

MEETING OF THE PARLIAMENT

Wednesday 2 November 2005

Session 2

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Scottish Parliament

Wednesday 2 November 2005

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

Time for Reflection

The Deputy Presiding Officer (Trish Godman): Good afternoon. The first item of business today is time for reflection. Our time for reflection leader is the Rev Rosemary Frew, minister of Abbotshall parish church in Kirkcaldy.

The Rev Rosemary Frew (Abbotshall Parish Church, Kirkcaldy): Good afternoon. Grace and peace to you from God the Father and the Lord Jesus Christ.

When I first received my invitation to lead your time for reflection, I quickly homed in on the date. What special day or event could I take my inspiration from? I must confess that when I saw that the date was 2 November, my first thought was:

“Remember, remember the fifth of November,
Gunpowder, treason and plot.”

In 1605, 400 years ago come Saturday, Guy Fawkes went to the Houses of Parliament.

However, I decided that we would probably all feel more comfortable if, instead, I turned to yesterday, 1 November. All saints’ day is a great feast of witness to the holy lives and courageous faith of men and women throughout the ages of the Christian church. Saints are not just the heroes—the big names—of the faith. This prayer for all saints’ day puts the matter in perspective:

“For the ordinary saints
who helped your kingdom
take root and grow among us,
we praise you:
mothers and grandmothers,
fathers and grandfathers,
common heroes
and unsung servants of the kingdom
who have let us see Jesus.”

Yesterday was a day to reflect on

“all the saints, who from their labours rest”,

and on their lives and faith and influence.

In all our lives there are people who have been influential—folk who have helped to mould us into the people we are today. They are not necessarily big names; they are often ordinary people whose lives have touched ours, whose values have impressed us, whose qualities we have admired and whose commitment and service have challenged us.

Each week in *The Scotsman* there is a short interview with someone in public life and one of the questions is, “Who has been the most influential person in your life?” I am always fascinated by the answers and the reasons. The influential person might be a parent who was a role model, a partner who supported unstintingly, a teacher who saw potential and encouraged, a boss who gave opportunity, or a politician who articulated.

How would you answer the question? You may, indeed, have been asked it. Who have been the most influential people in your lives? Take time, at this time, to remember and to be thankful. As you remember, commit yourselves anew to being people whose lives, words, thoughts and deeds display the same values, the same qualities and the same commitment that inspired and moulded you. May God bless you in the work that lies ahead of you this week.

Freedom of Information

The Deputy Presiding Officer (Trish Godman): The next item of business is a debate on freedom of information.

14:34

The Minister for Parliamentary Business (Ms Margaret Curran): I warmly welcome this afternoon's debate. It is customary for Scottish Executive ministers to begin their speeches by stating that the debate is relevant and timely, but when we planned this afternoon's debate as part of the review of freedom of information that the Executive is about to undertake, I could not have imagined that the timing would be so apposite. I do not intend to comment on any individuals or personal issues this afternoon, but I will refer to case studies to illustrate issues that are significant to the Executive.

Our introduction of freedom of information is part of the process that began essentially in 1997 of making the United Kingdom a state that is fit for the 21st century. That process has included ending hereditary peerages, cleaning up party funding and devolution itself. All those big constitutional changes happened because of political will. I argue that freedom of information is part of the machinery of modernising government.

The Executive enthusiastically introduced the Freedom of Information (Scotland) Bill because it is committed to ensuring that citizens have the means to call to account the people who make decisions that affect them. A principle of good governance is that it should be as open and transparent as possible; freedom of information encourages the machinery of government into more open, outward-looking and inclusive behaviours.

The Freedom of Information (Scotland) Act 2002 covers 10,000 or so public bodies, so it is far-reaching legislation that touches on the crucial interaction between the public and the organisations or individuals who often impact on our daily lives, including schools, hospitals, general practitioners and local authority services.

In introducing the bill and implementing the act, the Executive was determined that the ordinary citizen should have in their hands the means to access information easily and manageably. We examined jurisdictions elsewhere, learned from them and produced a package of measures that has had an impact. For example, last week, a radio presenter said:

"There's ample evidence in its short life that the act has now been widely used and is exerting a growing influence on Scottish public life."

That conclusion is to be strongly welcomed.

Mr John Swinney (North Tayside) (SNP): In enabling individual citizens to secure information in which they are interested and in securing proper scrutiny of its decisions, has the Government reflected on concern that members of the public have drawn to my attention about whether, if the information commissioner refuses to support an appeal, any other mechanism should be available for the public to pursue concerns?

Ms Curran: The information commission is obviously an independent body. From the Executive's perspective, we need to be careful about trying to impinge on that independence. I will comment later on how the Executive is responding to FOI as it develops, and to its impact on Scottish life. Were such problems to emerge, I would not rule out the Executive's taking appropriate and reasonable steps. In the range of issues that has been brought to our attention, that has not been the most immediate, but perhaps we can discuss it further as I develop my points.

A glance at news stories and the disclosure logs of public authorities highlights success stories in respect of freedom of information. For example, members of the public in Glasgow can make a better-informed choice about dining out now that inspection reports on hygiene and food safety in Glasgow restaurants—which of course I encourage people to attend regularly—are disclosed. Glasgow is a great city with many fabulous restaurants and disclosure has led to routine publication of reports by Glasgow City Council and has prompted other local authorities to do the same.

Some individuals have obtained information from local authorities about plans for relocations or possible closures of schools, which has given them an early opportunity to feed into developments on an informed basis. Older and previously inaccessible information is also moving into the public domain. Scottish Executive officials are working hard to review the files that have been sent to the National Archives of Scotland to be permanently preserved. By the end of September, more than 5,500 files that would, before FOI, have been routinely closed for 30 years were fully open and available for inspection at the National Archives.

Of course, in implementing FOI, balance and proportionality must be maintained. FOI is intended to ensure that jobs are better done and not to divert people from the task in hand. It is patently absurd if pulling together information to answer a given request prevents other critical work from being done. My experience is that the Executive has done quite well. For example, 80 per cent of all requests to the Executive are met within the 20-day deadline. Appropriate reasons

have been given and accepted as legitimate when requests have not been met within the deadline.

Some exclusions from FOI have taken place. Those are necessary exclusions to permit organisations' proper functioning. The Executive's strong contention is that space is needed in which to explore options, rehearse and consider them and then to decide. There is a need for space for all of us to have private discussions in the proper context, which is an accepted feature of well-established FOI regimes around the world. We must be properly held to account for the decisions that we make. The first phase of implementation has certainly been lively and eventful and there have been significant milestones, but I think that all of us would accept that FOI has not yet completely fulfilled its potential.

As I have said, our aim is to empower the ordinary citizen. We cannot argue that we have reached where we want to be when lawyers are among the main sources of appeals to the Scottish information commissioner and when more than half—60 per cent—of the requests that the Scottish Executive has received have come from the media. In addition to exercising the new rights appropriately, if we are to make FOI work and be as effective as possible and not be superficial, we must be honest about the challenges that it currently presents.

Some requests might be seen as frivolous. There have been requests demonstrating an interest in the wine stocks in Bute House. It is perhaps not for me to comment on such requests, although some people might wish there to be such requests. My colleagues in England have told me that there have been requests on the condition and whereabouts of Buster, the Crufts hero of the year, from no less an organisation than the Ministry of Defence. Documents relating to the Prime Minister's appearance on "The Simpsons" have been subject to an FOI request, and it is now known that Alastair Campbell's advice was that it would be barmy to appear on that programme. Alastair Campbell is always worth listening to and the revelation may be interesting.

Phil Gallie (South of Scotland) (Con): I thank the minister for making interesting comments. How much of the information that has been released could have been released by the departments in question without the passing of the Freedom of Information (Scotland) Act 2002?

Ms Curran: I cannot give an answer; that would be hard to determine in some ways. Some organisations do not proactively release information and evidence suggests that FOI is a lever that can release it. It is true throughout the world that disclosure of information has changed as a result of the introduction of FOI regimes. Once there is FOI, the giving of information and

organisational behaviour change and people go for much more proactive disclosure. An absolute answer cannot be given to the member's question, but one cannot argue against the strong conclusion that FOI changes organisational behaviour and that, without it, certain information would not have been put in the public domain.

Of course we understand that journalists will make use of FOI, as will commercial interests—we have seen that happen—but we must be clear that the real prize is in giving ordinary citizens access to information that is important to them and to their families, and which leads to their uncovering a practice or decision that had previously been shrouded from public view.

The Executive made important commitments in the first year of the operation of the legislation, so I pay tribute to the work of Jim Wallace, who worked hard to introduce it. We have worked closely with a group of stakeholders with the remit to review operation of the legislation and to consider a range of issues. For example, we have made a commitment to consider extension of the list of bodies that are subject to the act. Before we reach a conclusion on that matter, we must ensure that what we want to do is proportionate and reasonable. It must be remembered that there are already about 10,000 bodies that fall within the scope of the act.

As I tried to say to John Swinney, I have no doubt that the impact of FOI will develop in Scotland as the act beds down, and we must ensure that that happens at the appropriate pace.

Christine Grahame (South of Scotland) (SNP): I am interested in what the minister said about extending the scope of the act. I think that it was the Minister for Justice who answered an inquiry of mine on whether FOI would be extended to housing associations. I was told that the Executive would have a position on that matter by the end of the year. Can the minister tell me what the timescale is for that decision, particularly in the light of current circumstances?

Ms Curran: Christine Grahame is perceptive—I was about to address that point. We must consider the issue.

Christine Grahame: We have something in common.

Ms Curran: Indeed—at last, we have something in common.

The review is being introduced essentially because it will allow us to determine objective criteria that will be the basis of any decisions on changes to what the act covers. I strongly welcome the views of members on the subject of the discussion that we are having. We want to garner opinions on criteria. With regard to housing

associations, we must consider whether it is proportionate to have a regime that is appropriate for the larger organisations but which might be disproportionately burdensome on some of the smaller ones. I want to be sure on that. There has been no decision made; I want to hear some of the arguments around the matter.

Further ministerial statements have contained a commitment to an early review of the level and operation of fees that are charged under the act. At present, the first £100-worth of information is free and the next £500-worth can be charged only at 10 per cent of the costs, giving a maximum charge of £50. I argue that the current fees regime is both generous and simple for individual users. In undertaking the consultation, I do not want to lose sight of those benefits. The Executive is of the clear view that costs should not stand in the way of proper implementation of the act, nor should they prohibit any legitimate use of the act.

On the other hand, we cannot stand by and allow irresponsible use of the regime—for example, when there is a disproportionate or excessive cost to the taxpayer. It appears that the current mechanism may allow some abuse of the spirit of the act. That might include, for example, individuals—some evidence suggests quite a lot of whom may be from commercial organisations—putting in multiple requests on the same topic without the public authority being able to aggregate those for cost purposes or to reflect the real costs of pulling together information from disparate sources.

Overall, I want the review to take a good look at the experiences of FOI, although I believe that it is much too early to judge any requirement for wholesale changes to the regime. We will therefore seek views later this year from public authorities, users, campaigning groups, MSPs and a wide range of other stakeholders to feed into fine tuning of the act, which will enable continued successful implementation of the legislation.

In conclusion, I argue that the Freedom of Information Act (Scotland) 2002 is serving Scotland well. We have improved systems of communication with the Scottish people across huge swathes of public life. We are all now more open to our constituents, decision making throughout Scotland is more transparent and access to information has been opened up throughout Scotland. The legislation has more to do, but there has been significant progress in the past 10 months.

14:47

Mr Kenny MacAskill (Lothians) (SNP): It is ironic that the debate occurs following recent events that have somewhat overshadowed what

we are debating today. Like the minister, I wish to concentrate on the main issue of freedom of information and the benefits that go with it, even if it has costs to the individual. However, it would be remiss of me if I did not make brief comments on more recent matters.

On the publication of expenses, it is quite clear that we must publish—there is no alternative. It is essential that there is probity as well as scrutiny in public life. Nevertheless, we must bear in mind the fact that although the Scottish Parliament is barely six years old, two key figures have been devoured. I know both of them and believe that they are decent individuals who have contributed significantly to Parliament.

We must ensure not just that individuals avoid being devoured, but that this institution is not destroyed. I know that many people believe that, whatever their political party, all MSPs are beyond redemption—that we are all tainted. That may be the case, and elections will prove that. However, if there is to be any redemption for Parliament and if there is to be a new influx of people who are not tainted, Parliament must be worth coming into. It must be an institution that will not simply seek to destroy. Such people must be able to have their own lives and have the opportunity to make mistakes and survive the consequences.

I turn to the principles of FOI. We are in danger of losing sight of the aims, intentions and valuable outcomes that the minister touched on. Freedom of information is a good thing—we need to restate that. Whatever the by-products of freedom of information may be for individuals, it is fundamentally beneficial for society and for our communities. The principle of openness is important. It is sound and, I would argue, it is essential in the increasingly complex society in which we live. Nevertheless, there has to be a review, and we welcome the steps that the minister is taking, because the regime is not delivering as perhaps it could or should—there is some way to go. As I have mentioned in previous debates, we must see the glass as being half full rather than half empty. Progress still has to be made. We must go beyond simply devouring individuals in a firestorm and look at what we are trying to do in achieving accountability and allowing access to individuals.

Some decisions in our society are made by accountable politicians and elected officials, but a great deal in our lives is dealt with by quangos, non-departmental public bodies, public-private partnerships and commercial organisations. Such matters impact as much upon the daily lives of individuals as do decisions that are made by the Executive and other public bodies, in which a minister can be held to account. However, unless individuals are tenacious and make efforts such as

those made by the likes of Robbie the Pict, there are significant difficulties.

The fact that we need more openness was mentioned earlier by the minister and has been mentioned, to his credit, by Jim Wallace. It was suggested—and probably remains the intention—that we have to open up. However, where we need to go further is not so much in Parliament, because everything is now being put online and in the public domain in other ways. Instead, we should consider aspects of life that are not dealt with by elected politicians but that have significant impacts, and on which no accountable officer, such as a councillor or a minister of state, is answerable.

Where do we go now? We must not roll back but go forward. The minister is correct to say that it is a matter of balance, and the Presiding Officer has touched upon the balance between individual rights to access and the cost to commercial organisations and government bodies, whose purpose should not be drowned in a sea of paperwork or under a plethora of requests. We must get that balance right. It is always a judgment call, and sometimes we will get it wrong, but we should bear in mind two fundamental guiding principles: accessibility and affordability.

On accessibility, we in Parliament—and to some extent the Executive—have done well. The same applies on accountability. However, we need to open up private bodies because they are just as important as public bodies. People want to know what is going on with Reliance, what the contracts are with HM Prison Kilmarnock and what PPP schemes have been entered into. Some matters will be commercially confidential, but others will not be, and the way in which the latter impinge upon daily life is as important as any matters for which Parliament can be called to account.

On affordability, it is a matter of balance. However, we must recognise that if we set a threshold of cost at a level that is beyond the ordinary man or woman in the street, the principle of openness is taken away. We need to balance accessibility with affordability, and we must not price individuals out of the market.

There has been some debate about multiple requests. My understanding of the minister's position is that multiple requests can be addressed at present. It is simply a matter of seeking to aggregate requests from individuals. There is a mechanism in the legislation that would allow an organisation that is bound by FOI—or that may in future be bound by FOI—to say that the cost implications are significantly more than can be justified, and to seek to impose a higher charge. We must bear it in mind that fishing expeditions will be carried out by individuals, sometimes with malevolent intent; however, that must be balanced

against the right of individuals to know what is happening in their society.

The Scottish National Party welcomes today's debate, even though it is overshadowed by matters that are beyond our control—and which cannot be dealt with in the timetable—that have not just saddened Parliament but stigmatised us all. We welcome the concept of FOI: it is fundamental to the society that we wish to create and it is part of the founding principles of the Parliament. However, we must keep FOI accessible and make it affordable. We must open it up beyond Parliament to include other bodies that matter fundamentally in daily life. We must remember that although there are people who are simply at it—for want of a better phrase—or who are looking for mischief, we should allow people who are on to something that clearly impacts upon their lives or the lives of others the opportunity to obtain information without their being bankrupted as a consequence.

14:54

Bill Aitken (Glasgow) (Con): I make it clear from the start that the Conservative group has no inhibition whatever in debating this subject. It is entirely proper that the Executive should seek to revisit the matter and to review the effectiveness or otherwise of the legislation.

However, it is also fair to say that the Conservatives opposed the bill in its parliamentary passage for a number of reasons. First, I acknowledge the consensus that, as far as wider society is concerned, government at every level and public bodies should be as open as possible to public scrutiny. That was never the point at issue. I seem to recollect saying at the time that the legislation was in some respects unnecessary and, indeed, that it could have precisely the reverse effect of what the Government intended and could reduce transparency. Although the Executive has attempted to demonstrate its no doubt sincere commitment to FOI by sponsoring the legislation, measures such as the abolition of school league tables and the scrapping of national health service trusts have had a negative effect on public awareness and accountability.

We were—and remain—firmly of the view that ministerial direction was the best way of dealing with such matters and of building on the record of the previous Conservative Government at Westminster, which even the most jaundiced observer would agree had taken a number of steps to improve matters. For example, the "Code of Practice on Access to Government Information", which was published in 1994, largely met the public need. Ironically, members on the Labour benches at Westminster were extremely critical of it but, by the time the Conservative Government

left office, an additional 77,500 records had been made available to the public. The Government also introduced performance tables for schools and hospitals and published emergency services response times. Few would argue that that was anything other than the right course of action to take.

Before 2002, when the legislation that we are debating came into effect, there was absolutely nothing to inhibit the Executive from publishing any information that it had on matters relating to its competence. It needed only the political will to do so; that was what should have happened.

Stewart Stevenson (Banff and Buchan) (SNP): Does the member accept that there is a difference in principle between an Executive of whatever character taking the decision about what to publish and members of the public—whose information it is—deciding for themselves what they want to know about?

