a position in which there is a rush towards onshore wind. The demand for some form of national strategic planning guidance has been voiced most articulately in the Parliament by my colleague Murdo Fraser and he continues to voice that demand eloquently. The idea that a moratorium should be put in place causes certain members to raise their hands in horror, but there will be no need for such a moratorium if the Executive delivers national strategic guidance in a timely manner.

The siting of wind farms throughout Scotland is causing grave concern. The fact that many applications are for sites on hilltops—where wind farms would be seen from a long way off and would have the potential to damage the scenery that attracts many of our tourists—causes serious concern to those who rely for their living on the tourist industry, which returns significantly more income in rural areas than any of our traditional industries. Unless we are prepared to deliver guidance, the rebellion in places such as Perthshire will continue. I was slightly disappointed to hear Maureen Macmillan's remarks, which I interpreted as being slightly derogatory about the people of Perthshire who are protesting about the number of wind farm applications. It is they who are having to bear the majority of applications at the moment. I support John Swinney's call for paragraph 33 of the committee's report to be implemented as quickly as possible; the minister should use his influence on that.

If we are to have a viable future as an industrial economy, we must deal with many of those issues. We must develop the alternatives to wind power. The efforts that have been made to ensure that we have opportunities to harness the other renewables technologies—biomass, wave and tidal power—are worth while, but those technologies are not mature.

Maureen Macmillan: Will the member take an intervention?

The Deputy Presiding Officer: There is no time.

Alex Johnstone: I acknowledge a point that has often been made to me in interventions by members of the Green party: energy efficiency is a major part of what we must try to achieve. I believe that our total requirement for electricity in 2020 will be greater than it is today, but if we pursue energy efficiency it will not be as great as it would otherwise have been. If we can find cost-effective methods of encouraging energy efficiency, the problems that we have with electricity generation will not be as great when that time comes along.

I welcome the decision to create an intermediary technology institute at Aberdeen. As I said, the committee's report provides a firm foundation on which to proceed; at the moment, the policy is running out of control and the Executive seems to have turned a blind eye.

16:44

Rob Gibson (Highlands and Islands) (SNP):

This has been a valuable and wide-ranging debate. The report is an attempt to ensure that we have a national strategy for one of our greatest potentials, which could allow the development of new jobs and incomes for people in parts of the country that were seen in the past as remote. It is important to recognise why people moved in the 19th century to where the coalfields were and where the steel was, and why our population is concentrated there. It is also important for us to recognise that the people who could and should be living in many other parts of Scotland rely on this policy in particular to repopulate many areas that still lose many of their young and their brightest.

Objectors to a national strategy for renewables obstruct our ability to find a means whereby communities might benefit from wind power, not just by receiving compensation from outside companies but by taking ownership of the technology. Through the committee's report, we must find some means of ensuring that local people are given those powers.

As Jamie Stone and others mentioned, hydrogen technology has potential, but we must recognise that the development of such technologies can take place in places that were previously seen as remote. We need to learn from the debates that took place on the development of hydroelectricity, given that many of today's arguments were encapsulated at that time. For example, the Snell report of 1922 finished by stating:

"But if as we hope and believe, the policy to which this report is a small contribution is to give the Highlands and the Highlanders a future as well as a past and to provide opportunity in the Highlands for initiative, independence and industry, then we consider a few localised interferences with natural beauties a small price to pay for the solid benefits which would be realised."

With the committee's report, I believe that we can realise those dreams and see off the scaremongers.

I am delighted that the minister has adopted SNP policy by setting up a national forum but, like John Swinney, I want to see the forum beefed up. We are intent on ensuring that all the people who could make a difference are brought together to develop a national strategy.

However, public investment in today's clean technology does not match the levels of investment that were made in hydro schemes and in nuclear energy. We need to learn the lessons that have been pointed out by none other than Sir Ian Wood. The chief executive of the Wood Group has said that, after the oil boom,

"Such was our Government's haste to get the oil out of the ground as quickly as possible that far too little attention was paid to the build-up of genuine UK oil technology and manufacturing know-how to provide an important new indigenous addition to the UK's falling industrial base."

The oil developments provided a pitifully small number of industries and we achieved nowhere near the level of presence and influence that we should have had, given our privileged frontier starting position.

