

MEETING OF THE PARLIAMENT

Wednesday 14 December 2005

Session 2

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Scottish Parliament

Wednesday 14 December 2005

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

Time for Reflection

The Presiding Officer (Mr George Reid): Good afternoon. Our first item of business today, as always on a Wednesday, is time for reflection. The time for reflection leader today is the Rev Tony Schmitz, director of the Ogilvie Institute, Aberdeen.

The Rev Tony Schmitz (Ogilvie Institute, Aberdeen): There is a well-known incident from the life of the Jewish philosopher, Edith Stein. Some years before her conversion from agnosticism to Christianity, she went into the cathedral in Frankfurt, where she saw a simple woman come in from the market place, put down her shopping bags, kneel down and pray. That scene, according to Edith Stein's testimony, made a remarkable impression on her and was a decisive moment along her path to faith. A simple person kneeling and praying in the cathedral—it is something inexpressible, something quite simple, something that we take for granted, but it is something so mysterious, this intimacy with the invisible God. We are not here concerned with an introverted form of meditation but, rather, with a quiet resting that draws us towards a mysterious other. At that moment, the Jewish philosopher Stein was as yet an unbeliever; it was more than two decades before her martyrdom at Auschwitz. At the sight of that simple woman at prayer, Stein could only surmise what soon became for her a certainty: God exists, and in prayer we turn towards him.

What an impression, in that case, it must have made on the disciples to see Jesus praying quietly for hours—or even all night long—as before an important decision. What was it, this protracted attention, in silence, to the one whom he called “Abba”? When he ceased, one of his disciples asked, “Lord, teach us to pray.”

“Teach us to pray.” That request expresses the yearning to enter the realm of that quiet intimacy, that watchful reaching out towards the invisible presence. His reverence before the mystery of Jesus's prayer is so great that the disciple does not dare to interrupt the Lord—to burst in on his prayer—with his question. He waits. He waits until Jesus himself comes out of prayer. Only then does the disciple dare to ask—dare to plead: “Teach us to pray.”

Do we not find it touching when we come into church and find someone praying quietly? Do not we hear in those moments the murmuring of the spring that calls us to the living water? As Ignatius of Antioch, who was martyred 18 centuries before Edith Stein, wrote:

“There is living water in me, water that murmurs and says within me: Come to the Father.”

Yearning for prayer is the enticement of the Holy Spirit in us, who draws us to the Father. Indeed, that yearning is already prayer; it is already the prayer of the spirit of Christ in us.

Energy Performance of Buildings

The Presiding Officer (Mr George Reid): The next item of business is a statement by Johann Lamont on the European directive on the energy performance of buildings.

14:35

The Deputy Minister for Communities (Johann Lamont): I am pleased to be able to make a statement on the Executive's progress in preparing to implement the European Union directive on the energy performance of buildings. The directive will ensure that building standards throughout Europe place a high emphasis on minimising energy consumption and will encourage actions to reduce energy use in buildings throughout Europe without requiring huge additional expenditure, while perceptibly increasing the comfort of users. The measures, which in essence address all energy consumers, are a vital component of the EU's strategy to fulfil its commitments under the Kyoto protocol.

I emphasise that we see the directive not as an imposition, but as action that builds on the important reforms and modernisation of the building standards system that we have undertaken over the past five years. We now have a robust yet flexible structure that will ensure that all new buildings meet the standards for safety, energy efficiency and accessibility for all. The duty of verification against those standards has been given to local authorities, and competent professional groups have been given the opportunity to gain recognition by becoming approved certifiers.

To ensure a strong professional base to the system, we have established the Scottish Building Standards Agency which, in accordance with our relocation policy, operates successfully from Livingston. The agency works to raise standards and issues technical guidance, and has already begun the process of auditing certifiers and verifiers. I record our recognition and appreciation of the hard work that has gone into not only the agency's establishment—with all the challenges that that presents—but the new system's introduction.

The European directive complements the work that we are already doing, and we intend to implement it in the most cost-effective way for Scotland. Energy performance is an area in which we can make real improvements. Saving energy is of benefit to everyone. It means lower fuel costs for building owners and householders, as well as lower national carbon emissions. We intend to encourage flexibility of design in new buildings through the higher standards, and to give clear

advantages to buildings that adopt low-carbon and zero-carbon solutions.

In existing buildings, the energy performance certificates will not only give a clear indication to everyone of how the building can perform, but include cost-effective improvement measures that the owner can consider adopting. The directive's implementation will contribute to the overall sustainability of the building stock while encouraging good design. Therefore, the directive will make an important contribution to the delivery of our sustainable development objectives.