Bill Aitken: I will answer the member's question if I can advance my argument a little.

Under the terms of the Freedom of Information (Scotland) Act 2002, the Government can still conceal information. For example, as Mr Stevenson is no doubt aware, section 52 permits the First Minister, after consulting the Executive, effectively to override a decision notice from the Scottish information commissioner, and section 4 allows ministers to add or remove bodies that the act covers. I am not suggesting that such powers will be used often, but they enable Scottish ministers to exempt themselves from the legislation's provisions. At least the code of practice had the advantage of combining openness and flexibility, which the range of permissible exemptions under the 2002 act detracts from.

Freedom of information cannot simply be a matter for legislation; we have to create a climate of transparency. However, such transparency will not be improved by centralising services.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Will the member give way?

Bill Aitken: No—I must move on.

Like Governments, we in Parliament can resolve the matter by acting administratively. Even now, I want to face the issue of members' expenses full on. At this point, I must record my appreciation of the moderate tone that the minister and Mr MacAskill introduced in the debate.

Although many administrative wrangles will have to be sorted out, the Scottish Parliamentary Corporate Body has made the correct decision: making members' expenses available on the internet will save a tremendous amount of

administrative time and fulfil Parliament's aims of openness and accountability.

Frankly, I find it depressing that 70 out of the 147 FOI requests that have been made since 11 January have related in some way to members' benefits. Throughout the recent saga, the Conservative group has not had any difficulty with making public members' expenses. However, we have demanded consistency. The fact that that will now be introduced will not concern members at all, as long as personal confidentiality and security issues are addressed.

We must also have complete consistency. On 26 June, *Scotland on Sunday* reported a source close to the First Minister as saying:

"The level of detail on expenses and allowances that the Parliament publishes is a matter for the parliamentary authorities, and the First Minister recognises the concerns that they have ... about publishing information that is of a personal nature and relates to ...employees".

That is perfectly correct. However, the spokesman also said that

"to avoid any suggestion whatsoever of any impropriety, the First Minister would be happy in principle to show the details of these claims to any interested journalist."

I am not going to take issue with that, but I presume that the First Minister will be happy to do the same in relation to all his travel and that of ministerial colleagues. I am not for one moment alleging any impropriety but, in the interests of consistency, ministers and deputy ministers should now volunteer to release all details of transport that is arranged by the Government car service, at least down to the level of street names, as was required of David McLetchie. It is ironic that, if ministers refuse to do so, they could be forced to comply by a ruling from the Scottish Information Commissioner, which would present the First Minister with a challenge: would he be prepared to overrule his own information commissioner, as he is entitled to do, as I have demonstrated, under the terms of the legislation. I certainly hope that that would not occur.

Ministers may also be required to spend money over and above that which is incurred in respect of ministerial cars—on travel and hospitality, for example—and it is quite right that that should be revealed on the same basis as was required of David McLetchie. Legislation and procedures on sensitive matters should not be selective in their application; only when they are not will freedom of information and the principles behind it be enhanced rather than prejudiced. As I have stated, it is a sensitive issue and it must be dealt with thoughtfully and progressively. I am sure that there is no great divide between us. What has happened recently is unfortunate, and I certainly agree with Mr MacAskill that it is absolutely necessary that we move forward in all respects.

I return to my principal point. The 2002 act has worked to some extent in many ways, but we are still inhibited by the application of sections 4 and 52, which could have exactly the reverse effect from what I am convinced was the Executive's genuine attempt to open matters up. Until such time as those two sections of the act are addressed, the Conservative group and the public in general will look somewhat askance at the effectiveness of the legislation.

15:02

Mr Jim Wallace (Orkney) (LD): I welcome the debate and share Margaret Curran's view that it is relevant and timely. If we have future debates, as I hope we will, I suggest that they should be linked to the commissioner's report, so that the Parliament can have an opportunity to reflect on matters that the commissioner has raised.

I thank Margaret Curran for her kind comments and for her recognition that I have a strong personal commitment to freedom of information. I was pleased to be able to guide the legislation through the Parliament in 2001-02 and I congratulate all those who have been involved in getting to where we are today.

Section 75 says that the act will commence no later than 31 December 2005, so in fact it was brought in a year ahead of the expected commencement date. I am aware of what was needed in terms of training and of what was involved in ensuring that every public authority came on stream at the same time, not bit by bit as happened in some other jurisdictions. To get to a situation in which, overwhelmingly, most requests are met within the 20-day deadline is a tribute to those who have had to change practices and address a new situation.

I have a cartoon at home by the Shetland cartoonist, Smirk. The caption is:

"Naebody said life wid be easy".

One could also say that nobody said freedom of information would be comfortable. I remember that one of the early requests asked how many times individual ministers had used a ministerial car to go from St Andrew's House to here, and I featured somewhat prominently in the list. One newspaper published a picture of me quite clearly eating a snack breakfast with a pile of papers on my lap in the back seat of a car. Actually, far from that being a difficulty, many people commented on how busy I must be if I had to have my breakfast and work on papers in a car at the same time. On further investigation, it emerged that the car was not a ministerial car at all, but that the photograph had been taken during a previous election campaign and that the car had been paid for by the Scottish Liberal Democrats, but that is by the by.

As Margaret Curran indicated, we are getting information that otherwise would not have been generally available, such as material on the Skye bridge contract and correspondence between the Scottish Executive and the Home Office on fresh talent. Margaret Curran also mentioned information on food safety and hygiene in Glasgow restaurants.

It is fair to say that the Lord Advocate's bold decision to release papers relating to the Dunblane inquiry, which might otherwise have had a 100-year embargo on them, was taken in the spirit of freedom of information. Phil Gallie asked, "Could it have been done otherwise?" I do not think that that is quite the right question, although Bill Aitken also referred to it. Of course it could have been done, but the real question is whether it would have been done, and I doubt very much whether it would have been done. I do not think that anyone would—

Phil Gallie: The member has answered the question by acknowledging that the Lord Advocate released the papers in the spirit of the act. He was not forced to do so; he did so in the spirit of the act.

Mr Wallace: That is the point. Freedom of information is not only about legislation; it is about a change of culture and a change of approach.

The code of access was all very well—it was better than what we had previously—but the information and the requests that have come since the Freedom of Information (Scotland) Act 2002 was introduced show that clear difference.

As Stewart Stevenson indicated in his intervention, it is not a question of what a paternalistic Government of any hue decides that it wants to put into the public domain. Section 1 of the act states:

"A person who requests information from a Scottish public authority which holds it is entitled to be given it by the authority."

Of course, there are exemptions because every freedom of information regime has balances, but the principle is there that the individual—the citizen—is entitled to get the information. That switches the balance and that is very healthy.

Stewart Stevenson: Will the member give way?

Mr Wallace: No. I want to make progress.

I will not dwell on the issue of expenses. The Scottish Parliamentary Corporate Body and the Parliament decided, properly, that freedom of information should apply to the Parliament as well as to the Executive. Perhaps it is a forlorn hope, but it would be nice to think that if we put our expenses on the internet on a quarterly basis, as is proposed—I support the proposal—those who

report on the figures will, in the spirit of freedom of information, report the expenses fairly.

When Westminster published expenses figures last week, global sums were published for each individual MP. I like to think that when sums are published for us, someone might realise that, for example, when a sum of £1,000 is listed it is a sum of £1,000 that went to Orkney Islands Council to pay the rates on my constituency office. It should be recognised that some funds go to our staff and I hope that our staff will not be named. There should be proper anonymity for them and the amount that they are paid should not be revealed, but global totals of what is spent on salaries should be made clear.

My figure for travel expenses will definitely be one of the highest, and if that means that people campaign with me to ensure that the Minister for Transport and Telecommunications introduces a public service obligation for air transport to the isles, that will be a very good thing. Provided that the whole, balanced picture is shown, the process might lead to a much more informed debate.

The addition of bodies has been discussed in the debate. I indicated at stage 3 of the Freedom of Information (Scotland) Bill that when a new body was established by parliamentary statute, it would be possible to add to schedule 1 of the act in a particular bill. As I was preparing for today's debate, I suddenly had a cold sweat and wondered whether I had done that in respect of the Scottish Further and Higher Education Funding Council, but I was relieved to find that paragraph 12 of schedule 3 of the Further and Higher Education (Scotland) Act 2005 does that.

I am aware that the children's commissioner, for example, is not covered by the freedom of information regime. I suggest to members who are on the Procedures Committee that perhaps there should be an addition to the standing orders, which state what has to be covered in the memorandum that accompanies a bill, to the effect that the memorandum must contain a line to say what the relevant implications are for freedom of information, if only so that someone is prompted to remember that if there is a particular body in the bill to which freedom of information should apply, that will be done in the bill.

I was glad to hear the minister say that some consultation would take place with regard to extending the list. Will she give us more detail on that when she sums up? I understood the minister to say that she would ask various interest groups what additions there might be. My understanding of section 5 is that if a particular company—such as Reliance, the operator of Kilmarnock prison or NorthLink—were to be added, it would have to be consulted. Is a two-stage process anticipated or could we look at the more obvious ones at the same time?

Stewart Stevenson *rose*—

Mr Wallace: I am probably in my last minute.

The Deputy Presiding Officer: No, it is all right.

Stewart Stevenson: I thought that it might be useful to remind the member that Tom McCabe made a commitment to me that henceforth, by and large, contracts of that nature would be in the public domain and published.

Mr Wallace: It is not only about the contracts. The Skye bridge example demonstrates that it is not only the contracts but some of the operational details that are relevant. The process should be subject to proper commercial confidentiality, but I know from representations that were made to me at the time that when a company is operating and taking public functions, it is not just about the contract.

I remember resisting an amendment on registered social landlords because it covered a wide spread of housing associations, some of which might be very small. To say to a small group of volunteers that they have got to have the whole panoply of publication schemes might be going too far. However, Glasgow Housing Association does not fall into the category of a small organisation and therefore, in the current circumstances, it might be a good candidate to go on an extended list.

As I said, the real need was to challenge a culture that was deeply ingrained in the British system of government and which goes back to the Official Secrets Act 1911. That culture said that everything was secret unless it was to be derestricted for some reason. We are trying to change the presumption round so that official information is open unless there is a good and compelling reason for it to be restricted.

I believe that the 2002 act is, in itself, a key way of changing the culture of secrecy, but legislation cannot do it alone. The process of change must be reflected in practices and in how public authorities approach the issue. That is why I believe that publication schemes are very important. When I visited the New Zealand minister who had responsibility for freedom of information, he said that the more a minister put into the publication scheme, the fewer requests were directed towards their department, because more information was more generally available anyway.

I know and believe that we are trying to introduce that culture here and that we want to encourage and foster it. At the end of the day, I believe that information is the currency of a democracy and it is important that the citizens who vote and who are participants in the democracy have ready access to the currency.

15:11

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): It is absolutely right that the minister says that there is a necessity that some private discussion take place. I think that that is sensible. There must be an obtaining of advice, which is part of the process of taking any decision, whether in Government or elsewhere. However, after such discussions have taken place and the civil service has formulated its detailed submissions on any major decision, I think that there is no reason why such advice cannot be made public. The same applies to speaking notes that the civil service prepares for ministers.

We saw some of those documents in the course of the Holyrood inquiry, which I attended in the year when my taxi bills were higher than £3.46, which I think they have been in the past six months. What we learned from the inquiry was that it is difficult to see why the late first First Minister took some decisions. For example, it is difficult to see why no explanation was given for why the first First Minister declined to accept the advice in April 1999—it was shortly before the election, I believe—to have a press conference to explain that the likely building cost of Holyrood had gone from £40 million to £50 million. One may surmise that the midst of an election campaign was not a particularly congenial moment at which to reveal that the cost of building this place, as estimated then, had risen by such a large amount.

The benefit in making public the final advice that the civil service gives, rather than the initial advice and discussions and the searching for facts and checking of information, is not only that the public would then know what had been decided, but that they, and indeed we, would be able to assess why a decision had been taken. Knowing the information that lies behind a decision would, of course, have the desirable consequence of allowing us to have a higher level of debate. If we know what the options were in the taking of any ministerial decision and see the advice and information that was given and why a minister took decision A over decision B, surely that would lead to better government. In such a circumstance, a minister would no longer be able to conceal the advice that he had received; he would have to explain and justify the basis upon which any decision had been taken.

I want to discuss two areas in which legislation must be liberalised and in which the public must have the right to greater access to information about the money that they provide to Government to spend.

A lot of public money is paid to voluntary bodies and private companies. Where public money is paid out, the public have a right to see how it is spent. As has been said, that applies to

companies such as Reliance, but it also applies to charities such as RSPB Scotland, whose turnover exceeds £80 million. The RSPB spends around £30 million on staff. How does it do that? I would like to see information on the public money that the RSPB receives. I hope that such bodies—bodies that profess to have a civic responsibility—would volunteer to tell the public how much public money they manage to consume. Members of the Scottish Crofters Union whom I met on Saturday in Lochaber were slightly envious to learn that the RSPB makes £1 million a year from its farming income. That is more than any of the crofters who were present at the Torlundy mart on Saturday.

However, the second and main area that I wish to address relates to commercial confidentiality. The excuse of commercial confidentiality is often used as a smokescreen and convenient expedient when there is no well-founded justification for the withholding of information on the basis of confidentiality.

The fundamental proposition that I wish to advance to the minister is this: there is a need for confidentiality while a contract for public sector services or a public sector building is in the course of tender, but once the contract has been awarded to one company, the public are entitled to see what services that company is to provide and at what cost. For example, a year ago I was pleased to attend the reception following the award of the ScotRail franchise to First ScotRail. When I asked Moir Lockhead and Mary Dickson whether the contract would be published, they said that it would be, as soon as they could get it through the lawyers. The contract was published about three weeks ago. What kept it a year?

People write about train services in Scotland being deficient, but the answer to them is that First ScotRail is obliged to do only what is in the contract. The company cannot be blamed for not providing services and routes that it is not paid for. It is very convenient for the Executive to withhold for a year the publication of the contract, because doing so impairs debate. People expect all sorts of things from First ScotRail. They expect better rolling stock, more services, more routes, higher frequencies, greater cleanliness, more reliability and more punctuality. If the public cannot even see the contract and see what they have paid for—the minister admits that they have a right to know—how can they come to an informed decision?

Another example of the Executive not fulfilling its proportions of disclosure or compliance—to which the minister referred—was Inverness airport. The airport was one of the early PPPs—the acronymic offspring of PFIs so beloved by new Labour. The building cost around £6 million and the contract is so bad that it is having to be bought out. I think I

know what the price is—I will not say in case I am sued—but the total repayment cost may be around £35 million. There was a public sector comparator for that contract, showing how much it would have cost in 1998 when new Labour approved the contract. Guess what? That information has been withheld. Why? Because it is an embarrassment to new Labour, which approved the PPP. That is why it withheld the information. Unless Labour fundamentally changes its approach to the spending of public money, and until we can see how that money is spent, it is preventing us all from doing our job and it is denying the public the democratic right of scrutiny.

15:19

Des McNulty (Clydebank and Milngavie)
(Lab): I apologise for having to leave the chamber shortly to meet a delegation of Malawians. It was the only time that the delegation was available.

I agree with much of what Jim Wallace said. The culture change that is associated with the provision of information is the most important element of the Freedom of Information (Scotland) Act 2002. We all know what we wanted to change—we wanted to change the culture of Government acting in secret, to stop the routine withholding of information and to create a situation in which individuals had a right to have access to information about themselves and matters in which they had a particular interest, except when such information should be withheld to ensure the efficient operation of Government or other organisations, or to protect the rights of other individuals.

It is important that we strike the correct balance. At this stage, it is reasonable to ask whether we have done that and whether the system is operating in the way in which we wanted it to when the legislation was first introduced. Those are the important issues that we should address. I think that there are some reasons for dissatisfaction. Until now, members have been a bit self-congratulatory about the legislation; that has been the tenor of the debate. I am not sure that we should be as self-congratulatory as some members have been and I will outline why that is the case.

Jim Wallace spoke about changing the culture of Government. In my view, the best index of whether the culture has been changed is whether information is made available as freely as it should be by Government and other bodies. A measure of whether that is happening is whether large numbers of additional freedom of information requests are coming in in areas in which people feel that they are not getting the information to which they are entitled. In some ways, if the information commissioner is doing his job right, he

should be working himself out of a job. In an effective system, information is properly disclosed and people do not have to go down the route of making a freedom of information request to get information. We know that that is an idealised situation, that there will always be circumstances in which information is not made available to individuals, sometimes for correct reasons, and that freedom of information requests will be made. However, it seems that the number of freedom of information requests that are being made and some of the issues that are being raised indicate that the culture change that Jim Wallace talked about has not been entirely achieved.

Quite properly, Jim Wallace referred to some cases that suggested that such a change had been achieved. He mentioned the Lord Advocate's disclosure of information about Dunblane, for example, but as a member of the Parliament, I favour greater access than we have at the moment to information more generally. Perhaps we could end the system whereby information is made available in ways that do not allow people to ask questions to which they might legitimately want answers. I am not necessarily accusing Government or anyone else of deliberately withholding information, but one of the tasks of the freedom of information regime is to consider what information is made available to people and to ensure that it is released in a format, and for purposes, that people are likely to want. We should ask the information commissioner to do that.

The second issue that we should highlight is whether the working of the act represents a progression according to clear principles or whether the development of freedom of information has proceeded by case law—in other words, a further release of information or a new determination has been made only when someone has challenged a ruling. In my view, the information commissioner must set and clarify precisely the boundaries between what information should be in the public domain and what information should not be there, because that has not been sufficiently clear. I think that freedom of information has evolved through case law. The system's development has been driven by its application in particular circumstances rather than by the coherent application of a set of principles.

That is my experience of FOI, but some systematic research may be needed to test it. There has been a lack of clarity on the boundaries and, indeed, on people sticking to the boundaries once they have been established. There have also been some interesting shifts in what people initially thought would be released under FOI and what subsequently has been released.