Similarly, today, we are at the cutting edge of wave and tidal power. If we fail to invest this time, we could lose the initiative to other countries such as Portugal, which is developing wave power. The Executive must seriously examine the criticisms that have been made about the development of the oil industry and take on board those lessons now. There is insufficient evidence to suggest that its response to the committee's report shows the required sense of urgency.

Chris Ballance: Will the member take an intervention?

Rob Gibson: I am sorry, but I am short of time.

The green jobs initiative and the revenues for local communities should create a positive climate, but those initiatives are mired in planning laws that require behind-the-scenes agreements on community compensation. We need clear guidelines from the Executive that communities should benefit to a far greater extent than has been the case from the development of renewables in their areas. Local communities should also be given the powers to initiate such developments. In our constituency surgeries around the country, we would see people adopt a different attitude if they knew that local people would benefit from such schemes.

We would benefit from having an electricity grid that had the potential to allow power to be generated not only for local use but for export to England and Europe. As other members have highlighted, it is important that we have such a grid in place. The SNP believes that such a development has enormous potential, as it could create the security of energy production that cannot be obtained from gas pipelines in other parts of the world. That is the context in which we should view the policy on Scotland's renewable energy, which could supply English and continental markets with a secure and sustainable form of energy from now until doomsday.

We have not yet heard enough from the Executive about putting power behind renewables by providing the investment that is required. We recognise that the minister has gone some way towards doing that, but we look for much more and will keep under scrutiny the plans that he has started to enunciate today.

The Deputy Presiding Officer: I call Alex Neil to wind up the debate. Mr Neil, can you do it in nine minutes?

16:50

Alex Neil (Central Scotland) (SNP): No problem, Presiding Officer.

As this is my first speech to the chamber as the new convener of the Enterprise and Culture Committee, I pay tribute first to Alasdair Morgan, the outgoing convener, for his work. He has been an outstanding convener of the committee, although the task was made easy by the quality of the other members of the committee from all parties. Secondly, I pay tribute to the outgoing clerk to the committee, Simon Watkins, who has serviced it for five years in a very professional way. Simon is one of the outstanding clerks in the Parliament and we should pay tribute to him for the work that he has done. Thirdly, I congratulate my Ayrshire friend Allan Wilson on his appointment as the Deputy Minister for Enterprise and Lifelong Learning. He was previously a member of the Enterprise and Lifelong Learning Committee, so I do not know whether it is promotion for him to become the minister. Nevertheless, I am sure that he will enjoy his new responsibilities.

Informed by the quality of the committee's report, this has probably been one of the best-quality debates that has taken place in this chamber and in the Parliament in the past five years. In my five years as a member of the Parliament, I have never seen a committee report produce such a volume of response after its publication—aided and abetted by the excellent leaflet that was produced for popular consumption—or such a broad consensus, not just in the committee but in the responses from outside to the report's main recommendations. That bodes well for the new politics of Scotland.

Let us examine why renewable energy is so important and the background to the issue. There are three fundamental drivers of the importance of renewable energy. The first is the very substantial increase in the global demand for energy. Last year the worldwide demand for energy grew by 3 per cent. In the Asia-Pacific area, it grew by 6.5 per cent and in China it grew by about 12 per cent. That trend is likely to continue. However, simultaneously with the exponential growth in

demand, there is increasing concern about the remaining global reserves of fossil fuels: coal, oil, gas and so on. The third driver is environmental considerations and, in particular, the need to meet the Kyoto targets.

Renewable energy sources provide three fundamental benefits for Scotland, as compared with traditional sources. First, they make a substantial contribution to the reduction in CO₂ emissions and the environmental benefits that go with that. Secondly, they help us to diversify our supply of energy, which is essential in any modern economy. Thirdly, they reduce our reliance on imported energy, which is always good for any country, both financially and in terms of economic security.

Let us be under no illusion about the scale of the challenge that we face, even compared with our European neighbours. Our target, which is ambitious for Scotland, is to have 18 per cent of our primary energy demand met by renewables by the end of the decade. Already three of our European partner countries—Sweden, Finland and Austria—have far exceeded that figure. For Sweden, the figure is nearly 30 per cent, for Finland it is more than 20 per cent and for Austria it is 21 per cent. We have some catching up to do. The committee's recommendations, if implemented, would help us to do much of that.