In the new sustainable development strategy that the Minister for Environment and Rural Development is launching today, we make it clear that Scotland, like other developed countries, is using an unfair and unsustainable share of the world's resources. The actions and commitments in that strategy, which include actions that will reduce our greenhouse gas emissions and improve Scotland's energy efficiency, will help us to limit our use of resources. That will become an important part of the proposed Scottish climate change programme.

In Scotland, we have long had standards for energy conservation in new buildings. Those have steadily been improved over the years, with major improvements being made in 1997 and 2002. Implementation of the European directive, taken with the current review of energy standards, provides an opportunity for further improvements in new and existing buildings. Research shows that more than 40 per cent of energy use relates to buildings. The purpose of the directive is to increase public awareness and to encourage a reduction not only in energy use but in CO₂ emissions.

However, public support for the directive could be lost if it proves to be expensive to implement. Therefore, we have been working to ensure that we can apply the directive without imposing unnecessary burdens on building owners.

The directive requires us to adopt a methodology that expresses the energy performance of buildings as a single figure or indicator. That method will take into account all the aspects that affect energy use in a single calculation procedure, which will usually involve computer software. Examples of energy-affecting aspects include boiler efficiency, heating controls, thermal insulation, renewable energy sources, climate and glazed areas. The effects of items such as household appliances and industrial plant are excluded.

The methodology is being developed in line with that which already underpins the standards that we set for new buildings. All buildings, extensions and alterations are already required to meet the

energy standards of the building regulations, which set the highest thermal insulation requirements in the United Kingdom. A review of those energy standards has been under way for the past year, and we intend to consult on a further upgrading early next year. That fulfils one of our partnership agreements to strengthen building standards in order to improve energy conservation and to consult on ways to incorporate renewable energy sources increasingly into new homes and public buildings. In such upgrading, we are fully determined to ensure that Scotland continues to have the highest thermal insulation standards in the United Kingdom. We also intend to focus activity on reducing CO₂ emissions, and on assessment of the building as a totality, considering all the influences on its energy efficiency.

The energy performance directive requires that, for new buildings, designers should consider installing building-integrated low-carbon or zero-carbon-producing energy-generating technologies. By that I mean photovoltaics, wind micro-turbines, combined heat and power, community heating and heat pumps. We intend to embody that within the revised energy standards.

The most obvious consequence of the directive will be the establishment of a system of energy performance certificates, which must be made available for buildings at construction, sale or rental. Our current intention is that those certificates will be made available to prospective purchasers and tenants by the current owners. The certificates should also be displayed at all times in large public buildings. We intend to phase in the certification requirements over the next three years, as permitted under the energy performance directive.

The energy performance directive also includes provisions on boilers and air-conditioning plant. We will comply with those provisions by ensuring that users of boilers are advised how to improve the efficiency of their systems. We are already discussing with the Energy Saving Trust how that can be done most efficiently and economically. For large air-conditioning systems, we will require inspection for possible energy efficiency improvements—again, we are in discussion with professional bodies about how that can best be achieved.

Although much has been done, we are still refining the detail of how certain parts of the energy performance directive will be implemented in Scotland. In particular, we are liaising with the Office of the Deputy Prime Minister to finalise a fully functioning methodology for non-domestic buildings. We are also finalising the details of how energy performance certificates will be made available when properties are sold, and how that

can be linked seamlessly to the plans for the single survey.

The directive will apply to virtually all buildings that use fuel and power to heat and cool their internal environment, including dwellings, shops, offices, hotels and cinemas. We shall use the exemptions in the directive gradually to expand certification and we will align the exemptions with our building regulations.

The certificates that will be required under the directive will provide owners and tenants with clear and accurate assessments of the energy performance of their buildings. A list of cost-effective improvements that will improve energy efficiency will be provided with the certificate. In the cases of new buildings and buildings that are put up for sale or rent, such certificates will permit prospective buyers and tenants to make more informed choices. We believe that that will encourage consideration of energy efficiency as part of the property-transfer system.

It is our intention to publish a consultation on the detailed procedures relating to directive implementation when we publish our proposals for the revised energy standards.

The Presiding Officer: The minister will now take questions on issues that were raised in her statement. I will allow about 20 minutes for that.

Richard Lochhead (North East Scotland) (SNP): I thank the minister for the advance copy of her statement. Despite the dry title of the directive, the statement is about the need to tackle fuel poverty in Scotland, to curb harmful carbon emissions and to use our energy efficiently. Given that 40 per cent of our energy is used in our buildings, making our buildings energy efficient has to be much more of a priority. We all live and work in buildings, so the measures that we are discussing today will help to engage everyone in the debate about energy efficiency.