My third point is made from my perspective as convener of the Finance Committee. The cost of delivering on FOI requests is not a trivial matter, either for Government or for other organisations. For example, if one speaks to higher education institutions, one finds that they have to spend significant amounts of money and resources on dealing with FOI requests. Some of the requests that they are dealing with are for information that the institutions should perhaps have delivered in a more effective manner, but other requests are from vexatious litigants who, having gone through appellate procedures, are using FOI as a further mechanism to fight what they see as an inappropriate decision.

Mr Ted Brocklebank (Mid Scotland and Fife)

(Con): As convener of the Finance Committee, can Des McNulty tell the chamber whether there is a mechanism that would allow the committee to audit the information commissioner and any decisions that he might make about the number of staff he needs to look into the growing number of requests?

Des McNulty: As convener of the Finance Committee, I have written to the Scottish Parliamentary Corporate Body to raise questions about not only the information commissioner but the other commissioners. An appropriate financial management regime needs to be put in place for those organisations. Perhaps the decisions about how much they need, where they should be located and the other matters that they seem to have taken on board should be taken not just by the commissioners.

The point about financial constraints is important. If the information commissioner is allowing organisations to be severely disadvantaged by FOI requests or to be subject to vexatious requests under the FOI legislation, he would seem not to be fulfilling part of his function.

I will give an example—

The Deputy Presiding Officer: Very quickly. You should be finishing, Mr McNulty.

Des McNulty: I heard this morning about one enterprising student who asked for information for their essay. They said that they wanted to have the information in a fortnight's time, because their essay was due on that date. One cannot fault the student for their entrepreneurialism, but that is not an appropriate use of the FOI system.

My final point concerns the very real danger that organisations will adapt their behaviour to deal with what they perceive to be vexatious or other inappropriate FOI requests and stop writing letters or producing minutes. Historians who, for some time, have used paper records to record what has happened in the past will be left with deleted e-mails and very little information because all the

decisions will have been taken in corridors or by other mechanisms to avoid the production of information that might be the subject of an FOI request.

The Deputy Presiding Officer: You must finish now, Mr McNulty.

Des McNulty: We must ensure that the freedom of information system that we have in Scotland is appropriate, that it is bounded—to use the financial term—and that it does not disrupt the rule of Government. The key issue is the culture; the target is to reduce the number of inappropriate requests.

15:29

Mr David Davidson (North East Scotland)
(Con): I start by asking the Presiding Officer under the Freedom of Information (Scotland) Act 2002 how long I have got.

The Deputy Presiding Officer: That depends on how you behave.

Mr Davidson: That was an excellent response.

I welcome the debate, which I agree is almost overdue. As other members have mentioned, we need to get the commissioner to put up information so that we can consider whether his role is properly supported or whether it is under pressure.

The minister said that we need to have a review. If we are to have one, we will need to base it, in part at least, on the commissioner's experience. Certainly, any debate would have to be based on the experience of MSPs. Much of the work that we do when people come to our surgeries involves either understanding published information and what it means for our constituent or trying to get information.

I was interested in the notion that Jim Wallace raised about an FOI request leading to information that he had been seen working in a mobile canteen—perhaps we should ask further questions on the subject.

That said, our previous Government had an excellent record on freedom of information. The various pieces of legislation did one thing: they empowered citizens to find out about how their health service worked and other information that they needed for their comfort, security and confidence in their treatment. Those are all things that moved the world on. As Bill Aitken said, the code of practice moved things on. Jim Wallace accepted that.

We have debated the information that people need. What information do they want? Is it in a form that they want to receive it in? Is it helpful to them? The Conservatives put in place

performance tables for schools and hospitals and published response times of police and ambulance services to emergency call-outs. The result of that was an improvement in the services and an increase in their accountability and efficiency. As Bill Aitken said, between 1992 and 1997, nearly 80,000 records were released by departments and the Public Record Office.

Members know that we did not support the Freedom of Information (Scotland) Act 2002 because we felt that there was a risk that it could lead to a reduction in transparency and accountability. We were also concerned about the creation of a number of exemptions for Scottish ministers that could prevent them from having to disclose potentially embarrassing information.

Openness means more than freedom of information; it means local accountability and ensuring reasonable public access to information that affects people's lives without breaching the security and confidentiality of the individual and—in the case of the Parliament and other organisations—staff.

Stewart Stevenson: Will the member pass judgment on what has happened? Has the legislation reduced transparency? Has it meant that less or more information is available? I hear what the member is saying about what he was concerned about before the legislation came into force, but I would like to know what his judgement is now.

Mr Davidson: As a member of the Local Government and Transport Committee, on which I serve with Fergus Ewing, I asked a written question requesting information on the ferry tendering process, which the minister claimed was forced on him by Europe. I asked the minister to publish the legal advice that had helped him to make a decision on that. My request was denied. I think that that illustrates a problem that must be dealt with. We have to improve the situation. I am happy that we move forward and look to the future, but there is a concern that there will be difficulties in getting hold of certain information. For example, health board chairmen are appointed by the minister to deliver the Executive's policy, which means that the trail goes back to the minister. That will cause problems in terms of getting certain information out.

On the matter of the 280 or so cases relating to MSPs' expenses and the welcome letter from the Scottish Parliamentary Corporate Body, in 1999 I participated, on behalf of the Scottish Conservatives, in the setting up of the Parliament's first allowances scheme. I am proud of the fact that my suggestion that there should be no payment without receipts was adopted by my colleagues in that group, Mike Russell, Robert Brown and Jack McConnell.

The Conservatives realise that we need to have a far more sophisticated system of reporting. However, as Bill Aitken has stated, the system must be fair and must apply to all members, regardless of their role in the Parliament. Even when I was a councillor, we had special forms to fill in. Of course, now we have the intranet-based system.

If every elected politician in the UK—councillors, MSPs, MPs, MEPs and members of other Assemblies—operated to the same system, that would be a move towards fair transparency. When we get such a system, the public will have more respect for this Parliament and for politicians in general. I challenge our friends and colleagues in the media to join us in a similar system.

The Deputy Presiding Officer (Murray Tosh):

The remaining speakers should stick to the four-minute limit. If they do so, I might be able to call everyone.

15:34

Patrick Harvie (Glasgow) (Green): Perhaps puzzlingly, I will begin by saying something about Werner Heisenberg. Members might be confused by the fact that, in a debate on freedom of information, I mention not only a quantum physicist but one who was dead long before the Freedom of Information (Scotland) Act 2002 came into force. However, I mention him because one of his best-known achievements is the development of the idea that it not possible to observe a system without altering it.

Heisenberg argued that that is true at the quantum level, where the presence of a photon can affect the energy of a subatomic particle. If he were here, he would probably agree that the principle is far more powerfully demonstrated in the case of the Scottish Parliament allowances office and the many other institutions that have been coping with large numbers of FOI requests. Our effort to make information clear and to allow systems to be observed is having an impact on them.

If the reports that we have read today are even vaguely true—that the capacity of an office can be taken up for as long as nine months in responding to requests for information under the 2002 act—the consequence might be not only to affect the system but to prevent it from doing what it is there to do. The legislation might itself end up being the cause of a great many of the problems that could ultimately get reported on as news.

FOI is an important principle, but we must be clear about exactly why it is important and what kind of impact we want it to have on the systems that people in Scotland have a right to observe and scrutinise. The Minister for Parliamentary

Business made it clear that she regards FOI as being about openness, transparency and the individual citizen having a right to information on decisions affecting their lives and on how those decisions are made. Is the FOI legislation achieving that purpose? Has that been its effect? I am sure that it was never intended for any allowances office or other part of the public sector to be prevented from operating normally as a result of the legislation.

What can we do to ensure that the effect of the rights that the act gives is the one that we want to achieve? First, we must acknowledge that the act is being used by a large number of people in the way that was intended. Individual citizens, campaign groups and investigative journalists are using it for good purposes in holding public bodies to account.

Secondly, we need to ensure that those public bodies that are subject to the act are geared up to respond. I am aware of at least one open-source software company in Scotland that is designing tools specifically to help the public sector to respond to large volumes of FOI requests, to track their progress and to ensure that they are answered on time. We also need to ensure that we are publishing information that might be subject to FOI routinely, as we see the SPCB is considering doing. Routine FOI requests could be answered more simply by pointing to information that is already available.

Thirdly, we should be looking to broaden the scope of the legislation to all organisations that provide public services. I was recently looking again at George Monbiot's book "Captive State", which I first read a number of years ago, and his investigation into the issues to do with PPP. Given the fact that many members have had a long interest in those issues, I think that if all organisations providing public services were subject to FOI, a much stronger case could be made not just on George Monbiot's side of the argument, but on both sides of the argument. There would be better-informed debate—I think that Fergus Ewing alluded to the need for informed debate instead of impaired debate. Subjecting other organisations to FOI would be a step forward.

I congratulate members who were here in the first session to pass the 2002 act, but I hope that, as Kenny MacAskill said, the review takes us forward, not back.

15:38

Christine Grahame (South of Scotland) (SNP): I chaired the Justice 1 Committee in piloting the Freedom of Information (Scotland) Bill through the Parliament. My party opposed the

ministerial veto and we tried to contain the area of commercial confidentiality. Those matters have been addressed in the Parliament today.

I attended a conference in Ghana dealing with freedom of information. The minister could look to South Africa, where freedom of information extends to private companies whose funding is wholly in the public sector. That would deal with the many references that have been made to PPP, the private finance initiative, private prisons and private contracts. We can certainly look abroad when taking those into account. We might also consider British Columbia, where built into the statute is a mandatory review of the operation of the FOI legislation every three years.

As we know from various events this week and as we will see in the months ahead, FOI is a double-edged sword, not just for MSPs but for the Executive. I have had some successful little hits myself, for example concerning the Scottish Children's Reporter Administration. I discovered that data were being double-checked and that the Executive was putting other data in the place of the original data. I have the documents about that. I discovered that the Munchausen syndrome cases review, which the minister instructed the SCRA to undertake, was, to put it kindly, little more than a whitewash, asking previous members of the SCRA what they could remember—there were no records.

There is a strong indication from FOI returns from police files that special branch is actively using informants to report on the activities of my party—the principal democratic Opposition in Scotland. Police warnings have been monitored over a set period as data were not held centrally; I am pursuing that under appeal. This is the time to test the information commissioner.

As others have said, a change in culture is taking place. The days of finding indiscreet memos and e-mails are passing even as I speak. I asked for information regarding meetings on the G8 summit. There were meetings between senior officials of the Parliament and senior officials of the Executive on 16 February and 21 February but, strangely enough, there is no record or minute of those meetings stating the outcomes or purpose of them. Without a paper trail, how can anyone believe that government is genuinely open, transparent and accountable? I do not think there was even any information on Post-it notes; we might start asking for any Post-it notes used over a period of time.

We will see a culture change and I am darn sure that various public bodies are being told, "Be very careful with your e-mails and if you can have a wee word over the water cooler, do not just talk about 'EastEnders' but get the business done there."

The issue of our expenses has been raised this week. I am of the view that it is a case of publish and be damned. We are damned if we do and damned if we do not. If someone wants to know how much my Galashiels office spends on bottles of milk and toilet roll, they can do so, but that is not what the act was supposed to be about. Those are the minutiae, but we want to find out about the big contracts and what is going on in the background.

I turn to the caveat about taxi destinations. I have no problem with providing that information except that sometimes one takes taxis to meetings that are of the discreet variety, where one is being briefed on an issue that is not to be in the public domain and is not for other members to know about. If we publish times of taxi trips, we are stating that the houses of members who live alone are empty at a certain time, or that, if they are down here, their house up north is empty, for example. There are real issues with security not on a big, grand, pompous scale, but on a private, ordinary scale. Things are already being leaked to the papers before a committee has reported. We are being accelerated into things and members are not being given a chance to participate.

15:43

Carolyn Leckie (Central Scotland) (SSP): Christine Grahame made a lot of valid points. I will start by talking about some of the gains and successes that have resulted from the Freedom of Information (Scotland) Act 2002, which I have used. As a trade union activist over a number of years, I battled daily with the likes of Sodexho and the North Glasgow University Hospitals NHS Trust for information about the specifics of the contracts for cleaning, catering and portering. I was not successful in securing that information until the act was passed. I was dancing about my office when I finally got the Sodexho PFI contract for Glasgow royal infirmary—with redacted information of course. The act was useful in that regard.

The act was also useful in the request that I made to Lanarkshire NHS Board, the answer to which showed that there is definitely a two-tier system in relation to representation for list MSPs and constituency MSPs, with public bodies such as health boards discriminating against list MSPs. I have also been successful in uncovering cosy links between the Minister for Health and Community Care and the private health sector.

That is all useful, but the information that is withheld is most definitely a problem. With the act, we are beginning to see that the information that is most desired is exactly the information that is withheld. The public bodies, the Executive or whoever know exactly what kind of information is embarrassing and what people are after, and that is exactly the information that they will use the

caveats of the act to try to withhold. That is unacceptable. It is also unacceptable that there are exemptions for the Executive. It is particularly insulting to democracy that there can be prospective exclusions such as those that were made in the run-up to the G8's visit to Scotland. It is precisely those big pieces of information that should be available but which, unfortunately, are withheld.

Governments and public bodies should definitely be transparent and accountable, but I also support the idea that power structures in society should be transparent and accountable. The act does not apply to big corporations or to former public services or assets that have, for private profit, been transferred into the private sector along with the transparency and accountability of their practices. That is completely unacceptable. At a minimum, private companies that are concerned with the delivery of public services should be as transparent and accountable as public bodies.

There should be consistency throughout the Executive on travel and so on. In some cases, confidentiality has been used as an excuse not to give information. I made a request for general information on the salary levels and terms and conditions of MSPs' staff. I do not want to know about individuals' salaries, but I do want to know about salary scales. Information on whether MSPs give their staff decent terms and conditions and wages is relevant because that is a more significant measure of members' integrity than information about how often they use taxis. There are inconsistencies and the principles should be applied across the board.

In my experience, the Executive and public bodies can be obstructive. They know fine well exactly what information people are after, but they obscure it in a pile of irrelevant information. To pin them down, people have to conduct themselves almost as private investigators.

If there is to be a review, it should concentrate on how the act can be improved, widened and made more accessible and consistent. A review should not be about putting the lid on embarrassing situations because the Executive or public bodies do not like the way in which the act is operating in practice.

15:47

Susan Deacon (Edinburgh East and Musselburgh) (Lab): In debates such as this one, it always strikes me that we in the Parliament and the Government are never done exhorting other organisations—public and private—to review and improve their practices and to look at how they can operate better in the future. We must be not just as willing but more willing to do the same, and

freedom of information is a good example of where we can do that.

Over the years, I have taken an interest—some might say an unhealthy interest—in the Parliament's procedures. I have done so from a number of different vantage points—as a minister in the early years of devolution and as a member of the Standards Committee, the Procedures Committee and currently the Audit Committee. I feel strongly about a number of the issues that have been touched on today, but most of all I believe that we still have a long way to go to make sure that the systems and procedures that we put in place in our new system of governance in Scotland do what they say on the tin. Although members have, rightly, identified many improvements that have taken place since the FOI regime was introduced, many members have also identified aspects of the system that are not working effectively. As such, I welcome the minister's commitment to a review and most members' willingness to think honestly and openly as part of it.

I will highlight a few concerns. We must bear in mind the unintended consequences of FOI. The word "proportionality" has been used time and again. There is no doubt that the work that the Parliament, the Executive and other public bodies that operate under the FOI regime have had to do to engage with it has often been disproportionate. That applies not only to the direct time, energy and resource that are expended in dealing with requests, but to the opportunity cost of that time, energy and resource. The eye may have been taken off the ball of bigger systems improvements in organisations—which might negate the need for such a number of requests—because time and energy that could have been directed towards strategic priorities has been spent on dealing with FOI requests.

The second point to which I will draw attention is the strategic emphasis. What concerns me greatly about some of the recent discussion is that we move ever more away from taking a strategic approach to devolution and what we do in this institution and ever more towards delving into the detail and often the trivia of what goes on day to day.

In that context, I will live dangerously by saying a word about a slightly different dimension to the debate on MSPs' expenses from that which others have touched on. If one thing really bothers me about the move to full publication of expenses and the emphasis of recent debate, it is that it skews the perception of what our work is all about and what a politician's role is. I worry that although people will be able to see in tortuous detail some of what we do and some of what is spent, entire aspects of our work as elected members will go

unnoticed. We are not on employment contracts, we do not work 9 to 5 and we work in evenings and at weekends. Every woman member who has given birth since the Parliament came into being has been back working within weeks, not months, because we have no framework of maternity leave or the like. Endless midnight oil is burned, personal money is often spent on buying raffle prizes and so on in communities, a lot of direct expenditure never finds its way into expenses claims and the cost of petrol that goes into cars is not always reclaimed.

I complain about none of that, because the job is a privilege. I merely note that we must not just put into the public domain that visible and measurable bit of what goes on in the democratic process. We should by all means retain the FOI regime, but we should improve it and ensure that we are not drawn into a vortex of detail and damage, that we do not divert vital time and energy from strategic priorities and that we create genuinely better and greater openness and better governance for our nation.

The Deputy Presiding Officer: Alex Johnstone has a tight four minutes.

15:52

Alex Johnstone (North East Scotland) (Con): I will try to be brief.

The debate has been healthy and we have had a good deal of consistency throughout the chamber. I praise many who have taken into consideration the circumstances of recent days and tried to draw conclusions from them.

As we said at the beginning, the Conservative party opposed the Freedom of Information (Scotland) Bill. Bill Aitken made clear our reasons for that in his opening speech. It is clear that the implications of freedom of information go well beyond those that we considered in our earliest debates on the subject. For that reason, I must return to the issue that Susan Deacon covered to an extent immediately before I spoke, which is the effect on the behaviour of the press.