Christine May: Does Alex Neil agree that we wish to urge the Executive to create a balance between mature and imminent technologies and to ensure that, for the 60 per cent of power and energy generation that we need from other than renewable sources, we do what we can to reduce the harmful effects of conventional technologies such as coal?

Alex Neil: Absolutely. We need two mixes. First, we need an overall energy mix and diversified sources of energy. Secondly, we need a diverse mix within the renewables sector. One of the major points, if not the major point, that came out of the committee's report is the over-reliance on onshore wind energy to try to reach the 40 per cent target.

I will concentrate for the next minute or two on the two areas of the report where there has been criticism of the Executive. First, the committee's report probably reflects Scottish opinion on the Executive's response that it is not in favour of producing a national planning framework for wind farms. The committee does not agree with the extreme position that wants a moratorium on wind farms—and wants no wind farms at any cost—nor with the other extreme that wants the planning system to allow wind farms to be put almost anywhere, willy-nilly. Most people—certainly members of the committee—are, to use a phrase, in favour of the middle way.

As the convener of the committee, I suggest to the Executive that the remit of the new forum that the minister announced this afternoon—which is a welcome development—should be to help to shape Scottish planning guidelines for renewables development. I do not think that it says so in the minister's statement, but in the press release that he kindly provided me, the minister states that he hopes that the new forum will meet before the end of the year—that is only weeks away.

As a compromise between the committee's recommendation on the national planning framework and the Executive's position of not wanting to engage in that, I suggest that one of the first jobs—in fact, the first job—given to the new forum should be to examine the need for a national planning framework. That would bridge the gap between the committee's position and that of the Executive and it would allow an objective look at the matter. I hope that it would give the Executive time to take any action that it may deem necessary.

Mr Swinney: Does Alex Neil believe that part of the committee's role might be to revisit the point that he is raising and to determine, in a matter of months, whether the Executive has responded more fully than in its original response to the points that were raised by the committee in its report?

Alex Neil: That very neatly brings me to the second point on which, as was articulated by Mike Watson in his opening remarks, there is a degree of criticism of the Executive by the committee. There is clearly some disappointment on the committee—and, I sense, in the Parliament—that the Executive did not respond formally on a number of issues in its response to the committee's report. I suggest—subject of course to the committee's agreement—that since the minister is new to his role we invite him back to the committee, perhaps some time early in the new year, to give us an update on the areas that were not covered in the Executive's response.

Allan Wilson: As the convener of the Enterprise and Culture Committee will know, I am a great exponent of the third way in politics. I am happy to respond, I hope positively, to the two points that he made. I give him the assurance that it was news to me that there was criticism abroad that we had not responded in detail to some of the recommendations that the committee made. I give the Parliament and the committee the assurance that we will do so in the immediate future. Furthermore, I hope to extend an invitation to the committee to participate in the advisory forum that I announced today.

Alex Neil: On behalf of the committee, I welcome the statement that the minister has made. I hope that we can use that to bridge the

gap between the committee's recommendations and the Executive's position.

I will move on in—I hope—trying to build consensus between the committee and the Executive.

The report made three other major recommendations. It identified a need for a Scottish energy policy. Again, there is broad consensus on that. The report also identified the economic benefit of alternative renewable energy sources. As a country, we have not yet done enough to identify the enormous benefits in exports, jobs and investments that can be derived from renewable energy sources. George Lyon and others have provided local examples of such benefits and we hope that the Executive will give attention to the matter in its green jobs strategy and other policies.

I thank the new Deputy Minister for Enterprise and Lifelong Learning for his suggestion. On behalf of the committee, we look forward to working with him and his Liberal Democrat boss to ensure that Scotland gets ahead in the renewables market in Europe.

Business Motions

17:01

The Presiding Officer (Mr George Reid): The next item of business is consideration of business motion S2M-1826, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, setting out a business programme.

Motion moved,

That the Parliament agrees the following programme of business—

Wednesday 27 October 2004

2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Executive Business

followed by Business Motion

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 28 October 2004

9.30 am Parliamentary Bureau Motions

followed by Executive Business

12 noon First Minister's Question Time

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

3.00 pm Executive Business

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 3 November 2004

2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Executive Business

followed by Business Motion

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 4 November 2004

9.30 am Parliamentary Bureau Motions

followed by Executive 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 Executive Business

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business.—[Ms Margaret Curran.]

Motion agreed to.