I ask the minister to respond to concerns expressed by Energy Action Scotland and others that the new measures under the directive are so general and broad-brush that they will, if anything, be weaker and less effective than existing schemes. Does she agree that we need one simple energy rating scheme that can be applied right across the board and in which the energy rating of a building can be explained to people in language that they understand? If so, will she explain how what she has announced will achieve that, given that we will be left with many schemes, the weakest of which could be the one that the Government's own agency has chosen to promote to comply with the directive? The challenge in Scotland is not so much in making new housing more efficient but in dealing with older and colder housing stock. What assistance will be given to

householders to make their homes energy efficient and to pay for the necessary improvements?

Johann Lamont: That was a lot of questions. I do not accept that the measures are a weaker version of existing schemes. We are trying to raise public awareness and make people think about the efficiency of our buildings.

Capturing information on a label such those that are used on household appliances will allow people to understand in a straightforward way what is expected of them. We have accepted that we should, in the interests of public awareness, introduce measures that are simple and straightforward, that change attitudes, that do not encourage people to avoid the process and that tell people what they can do to improve their buildings.

Buildings differ around the country. Through the Scottish Building Standards Agency, we have developed a set of standards, the energy element of which is being reviewed. There is an opportunity for people to get engaged in the process. Our work is rooted in an understanding that buildings differ from one another and that there will be opportunities to generate the certificates at various points in buildings' lifetimes.

The directive should be seen in the context of the Housing (Scotland) Bill that we passed a couple of weeks ago, which sets down clearly that people have a responsibility to maintain their properties and that we should support them in that. That bill addresses those concerns. Furthermore, through the warm deal, the central heating programme and other Executive initiatives, we have demonstrated our commitment to addressing fuel poverty. The measures that I have announced today should be seen as tools to be used in the context of that work rather than as being something that is entirely separate from it.

Mary Scanlon (Highlands and Islands) (Con): Scottish Conservatives welcome the initiative to reduce energy consumption, emissions, waste, fuel bills and fuel poverty.

Will the directive take full account of older stone-built, solid-walled properties in rural and urban areas? I accept that the minister addressed that to an extent in her previous answer.

Given that work is currently being done on the purchaser information pack, what will be the likely cost of an energy efficiency certificate to a potential purchaser?

Johann Lamont: On the first question, there is no point in producing a certificate that is not relevant to a significant amount of the buildings throughout the country, but there is no point in having a centralised one-size-fits-all approach that would mean that the system is of no relevance to

people who live in certain kinds of property. The label will identify a building's energy rating and how its energy efficiency can be improved. The label will be particular to each building and the recommendations will be different for different buildings. That is an important part of the approach.

Some work has been done on the estimated cost of the certificates—I will provide Mary Scanlon with details later. We are clear that the purpose of the certificates is to raise public awareness, to make people think about energy efficiency and to help them improve their buildings' energy efficiency. Therefore, we do not want something that is not cost effective and that it is in people's interests to avoid. I assure Mary Scanlon that a focus of our work will be the need to make the certificates cost effective.

Mary Scanlon was right about the purchaser information packs; we have to ensure that the two elements come together. If our energy efficiency measures—or anything that we do in relation to the environment—are seen as something that gives people a row, or as something that they cannot engage with or do not see the point of, we have a problem. If people see the certificates as a burden, they will find ways to avoid them. We have to see the system as something that not only makes us feel better but has a practical impact on the quality of people's lives in their own homes.

Scott Barrie (Dunfermline West) (Lab): I assume that the energy performance certificates will operate similarly to the energy efficiency ratings that are now used for fridges and cookers. In relation to older buildings, how will we be able to ensure that we judge all buildings in the same way? What assistance will be given to owners who have older buildings that are more difficult to insulate than newer properties?

Johann Lamont: People can get a lot of advice and support from the Scottish Building Standards Agency. However, the first thing that people need to know is what their building is like and what its problems are. We are not giving people marks out of 10 in the sense that a new-build house will get 10 out of 10 and an old stone house will be viewed as a complete failure; we are simply saying that different buildings present different challenges. People should engage with those challenges, which is why we have produced the certificate in this form. If I hold up this sample certificate, the member can see what I mean. I hate to use visual aids. We did not have such glossy visual aids when I was at school; using this one might encourage me to be more bossy than usual.

I know that I am repeating myself, but it is important to state that we are trying to measure the energy efficiency of the building so that we can improve it; we are not trying to say that certain

types of building are beyond the pale and nothing can be done about them. We must all do what we can with existing properties and we must ensure that people support the directive and are not afraid of it.