We all know that the reason for freedom of information, whether we like it or not, is to make those who are in public life and public office genuinely accountable. For that reason, it is only to be expected that the behaviour and actions of members of the Scottish Parliament should come under some scrutiny and be subject to freedom of information requests. However, the unhealthy, disproportionate interest in members' activities has contaminated the press in Scotland. It has undermined the activities of the Parliament and the Executive, by overshadowing them to an extent. The number of column inches that have been produced in recent months in association

with freedom of information requests about MSPs is disproportionate to that for which the genuine work of members has accounted.

As we have seen often, facts have been mixed with speculation, sometimes implication and a little bit of fabrication to make stories that do not hold water but have serious impacts on individuals. We should all be most concerned about that. They came for Keith Raffan and we said nothing. They came for David McLetchie and we did not say much about that, either. However, we must remember that they could come for any one of us next.

My other concern is about privacy, which has been mentioned, particularly in relation to members' staff. I am keen to ensure that whatever we choose to do—I support the Presiding Officer's proposals—we can protect genuine claims to privacy, whenever possible. Members of the Scottish Parliament jealously guard privacy. Consequently, we should be prepared to defend it where doing so is appropriate.

I said that I would be brief, and I intend to be. The actions that we have seen since the Freedom of Information (Scotland) Act 2002 was passed lead me to suggest that the jury is still out on whether the legislation has been the success that the Executive believed that it would be. Specifically, my greatest concern remains its implications for the Parliament in the months and years to come.

The Deputy Presiding Officer: We now come to closing speeches, for which time is very tight.

15:55

Donald Gorrie (Central Scotland) (LD): Freedom of information in Scotland is still at a suck-it-and-see stage. Nobody really knew how the creation of a totally new structure would pan out and, as members have said, we must learn lessons and improve the system. We are doing some things well and other things not so well, but the basic position is that knowledge is good. As Jim Wallace said, knowledge is a vital part of the democratic system. We must therefore start from the basis that we should try to make as much knowledge available to as many people as possible. We must also somehow make people aware that that knowledge is available so that real people—rather than just journalists—will learn about things that they need to learn about.

Jim Wallace deserves great credit for pioneering the legislation in the Scottish Parliament and the Executive—it is obvious that he received good support from the Executive. We have ended up with legislation that is much stronger than the Westminster legislation. I was active in the committee that dealt with the bill and, it might be

said, was on the maximalist wing of the committee. There were interesting exchanges. Jim Wallace made some good concessions in some spheres and stood his ground on other matters, but we ended up with much better legislation than the Westminster legislation.

The act has changed the culture here. Obviously, changing culture is not a road-to-Damascus, overnight business, but there has been a genuine change. As Jim Wallace said, the British civil service and British Governments have a long tradition of secrecy, so many people had to change their attitudes considerably.

Not everything is perfect yet, but many national and local government public bodies and quangos have made genuine attempts to be as open as possible. Occasionally, they slip up. I will give a trivial example. For some reason, the Parliament, which has been very open about expenses and all sorts of things, blacked out all the pages of a pamphlet about pigeons. I do not understand why that was done.

Members, the press and other people who are interested need to get more information out of quangos, councils, bodies that give grants and other bodies to ensure that they are efficient and honest and that they do not give preference to people to whom they should not give preference.

There has been some public benefit. In the past, the press mostly simply invented stories, but stories with a factual basis are now produced. They are still often totally trivial, but at least they have a factual basis and do not rely entirely on the imagination of the writer. That is a big step forward.

Archives are worth serious consideration. Archives are not sexy because they are not involved with immediate or recent stuff, but many councils and other organisations have trouble in adequately funding their archives. We must get a good grip on that.

Consideration of what is covered could be expanded to cover commissioners, who have been mentioned. In a muttered conversation that I had with Jim Wallace, we discussed how we never quite understand why legal advice must be sacrosanct. That idea is worth testing.

I do not want us to be self-congratulatory, but we have made a seriously good start. However, we must do much better.

15:59

Mr Ted Brocklebank (Mid Scotland and Fife) (Con): After the week that we have just had, the Conservatives certainly need no lessons about the importance of transparency. I am grateful for the sensitivity that various members have shown in

dealing with David McLetchie's difficulties this week. I pay tribute to him as an honest and honourable man.

What is irrefutable is that David McLetchie's expenses claims were all passed by the parliamentary authorities. If David McLetchie erred, so did many of us. The debate has been about much more than MSPs' expenses, but I make no apology for ending on that subject, as it has dominated the headlines this week. By all means, let us be transparent and print every detail of our costs on the internet—it is public money—but let us do a thorough job.

It is never a good career move for a would-be politician to criticise the press but, as I was a journalist for some four decades, perhaps I will be forgiven for uttering a few gently caustic words. I watched one of the luminaries of the media on television the other night telling viewers that not all MSPs were workshy expenses cheats and nor were they all as thick as the public believed. The only loser in all the current bad publicity was the Parliament itself and it was all the fault of a few bad eggs—so now we know. It was nothing to do with the depressing negativity of the media over the past six years, which has shaped public attitudes towards this place; it was all due to a few bad eggs.

I am proud of the 35 years that I spent in Scottish TV journalism, although in recent times I have been reminded of the lines that were penned by the writer and poet Humbert Wolfe:

"You cannot hope
to bribe or twist,
thank God! the
British journalist.
But, seeing what
the man will do
unbribed, there's
no occasion to."

I wonder whether some of my erstwhile colleagues in the media might not, in their heart of hearts, question their role as scrutineers of the Parliament. I agree with Christine Grahame and others. Should freedom of information not be about something more substantial than MSPs' taxi chits? Taxigate is no Henrygate, far less Watergate. At a time when more money is being spent on public services by the Executive than is being spent anywhere outside the former Soviet Union, and at a time when there is still no sign that massive public waste and inefficiency are being curbed, should reporters not use the substantial powers of freedom of information on something more substantial than a nine-month investigation into MSPs' travel arrangements?

For my part, it has been richly ironic to hear journalists publicly pontificating on the subject of travel costs and expenses. In my previous

incarnation as a journalist and an editor, it often seemed to me that as much creativity went into filling out travel and expenses claims as ever went into a newspaper column or a TV report. Clearly, things have changed with the current generation of truth seekers. The response that we will get is that the taxi claims and lunches for which journalists charge do not come from the public purse. Aye, right. We will spare the blushes of the BBC on that one.

Like Kenny MacAskill, I worry about the effect that this relentless spotlight on the personal lives and expenses of members will have on the recruitment of candidates of calibre for the Scottish Parliament. I do not disagree with Susan Deacon, who made an excellent speech, that there is a fair bit of growing up to be done in the procedures that are adopted by the Parliament. However, after this week's blood letting, I wonder whether some of the more perspicacious of our press corps might consider that it is also time for a bit of growing up to be done among their number as well as among parliamentarians.

16:03

Stewart Stevenson (Banff and Buchan) (SNP): This is my 215th speech in the Parliament.

Ms Curran: It seems like much more.

Stewart Stevenson: My 23rd speech was made during stage 1 of the Freedom of Information (Scotland) Bill. It came as a bit of a surprise to me, some 18 months after that bill was passed, to find that speech of mine being quoted in Executive literature. It had been kept secret from me that the Executive was using parts of my speech from 17 January 2002 as part of the training material for civil servants. Well, at least I have done something useful while I have been here. I share that honour with Lord James Douglas-Hamilton, Donald Gorrie and one or two other members. Donald, of course, spoke about a muttered conversation with Jim Wallace. I demand that that muttered conversation be published in the interests of freedom of information.

I always mine "Yes Minister" when I want to think about what goes on in the hallowed corridors of power to which we are so seldom admitted. I remember the episode quite early in the first series when Sir Humphrey was talking to his boss the Cabinet secretary about the Cabinet secretary's upcoming retirement. The Cabinet secretary ran through the things that he expected to do after retirement, and said, "I'm taking up a position as the chairman of the campaign for freedom of information." That was written in 1981. Already it was satire and parody. We have been talking about freedom of information for a long time.

Of course, the interesting thing was the expression of horror on Sir Humphrey's face when the Cabinet secretary said that. Then, of course, the Cabinet secretary explained that he was taking the position so that the exercise of freedom could be responsibly discharged. That is precisely what the Tories sought to do in 1994—to create an environment not where the public determined the information that was brought into public gaze, but where Government ministers and civil servants exercised a “responsible attitude” to freedom of information.

I welcome the passing of the Freedom of Information (Scotland) Act 2002. Notwithstanding some of the wrinkles that have emerged subsequently, on balance it is very much in the public interest and in the interest of parliamentarians in all parties.

Phil Gallie, a representative of the Tories, suggested that much of the information could have been released. That is perfectly true, but there is a huge difference—albeit of one letter, but huge in sentiment—between could and would. Could did not mean would. The Freedom of Information (Scotland) Act 2002 under which we now operate has made a world of difference.

I was slightly surprised that Bill Aitken appeared to forget that the information commissioner is a creature of this Parliament, not of the Executive. We should remember that fact.

I give members the words that the Executive plucked from my previous speech:

“A desire to keep information is always an expression of someone's self-interest”.—[*Official Report*, 17 January 2002; c 5499.]

Self-interest has now been laid at the door of public interest, which is welcome.

There is a lot more work to do to see how things operate. I point in particular to section 6 of the 2002 act, on publicly owned companies. Section 6(2) states that a company is publicly owned if it is

“wholly owned ... by the Scottish Ministers”

and

“if it has no members except ... persons acting on behalf of the Scottish Ministers or of such companies”.

That touches upon PFI—private companies, single purpose, totally at the work of Scottish ministers. We must be much better at opening the dirty raincoat and seeing what is going on.

The Minister for Environment and Rural Development (Ross Finnie): We will not be quoting that.

Stewart Stevenson: I see that Mr Finnie has a particularly capacious dirty raincoat about which he is worried.

The Deputy Presiding Officer: Please wind up, Mr Stevenson.

Stewart Stevenson: I used “sensitive” in my speech three years ago in the generally understood sense. Sensitive information is precisely the information that should now be being disclosed.

16:09

Ms Curran: I know that you are pressed for time, Presiding Officer, so I will try to be brief.

I do not know how to follow Stewart Stevenson. I imagine that he could be used for all sorts of training in the Executive. I might study his words in more detail than perhaps I have in the past.

The debate has been good and wide ranging. We have examined what should be disclosed, how the review will work, how we will deliver the culture change that is required, and how we respond as ministers and MSPs. We have also questioned whether we need FOI at all.

Some details that have been highlighted in the debate point to the very reasons why I am introducing the review and why I want it to be conducted in a certain way. This marks the beginning of our on-going engagement with Parliament.

After hearing some of the arguments, I think that disagreements will continue. However, we need to strike a balance; just because others disagree with us, it does not mean that we should accuse them of having sinister motives. It is to the Executive's credit that it has introduced FOI and that it wants the process to work.

I listened intently to members' deliberations, which will be informative as we take forward the review, and had the impression that people feel that we must immediately solve every problem and meet every challenge raised by FOI. I do not know whether that is possible, because we need to grow into this culture change.

I am struck by the fact that other jurisdictions' standard response to FOI has been more proactive disclosure. We need to address that issue but, for the record, I favour that approach myself. I was asked how the Executive responds to requests for information about ministers' use of cars and expenses. All I can say is that we do so as proactively as we can. Indeed, last week, we received a request about one minister's use of cars; the document that I am holding up is our response. It contains all the details, apart from those that are affected by certain security considerations that everyone accepts. However, it shows that we are prepared to accept the challenges of FOI; indeed, that is why we introduced it.

I have deliberately stayed away from mentioning some personal issues that have been mentioned in the press this week. However, I put on record my support for the proactive disclosure of MSPs' expenses. Although I do not want to get into personal details, we must acknowledge that in the minds of the Scottish public FOI has done an effective job of holding us to account for the money that we spend on people's behalf. We must come to terms with the fact that FOI is here to stay.

I was concerned by the fact that, almost exclusively, the Tories questioned the fundamental reasoning behind FOI's introduction. As many speakers, most notably Jim Wallace, pointed out, we have introduced a profound culture shift in the governance of Scotland and in the way we do our business. We have moved from a presumption of secrecy to a presumption of the public's right to know.

John Swinburne (Central Scotland) (SSCUP): Does the minister agree that the concept of freedom of information in our society is not novel? After all, hundreds of years ago, Rabbie Burns wrote:

"Here's freedom to him that wad read,
Here's freedom to him that wad write!
There's nane ever fear'd that the Truth should be heard,
But they whom the Truth wad indite."

Ms Curran: John Swinburne rendered that quotation very effectively. Although I have recited the poem many a time at Burns suppers, I will remember and practise the way he delivered it.

Mr Swinburne is absolutely right to quote that Burns poem, because it shows why FOI is such a powerful weapon. Indeed, it leads me to the fundamental point of difference between us and the Tories. They believe that this access to information would have happened anyway; however, we feel that we should not rest on the good will of those with power and influence generously to hand out information when they see fit. Instead, we believe that access to information is a fundamental right of Scots. The evidence against the Tories' position is that FOI is a key feature of progressive regimes throughout the world. I reassure the SNP that, in undertaking the review and developing freedom of information, we will look forwards, not backwards, and that we will increase Scots' access to information.

Christine Grahame: Will the minister give way?

Mr Brocklebank: Will the minister give way?

The Deputy Presiding Officer: No. The minister is in her final minute.

Ms Curran: In the short time that it has been in force, FOI has become part of how we are restoring the Scottish public's faith in the

performance of the Parliament and the Executive. I believe that it is a valued, if imperfect, piece of legislation. It is a significant tool in the hands of Scots, and we are determined that it will be used effectively and efficiently.

Influenza Contingency Plans

The Deputy Presiding Officer (Murray Tosh):

The next item of business is a statement by Ross Finnie on avian flu, which will be followed by a statement by Andy Kerr on related health preparations. As the ministers will, as usual, take questions after both statements have been delivered, there ought to be no interventions during them.

16:14

The Minister for Environment and Rural Development (Ross Finnie):

Avian influenza has become an issue of great interest across the country but, sadly, it has also become the subject of much misunderstanding and misinterpretation by the public, in some sections of the media and elsewhere. Given the level of interest and misunderstanding, the Minister for Health and Community Care and I thought that it would be helpful to make statements to Parliament: first, from myself, on Scotland's preparedness to respond to an outbreak of the animal disease, avian influenza; and secondly, from the Minister for Health and Community Care, on Scotland's preparedness for an outbreak of a human influenza pandemic.

There are two distinct issues. Avian influenza is a bird disease that can, with difficulty, pass to humans. It is not the possible human influenza pandemic that has been referred to widely in recent months.

I shall explain the current level of risk of an avian influenza outbreak. Internationally, we have seen an increase in the known distribution of high-pathogen avian influenza, particularly in wild birds. Some of those reports have come about as a consequence of increased international surveillance, which is enhancing our knowledge of its distribution. On the basis of the scientific analysis of that information, it is likely that the virus is being spread by migrating birds and that the risk of further global spread is high.

Reflecting that risk, we have increased our own surveillance of migrating birds. We have done that by instituting new surveys of wild birds in the Solway firth and the Firth of Forth and investigating instances of large-scale bird deaths in the wild. We are coming close to the end of the autumn migration season. We know that the migration patterns of most birds that visit Scotland for the winter do not originate in areas where highly pathogenic avian influenza is known to exist. On the basis of that analysis, I can advise the Parliament that the risk of an imminent arrival of avian influenza in Scotland remains low.

We are currently monitoring the risk levels and, although the risk is currently low, we cannot rule out the possibility that we will have an avian influenza outbreak in Scotland, either soon or further into the future. Reflecting on that, and as a matter of good governance, we have systems in place to allow us to respond quickly and effectively to any suspicion of notifiable disease. We have recently published the avian influenza contingency plan, which clearly sets out the actions that will be taken by the Executive, its agencies and local authorities in the event of confirmed disease. It is an important document, which explains who will be involved in any disease-control effort and what will happen and why. It draws together the roles played by a wide range of stakeholders. An asset to Scotland is our ability to work closely and effectively together, both within Government and outside it.

The contingency plan sets the framework for the response that will be led operationally by the state veterinary service, an organisation that is continually striving to enhance the robustness and effectiveness of its response. In recent years, it has put in place a significant number of contracts that can be used to bring in available resource to support the disease control effort. Veterinary staff are particularly important, and we have recently completed a pilot to develop a cadre of private vets who can be drawn in to support the state veterinary service in managing a disease outbreak. That is now being rolled out on a national basis.

As a further aspect of our preparedness, we have been reviewing legislation to ensure that it is proportionate and effective. Last week, we introduced new secondary legislation following recent European Commission decisions that will help us to promote biosecurity across the country and minimise the potential risk of disease, particularly in zoos. Our preparedness to respond quickly will help us to minimise the impact of any outbreak occurring in Scotland. Experience has shown that the potential for disruption can be wide, not just of the farming industry but throughout rural areas. Robust actions are extremely important in the context of avian influenza, given the serious nature of the disease in poultry and the potential health implications for those who come into close contact with infected birds.

Our plans are designed to reflect the fact that we may not know what the precise circumstances of a case of avian influenza will be or where it will occur. As such, our planning arrangements remain flexible. Their implementation will be driven by sound science. Some actions to control an outbreak will not be popular, but we must take them where the evidence shows that they are justified and proportionate. That position also

extends to the actions that we will take to minimise the risk of disease occurring.

Although preparedness is essential, prevention is far better than cure. We have been working with stakeholders and other Administrations to enhance the level of biosecurity, and particularly to highlight the importance of minimising contact between domestic and wild birds. That gives us a key opportunity to reduce the risk of migrating birds infecting the domestic poultry population.