The Presiding Officer: The next item of business is consideration of business motion S2M-1827, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, setting out a timetable for legislation.

Motion moved,

That the Parliament agrees—

(a) that consideration of the Gaelic Language (Scotland) Bill at Stage 1 be completed by 4 February 2005; and

(b) that the timetable for completion of consideration of the Prohibition of Smoking in Regulated Areas (Scotland) Bill at Stage 1 be extended to 28 January 2005.—[Ms Margaret Curran.]

Motion agreed to.

Parliamentary Bureau Motions

17:02

The Presiding Officer (Mr George Reid): The next item of business is consideration of two Parliamentary Bureau motions. I ask Margaret Curran to move motions S2M-1828 and S2M-1829, on the approval of Scottish statutory instruments.

Motions moved,

That the Parliament agrees that the draft Housing Grants (Assessment of Contributions) (Scotland) Amendment Regulations 2004 be approved.

That the Parliament agrees that the draft Freedom of Information (Fees for Required Disclosure) (Scotland) Regulations 2004 be approved.—[*Ms Margaret Curran.*]

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

Decision Time

17:03

The Presiding Officer (Mr George Reid): There are four questions to be put as a result of today's business. The first question is, that motion S2M-1813, in the name of Peter Peacock, that the School Education (Ministerial Powers and Independent Schools) (Scotland) Bill be passed, 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)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 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)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)

Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Swinburne, John (Central Scotland) (SSCUP)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 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)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kane, Rosie (Glasgow) (SSP)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

The Presiding Officer: The result of the division is: For 68, Against 51, Abstentions 0.

Motion agreed to.

That the Parliament agrees that the School Education (Ministerial Powers and Independent Schools) (Scotland) Bill be passed.

The Presiding Officer: The second question is, that motion S2M-1762, in the name of Alex Neil, on behalf of the Enterprise and Culture Committee, on renewable energy in Scotland, be agreed to.

Motion agreed to.

That the Parliament commends the 6th Report 2004 (Session 2) of the Enterprise and Culture Committee, *Renewable Energy in Scotland*, including its support for the Scottish Executive's ambitious renewable energy targets; recognises that, if the targets are to be met, further development of all sources of renewable energy will be necessary, and urges the Executive to take active steps to ensure that the targets are met from a range of renewable sources including wind, wave, tidal, solar and bio-mass, that energy efficiency measures continue to increase and that the current planning regime is kept under review to facilitate this.

The Presiding Officer: The third question is, that motion S2M-1828, in the name of Margaret Curran, on the approval of a Scottish statutory instrument, be agreed to.

Motion agreed to.

That the Parliament agrees that the draft Housing Grants (Assessment of Contributions) (Scotland) Amendment Regulations 2004 be approved.

The Presiding Officer: The fourth and final question is, that motion S2M-1829, in the name of Margaret Curran, on the approval of a Scottish statutory instrument, be agreed to.

Motion agreed to.

That the Parliament agrees that the draft Freedom of Information (Fees for Required Disclosure) (Scotland) Regulations 2004 be approved.

Remploy (Reserved Contracts)

The Deputy Presiding Officer (Trish Godman): The final item of business is a members' business debate on motion S2M-1406, in the name of Helen Eadie, on reserved contracts to support Remploy.

Motion debated,

That the Parliament recognises the work of Remploy in Scotland in supporting 700 people with special needs in employment and congratulates the organisation on its training and development programme which has seen the creation of dedicated learning rooms at all 10 of its employment sites, with 275 employees currently undertaking skills training in language and mathematics and a further 135 involved in other learning activity, and a commitment of at least 5 per cent of working time over a year to be dedicated to personal development; notes that this programme has been implemented in just over two years, and believes that the Scottish Executive and all publicly-funded organisations should examine their procurement policies with a view to reserving contracts for supported employment organisations such as those working with Remploy.

17:06

Helen Eadie (Dunfermline East) (Lab): Thank you, Presiding Officer, for giving me the chance to lead a members' business debate on the opportunity for public procurement policies to benefit disabled people in Scotland. I remind members of my GMB membership, as set out in the register of members' interests. I welcome the workers and representatives from Remploy who are among the visitors in the public gallery. I also congratulate the Deputy Minister for Enterprise and Lifelong Learning, Allan Wilson, on his new post.