Nora Radcliffe (Gordon) (LD): I endorse what the minister has said. She has described a helpful and practical way forward.

Will the introduction of energy performance certificates mean that we will be able to tap into devices that we use now—such as the national home energy rating scheme—in preparing certificates? When ascertaining the ratings for one's house, will the outdoor climatic and local conditions be taken into account? I notice that the United Kingdom Parliament has established a directive implementation advisory group. Will we be able to tap into that group's expertise if we think it might be helpful?

Johann Lamont: We have to tap into whatever expertise exists. Indeed, Dr Paul Stollard, who heads the Scottish Building Standards Agency, has received a national award for the quality of his work. There is no doubt that there is expertise in Scotland that can be used; we will also build on expertise that exists elsewhere.

We are keen to establish a straightforward method for the certificate. We want a methodology that makes sense for buildings, so people can then put that in the context of climate change. It would be unfortunate if the certificate identified buildings in the central belt on which nobody had done any work as being better quality and more energy efficient buildings than buildings that suffer more challenging climatic conditions and on which work had been done.

We place ourselves in context looking at the label, rather than feeding that into the methodology.

Patrick Harvie (Glasgow) (Green): I thank the minister for her statement. She mentioned that the Scottish Executive sustainable development strategy is also being launched today; it describes energy efficiency as a "major priority for Scotland." However, during the debates on the Housing (Scotland) Bill, the Executive blocked an attempt to introduce statutory energy efficiency targets. Today, the minister announced the implementation of the directive. One non-governmental organisation has described its implementation as a "cheap and cheerful approach" that is based on a Scottish energy rating tool that is inaccurate, untried, lacking in independence and not transparent. If the Executive had cracked the whip, that directive and the three year phase-in for the energy performance certificates could have been in place by now.

The Presiding Officer: Do you have a question?

Patrick Harvie: Cannot the Executive's approach to energy efficiency best be described as haphazard?

Johann Lamont: The member said "cheap and cheerful" but being happy must keep him going. It does not take the debate forward to see nothing in what is said or done across the Executive, or to characterise the directive as doing absolutely nothing. If people who are committed to the environment, such as the Green party, do not recognise progress, or that people have shifted and are wrestling with the arguments, we have a dialogue of the deaf. What, then, is the point of dialogue at all?

I do not recognise the member's characterisation of that NGO's comments. This step has taken three years because we want to get it right—we want to do it properly. If it is "cheap and cheerful" and it works, so be it. The labelling on fridges is cheap and cheerful, but it has transformed how people buy fridges. Cheap and cheerful is all right by me; expensive and complex, which is ignored or avoided, is not the best approach. Of course, we will keep all that under review.

Patrick Harvie said that the Executive blocked the introduction of statutory energy efficiency targets, but during debates on the Housing (Scotland) Bill, Parliament accepted that the targets that the Green party sought were inappropriate. The Executive is developing a full energy strategy, and it will be appropriate to proceed with it through the directive. It is nonsense to characterise implementation as being non-progressive. It is hugely significant. The debate on the matter has developed over time. Proper dialogue with people who care about these things—rather than saying that it is all rubbish and does not take us anywhere—will help us to make progress.

Frances Curran (West of Scotland) (SSP): If the Executive is not to establish regular inspections of boilers that are fired by non-renewable liquid or solid fuel, or assess buildings' heating requirements, and will provide to users only advice on replacement of the boilers, I ask it to think again because I do not see how that will achieve the directive's objectives.

I urge the Executive to go one step further, in line with its commitments on the Kyoto protocol. Will the minister assure us that there will be sufficient numbers of appropriately qualified inspectors to certify buildings, draft recommendations and inspect boilers and air conditioning? If there are insufficient numbers of inspectors, how will the Executive address that situation, given the tight timescale for implementation of the directive?

Johann Lamont: Frances Curran is another member whom the festive season has obviously got to. I am not often described as cheerful, but in the present company I am beginning to look at bit more so.

I acknowledge the point about capacity, but it is because the Labour Government has developed and invested so much in our infrastructure and in building in communities such as my own that pressure has been put on the construction industry. The central heating programme has resulted in a huge demand for engineers and so on. Our approach to such matters has produced economic and employment benefits, but we recognise that there are issues around that.

On boilers, we must balance the impact of what we do against the cost of doing it. Cost must be a consideration—we have to think about other ways we could spend the money. If we advise people and they change their boilers because they are persuaded that doing so will benefit them and their community, that is progress. Through development of the building standards it is possible to create an incentive for installing more energy efficient boilers. There is more than one way of developing that agenda. I repeat: it is because of the Executive's commitments on energy efficiency that such work is being generated. The Executive is not dragging its heels and it views the directive in the context of work that has been going on for some time. In the United Kingdom, we lead the way on energy efficiency.