We recognise that to date most of the work has been with organisations and that there is still a big task to be done in getting the information to individual poultry keepers—particularly those with backyard flocks. We have set up an avian influenza page on our website and ensure that it is kept up to date. It includes biosecurity guidance, notably a 10-point list of practical guidelines that poultry keepers can follow. Many organisations have taken ownership of the list and have circulated it to their members.

We are working to enhance our understanding of the location of all poultry producers throughout the United Kingdom; I shall shortly make an announcement on the Scottish element of UK measures to compile a register of poultry keepers. That is not new in Scotland as we have an existing voluntary database of the main poultry keepers, which identifies about 600 flock keepers.

As I recognise the importance of getting the message across to individual producers, I can announce today that we have commissioned the Scottish Agricultural College to undertake a programme of events throughout Scotland to disseminate practical and effective advice that can be used by individual flock owners and managers to support our preventive policy.

Although the risk of avian influenza to Scotland is currently low, I repeat that we cannot rule out that it may occur. I hope that I have today provided an overview of the work that is in hand to ensure that steps are being and will be taken by all stakeholders to minimise the risk of disease occurring in the country and to ensure that we are prepared to respond quickly and, if necessary, robustly to any suspicion of disease.

I cannot overemphasise the importance of vigilance and self-protection. Those factors and the measures that can be taken by flock owners, the poultry industry at large and the wider population—particularly those who get out into the countryside—can help us to strengthen our defences and reduce our vulnerability to avian influenza in the Scottish bird population.

16:22

The Minister for Health and Community Care (Mr Andy Kerr): Like Mr Finnie, I am grateful for

the opportunity to inform Parliament of the action under way in Scotland to prepare for any outbreak of pandemic influenza.

The World Health Organisation and experts from around the world share the view that a global pandemic of influenza is now inevitable. The experts' view is that a pandemic is overdue.

Pandemics can occur at any time of the year. They are caused when a new flu virus emerges that is radically different from previously circulating strains. Few—if any—people will have any natural immunity to such a new virus. That lack of immunity means that any new flu virus could spread widely and quickly. Lessons from the previous century, in which three influenza pandemics occurred, tell us that many hundreds of thousands of people will be affected.

The Minister for Environment and Rural Development spoke about avian influenza. Like him, I think that it is important to emphasise that the avian influenza virus H5N1, which has been spreading in bird populations from south-east Asia and now threatens poultry populations in Europe, is not yet considered a pandemic flu virus strain for people. It is important that, while it has caused some human illness in south-east Asia, the virus has not yet been able to produce sustained transmission of influenza in people. However, the H5N1 virus reminds us of the constant threat of new flu strains and of the need for contingency plans to counter any potential pandemic strains for people.

When an influenza pandemic emerges in Scotland we expect around 25 per cent of the population—1.3 million people—to become ill with flu. Tragically, that could lead to around 5,000 deaths. Of course, each year, sadly, winter viruses are implicated in the deaths of around 1,200 people in Scotland.

The UK has had a plan for dealing with a flu pandemic since 1997. On 19 October 2005, the chief medical officer for Scotland, Dr Harry Burns, launched a revised plan for dealing with an influenza pandemic. The revised plan updates previous versions and it takes account of comments received and new guidance from the WHO. The revised plan also reflects the further work carried out nationally and internationally in recent months. We are constantly reviewing our readiness and the plan will continually be reviewed and updated as new information becomes available.

So, what are we doing to prepare? The revised plan sets out actions to reduce the health impact of the pandemic and the disruption that it may cause to essential services and people's daily lives. In carrying out the action in the plan, the Executive is working with the national health

service, key stakeholders and the general public. This includes ensuring that NHS staff are trained in how to manage services during a pandemic, that the Executive builds up a stock of antiviral drug treatments and that they are used in the most effective way to treat those most at risk of serious illness.

A vaccine cannot be made available before the start of a flu pandemic, because it cannot be made until the new virus has been identified. It will be made available as soon as possible, but that may take four to six months. It is critical that our national influenza surveillance programme, co-ordinated by Health Protection Scotland, is able to identify quickly any new pandemic influenza virus strains. This is an international effort involving close co-operation between HPS, the Health Protection Agency in England, the newly established European Centre for Disease Prevention and Control and the WHO. We are working closely with other health departments in the UK to ensure that all necessary preparations are in place to facilitate vaccine production when the pandemic virus is identified.

Action is already being taken, however. The Scottish Executive is purchasing 1.3 million courses of an antiviral drug, known as Tamiflu, at a cost of £15.6 million. This stockpile is due to be completed by the end of September 2006, but the building of it has already begun. There are now 235,000 treatment courses in Scotland and that total is increasing month by month. The stockpile of antivirals will be enough to treat 25 per cent of the Scottish population, which is the number predicted to be affected in an influenza pandemic by the WHO.

Decisions on priority groups for antivirals are also shown in the influenza preparedness plan. To minimise the impact on the health service, health care workers will be given priority, as they will be dealing with people affected by flu and will therefore be put at risk. Further decisions on priority groups will be made when a pandemic emerges and it becomes possible to identify who is being most affected. For example, people most at risk in the 1918 flu pandemic were those aged between 20 and 40. Final decisions on priority groups will be made by the UK national influenza pandemic committee, who are informed of recommendations from the WHO and the Joint Committee on Vaccination and Immunisation.

As there will be no vaccine until the pandemic strain can be identified, we have also purchased 270,000 doses of a vaccine being developed against the current H5N1 strain, which will be for NHS workers. All this planning will help to ensure that Scotland is well prepared for a flu pandemic. The Department of Health, on behalf of UK health

departments, is tendering for the procurement of vaccine against H5N1.

Good communication with the general public and health professionals will be crucial. To ensure that health professionals and the general public are provided with clear and accurate information about a pandemic, the Scottish Executive has distributed an information pack to the NHS and voluntary organisations across Scotland. The pack has also been sent to every general practitioner practice in Scotland. It contains copies of the revised Scottish version of the Department of Health's pandemic influenza contingency plan; a leaflet aimed at providing important information for the general public and their families; the guide from the chief medical officer for Scotland; and a leaflet containing the key facts. A dedicated website has also been set up, which is available via the "Scotland's health on the web" website.

NHS boards, which have submitted their plans to the Scottish Executive, have undertaken significant activity. Feedback will be provided as part of a continuing cycle of work to refine preparedness across Scotland. In addition, and to reinforce the joined-up nature of preparations, the Scottish Executive has engaged with the emergency planning community in the public and private sectors. Work is on-going to assist organisations in the development of their emergency response and business continuity arrangements.

The Scottish Executive is working hard with colleagues across the UK to ensure that Scotland and the UK are in the best possible position to combat the very real threat of pandemic influenza.

The Deputy Presiding Officer: The ministers will now take questions on the issues raised in their statements. I have many members on the screen, so I ask for concise questions and concise and cross-cutting ministerial answers.

Shona Robison (Dundee East) (SNP): I thank the Minister for Health and Community Care for the advance copy of his statement and I add our support for the work that has been done so far. Clearly, a concern will be how prepared our NHS is to cope with a pandemic influenza outbreak of whatever strain. The chief medical officer for Scotland, in a letter to health professionals on preparing for such a pandemic, estimates that hospital admissions for acute respiratory and related conditions are likely to increase by at least 50 per cent.

Will the minister tell us what preparations will be made to increase the capacity of our hospitals to cope with demand should an outbreak occur? What other measures will be put in place to treat affected people in non-hospital settings? How will the minister ensure that Parliament is kept up to

date with the continuing preparations for a possible pandemic? How will the public be provided with accurate and up-to-date information on a situation that may change rapidly?

Mr Kerr: First, I thank Shona Robison for her support for the measures that the Executive has outlined.

Shona Robison asked about preparations in the health service. Every winter the health service makes plans for normal flu—if I may describe it in that way—to do with bed management; bed capacity; working with partner organisations such as local government; the localisation of health care to avoid people coming unnecessarily into hospitals; and the cancellation of elective care if necessary. All that emergency planning is taking place. Health boards have told us of the steps that they would take if there were a pandemic.

We will, of course, have knowledge of an outbreak in advance. Because of our preparations, local health boards will have time to carry out emergency measures. We have to ensure that we prioritise within the health service to ensure that we can cope with the capacity requirements. That will involve the measures that I described to do with bed management, bed search, working with partner organisations, avoiding people going into hospital and other such issues.

As for keeping Parliament involved, when there is information that it is appropriate to give to Parliament, Ross Finnie and I will, I am sure, be available to do so. We also have the committees of the Parliament, individual responses to members, answers to parliamentary questions, and news releases. We will continue to ensure that people are informed. There are messages that are for parliamentarians, but also messages that are for the wider general public. We will ensure that those messages are delivered in due course.

Alex Fergusson (Galloway and Upper Nithsdale) (Con): On behalf of my colleagues, I thank the ministers for making copies of their statements available in such a timely manner.

Because of the low risk to which the Minister for Environment and Rural Development referred, there is a danger that we might not take the threat seriously. Conservative members very much welcome the fact that the minister has said that he cannot overemphasise the importance of vigilance and self-protection. It is important to get that message across at a time of risk, albeit a low risk.

Notwithstanding the Executive's announcement yesterday in which it set out the process by which low-risk gatherings could be allowed to go ahead, the minister will be aware that the avian world is in the middle of its show season and that many clubs have put in a considerable amount of effort in

arranging events. Those clubs have incurred considerable costs for hall bookings, accommodation, printing, awards and all the paraphernalia that go with such shows. Constituency correspondents inform me of a considerable lack of information in the avian world about the licensing process, about the ban procedure, about what shows can and cannot take place and about the criteria that accompany Executive announcements. What is the Executive doing to raise awareness of such issues, in order to bring some clarity to those who are working during a busy time of year for their chosen hobbies?

Ross Finnie: I am grateful to Alex Fergusson for his prescient comments. When I said that there was a low risk, I balanced that by saying that we simply cannot rule out the possibility of an outbreak. However, it is always important to take proportionate action and not to take action that cannot be justified by the level of risk that is indicated by assessments.

I am acutely aware that a bird show in Alex Fergusson's area had to be cancelled at the weekend. That action was largely precautionary. We had set out our stall and said that we were trying to limit movements. There is a ban on imports, but we are controlling movements internally as well, for biosecurity reasons. Information should now be available to organisations on the biosecurity tests that we wish to apply to bird shows. If shows meet the requirements, we can allow some of them to go ahead, depending on information on the particular species that will be part of the shows.

Although, unfortunately, we had to bring down the shutter on the show at the weekend because we could not get assurances on biosecurity in particular, I hope that, in the next few days, if the organisations concerned can meet the tests to which I have referred and can provide the necessary information, we will be able to license and approve certain of the shows.

Euan Robson (Roxburgh and Berwickshire) (LD): I am grateful to both ministers for their statements. How will the Minister for Health and Community Care decide when restrictions should be introduced on public gatherings, such as those in schools, in the event of a human influenza pandemic? What will be the trigger for deciding that restrictions should be imposed on such gatherings? Does the Minister for Environment and Rural Development envisage that a poultry keeper must have a minimum number of birds before he or she has to make his or her entry on the proposed register? In other words, will there be a threshold?

The Deputy Presiding Officer: Mr Kerr will answer first.

Mr Kerr: We will need to wait to find out what form the pandemic takes before we know what group of the population is most likely to be affected by it. As I indicated in my statement, the last century teaches us that different groups can be affected differently by a pandemic. As a result of our planning processes, we will know what we need to do if the pandemic affects certain parts of the population. If the school-age population is affected, we will take appropriate action. It is appropriate for us to wait and see what happens. Our plans include the risk management assessment process. We will wait to find out what form the pandemic takes and which part of the population is most affected. On that basis, we will make a judgment about what sporting events, school events and other occasions on which people are brought together should be allowed to go ahead. Our risk management assessment process is one tool that we have to stop the spread but, at the moment, we must wait to discover what form the strain takes before we make a decision on the matter.

The Deputy Presiding Officer: Mr Finnie will answer the second question, which was about numbers of birds.

Ross Finnie: The issue is more about risk assessment than about having a threshold. The problem that we have in Scotland is that the birds that would be most at risk would, I suspect, be our free-range chickens. We have 1.1 million such birds, which are distributed throughout Aberdeenshire, Fife, the Lothians, the Borders and Dumfries and Galloway. Those areas are where the highest concentrations of free-range chickens are kept.

The assessment of risk will provide the trigger. As I have said, at the moment the risk is low. If the scientific advice and the advice from the chief veterinary officer suggest that the risk has increased from low to medium or beyond, we must take proportionate action to deal with the situation that that increased risk creates. The most obvious species to be affected will be our free-range poultry.

Elaine Smith (Coatbridge and Chryston) (Lab): I, too, thank both ministers for their statements. Can the Minister for Health and Community Care confirm that the Food Standards Agency has advised that eating properly cooked poultry products is not considered to present a risk to people of catching avian flu? What is the implication of that for the consumption of raw eggs and raw egg products? Given that there are many worrying rumours going around, can he confirm that it is safe to eat poultry meat and eggs?

Mr Kerr: In line with previous advice, the Food Standards Agency is saying that there is no risk from properly cooked poultry products. That

advice has been published. We have had the advice before that such products should be properly cooked and the country has taken that advice. Following that advice will ensure that there is no risk of avian flu being transferred to humans. That remains the advice and it is very clear.

Eleanor Scott (Highlands and Islands) (Green): I thank both ministers for making a clear distinction between the human flu pandemic that, statistically, we are due to have and the new threat of avian flu, which would be a threat to our bird population should it arrive here. I will concentrate on the latter. In the event of an outbreak, would the vaccination of poultry form part of the contingency plans? I realise that mass vaccination is not logistically possible, but perhaps vaccination could be deployed in a ring around any outbreak to contain it. In addition, I invite the Minister for Environment and Rural Development to confirm that there are no plans for a cull of wild birds to prevent an outbreak.

Ross Finnie: Once an outbreak has occurred, it is difficult to control it using vaccination. We have powers to use vaccine in a limited way on birds that are kept in zoos. The use of vaccine in those circumstances would be a sensible precaution if avian flu was brought in. Quite apart from the obvious impracticality of a cull of wild birds, I can say that that measure is not in our contemplation. Sadly, as I indicated in my response to Euan Robson, the birds most at risk would be poultry. If we were effectively to control any outbreak, there would have to be culling of those flocks.

Carolyn Leckie (Central Scotland) (SSP): I thank the ministers for the advance copy of their statements. My first question is for Mr Finnie. What safeguards does he intend to put in place to protect the jobs of workers in poultry units and processing factories? I also have a question for Mr Kerr on the specifics of the purchasing of antivirals and vaccinations. What are the expiry dates of the Tamiflu stockpiles? I note that the H5N1 flu is recognised as an avian strain that is very difficult for people to contract. However, 270,000 doses of the H5N1 vaccine have been purchased. How much has the purchase cost and what is the likelihood of the vaccine being used? I also note that, despite the fact that no vaccine is available as yet, tendering has been going on with the pharmaceutical companies. Will the contracts that are entered into guarantee payment to those companies even if a pandemic does not occur?

Ross Finnie: I will respond quickly to the first point. I hope that I have made it clear that all the precautionary measures that we are taking are designed to minimise the risk of people in commercial poultry production catching the disease. No minister can give an absolute guarantee of that, however. We are focused on

the fact that poultry production is a commercial enterprise and that, clearly, the issue has ramifications for people who work in the sector, as the member said. Our efforts are designed to mitigate and minimise the risk of an outbreak occurring. All the measures that I have outlined are designed to achieve that end.

The Deputy Presiding Officer: Although I appreciate the minister's courtesy in turning to face the member, I should remind him that the sound quality disappears if speakers turn away from their microphones. I would be grateful if he would address the microphone from now on.

Mr Kerr: I thank Carolyn Leckie for her comments. First, on expiry dates, if vaccines are properly stored, the expiry date of the product that we are purchasing at this time is five years.

As Carolyn Leckie was asking her questions, the thought went through my mind, "What if we didn't do that? What if we found out in a few years' time that measures could have been taken and yet we did not take them?" There is a risk assessment process that I have to go through as a minister; I have to take those responsible decisions. Having done so, I am more than happy to say that we have gone the distance in our procurement processes. We want to ensure not only that we reflect the World Health Organisation's guidance on these matters, but that we protect our staff in the NHS. In my view, that is a price worth paying.

I will come back to the member on the question on cost. I am not prepared to answer it right now. Issues around the negotiations on the current procurement process mean that I do not want to declare my hand on the cost of the antivirals and vaccines. I will consult colleagues on the issue of commercial confidentiality and the tendering processes. We will guarantee the payment to our pharmaceutical industry for a product that we have ordered properly in light of the risk assessments that have been undertaken by experts not only in Scotland, but around the world.

Richard Lochhead (North East Scotland) (SNP): I, too, warmly welcome the Minister for Environment and Rural Development's statement on the low risk that avian flu presents. I agree with him that the watchwords must be preparedness and prevention and not panic.

As other members have said, thousands of jobs are dependent on the poultry sector in Scotland. As the sector's busiest time of the year approaches, with the festive period just around the corner, there is a lot of anxiety in the industry about the impact on sales. First, what further steps can be taken to ensure that appropriate advice gets across to the consumer? The FSA website may not be the most appropriate channel through which to communicate with most people in

Scotland. Secondly, can the minister give a guarantee to the keepers of organic or free-range status flocks who are worried that, if they have to move their flocks indoors, they may lose that status? As he is aware, that is a real concern to the sector. What reassurances can he give?

The Deputy Presiding Officer: I think that the second part of the question relates to the Minister for Environment and Rural Development.

Ross Finnie: Yes, I will take the second part of the question. I apologise to you, Presiding Officer; I must take lessons in voice production.