The motion is aimed at opening up procurement policies in Government and other public bodies. We need to provide a vision of what could and should be in place to promote the employment of disabled people in manufacturing and service provision in the United Kingdom. The potential benefit is extensive, given that many UK workstep programme providers not only provide a wide range of manufactured goods, but have moved into the service sector and can provide non-manufacturing services such as closed-circuit television operators, back-office services and canteen and cleaning contracting.

The Remploy interwork service and the managed services division are good examples of how policy can increase the number of people with disabilities who work in managed services organisations by allowing them to compete on a level playing field. Many people have campaigned not simply for a halt in the decline of worker numbers, but for expansion, through growth in the number of factories and the provision of services.

That would give the opportunity for far more of the million-plus disabled people in the UK who want to work but who at present remain outside the world of work to enter employment. Given that long-term unemployed disabled people tend to be those with greater disabilities, employment through a route that offers high-quality skills training, support and decent wages is crucial.

Many members will recall the effect of the removal of the priority suppliers scheme in 1994, which resulted in a massive reduction in public contracts for supported employment factories. In Remploy's textiles section, the value of contracts fell from £18 million to £3 million in 18 months, starting in 1995. There is a chronic shortage of good-quality work for supported employment workplaces. Remploy and other supported employers are at present failing to meet the agreed disabled employment figures. Remploy is committed to employing directly 6,000 disabled people under the consortium agreement, but in August this year the figure was 5,100 and falling. Such workplaces need to be able to rely on a regular supply of contracts to allow them the security to plan and develop. I want that trend to be halted and reversed and I see the debate as being our way of sending a message that we are extremely concerned that our Government's negotiators and our members of the European Parliament should take on board our views on the matter.

If Remploy joins the procurement list for public sector orders, the winners will be disabled people, Government and wider society, not just through the social responsibility aspect, but because Remploy will be able to maintain its employment levels and reduce its need for financial support from the Government.

As we know, public procurement policies are heavily regulated by the European Union. I am aware of the on-going deliberations and the revisions that are currently being made in Brussels. I hope that ministers will take our message to the EU, so that we can ensure that disabled people and Remploy can benefit from many of the efforts that we as politicians make.

I would like all publicly funded bodies that are required to follow the procurement process to provide clarification on the legal and structural status of central purchasing bodies, with particular regard to facilitating employment opportunities for disabled people. Given that the purpose of such bodies is to reduce costs through bulk buying and contracting, I am concerned that the proliferation of bigger contracts may encourage contracts to be awarded on the basis of lowest price only, ignoring other best-value principles and commitments, such as community, social, ethical and environmental considerations.

Article 19 of directive 2004/18/EC on procurement states:

"Member States may reserve the right to participate in public contract award procedures to sheltered workshops or provide for such contracts to be performed in the context of sheltered employment programmes where most of the employees concerned are handicapped persons who, by reason of the nature or the seriousness of their disabilities, cannot carry on occupations under normal conditions."

Some believe that there is scope to use article 19 in the deliberations that are taking place in the EU. I believe that it should be clearly applied to all publicly funded bodies, so that contracts are reserved for supported employment workplaces for disabled people. That should be specifically mentioned in the implementing regulations.

Remploy has a proven track record in many areas of manufacturing and services, including the recent introduction of secure recycling of computers for major Government departments, the production of wheelchairs for health authorities, document scanning for public and private organisations and the supply of furniture to educational and Government establishments. Remploy could expand in all those areas in Scotland.

I pay tribute to and thank Remploy for its groundbreaking approach to work force development. It guarantees every member of its work force 5 per cent personal development time per year. Only two years into the project, it has already seen major benefits in terms of productivity and attendance. Its aim is to engage 100 per cent of the work force in personal development. Whether in relation to skills for life or graduate training, the benefits of the scheme have already far outweighed the monetary investment that was required.

Dunfermline East, the constituency that I have the great honour to represent, has in Cowdenbeath one of Remploy's Scottish factories. I am keen to add my support to the excellent work that it does. Remploy is a forward-looking organisation that should be encouraged to build on its success to date.

When I was first elected in 1999, I was asked whether I would help to establish in the Scottish Parliament a friends of Remploy network, as exists at Westminster, which would include MSPs, businesses and workers. I felt privileged to be asked to undertake that assignment, which I made my priority commitment. I knew that it was the right thing to do and, along with others, I wanted very much to help to provide opportunities for disabled people.