Margo MacDonald (Lothians) (Ind): I assure the minister that I love "cheap and cheerful" and I thank her for prior sight of her statement.

I am interested in the timing of implementation. The way I read the situation, the UK would need to obtain a derogation to allow Scotland to do what Scotland plans to do, because I believe that we are the only country in Europe that is advocating a form of self-certification. The minister's department may have heard word to that effect from the EU energy performance of buildings directive implementation advisory group. From speaking to people south of the border, I know that they are rather concerned that we are completely out of step with the rest of Europe.

In relation to the energy performance of new buildings, large buildings or buildings that are visited by a large number of people, can the minister give me any indication of what energy rating the Parliament building will score? Will we start on an AA rating or will we end up getting a G? We will have to display the relevant literature prominently in Parliament from 4 January.

Johann Lamont: Derogation would obviously be a matter for the UK Government, but what is

proposed is not self-certification. With buildings that are not captured by the single-seller survey or buildings that are not new, for example, people will have to fill in a questionnaire. If the local authority has any doubts about the information that is provided, it will be able to check it. We do not think that the proposals amount to self-certification.

On the Scottish Parliament building, a label will have to be put up. However, we are talking about how to make more energy efficient the diversity of buildings throughout Scotland. If we were to consider energy efficiency alone, we would only ever build large cubes; we would not take into account aesthetic considerations or anything else. In any building, energy efficiency has to be balanced against aesthetics. We appreciate the problems that tower blocks created in our cities and I am sure that we would not want to advocate them anywhere else on the ground of energy efficiency. We must balance different factors. When all the sums have been done, we will all be able to judge whether the correct balance has been struck in the Parliament building.

The Presiding Officer: I have been generous with opening questions and we have five questioners still to come. I will get them all in if questions and answers are significantly tighter.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): I welcome the minister's statement and I am sure that many buyers of new houses in Cumbernauld and Kilsyth will welcome the information that will be made available to them. We know the energy efficiency ratings of the cars and electrical goods that we buy and we should have similar information on the energy consumption of homes and public buildings.

As the certification requirements will come into force over the next three years, I am sure that the Executive will want to consult on who should measure the energy efficiency of people's homes. However, if my constituents approach me in the next wee while to find out that information because they have seen the publicity that today's statement will no doubt generate, to whom should I direct them?

Also, will the minister explain how the recently passed Housing (Scotland) Bill will link into those requirements?

Johann Lamont: The member asks how certificates will be generated. For many houses, that will be done when the house is being sold or built; that responsibility will need to be met before a completion certificate is issued. For housing association properties, we are working with the associations on developing the methodology and on support for their staff. Obviously, individual property owners will need to contact their local authorities and, ultimately, the Scottish Building Standards Agency.

As Cathie Craigie pointed out, the information needs to be relevant. Our clearly held view is that energy efficiency certification is in the context of our policies on ensuring that people take responsibility for maintenance of their property, and on promoting understanding of how we can improve matters globally by taking local action. That is very much the message behind the housing legislation and the practical approach that I have announced today.

Rob Gibson (Highlands and Islands) (SNP): Will the minister help us by stating how progress will occur? Energy performance certificates will apply when buildings are built, sold or rented. What percentage of our buildings are built, sold or rented each year? Given that 700,000 existing homes need to be climate proofed, how soon can we expect Scotland's housing stock to be up to scratch for this century's needs?

Johann Lamont: Given the pressure that I am under from the Presiding Officer, I am sure that the member does not expect me to give all those figures off the top of my head, which are likely to be out by a couple of thousand in any case. I will provide the member with that information.

We appreciate the scale of the task, which is why we will take three years to introduce the requirements. Despite the concerns that members have flagged up, I hope that there is consensus on the need for action, which must be practicable and deliverable. That is the context in which we are taking the matter forward.

Sarah Boyack (Edinburgh Central) (Lab): I welcome the minister's announcement that she will link energy efficiency with renewables and, in particular, that public sector procurement will be used to drive that agenda. I also welcome her suggestion that the single seller survey will provide us with the chance to make every householder aware of the energy efficiency opportunities that are available in existing properties.

What practical incentives will be introduced to persuade people so that we improve the energy efficiency of our housing stock? Will she examine the Energy Savings Trust's research that suggests that a discount of £50 to £100 on council tax is required to make people really engage with energy efficiency so that they do something about it?