As I said to Carolyn Leckie, we are trying to minimise the risk. However, if the risk status rises to a point at which, in the interests of the flock of 1.1 million birds, we have to take the birds inside, I simply cannot rule out allowing that to be done. That will be done in a way that is proportionate to the level of risk that is assessed by the chief scientists and our veterinary officers. It will not be done if it would only be prejudicial to the status to which Richard Lochhead referred. Unfortunately, although free-range status can be endorsed for some period without being lost, organic status would be lost in such circumstances. I will give the industry the assurance that we will take the birds indoors only on the basis of sound science and if the evaluation of our vets is that not doing so would pose a threat to those free-range birds. That is a reasonable and proportionate response. The other question is best answered by Andy Kerr.

Mr Kerr: I have talked about what the NHS is doing about advice. The FSA will do likewise and produce periodic advice that will be published on its website and given out to people who are involved in the industry. The normal channels of communication will be open. Of course, we will be much more alert than normal to the possible implications of eventualities. We will ensure that everyone gets information as appropriate.

Alex Johnstone (North East Scotland) (Con): What steps are being taken to monitor the level of infection in migratory bird populations that are arriving and might soon arrive in Scotland? To what extent has any infection been found in populations that might move to this country?

Ross Finnie: The answer to the latter question is that no such infection has been found—that is the basis on which we can declare our risk status to be low. In the UK, Europe and internationally, assessments are being done of where the disease is breaking out. Of course, there are those who are paying close attention to the migratory patterns that are normally followed.

Fortunately, we are getting towards the end of the autumn migratory season, which helps in reducing the risk. Of course, if an outbreak were to be discovered in a migratory pattern of which we

are in a direct line—we would find out about it because we are in touch with the bodies that monitor such things—that would change the risk assessment and the way in which we handle the situation. All the steps that I outlined in my statement enable us to be vigilant domestically and to tap into the work that is being done in Europe and across the world to ensure that we are well informed about the potential threat to the country.

Jeremy Purvis (Tweeddale, Etrick and Lauderdale) (LD): It is clear from the Minister for Environment and Rural Development's statement that there is likely to be a prolonged period of heightened risk and, therefore, increased biosecurity measures for the poultry industry, particularly in relation to the 1.1 million free-range birds that he talked about. Does he have views on the future of the industry? Constituents of mine in Hamiltonhall in West Linton, where there is an outline proposal for 10 poultry houses with a total stock of 320,000 birds, have concerns arising from the current situation. They question whether that is the right kind of proposal at this time.

Ross Finnie: The member's question leads me into the realms of advising people to assess risk. I can only advise the member—as I have advised the chamber and the people of Scotland—that the risk, at the moment, is low. However, as Alex Fergusson pointed out, we have to be vigilant because of the uncontrolled way in which the disease is breaking out.

To Jeremy Purvis's constituents, I would say that we have veterinary centres and other facilities to which the public and those contemplating commercial activity can go. His constituents should be holding discussions with the appropriate veterinary officers in the state veterinary service to ensure that they receive an assessment that is proportionate and deals with the risk to them in particular.

Jackie Baillie (Dumbarton) (Lab): I thank the ministers for their statements. I am reassured by the comments of the Minister for Health and Community Care that plans have been submitted by NHS boards directly to the Executive. However, I am curious to know how robust those plans are and, indeed, whether they are being tested.

Mr Kerr: They are being tested. We have to respond to all the individual boards' plans. The UK has been working on the matter since 1997 and the World Health Organisation has been working on it prior to that. We are essentially drawing down our planning processes from best practice, world research and experience. It starts with the World Health Organisation and goes via Europe and the UK departments—the Department of Health in particular—to ourselves. We are working collegiately and are in touch with all the best

available advice from across the world. Our plans are tested against the findings that have been made and the relevant criteria. I suggest to Jackie Baillie that our plans are extremely robust in the light of the available scientific evidence and experience from elsewhere in the world. They are clearly in line with World Health Organisation recommendations.

John Swinburne (Central Scotland) (SSCUP): I congratulate both ministers on the clarity of the precautions that they propose to take in the event of a pandemic. I remind them that, although we might not suffer 5,000 deaths in Scotland as a result of an outbreak, we have suffered the deaths of 8,000 senior citizens over the past three winters due to winter-related problems. Going by what the Met Office tells us, we are about to face the worst winter on record. Are there any plans under way to ensure that such a mini-pandemic will not strike again in Scotland this winter?

The Deputy Presiding Officer: That was a bit off the subject of the statements, but I am sure that Mr Kerr will have an answer.

Mr Kerr: We are currently in the middle of our winter flu campaign. We are urging not just elderly people but carers and those who suffer from chronic conditions to come forward and get the vaccine. Clearly, that is our intent.

On the wider matter, I remind John Swinburne of our work on central heating systems and insulation programmes. We are reducing fuel poverty. We have installed 66,000 central heating systems throughout Scotland and we have brought more than 200,000 homes up to standard with respect to insulation. We are tackling those matters from all sides.

On the specific point that Mr Swinburne quite correctly makes, my message on winter flu is that people should please come forward, if appropriate, and get their vaccine.

Mr Andrew Welsh (Angus) (SNP): I welcome the news that antiviral medicine will be produced in Scotland, which will maintain employment at the GlaxoSmithKline factory in Montrose. Surely the importance of that facility in facing up to a potential emergency situation underlines its crucial role in addressing an actual pandemic emergency. Will the ministers join me in requesting that GSK now review its closure decision?

Mr Kerr: We are setting out our plans and what we are doing about the potential pandemic. The decisions of individual companies are a matter for them. Through our procurement processes and tendering routes, we are trying to ensure that the outcome is that the Scottish public are as well protected as possible against the pandemic. Companies' individual decisions, which are influenced elsewhere in the Executive, will come

to bear on that. The member asks a difficult question about a particular plant. We are procuring the product that we need to protect the Scottish public.

Mrs Nanette Milne (North East Scotland)

(Con): I, too, welcomed and appreciated the advance copies of the statements, which I hope will help to inform and give confidence to a worried population. I am pleased to hear the Executive's plans for the advance purchase of antivirals and vaccine. Have any measures been taken to prevent the direct spread of the virus from human to human in the event of a pandemic, such as the stockpiling of face-masks? I accept the Minister for Health and Community Care's comments about planning for school closures and so on, but is there likely to be a plan to restrict general population movements once a pandemic is here?

Mr Kerr: We have purchased the highest-quality face-masks for our NHS staff, who will be in close proximity to the pandemic if it breaks. On the question of face-masks for the general population, I advise the member that there is little place for them in prevention. We should be doing what we should be doing anyway in relation to the spread of disease: if people cough or sneeze, they should ensure that they cover their mouth and nose. Good hand hygiene is also critical, in relation not just to the potential pandemic, but to other matters.

All scientific and clinical advice is that there is little place for face-masks in prevention. We have secured the best possible face-masks for those working daily with patients in the NHS, but there is no evidence to suggest that the general population would be protected by masks.

We will make decisions on the movement of people as appropriate at the time, depending on what form the pandemic flu outbreak takes, how virulent the virus is and what population segments are attacked by it. We will make decisions as and when we are aware of such matters. We have the plans in place, we have risk assessed the process and we will make the appropriate decisions.

The Deputy Presiding Officer: I should say for the benefit of members who are having agitated conversations that there is no risk of decision time being advanced before 5 o'clock, so they could have those conversations outside the chamber.

Dr Jean Turner (Strathkelvin and Bearsden)

(Ind): I thank the ministers for their helpful statements. Flu epidemics or pandemics will always put strains on even the best systems. The public will need information, which will be extremely important in the isolation and prevention of spread of the infection. Given that we have lost so many isolation units for infectious diseases in hospitals, does the Executive have plans to

increase capacity in the NHS by increasing bed numbers in isolation units and to train staff to work in such units and in the community, so that essential emergency and elective work can continue despite an outbreak of any infection? It is not just influenza that causes wards to close down.

Mr Kerr: We have published, and will continue to ensure that the public are kept up to date with, the latest information on pandemic flu. Information leaflets are available for individuals and their families. The issues that the member raises are taken care of as part of our response to individual board plans. That goes back to clinical priority, risk assessment and the plans that we will make to deal with these matters. Much depends on how virulent the strain is and what population segments are affected. As I said in earlier responses, we are ensuring that we have in place the risk-assessed plans, so that we know what we will do in all the scenarios that can occur as a result of the pandemic flu. Of course, our desire is to ensure not only that we deal with the pandemic flu outbreak but that the normal business of the NHS continues. That is exactly what we intend to happen.

Mr Stewart Maxwell (West of Scotland) (SNP):

Is the minister aware that seasonal flu affects between 500 and 1,000 people per 100,000 of population, whereas a pandemic flu is likely to affect 10 times as many—between 5,000 and 10,000 people per 100,000 of population? Last Christmas, NHS 24 received about 90,000 calls and, as we are all aware, had difficulty coping with that number. What preparations has NHS 24 made to cope with a possible tenfold increase in calls that might result from a flu pandemic?

Mr Kerr: We are aware of those statistics, which we reflected in the statements and in previous documents issued by the chief medical officer and me. On the capacity of the NHS, I reassure the member about our planning for the winter. NHS 24, the boards and all partners in the health service are working together to ensure that we plan effectively for the winter. All parts of the NHS are part of the planning process for the pandemic flu. I assure the member that those matters have been taken on board and are responded to in the plans for any outbreak of pandemic flu.

Mary Scanlon (Highlands and Islands) (Con):

The Minister for Health and Community Care said that it would take four to six months to produce the flu vaccine once the new virus has been identified. Can that process be speeded up and how does the four-to-six-month production time relate to the potential rate of spread and infection?

Mr Kerr: I want to offer reassuring words in response to the question whether we can speed up the process, but I have to say that the process

is difficult. We do not want to mislead anyone in the chamber or beyond, but current estimates are that production will take four to six months. On intelligence gathering and information, we might know in advance of the pandemic coming to Scotland that we have identified the strain and can begin working before the pandemic flu breaks out here. When the vaccine is available, we will issue it according to the clinical guidance, first to at-risk groups and individuals and secondly to NHS staff, who will have to deal with the pandemic. That twofold approach will protect the ability of the NHS to respond. I cannot give an assurance about quicker production, although, of course, we want to encourage it. However, I remind the member that we will have some notice so that we can begin planning prior to any outbreak in Scotland.

Business Motions

17:01

The Presiding Officer (Mr George Reid): The next item of business is consideration of two business motions, in the name of Margaret Curran, on behalf of the Parliamentary Bureau: S2M-3502, setting out a business programme, and S2M-3501, setting out a timetable for legislation.

Motions moved,

That the Parliament agrees the following programme of business—

Wednesday 9 November 2005

2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Stage 3 Proceedings: Environmental Assessment (Scotland) Bill

followed by Business Motion

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 10 November 2005

9.15 am Parliamentary Bureau Motions

followed by Scottish National Party Business

11.40 am General Question Time

12 noon First Minister's Question Time

2.15 pm Themed Question Time—Education and Young People, Tourism, Culture and Sport; Finance and Public Services and Communities

2.55 pm Executive Debate: Rail

followed by Motion on the Olympics Bill – UK Legislation

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 16 November 2005

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 17 November 2005

9.15 am Parliamentary Bureau Motions

followed by Executive Business

11.40 am	General Question Time
12 noon	First Minister's Question Time
2.15 pm	Themed Question Time— Environment and Rural Development; Health and Community Care
2.55 pm	Executive Business
<i>followed by</i>	Parliamentary Bureau Motions
5.00 pm	Decision Time
<i>followed by</i>	Members' Business.

That the Parliament agrees that consideration of the Scottish Commissioner for Human Rights Bill at Stage 1 be completed by 3 March 2006.—[*Ms Margaret Curran.*]

Motions agreed to.

The Presiding Officer: There are no questions to be put as a result of today's business.

New Forth Bridge

The Deputy Presiding Officer (Murray Tosh):

The final item of business today is a members' business debate on motion S2M-2758, in the name of Scott Barrie, on a 21st century bridge for a 21st century Fife. The debate will be concluded without any question being put.

Motion debated,

That the Parliament welcomes the decision by the Forth Estuary Transport Authority to support the construction of a further bridge across the Forth at Queensferry; accepts that, even with improvements in public transport, the existing Forth Road Bridge is incapable of coping with the current level of traffic; believes that the limitations on the existing bridges into, and out of, Fife are seriously affecting the economic regeneration of the Kingdom; notes that improvements to rail services to Edinburgh are essential but that these alone will not resolve the transport difficulties across the Forth, and hopes that the new bridge will be multi-modal, allowing for future light rail developments from Fife.

17:03

Scott Barrie (Dunfermline West) (Lab): I am glad to have secured this evening's debate on transport across the Firth of Forth and, in particular, on why we need another bridge at Queensferry. I am also pleased that there is such a good turnout from the Fife mafia to discuss what will be an important issue for us Fifers.

Everyone knows that the current road bridge is severely congested. There is no argument about that. However, tonight, I want to highlight not just the case for a new crossing but the reason why we need to start planning now. The Forth road bridge is one of Scotland's most important transport arteries, but it is no longer fit for purpose. It operates well in excess of its design capacity; last year, it carried more than 23 million vehicles. The two Severn bridges together carry only one million more vehicles than our single bridge. The Forth road bridge is more than 40 years old and we know that it cannot last for ever. It may well not last for another 20 years, so the time to get serious about planning a second crossing is now.

In a recent *Edinburgh Evening News* article, Mark Ballard suggested that the current difficulties can be solved simply by reducing traffic on the bridge, but that is just wrong. I share his hope for a sustainable Scotland that is served by an increasingly sustainable transport network, but surely we need a dose of realism. Ferries, car-sharing lanes and increased park-and-ride facilities are part of the solution, but they alone will never meet Scotland's need for efficient cross-Forth travel, and reductions in freight transport on the bridge would only kill the Fife economy.

We should be clear about the fact that traffic on the Forth road bridge is not an Edinburgh issue or solely a Fife issue; it is very much an issue for Scotland. We should forget now any idea that increasing bridge capacity would increase congestion in Edinburgh city centre because, at peak times, 84 per cent of the traffic that crosses the bridge does not go there. That means that the bridge is of far greater importance to places that are less well served by public transport alternatives.

Mark Ballard (Lothians) (Green): Will the member give way?

Scott Barrie: I am sorry; I really want to make the case for a new bridge.

Most southbound traffic goes to places in the wider Lothians region, Lanarkshire or further afield.

We have had recent successes in attracting new businesses to Fife, such as Kwik Save in Dunfermline in my constituency and Amazon's distribution centre in Glenrothes in Christine May's constituency, but bridgehead congestion is a major disincentive to businesses to locate north of the Forth.

Opponents of a long-term solution suggest that planning for a new bridge would waste taxpayers' money. I argue that not planning for a new bridge would do exactly that. Postponing the inevitable will succeed only in damaging the Scottish economy. More parochially, postponing the inevitable will only add to bridgehead congestion. A new bridge that is fit for purpose is vital for the well-being of the whole of Scotland. A new bridge that was fit for purpose would link the local economies of Fife and Edinburgh as a central component in growing the whole of Scotland's economy. For Edinburgh to continue to grow, close association through a physical link is needed with Fife and the north.

Opponents of a new bridge say, "Let the train take the strain." However, anyone who knows the first thing about trains will say that more stations mean longer journey times, which mean that more commuters are tempted into their cars. The Stirling-Alloa-Kinross railway line will free capacity on the rail bridge, but it will do nothing for commuter transport across the Forth. The problem is not the rail bridge, but the terminus. Until capacity at Waverley is substantially increased, no additional passenger trains can run from Fife at peak times.

The Forth road bridge is a vital link in Scotland's supply chain. In the past few months, freight traffic has increased by more than 3 per cent, which outstrips the rise in the number of cars. Heavy goods vehicles have doubled in weight since the bridge opened in 1964. The traffic load that the

bridge carries is double what it was designed for. The strain on the bridge clearly shows. The life of the surfacing on the carriageways has decreased from 25 years when the bridge first opened to eight years now. That means that, for 16 weekends every four or five years, the bridge will operate on a single carriageway. That work must be undertaken in the summer months when bridge traffic is at its heaviest, which has a severe impact on business in east-central Scotland and on the wider Scottish tourism industry. Queues of an hour plus in both directions are hardly a good advert for a modern Scotland.

More worrying than increased wear on the carriageway is the integrity of the main suspension cables. They are safe for the time being, but investigations have highlighted corrosion of the wires, which reduces the main cable's strength. The Forth Estuary Transport Authority has embarked on a more than £1 million five-year monitoring programme in an attempt to predict the cables' remaining life in economic service, but who knows what the results of that will be?

What is increasingly likely is not another bridge across the Forth, but a replacement bridge. A new multimodal bridge, which FETA supports, is clearly the way forward. The south-east Scotland transport partnership led an integrated corridor study that concluded that, by 2011, the palliative effects of the short and medium-term recommendations to reduce bridge congestion would be exhausted. SESTRAN's long-term recommendation within a balanced strategy is the provision of a new multimodal crossing that incorporates road and light rail traffic. That is the only credible way forward. From concept to completion, a new bridge would take at least 10 years to deliver. Given concerns over the existing bridge, simply doing nothing is no longer an option.

That goes for the Scottish Executive, too. We need a new crossing and we have the opportunity to invest in our future—in a modern multimodal iconic bridge, not just for Fife, but for Scotland. If members want to see what could be achieved, they should look no further than Norman Foster's stunning new bridge over the River Tarn in the Massif Central. There is no reason why our new bridge could not be just as impressive and be a new symbol for a new Scotland.

Members might not agree with my solution, but they cannot deny the problem. Alternatives to car usage must be encouraged, but we must start planning now for what is essentially a replacement Forth road bridge. If we do not, we will be in serious danger of severing one of the main north-south routes in Scotland. Problems are associated with congestion on the existing bridge, but they are minuscule in comparison with the problems

that would be generated by having no road crossing of the Forth.

The Deputy Presiding Officer: There is considerable demand from members to speak in the debate, so I will impose a three-minute time restriction.