The product of that partnership is the opportunity for major businesses from throughout Scotland to network at the next friends of Remploy event, which is taking place in the Scottish Parliament on

24 November and which I shall have the great honour to host. Remploy will showcase its product range and its success in creating jobs for disabled people with other employers and it will provide an insight into its successful learning culture.

I hope that ministers will pledge to do what they can to help Remploy to compete for business in the public sector. I hope that our new Deputy Minister for Enterprise and Lifelong Learning will agree to meet me and representatives of Remploy so that we can discuss further how that might be done.

17:14

Shiona Baird (North East Scotland) (Green): I congratulate Helen Eadie on securing a debate on such an extremely important subject. I remind everybody that, following the European year of the disabled, the Equal Opportunities Committee is conducting a major inquiry in which we are focusing on access to work, education, and leisure and arts. Many fundamental issues to do with the barriers that a vast number of people with disabilities face every day have already been raised. Among the biggest barriers are our attitudes and the lack of understanding and awareness that many of us have of the valuable contribution that people with disabilities can make to the economy and to the life of their community.

Through my work on equal opportunities, I am becoming more aware of how important language is and I must take issue with the use of the term "special needs" in the motion. We all have different needs at different levels. In a socially just society, those needs would be met and would not be stigmatised as special.

We are hearing about the need for choice in accessing meaningful jobs that are valued and rewarded accordingly. Poverty blights the lives of many people in Scotland. If poverty is compounded by disability, one can appreciate the barriers that some people face. Disabled people are twice as likely to be unemployed as non-disabled people are. Employment plays a vital part in redressing the balance.

Those barriers must be broken down. Employers require good advice and support and better knowledge of the financial packages that are available through schemes such as access to work to encourage them to provide opportunities and choice for people with disabilities. The sheltered workshop concept has a part to play and it is important that a strong statement of support is provided to ensure procurement of the goods that are being made. However, it might serve the wider interests of people with a range of disabilities if the Executive were to send a much stronger message that, as part of the contractual obligation in public

procurement, there must be disability equality training for all staff.

People with disabilities are people first and foremost; their disability is secondary. If we can change attitudes to that extent, we will be well on our way to achieving a socially just and inclusive society.

17:17

Ms Sandra White (Glasgow) (SNP): I congratulate Helen Eadie on securing the debate, on the excellent speech that she gave, into which I know that she put her heart and soul, and on all the hard work that she has done on behalf of Remply and other organisations.

I also congratulate her on the final clause in her motion, which states that

“the Scottish Executive and all publicly-funded organisations should examine their procurement policies with a view to reserving contracts for supported employment organisations such as those working with Remply.”

That is one of the most important parts of the motion. If we could get the Executive to make progress on that, it would go some way towards rewarding all the hard work that Remply and other organisations have been doing. I hope that the minister will be able to give us some encouragement on that in his summing up.

Like Shiona Baird, I am a member of the Equal Opportunities Committee. In the evidence that we have taken, we have heard about the difficulties that people with disabilities face, not just in securing a job or education but in securing a normal life within society. I thoroughly agree with what Shiona Baird said about employees and the general public. She also mentioned attitudes, which were one of the main issues that I raised with the people who gave evidence to our committee. It was a consistent theme in the evidence that we took that overturning attitudes towards disabled people would be one of the most difficult hurdles that we would encounter. We must work towards that goal, because people are people, regardless of whether they have disabilities.

Someone who gave evidence to the committee said that even disabled people themselves sometimes have the attitude that they are disabled and are not deserving of a decent education or a decent job. We must put forward a positive message. That is why I congratulate Remply on the highly positive message that it puts forward and the hard work that it does. Remply helps people, regardless of their disability, by giving them a forward-thinking attitude towards their life, their education and their employment. It has worked hard at that.

Helen Eadie spoke about Remply's work on developing skills. It is fantastic that it has training programmes in which it works with trade unions to get people through the learning process. It is not as if the trainers are put on board just to talk to the employees; they talk them through the skill training and learning and are always at the end of a phone or on the shop floor to answer any questions. That is excellent; there are not many employment agencies, even those that do not deal with disabilities, that provide such services.