Johann Lamont: On the member's first point, the Executive has recognised the importance of public sector procurement. The Executive will work on its own buildings as speedily as possible so that we can lead the way on that.

It is important that the single seller survey gives relevant information not just on how much it will cost to get a mortgage on the property but how much it will cost in the wider context. That will be helpful.

Of course we will consider any research that is available. Energy efficiency has clear incentives, because it is about being cheap and cheerful. Promoting energy efficiency is about doing good things, but it is also about seeing the benefits inside the home, so that the home is comfortable and is a warmer and healthier place to be.

Mr David Davidson (North East Scotland) (Con): I will be brief. Given the £139 million black hole that is currently faced by local government, will councils be fully funded for any work that they do on the project? Where will the Executive get the inspectors from? She did not answer the question when it was asked, so will the minister say what grant aid will be available for people who want to update old property?

Johann Lamont: The grant aid must be put in the context of the investment that we are already putting into housing as part of the housing legislation that Parliament has passed.

We want implementation to work: we will ensure that it does. The information will come through in different ways. For example, in properties that are subject to a single seller survey, we expect that the information will be provided through the survey. We will look at what information exists and we will make use of it. Creating huge amounts of expense would not necessarily deliver either the change in attitude or the better homes that we want.

Christine May (Central Fife) (Lab): I am sure that the minister will agree that for many years housing associations have delivered some of the best-quality energy efficient new build. In extending energy efficiency across the whole housing system, what discussions has she had with the Scottish House Builders Association? How will she ensure that all builders of new housing give purchasers the certification and information that we are discussing?

Johann Lamont: There is on-going discussion with house builders and developers, to which my colleague Allan Wilson has been party. It is important that there should be on-going discussion to bring about good and effective development through our planning legislation. We will work with the developers so that they understand that the credibility of the development industry is dependent both on our using enforcement to ensure that it delivers what it says it will deliver and on the setting of new standards. We should recognise and celebrate that. The Scottish Building Standards Agency is looking closely at ways of encouraging and incentivising people to take on that shared agenda and to make use of the opportunities that new build provides.

Interests of Members of the Scottish Parliament Bill: Stage 1

The Presiding Officer (Mr George Reid): The next item of business is a debate on motion S2M-3633, in the name of Brian Adam, on the general principles of the Interests of Members of the Scottish Parliament Bill.

15:06

Bill Butler (Glasgow Anniesland) (Lab): In February, the Parliament debated the Standards Committee's first report of 2005, entitled "Replacing the Members' Interests Order". The report set out the proposal that the committee should introduce a committee bill to replace the subordinate legislation that currently governs the registration and declaration of members' interests—that is, the Scotland Act 1998 (Transitory and Transitional Provisions) (Members' Interests) Order. During the debate and in the report, the committee set out the policy provisions that were to be contained in the bill.

The Interests of Members of the Scottish Parliament Bill was introduced on 12 September. Members have had three months to study the detailed provisions that give effect to the policy proposals. The bill is entirely consistent with the proposal that was agreed by Parliament in February. It contains no provisions that were not set out in the committee's report. Members will be delighted to hear that I do not intend to take them through all the sections of the bill. Instead, I will touch on certain points, leaving members to comment on the provisions that have engaged them.

Before I get ahead of myself, it may be worth restating briefly why we are debating the general principles of a bill when we already have a piece of legislation that governs registration and declaration. The Scotland Act 1998 states:

"Provision shall be made for a register of interests of members of the Parliament".

"Provision" is defined as

"provision made by or under an Act of the Scottish Parliament".

We are currently working under the members' interests order that was made at Westminster in 1999. Its full title tells us that it is a "Transitory and Transitional" piece of legislation. The final article of the order states that the order

"shall cease to have effect on the day appointed by or under an Act of the Scottish Parliament."

Clearly, we have an obligation to introduce legislation in Scotland to govern the interests of members of the Scottish Parliament.

However, the Scotland Act 1998 places some constraints on what we can include in our legislation, some of which did not apply to the existing members' interests order. The committee has had to work within the parameters that are set out in the 1998 act in order to produce the bill.

The 1998 act requires that we make provision for the registration of financial interests. During sessions 1 and 2, members have been required to register those interests and to make appropriate declarations. The act also requires us to make provision for preventing or restricting a member from participating in proceedings of the Parliament when he or she has an interest that relates to a matter under consideration. That does not mean that we would or should prevent a member from raising an issue in which they have a registrable interest or participating in any proceedings of the Parliament. It means that if a member fails to make a registration, the Parliament may prevent or restrict them from taking part in certain proceedings.