17:10

Bruce Crawford (Mid Scotland and Fife) (SNP): I thank Scott Barrie for bringing the debate before the Parliament. I did not sign his motion because I am not yet sure whether the way forward is necessarily the multimodal option; we might need to consider the Forth railway bridge and there is always the option of a cheaper tunnel. I am glad that Tavish Scott—who is not in the chamber this evening—is the Minister for Transport and Telecommunications, because he has shown that he will respond positively to well-argued and evidence-led proposals.

The decision on whether to proceed with the building of a new Firth of Forth crossing will be one of the biggest challenges—if not the biggest challenge—that Tavish Scott will face. I challenge him to commission the new national transport authority to begin work on planning for a new crossing as one of its earliest priorities. That early decisions are made is hugely important because, even if we were to decide today to proceed, it would take 10 to 15 years to get a new crossing.

Why should the new authority take on the task? The answer is staring us in the face. As Scott Barrie said, a new crossing is crucial to the whole of Scotland's economy. It is patently obvious that the importance of such a bridge goes beyond the interests of those who live in Fife or the Lothians.

The existing bridge is a fantastic engineering and construction feat, but we have allowed it to become abused and to be used well beyond its original design capacity. As Scott Barrie said, the capacity is going up. Originally, the capacity was envisaged to be 30,000 vehicles a day, but on average 66,000 vehicles now use it. The increased loads that the bridge is expected to take as a result of heavier lorries should be added to that figure—that would give a picture that the designers could never have imagined. The structure is tired and struggling and is dealing badly with our living life in the fast lane.

To make matters worse, traffic is expected to grow as Dunfermline expands by around a third. The carriageways on the bridge are being pounded in a way that was never envisaged and there are worrying signs that the main suspension cables may be more seriously decayed than they were originally expected to be.

The future for users of the bridge is depressing. At best, there will be longer and longer delays as a

result of vital bridge maintenance; at worst, if anything more essential needs to be done to the bridge's cables, the situation will be disastrous. The consequences of not beginning work on the crossing now are bad enough for daily users of the bridge and for the environment, but the failure to begin planning could prove to be asphyxiating not only for Fife's economy, but for the whole of Scotland's east coast.

I know that the Minister for Transport and Telecommunications and the Deputy Minister for Finance, Public Service Reform and Parliamentary Business will need to talk to experts, but work needs to begin now to get a realistic position in place to ensure that we can plan ahead. The national transport authority must consider a crossing for the Forth and develop a strategic, future-proof solution that will serve us well for the rest of the century. The Forth rail bridge must be considered at the same time.

17:13

Mr Andrew Arbuckle (Mid Scotland and Fife) (LD): I ask members to look forward and to imagine that the year is 2015. The First Minister—Nicol Stephen—has just made an announcement on the overall and continuing economic success of Scotland, but there is one black spot in the rosy arena: the Forth road bridge.

Ten years have passed since the first warnings emerged about the bridge's long-term viability. Corrosion was already creeping into its innards at that time. Problems with suspenders are often nice problems, but not if those suspenders are holding up a busy bridge platform. Even back in 2005, the bridge was being much more heavily used than had originally been planned and it was suffering from that 20th century disease: stress. Some discussion took place then about what should be done, but the opportunity for alternative action passed by in a flurry of worry over the capital cost and the environment. The good burghers of Edinburgh were worried about congestion—or, more accurately, about more congestion—so nothing was done other than members having a good debate in Parliament.

Then, around 2008, it was decided that it would be better to put weight limits on the bridge as there were fears that it was in danger of exceeding its safe limit. Although some freight was transferred to rail, the resulting diversion of heavy goods vehicles caused great problems in Kincardine and in the small communities along the A977. Just as the minor diversionary roads were clogged up, so were the phone lines and e-mail inboxes of local politicians and MSPs. People were unhappy—very unhappy. In fact, they were extremely annoyed about the congestion. Those who wanted to work in one location and live in another were annoyed

that their elected representatives were not responding to their wishes. Businesses were annoyed that their work was being made much more difficult than it should have been with delays and extra costs.

By 2015, such is the damage that has been done to the economy in Fife that those who live in the kingdom find out that they are eligible for the highest level of European Union grants, because the area is extremely disadvantaged—higher even than the level of aid received by places such as Sardinia or the Baltic states, which have been found to be in better economic condition than Fife. By the end of the first decade of the 21st century, the Forth road bridge has become a beacon of discontent among the local population. It is a means of crossing the Forth, but it does not provide people with a crossing that they want or need.

I thank Scott Barrie for securing the debate and for laying out cogently and comprehensively the arguments in favour of considering another option for the Forth crossing. I may have taken a different perspective on the matter, but my conclusion is the same as Scott Barrie's. I am sure that the Scottish Executive will rise to the challenge.

17:16

Mr David Davidson (North East Scotland) (Con): I congratulate Scott Barrie on securing the debate. It is a strategic issue for Scotland; it is not just a case of moving people in and out of Fife. As Bruce Crawford rightly said, it is vital to link up the east coast, which will also allow linkages up to and including Inverness.

The state of the bridge is an issue. So many of the 1,600 wires are broken or corroded. We must consider the lifespan. The United States consultants are looking at a report just now. I presume that we will get an answer to that fairly soon. FETA suggests that it will take 11 years to get a new crossing in place. However, there is more to this than just considering a replacement road bridge and ways of tinkering. It is about how many people get in a car, and it is about the new lorries. They have doubled in weight—fine; however, the new superwheels are causing even more wear and tear to the bridge by increasing the loading, and the surface is wearing out.

If there is no new crossing and we have to do something about the cabling, there is a threat that the bridge will have to be closed completely. What would we do then? We must start planning now. As has been said, we must also consider what to do with the rail system. At the moment, there are problems with Waverley station. What about freight? We are trying to encourage freight to go from road to rail. How do we get more trains

across the Forth or under the Forth? We need to think clearly about what we are trying to end up with. It is important that we hear what the minister has to say about how the Executive may take the matter forward.

At the moment, the tolls at the bridge are only creating a surplus, because work has been postponed. The tolls will not give us the answer; we need to consider a real capital construction. Where will the money come from? We are looking at an Edinburgh airport extension with rail lines going through it. How do we solve the conundrum of the Fife loop for the train not impeding the express trains and freight trains that go further north? We must increase the opportunity for rail to go across the Forth. We also need to consider all the other measures that will reduce the number of cars that go that way.

How do we fund the bridge? The solution is to abandon the tram link to Edinburgh airport. We should take that money and put it into the preparatory work that needs to be done for the bridge. The bus system is very flexible and can work for the airport. We do not even know what the tramline will cost, but which is more important: an extra tramline in Edinburgh, which could be replaced by buses, or a new multimodal crossing? We need a bridge that will take full rail, not light rail, as we do not know what the Forth rail bridge will be like in five or six years. There may be weight restrictions on it as well.

We need to do this holistically, using whatever money the Executive has committed to whatever it wants to do, and we should consider the issue as a national, strategic issue, not just one for Fife or Edinburgh.

17:20

Christine May (Central Fife) (Lab): Like other members, I thank Scott Barrie for bringing his motion before the Parliament. The debate is important for the economy of Scotland. Like Scott Barrie, I believe that the provision of an additional or replacement bridge across the Forth at Queensferry is essential and that the decision has to be made now. Regardless of the life expectancy of the existing bridge, a new multimodal bridge is essential to protect and develop the economy of the eastern seaboard of Scotland. I do not confine that to Fife—I include from north of Aberdeen to south of Edinburgh.

We know that there is sufficient concern about the stress that traffic volume is putting on the bridge and its effect on the main cables to give rise to warnings of extended maintenance closures. Such closures cause chaos when they are limited to just one lane; total closure would devastate the whole of the economy of eastern

Scotland. The economies of three major cities depend on effective transport networks—rail, bus, sea and road—serving the east coast. The economies of Aberdeen, Dundee and Edinburgh depend on access to their city region economic blocs—a term that I believe is very much in favour in some economic development circles. Nevertheless, we must examine areas such as my own and their ability to attract industries that are less suited to the major conurbations; we must develop traditional industry and business in those areas; we must regenerate the economy in areas such as Leven and Methill; and we must build and grow Glenrothes.

I do not argue that a new bridge will meet all those needs; I argue that now we have an ideal opportunity to put the best principles of co-operative city region planning into practice and to examine the wider transport network improvements that could form part of the medium to long-term plan for the effective transport network of which I spoke.

A new bridge must not cater just for the motorist—it must link in with the Edinburgh tram system. The Leven rail link needs to be reopened to take cars off the road network. Investment in buses must be planned. Even if every commuter and shopper used public transport, that still would not meet the needs of industry, so we need an improved road network, the new bridge and the dualling of the A92, so that we have a dual carriageway from Edinburgh to Aberdeen.

Finally, we face a choice: we do nothing and write off the economic future of Fife and much of eastern Scotland; or we take the steps that are needed to build the sustainable 21st century economy that I argue everybody in this chamber supports.

17:23

Margaret Smith (Edinburgh West) (LD): As a former member of the Forth Road Bridge Joint Board, as it then was, and as the member for South Queensferry, I am well acquainted with the history of the issue, the difficulties faced by commuters and the millions of vehicles that cross the increasingly congested Forth road bridge and surrounding area, and the increasing maintenance problems. The problems are big for my constituents, but they go beyond my constituency, Fife and our city region, as many have said, into the whole of Scotland. However, talk of a multimodal bridge is misleading when there are no plans for tram or light rail to go to or from the bridge, when wind shielding for such a bridge would benefit lorries more than any other vehicles and when such a bridge would simply spread increased capacity over two bridges, with all the environmental impacts that that would have.

Scott Barrie laid out many of the problems, of which three are key—maintenance, safety and capacity. We hear that the Forth road bridge is struggling to cope with current traffic demand. As David Davidson said, its use by lorries in the main has led to more frequent repairs, including resurfacing, which must now occur every seven years. That leads to delays. We also know that there is a significant problem with the bridge's cabling as a result of the increased volume of traffic. We must seriously examine whether we need a replacement now, but we should consider all the options. It should be a national debate that is led by the new transport authority and the Executive, rather than by FETA.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): Will the member give way?

Margaret Smith: No, I am sorry.

I ask ministers to address the question whether the problems can be tackled more efficiently and effectively than with a new bridge. I want certain questions to be answered. For example, how much HGV traffic could or would be rerouted to the planned second Kincardine bridge? Is it possible for roads to be resurfaced in a more durable way? Crucially, instead of replacing the bridge, is it possible to strengthen it with another main cable—as I believe happened with the Golden Gate bridge in San Francisco? Such measures will incur costs, but they will be less than the up to £1 billion that it will cost to build a new bridge.

I agree with many of Scott Barrie's comments about rail. We must consider alternatives. However, SESTRAN has said that a second bridge will be at full capacity by 2031. What do we do then—build a third one?

Any new crossing would have a major impact on my constituents, because it would use land that the Scottish Executive has safeguarded. Our key job is, initially, to reduce demand; to consider all the options; and to recognise that this is a national priority. After all, FETA took its decision only on its chair's casting vote. No matter whether people come down on my side of the argument or on Scott Barrie's side, this is not some issue ping-ponging between Fife and Edinburgh. It is of national importance and must be approached in that way.

17:36

Mr Mark Ruskell (Mid Scotland and Fife) (Green): I thank Scott Barrie for lodging an interesting motion for debate. He recognises that we have a fundamental problem with traffic growth not just in Fife and the Lothians but throughout Scotland and the United Kingdom. That said, I find the motion a bit defeatist, because it implies that

road traffic will spiral out of control; that we can do nothing about it; and that, at the very best, we can only slow down the acceleration in traffic growth. As a result, we need to build enough capacity to accommodate it. However, I am not ready to accept such defeatism.

Scott Barrie: Will the member give way?

Mr Ruskell: I am sorry, but I do not have time to give way. I am trying to build the argument against a new bridge.

I believe that we can tackle the problem of traffic growth, but only if we radically restructure our transport infrastructure. That will require some vision.

As Margaret Smith pointed out, the SESTRAN cross-Forth study clearly showed that the new road capacity that will be built across the Forth will alleviate congestion in the short term; however, in 10 years, the number of trips across the Forth will increase by 55 per cent on 2001 levels and, by 2030, the capacity of two road bridges will be exhausted and we will be in as bad a position as we are now. That is simply unacceptable. It is bad for business in Fife; bad for the quality of life of the people in Fife and the Lothians; and bad for the environment.

We should try to stop repeating our mistakes and start to think big. I suggest to the minister that, for example, we think about re-opening the stations at Methil, Leven, St Andrews, Oudenarde and Newburgh. As we would need the infrastructure to accommodate those reopenings, we would have to build not two but nine additional platforms at Waverley station.

We should also consider providing a direct railway line from the Forth bridges to Perth to improve the journey times between that city and Edinburgh, which are stuck at 1900 levels. Moreover, if we are to be serious about tackling the problem of traffic growth, we must increase the space on the entire central Scotland rail network. As I said, that means that we must think big. For example, we could extend the Stirling to Kincardine railway line to Dunfermline and Rosyth port. The minister could also consider taking more simple decisions such as upgrading the signalling on the Forth rail bridge, which has been long overdue and would give us more capacity on some rail passenger routes.

I realise that it is easy for Opposition members to come up with such ambitious shopping lists. However, at least I am not facing both ways at once on this issue. I know that hard choices need to be made—[*Interruption.*]

The Deputy Presiding Officer: Order.

Mr Ruskell: Unlike the Scottish National Party, I know that hard choices need to be made. The

nationalists are quite happy to argue for a massive expansion of the public transport infrastructure while calling for the dualling of the A96, the A82 and the A9; the M74 extension; and new bridges over the Tay and the Forth. We cannot have everything in the toyshop.

We must not support defeatism but find a solution to reduce traffic that is achievable and is within the minister's budget.

The Deputy Presiding Officer: I hope to buy three minutes' silence on the SNP benches by calling Tricia Marwick.

Bruce Crawford: I would not promise that.

17:29

Tricia Marwick (Mid Scotland and Fife) (SNP): I would not promise it either.

I genuinely thank Scott Barrie for bringing the debate to the chamber. Members' business debates are usually extremely supportive of the motion, but the remarks by Margaret Smith and Mark Ruskell in the past few minutes suggest to me that they need to get into the real world instead of the fantasy land that they are in at the moment. We have a road bridge that had a capacity when it was built of 30,000 vehicles a day. The number of vehicles is 65,000 a day and growing—that is already twice the original capacity and, quite frankly, the bridge cannot take it.

Without talking about an increase, the current levels alone mean that we need to do something about the crossings on the Forth. When I hear Mark Ruskell say that building a new bridge will somehow adversely affect businesses in Fife, I have to tell him that congestion and a bridge that cannot cope with it are already affecting our industry and businesses in Fife. [*Interruption.*] I ask members to stop heckling me from a sedentary position.

The Deputy Presiding Officer: Indeed.

Tricia Marwick: The Forth road bridge is absolutely vital for the whole of Scotland. At the moment—Margaret Smith did not even refer to this—many people live in Dunfermline because Edinburgh's housing market simply cannot cope.

Margaret Smith: Will Tricia Marwick give way?

Tricia Marwick: I want to finish my point.

People already go to live in Dunfermline and commute to Edinburgh. The inescapable fact is that vehicle numbers and capacity on the bridge will increase. Doing nothing is not an option. The bridge is under severe stress at the moment. We simply cannot have a situation in which, over the next 15 years and beyond, the bridge closes regularly for work to be done. However, that will be the reality.

Margaret Smith: I am aware of the constraints on Tricia Marwick's time, and I let her earlier comment about me go by for that reason. However, given that we have only three minutes each, I could not have been expected to talk about affordable housing, housing issues in Fife and everything else. I do not disagree with lots of the things that she is saying, but to ask why people do not mention all the issues when we have only three minutes is ridiculous.

The Deputy Presiding Officer: You now have less than three minutes, Ms Marwick.

Tricia Marwick: In my three minutes, I am making the point that, because Dunfermline is expanding, the number of commuters will increase. I am surprised that Margaret Smith does not think that there is a problem on the bridge because of that.

Other issues must be considered. I believe that, as Bruce Crawford said, the national transport authority should be charged with the responsibility for examining all the options to plan for the future. It simply cannot be the responsibility of FETA to do that. In the meantime, we need to improve the appalling rail service from Fife to Edinburgh. Of course, we need a cross-Forth ferry service—from Burntisland to Granton, I hope—and we must have car sharing and park-and-ride schemes. However, even if we have all those things, we still need some sort of replacement for the bridge. For example, we could consider the possibility of keeping the existing bridge, building another one and allowing westbound traffic to go over one and eastbound traffic to go over the other.

A number of options are on offer, but the one option that is not available to us is that of doing nothing. We might have disagreements and debates about what sort of bridge we should have, but we need further capacity and we need a new bridge from Fife.

The Deputy Presiding Officer: I now call Helen Eadie. After she has spoken, I will accept a motion without notice to extend business.

17:33

Helen Eadie (Dunfermline East) (Lab): I most strenuously support the motion in the name of Scott Barrie. I lodged a similar motion last year and I warmly welcome this evening's debate. I too was a member of the Forth Road Bridge Joint Board—I was vice-chair at one time—so I know many of the arguments that have been made by those who manage the bridge. I believe that some members of the management team are in the gallery today and I welcome them. I note that they have had a mission impossible in the job that they have had to do, but they do that job very well.

When the Forth road bridge opened in 1964, it was the longest suspension bridge in the world outside the United States of America. We should be immensely proud of all our engineering capacity. Some of the Greens' arguments have been interesting, as was Margaret Smith's contribution, although I have to disagree with her. She has not explored the economic issues that were covered by my colleagues. We must consider the crippling and devastating effect on the economy of Fife and the north of Scotland if we were to wake up one morning to find that the Forth road bridge—the lifeline to the north of Scotland—was suddenly closed. That is what we are talking about. We are talking about the potential for corrosion, which all the newspaper reports tell us is irreversible. That corrosion must be taken on board.