Employment gives disabled people the scope to go out into the world and say, “I am somebody. I am not disabled, because I am a person in my own right. I may have something different about me, but I am still a person and deserve the best chance and opportunities that I can possibly get.” Remply gives such people new skills and value through their training. We have heard about the washing machines and fridges that Remply repairs, for example, but its work is much more than that, because it gives disabled people the opportunity to get up every morning, do a full day's work and feel good about themselves. We sometimes take that for granted, but the people whom Remply supports think that it is fantastic. We must thank Remply and similar organisations for doing that.

Helen Eadie mentioned employee development time—I think that 5 per cent of the working time is devoted to employee development—and the learning centres that Remply has in every centre. How many workplaces can say that they have learning centres? Perhaps even the Parliament does not have a learning centre for our employees to further their careers, so in some ways Remply is much more advanced than some other employers.

I congratulate Helen Eadie on her speech and I congratulate Remply most of all. I ask the Executive to take on board the last clause of the motion, which calls for it to examine its procurement policy. That is important. If the minister says that the Executive will examine its procurement policy, the people from Remply will go home happier. Helen Eadie will too, but I know that she will still fight on for the rights of the employers and employees in Remply.

17:22

Murdo Fraser (Mid Scotland and Fife) (Con): I congratulate Helen Eadie on securing the debate on a subject that is dear to her heart. I was pleased to hear about her initiative of hosting the friends of Remply event, which is a marvellous idea, and I look forward to hearing more about that in future.

It is nice to have the Deputy Minister for Enterprise and Lifelong Learning with us. He is

earning his salary at the dispatch box this afternoon.

As Helen Eadie explained, Remploy is the United Kingdom's leading supplier of employment opportunities for disabled people. In Scotland, it is leading the way in supporting disabled people in employment by employing them at one of its 10 sites in Scotland or supporting their employment in other organisations and at other venues.

Remploy started with the noble and worthwhile aim of helping ex-servicemen who were disabled after injury in the second world war to gain useful employment, but it is still extremely important 60 years on. Remploy states that it is

"working towards a society where equality of opportunity and the chance to live a full and independent life is available to all, regardless of any disability an individual may have."

Remploy wants individuals to be able to get on with their lives without being held back by their disabilities and I am sure that we all fully support that objective.

I agree with the essence of Helen Eadie's motion, which calls for the Scottish Executive to examine its procurement policies and decide whether it is worth while reserving contracts for supported employment organisations that work with Remploy and similar groups.

Remploy is successful on the business front. Despite some continuing difficulties in UK manufacturing, its sales have grown by 4 per cent over the past year. Although Remploy is not involved in manufacturing alone, it is an important part of what the organisation does, and that growth is a tremendous achievement, especially because the figures for Scottish manufacturing that the Executive released today were not good. They showed that sales of Scottish-manufactured exports decreased by 8.2 per cent over the year to 2004 quarter 2. Against that background, the fact that Remploy is increasing its sales shows what a valuable organisation it is.

Helen Eadie's interesting proposal that the Scottish Executive should examine its procurement policies bears further consideration. We need to weigh up various interests, such as those of Remploy's employees, of the company itself and of the taxpayer, because we have to have best value where public money is involved. It is important to note that Remploy's work is not only about winning contracts but about offering work that is worth while for disabled people. Most disabled people do not want to be seen as being given some sort of preferred status; they want to compete with others on a level playing field, which is important for their self-respect. However, if we find that current procurement requirements in the Executive are hindering the employment of

organisations such as Remploy and the people who work for them, that is uncompetitive and it is quite right that we should do what we can to assist.

Helen Eadie pointed out that many of the procurement rules are now set by the EU. We could have another debate about EU directives and our influence over them, and it could go on for a very long time, but I am sure that we do not want to go down that road this evening. Helen is absolutely right to point out that aspect, however, and I am sure that, in its dealings with the EU and in its consideration of EU directives being implemented into Scots law, the Executive will bear that in mind.

Remploy's training facilities and programmes are excellent, as Sandra White mentioned. I would be keen to hear the Executive's view of Remploy's work in providing training. We know that many of Scotland's colleges provide excellent courses and facilities for disabled users. I would be interested to hear about the collaboration between colleges and Remploy and I am keen to know what the Executive can do to encourage that.

The Scottish Executive should examine its procurement policies with the interests of Remploy and similar companies taken into account. We should remember that decisions should be based on whatever is best for individuals. That is the philosophy of Remploy and I whole-heartedly endorse it.