The 1998 act also states that we must make provision for excluding members from the Parliament for breaches of the rules on registration and declaration of interests. That is the way in which the Parliament can apply a sanction against a member who has broken the rules. All those points are provided for in the bill that we are debating today.

Section 39(4) of the Scotland Act 1998 also forbids

"advocating or initiating any cause or matter on behalf of any person, by any means specified in the provision, in consideration of any payment or benefit in kind of a description so specified".

The bill sets out clearly what is included in "by any means" and

"payment or benefit in kind"

The members' interests order referred to the broader term "remuneration", which could be construed as capturing more than the Scotland Act 1998 intended.

The paid advocacy provisions in the bill now make things clearer. They spell out the connection between the receipt of a payment or benefit by a member and the undertaking of action in proceedings of the Parliament. Some forms of benefit are excluded deliberately from the provisions, such as assistance in the preparation of a member's bill, and we think that that is correct.

Section 39(6) of the 1998 act states that any member who

"takes part in any proceedings of the Parliament without having complied with"

the rules on registration is guilty of a criminal offence and it sets out the legal sanction for the

offence. That is required by the 1998 act. The committee considered whether it could revise the requirement in any way, but it is not within our gift so to do because we cannot amend the Scotland Act 1998 and must live under its provisions.

It is not the intention of the Parliament or the committee to make criminals out of members for something relatively minor such as missing a registration deadline by a day. However, the Parliament cannot introduce a defence to such offences. The bill attempts to get round the problem to some extent and to minimise, if not remove, the chances of a member breaching the provisions unknowingly and committing a criminal offence by use of the prejudice test—I will talk more about that in a moment. However, to recap, the Scotland Act 1998 is the starting point and the requirements of section 39 must be reflected in the provisions of any bill on members' interests that the Parliament produces.

A general point about the members' interests regime is that if a member has an interest in a particular field, the legislation is not designed to prevent the member from talking about that area or raising issues about it in Parliament. The purpose of the legislation is to ensure that observers are informed that a member has an interest or knowledge that might influence his or her thoughts or actions. It does not prevent the member from taking part, but it allows observers to make up their own minds about the content of the member's speech or the action taken by the member. It is for observers to decide for themselves, with the knowledge of the member's background, whether the words or action have merit.

I turn to new provisions in the bill and, as I said I would, I come back to the prejudice test. It is perhaps disingenuous to describe the test as new; it might be more correct to say that to include it in the legislation is new. I refer members to article 5(1) of the members' interests order. The prejudice test is the same test that members use currently to decide whether an interest is declarable and whether they should make an oral declaration before participating in proceedings of the Parliament.

The committee believes that the prejudice test is extremely useful. I know that one of the biggest criticisms of the members' interests order is that its wording requires members to register Christmas and birthday gifts from their partners or spouses if the gift happens to be generous and therefore over the threshold for registration. The committee could have instructed that the new bill contain a list of exempt family relationships and any interests pertaining to those persons would have been excluded from registration. However, we believe that it would be difficult to set out an

exhaustive list to reflect modern family relationships and anomalies would inevitably result from such a process. The committee believes that the prejudice test gets round that and is fairer to everyone.

Although we have retained a registration threshold for gifts of £250, I would ask myself whether a gift that is valued at, say, £300—or of any value—from my wife at Christmas is likely to influence my actions when I am taking part in the proceedings of the Parliament or whether her gift might prejudice my ability to participate in a disinterested manner. Given that the answer to the former question is obviously no, intra-family gifts will be excluded from registration.

If the prejudice test is not exactly a new addition to the members' interests regime, the bill's requirement for the registration of non-financial interests, as specified in schedule 2, is new. Members might recall from previous debates the reasons for the inclusion of that requirement, but it might be useful to restate them for the record.

There are three main reasons. The first is that the committee felt that non-financial interests potentially wield as much influence as financial interests do. Secondly, the registration of non-financial interests can provide information about a member's expertise or experience. Thirdly, the committee was mindful of the requirement that was imposed on councillors and others by the Ethical Standards in Public Life etc (Scotland) Act 2000 with regard to non-financial interests and felt, quite rightly, that there should be parity between the two pieces of legislation. Non-financial interests include unremunerated directorships and membership of voluntary and charitable organisations or sporting organisations and so on. Again, members will need to apply the prejudice test to determine whether an interest is registrable.

I should point out that an established failure to register a non-financial interest will not be a criminal matter. Instead, the Standards and Public Appointments Committee—and, perhaps, the Parliament—will take a view on it. The committee also felt that having a prescriptive list in the bill would make it unwieldy and would lead to the perennial problem of having to introduce further legislation to revise the list if an item had been inadvertently left off it. The intention is that, when the bill has been passed at stage 3, the committee will work on an indicative list that will be incorporated into the code of conduct. We hope to engage with all members and the Scottish standards commissioner in drawing up any such guidance.