I must point out how hard hit Fife has been over the years. We have the biggest area of disadvantage outside Glasgow, and not enough jobs are being relocated north of the River Forth. It is imperative that, given all the housing that is being built north of the River Forth, the road infrastructure is able to cope.

I take Bruce Crawford's point about the new transport authority considering the matter, but I do not think that we can wait for that. We have to think about it now. It took 20 years to get the existing Forth road bridge from gestation in 1947 to opening in 1964. The same applies to the Kincardine bridge. We must act now. We need that bridge.

The Deputy Presiding Officer: At this stage, I am prepared to accept a motion without notice for an extension of up to 15 minutes.

Motion moved,

That, under Rule 8.14.3, the debate be extended until 5.59 pm.—[Tricia Marwick.]

Motion agreed to.

The Deputy Presiding Officer: I thank the minister for his willingness to accommodate the extension.

17:36

Colin Fox (Lothians) (SSP): I am grateful for that extra 15 minutes—I promise not to use it all.

I congratulate Scott Barrie, as other members have done, on securing the debate. I declare an interest at the outset. My grandpa Mackin built the Forth road bridge—he told me that he did it single-handedly, but I am sure that others were involved. When he, as part of the Lanarkshire Welding Company, built the Forth road bridge in the 1960s, he had no idea of the volume of traffic that we would see 50 or 60 years later. All members accept that congestion on the Forth road bridge is

a real problem and that the deterioration of both the road bridge and the rail bridge is an issue that we must consider in the debate.

I put it on record that my preferred option is for people to use the existing bridge more effectively. Currently, 70 per cent of the cars that go across the bridge have only one person in them. Surely there must be greater opportunities for car-sharing schemes and more usage of public transport—bus and trains. Surely there is a place in the debate for the discussion that took place in the Parliament a year ago about the prospect of a ferry from Kirkcaldy to Leith. That would remove some road traffic.

Like other members, I accept that the reality is that those measures are all likely to have only a marginal impact on the central problem. The figures from FETA and others show that only 12 per cent of the bridge traffic goes into the centre of Edinburgh, leaving 88 per cent of the traffic going to West Lothian, Midlothian, west Edinburgh and south Edinburgh. That puts before the chamber the question of the impact on public transport provision. If we are going to say that public transport is an alternative to using the road bridge, we must invest a significant amount of money—I mean hundreds of millions of pounds—in public transport in the other locations that I mentioned.

Sarah Boyack (Edinburgh Central) (Lab): I agree strongly with the points that Colin Fox makes about the need for an integrated improvement in public transport across the bridge and the need to pick up on the journeys round and about not only the city of Edinburgh but the Lothians as a whole. Will he join me in condemning the suggestion from David Davidson that a new bridge should be built at the expense of the tram routes in Edinburgh? That is an outrageous suggestion.

The Deputy Presiding Officer: Mr Fox has one minute left.

Colin Fox: I will use my final minute to say that a multimodal replacement bridge would throw up some concerns of its own. If there are to be cars on top and trains or trams underneath, we would face the same problems that we have with current public transport provision: the train or tram that goes across the bridge must link into the existing network. That brings us back to the problem that existing and proposed train and tram networks do not adequately serve West Lothian, Midlothian or other parts of Edinburgh. My preferred option, which should be considered at least, is that in these debates we must try to make the public transport option the most attractive. Surely there is a case for saying that, if there is to be a multimodal bridge, it should be dedicated primarily to public transport use—of course, I hope that the train and tram system will be publicly owned.

Perhaps there could be provision for dedicating part of the road to buses—for example, school buses and minibuses—or for high-occupancy vehicles. Wrapped up in the debate must be consideration of other options such as a ferry or a tunnel, given that we are talking about a figure that could be as much as £1 billion.

17:40

Iain Smith (North East Fife) (LD): I join colleagues in congratulating Scott Barrie on securing this important debate.

The importance of the Forth road bridge to the economy of all parts of Fife cannot be understated. In my constituency, the tourism industry relies heavily on the traffic that comes across the Forth and many of my constituents work south of the Forth.

I am just about old enough to remember the opening of the road bridge in 1964 and I am certainly old enough to remember being seasick on the ferry crossing before the bridge was opened. I also remember the debates that we had almost a decade ago on Fife Council about the present bridge reaching its operational capacity by, I suppose, about now and about the need for a second bridge.

However, I must say at the outset that I do not support, and never have supported, an additional Forth road bridge at Queensferry. I argued in Fife Council that that was the wrong approach. Instead, we need to develop a transport plan that includes an alternative crossing route for people going west and south via a new bridge at Kincardine, and we need to make a substantial investment in public transport to reduce the growth in traffic.

I argued when I was on Fife Council that we should not increase road capacity for cars and lorries at Queensferry. I still believe that, but I also believe that the time has come for us to examine fully the options for a replacement bridge. There is no doubt in my mind that the present bridge has serious structural limitations that mean that we must replace it. We have all heard the stories about broken cables; we do not yet know the full extent of that problem, but it raises the real possibility, as Andrew Arbuckle said, that at some point in the future there will be restrictions on the number of vehicles that will be allowed to cross the bridge at any one time.

There is also the problem of the bridge's road surface, which requires to be replaced with increasing frequency. That causes massive disruption—particularly to the tourism industry in Fife—through lengthy weekend delays, which we will see roughly every second year between now and 2012 and beyond. The disruption causes

huge delays to bridge users and serious damage to Fife tourism businesses. If nothing is done to replace the present structure, we will end up with no bridge at all or a situation that is as good as having no bridge. I do not believe that anyone in Parliament—even the Greens—would argue that we should not have a bridge across the Forth.

Of course, I strongly support improving public transport links across the Forth. I have been one of the strongest advocates of improved rail services, which are thankfully now in the process of being delivered, although there is much more to be done. However, we are restricted in what we can do to improve public transport because of the limited transport infrastructure across the Forth. There is a limit to how many trains we can put across the rail bridge and there is a limit to what we can do to increase bus priority on the existing road bridge, which is already at capacity. There is simply not enough capacity on the bridge to make the improvements to public transport that would make the significant shift that would start to reduce the volume of traffic.

That is why I want a replacement dual-carriageway bridge that is designed to have the capacity to deal with routine maintenance; for example, with breakdown lanes that can be used for contraflows and dedicated public transport lanes. As far as I am concerned, it should follow the existing bridge as closely as possible. We must start work on whether that is technically feasible now and it must be done through the Scottish Executive and the new national transport authority.

17:43

Marilyn Livingstone (Kirkcaldy) (Lab): I thank you, Presiding Officer, for the opportunity to contribute to this important debate. Many of the points that I wanted to raise have been covered, but I will make a few other points.

First, I congratulate Scott Barrie on securing the debate. He and many others have eloquently set out the problems that face commuters, of whom I am one, who use the Forth road and rail bridges. I concur with Scott Barrie's view that the Forth road bridge is one of Scotland's most important transport arteries. Members have outlined the work that the Forth road bridge does—for example, it carried 23 million vehicles last year. However, what is important is that the current traffic load is double the bridge's design load, which worries us all.

The life of the bridge's road surface has decreased from a projected 25 years when the bridge opened, to eight years. We have all seen the resulting weekend and summer work because of that, which will be repeated every four years.

That will have an immeasurable impact on south-east Scotland's tourism industry and economy.

As Tricia Marwick said, the investigations of the main suspension cables are very worrying. Further, the SESTRAN-led integrated transport corridor study concluded that, by 2011, the palliative effects of the short and medium-term recommendations would be exhausted. Everyone has pointed out that a new bridge would take 10 years from concept to completion.

I would like to talk about the impact of doing nothing. As Scott Barrie said, we need to decide about a multimodal bridge, and we need to decide now. I am particularly concerned about the central Fife economy because my constituency sits right in the middle of central Fife. It has faced and is facing many challenges. One of our key strategies is to connect the communities of central Fife with the growth areas in the rest of Fife and Edinburgh, along with its wider city-region hinterland. I accept some of the points that were made by Margaret Smith, but I do not agree with her. To do nothing would have a horrendous impact on the central Fife economy.

We are considering other measures, such as sustainable development. We are considering a ferry from either Kirkcaldy or Burntisland to Edinburgh. All such suggestions are important, but they will not on their own provide the solution. I wish that they would; like everyone else, I wish that there was a quick fix to the problem, but there is not. We are considering park-and-ride services, ferry services and increased capacity at Waverley. All those things are necessary for the future economy of Fife and the whole of the south-east of Scotland. We must act, and we must act now.

17:46

Mark Ballard (Lothians) (Green): I join other members in thanking Scott Barrie for bringing this debate. It is vital that we debate the best way of getting people from one side of the Forth estuary to the other. I agree that doing nothing is not an option, but we must start by acknowledging the reasons why the current bridge is in trouble.

The bridge is deteriorating so quickly simply because there is too much traffic. There are too many heavy goods vehicles and too many cars carrying just a driver, so the bridge's life expectancy has been slashed. The bridge is congested because, at rush hours when congestion is at its worst, 70 per cent of the traffic consists of vehicles with a single occupant. What is the cause of the congestion? Is it the bridge or that pattern of vehicle occupancy? Is it value for money to spend huge sums on a new bridge to make it even easier for that pattern of vehicle use to continue?

Let us be clear. Scott Barrie talked about the 11 per cent of people who are going into central Edinburgh, but two-thirds of the traffic that goes across the bridge is going to the wider Edinburgh area. We have a clear choice ahead of us. What do we do? Do we build new road bridges? As we have heard, the traffic growth that we could expect from another bridge would mean that in 2031 we would have to have exactly the same debate again because that bridge would be congested and overloaded.

Bruce Crawford: Will the member take an intervention?

Mark Ballard: No—I have to make the case against the bridge.

We will have the same problems of overloading and congestion. What will we do in 25 years? Are we going to have to make the really hard choice then to move into the real world? Will we then have to put real investment into the public transport system? That is the only sustainable way to get large numbers of people from Fife into Edinburgh—there is no other way. It is the people who argue that there is a solution based on ever-increasing car traffic who are not living in the real world.

Where will those people go? They will end up in traffic jams in Edinburgh unless we create the massive new road infrastructure in west Edinburgh that will be needed to get people through that area.

The Scottish Executive therefore faces a choice. As Margaret Smith does, I think that Scott Barrie's multimodal proposal is a red herring. Either the Scottish Executive accepts more cars and ever-increasing traffic growth and builds that new road network, obliterating large parts of west Edinburgh to accommodate it, or we invest in the public transport solution that is the only long-term way of getting people from one side of the Forth to the other. We have to invest in Waverley station and in ways of getting the train from Fife to West Lothian and Falkirk.

We should conserve the bridge that we have and we should use it better and more wisely. We have to decrease the amount of traffic on the bridge so that it lasts into the future, but we have to get real now and invest in the public transport solution that is the only long-term solution to the problem of getting people across the Forth.

17:49

Mr Kenny MacAskill (Lothians) (SNP): We should get back to the subject matter of the debate. No one is suggesting that we should start to build a bridge as of tomorrow. The funding and the construction workers are not there to do that.

We are talking about a growing problem that could become a catastrophe, not simply for Fife and the area south of the Forth but for the whole of the Scottish economy.

Of course we should consider alternative action. As far as I am aware, all members support the concept of fast ferry solutions. We also support the expansion and enhancement of rail provision, but we recognise the difficulties that that will cause. Of course car sharing should be encouraged, but there is a limit to what we can do. As well as affecting commuting, the fact that we live in a much more atomised society has social and economic downsides. There is a limit to the extent to which we can manage to get people to car share and so on, so we must have a plan B. We cannot keep going in the direction in which we are heading; we must plan ahead. That is why I pay tribute to Scott Barrie for securing the debate.

Scott Barrie, Bruce Crawford and David Davidson were quite correct in the points that they made. We are talking about a national issue; it cannot be seen simply as a Fife issue or as a case of north of the river versus south of the river. The economy not only of Edinburgh and central Scotland but of Dundee, Aberdeen and the rest of Scotland will be affected if we fail to address the potential problem of the bridge.

I listened with incredulity to some of the remarks that Andrew Arbuckle made. However, he was correct to say that the issue is national, as other members have said, and that we must examine what has been done elsewhere. He mentioned the bridge that has been built across the Øresund, which has united the city of København and the ancient kingdom of Skåne, or Scania as it is described in relation to Shakespearean matters. That was done because it was essential for the economies of Copenhagen and Malmö to unite if those cities were to compete with North Rhine-Westphalia and the likes of Bremen and Hamburg, which act together, and to see off the growing threat of Poland and the Baltic accession states, never mind St Petersburg.

We must accept that there is a problem in east central Scotland. It does not affect only people who live north of the river because there are people who live in Livingston but work in banking in Dunfermline, for example. Our economy must be able to compete not just with North Rhine-Westphalia but with Copenhagen and Malmö. If we do not have the necessary transport links, we will not be able to do so.

We are discussing a plan B, which I do not believe should consist simply of a replication of the existing bridge, which funnels traffic into the city of Edinburgh. A multimodal option must be considered. We must also consider a bridge that will handle westbound traffic. However, we cannot

have no plan because, if we do, the whole of the Scottish economy will disappear.

17:52

The Deputy Minister for Finance, Public Service Reform and Parliamentary Business (George Lyon): I am very pleased to be able to respond to the debate and I offer the Minister for Transport's apologies. He could not be with us tonight because he had a family matter that required him to be elsewhere, so he asked me to step in. I give members an assurance that he will read the *Official Report* of the debate tomorrow and that I will pass on the passionate views that the many members who have a genuine interest in the matter have expressed. I congratulate Scott Barrie on securing a debate on his motion. The number of members who have stayed to participate in it shows what an important subject we are discussing.

As many members have observed, the Forth road bridge is one of the most important elements of Scotland's transport infrastructure. Its operation is central to the economic well-being of Edinburgh, the Lothians, Fife and the whole of Scotland. Although there is no consensus on the way forward, there is consensus on the fact that the issues relating to the bridge are of national importance, affect all of us and should be given the highest priority.

Since the bridge opened 41 years ago, travel, home-life and working patterns have changed radically. Many of us travel further for work or leisure than we could have imagined in 1964, when the bridge was built. As many members have pointed out, the volume of traffic has increased from 4 million crossings in the first year to 24 million crossings now. Bridge traffic exceeds the design capacity on every weekday of the year. Furthermore, the bridge has to carry much heavier loads than were originally envisaged. In 1964, the heaviest lorry weighed just 22 tonnes. Modern heavy goods vehicles are now twice that weight and a further increase in that tonnage is being considered.

To some extent, the bridge is a victim of its own success, probably because it is so pivotal to the whole of Scotland. The Forth bridge is a crucial transport link between the west, the south and the north-east of the country. Of course, many of us rely on the bridge for our daily commute, but it is also central to the movement of freight around the country and to tourism and leisure throughout the country.

Anyone who has travelled across the bridge in or around peak times will know the severe congestion that can be encountered. For example, more than 70 per cent of peak-time traffic on the

bridge is single occupancy vehicles. That is not sustainable in the longer term. We need to be clear about what can be done to encourage people to think about and change their travel patterns. Many members alluded to that and made suggestions for measures that could be introduced.

The Scottish Executive has already contributed to building the Ferrytoll park-and-ride facility.

Bruce Crawford: Does the minister accept that, although the Ferrytoll park-and-ride facility was a good investment, the problem is that it is too close to the bridge. When traffic is backed up past junction 2—past Pitreavie—cars cannot get into Ferrytoll. Car drivers then try to find other ways of getting into the facility. We need another park-and-ride facility before Ferrytoll, perhaps around the Halbeath junction.

George Lyon: I take the point that Mr Crawford makes. I will relay it back to the Minister for Transport for his consideration.

We are also investing in longer station platforms and in newer trains. The Stirling-Alloa-Kincardine railway project will free up passenger capacity on the Forth rail bridge. We are spending £3.7 million on the construction of two new platforms at Waverley station in order to increase capacity from 24 trains an hour to 28. We also need to understand the contribution that more and better public transport can make to easing pressure on the road bridge in the short and longer term.

All the pressures on the bridge result in increased maintenance requirements, some of which lead to more lane closures. The matter is one that many members have touched on tonight. We are aware of the disruption that such works can create. However unfortunate the disruption, maintenance work is unavoidable if the bridge is to operate into the future.

More recently, FETA has been testing the main cables and the results of those tests are now emerging. FETA is keeping the Executive up to date on the results and we will continue to work very closely with it on this important issue. What is clear is that there are no safety implications for travellers; as always, the safety of bridge users is paramount. However, there are real pressures on the bridge.

The bridge master and his team briefed the Minister for Transport on all the issues this afternoon. I see that the bridge master has joined us for the debate and has listened to what members have said on this important issue.

Given the significance of the Forth crossing, it is critical that we do not rush into decisions without first evaluating all the options that are available to us. Tonight's debate has highlighted the fact that a

number of suggestions are coming forward. It is important that we take the time to get it right.

Tricia Marwick: No one would deny that we should take the time to get it right, but does the minister acknowledge that we need to start the planning now?

George Lyon: I recognise the pressures and the need to address the issues, as does the Minister for Transport. As I said, I will relay to him the concerns that members have expressed tonight and the matters that were raised in the debate.

We need to know whether a new crossing is the best way forward. We need to assess the affordability and the environmental, financial and economic impacts of each option. We are looking at all the issues. We are working alongside FETA and once there is a clearer picture of how we should progress this vital matter, the Minister for Transport will inform Parliament on the way forward.

The Minister for Transport recognises that this matter is of vital importance to Scotland and will give it the importance that the members representing the areas around the Forth who have spoken in the debate have given it. The matter is extremely important to all of us in Scotland. It is a national strategic issue. We need to address it and to come up with solutions

Meeting closed at 17:59.

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