17:26

The Deputy Minister for Enterprise and Lifelong Learning (Allan Wilson): I add my voice to those of Sandra White and Murdo Fraser and pay tribute to Helen Eadie for being such a strong supporter of Remploy. I am happy to be here to respond to her debate. Remploy operates across the UK and receives funding from the Department for Work and Pensions. In many respects, Remploy, like employment policy itself, is a reserved matter. However, the Executive takes a close interest in Remploy's affairs. I am therefore happy to respond to Helen Eadie's request to meet. I would be pleased to do so, in conjunction with Remploy, as soon as diary commitments permit.

I am aware that a range of officials have contact with Remploy staff. It is right that that is so. Remploy has much to teach us and much to challenge us on and we should pay attention to the successful way in which it conducts its business. Let me underline the fact that Remploy, as Murdo Fraser said, is indeed a business, operating in a commercial way and taking commercial decisions. The stable economic environment that we enjoy generally is beneficial

for Remploy. Remploy, like every other business in Scotland, has continually to put effort into growing its business and addressing issues of productivity, skills training and so on. It is right that the motion picks up on a key aspect of that: the training and development of the work force as a driver of business growth and success. Members would expect me, as a former trade union official, to say precisely that.

The good news on work force skills is that there is a declining trend in the number of people in work who have a low level of qualifications. However, we need to continue to devote resources in this area, through the work of key bodies such as the enterprise networks, Careers Scotland and learndirect Scotland; through initiatives such as business learning accounts, modern apprenticeships and skillseekers; by no means least through the work of the unions, supported by the Scottish union learning fund; and through our investment in improvements to public service delivery, which affects all those who work in health, education and other public services. We must also continually stress the importance of lifelong learning.

I note that Remploy has built strong relationships with the unions, the GMB and the Graphical, Paper and Media Union—the GPMU—to name but two, to deliver its training and development agenda. That is not just useful, but vital. Unions are able to reach employees in a way that allows them to take up training and development without any baggage. For instance, unions have shown themselves to be very effective in promoting basic literacy and numeracy training in the workplace, something that I know that you yourself have championed, Presiding Officer.

Many others can learn from Remploy about developing a strong partnership with unions for training and development in the workplace. Our aspirations for the work force are for the whole work force, not just some of it, and I am delighted that Remploy is showing the way by investing in those with particular needs because it is right to do so, as Shiona Baird said. It is right for the business, right for the individuals and right for the creation of a society where all can contribute and be valued. I therefore unhesitatingly welcome the motion and the opportunity to acknowledge the important work and success of Remploy.

The motion asks—as did Sandra White and others—whether the Executive and all publicly funded organisations will review their procurement policies with a view to reserving contracts for supported employment organisations, such as those working with Remploy. Current EU rules on public contracts do not provide for schemes under which contracts may be reserved for sheltered

employers. However, as Helen Eadie said, a new consolidated public procurement directive that is due to be implemented by January 2006 includes such a provision. I inform Murdo Fraser that the provision is optional for member states, which are not obliged to implement it. That is, perhaps, something that Murdo Fraser welcomes.

Although employment is reserved, procurement is devolved and our intention is to implement the directive separately in Scotland. We will, therefore, be able to determine our own approach to the implementation of the provision on reserving contracts for sheltered employers. We are currently engaged in a public consultation on the directive and have received a number of representations on this subject, particularly from employees of Remploy.

Of course, we take such representations seriously and I am therefore pleased to be able to give an undertaking that we will implement the provision in Scotland, consult Scottish sheltered employers on the terms of its implementation and implement it in a positive manner that will go as far as possible to assist our sheltered employers.

It is important to understand that the new law on public contracts will not allow us to set contracts aside for particular companies or for Scotland or UK-based sheltered employers. It will, however, allow us to introduce schemes under which contracts are reserved for any European company or organisation that meets the definition of a sheltered employer. We hope that, once the directive is implemented—by late 2005 or early 2006 at the latest—the new provision will be useful to Scottish sheltered employers and we will, as the motion asks, encourage public bodies to make full use of it.

I thank Helen Eadie for raising this issue and for giving us an opportunity to recognise the work of Remploy and the many other sheltered employers that are active in Scotland. I hope that the announcement that I have made tonight will be welcomed by those sheltered employers, this chamber and Scotland.

Meeting closed at 17:33.

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