Many, if not most, members already register non-financial interests in the miscellaneous category. The committee does not intend to start witch-hunts against members, which is why it

agreed that non-financial interests should not be treated in the same way as financial interests in that any breach of the act in that regard would not be a criminal matter but would be a matter for the Parliament.

The bill also gives members some flexibility by not specifying the full details of registration. Indeed, after it has been passed, it will allow for Parliament to make certain determinations on, for example, administrative arrangements for the form of the register and the written statements that are to be submitted to it. The advantage of such an approach is that the arrangements can be redetermined to suit changing circumstances. Any change can be made not by amending primary legislation but by a motion agreed by Parliament.

Under that provision, Parliament, if it wished, could determine how the value of an interest was to be expressed. For example, it could choose to determine that all gross income from heritable property of more than £1 should trigger registration; it could set the registration threshold at income of more than £5,000; or it could choose not to require specific sums to be mentioned but to specify bands of income instead.

The committee welcomes this afternoon's debate and looks for comments from members on the bill's contents. The bill is not set in stone. If the Parliament agrees to its general principles, we will have to work through a further two amending stages. Indeed, as a result of members' comments, the committee might well reconsider certain aspects of the bill and lodge its own amendments. For instance, we are aware of a few technical and tidying-up amendments that have to be lodged; in particular, the text might have to be revised because of the recent development of civil partnerships.

Members' interests legislation should be about openness and transparency. However, we must take a measured approach to ensure that we do not tip unduly into invading the privacy of a member or of his or her family. In that way, the legislation will safeguard the electorate's interests from corruption and abuse.

Overall, the committee has tried to hold to the original consultative steering group principles of openness and accountability, and we hope that the bill reflects them.

I move,

That the Parliament agrees to the general principles of the Interests of Members of the Scottish Parliament Bill.

15:19

Tommy Sheridan (Glasgow) (SSP): I am very pleased by Bill Butler's comments and, indeed, take his refusal to refer to my amendment as tacit consent to it. I hope that, given the amendment's

reference to the Standards Committee's 2002 report "Replacing the Members' Interests Order: Interim Proposals for Consultation", the Parliament will accept it.

Bill Butler: I thank Mr Sheridan for his kind words, but he should not regard my not commenting on his amendment as tacit acceptance of it. It is up to members to decide, after hearing Mr Sheridan's words in support of his amendment, whether they agree to it or not. If Parliament does not agree to his amendment today, I am sure that the committee will reflect on Mr Sheridan's views afterwards.

Tommy Sheridan: We have a standard of debating procedure whereby those who are moving motions usually comment on the amendments to their motions. Mr Butler never commented on my amendment, so I can only take it that he accepts the sensible amendment that I have lodged, which is 100 per cent in line with the general principle established in Standards Committee's 2002 report: that we must recognise the need for an

"appropriate balance between respect for individual privacy and the need to ensure transparency and high standards of probity in the Parliament."

I would argue that it is essential for high standards of probity in the Parliament that an interest be declared by members who live some 90 minutes away but who use an allowance available to them as MSPs to purchase a property in Edinburgh at public expense from which they are then able to profit privately. That should have to be publicly declared. Most people in Scotland—

Stewart Stevenson (Banff and Buchan) (SNP): Will Tommy Sheridan give way?

Tommy Sheridan: I will give way in a moment.

Most people in Scotland will be unaware that, since 1999, 48 MSPs have claimed an Edinburgh accommodation allowance to purchase a private property. They will be unaware—

Nora Radcliffe (Gordon) (LD): Will Mr Sheridan give way?

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Will Mr Sheridan give way?

Tommy Sheridan: I will give way in a moment.

People will be unaware that that accommodation allowance, according to the Presiding Officer, is designed to ensure that members, in discharging the important elected office that they hold, are not left out of pocket for providing an effective service to their constituents and to the Parliament. I could not agree more. However, what people will not accept is that those individual members should be able to pocket tens of thousands of pounds by selling on a property that the public have bought

for them via the Edinburgh accommodation allowance. That is unacceptable.

Stewart Stevenson: I thank Tommy Sheridan for accepting an intervention. It would be useful at this stage if he were to make clear that the issue at the core of his argument is that we should be accountable for how public money is spent on each and every occasion when it is provided.

Tommy Sheridan: We should be absolutely accountable at every moment for how public money is spent. My point is that most of the public do not even know that MSPs are able to purchase private properties—48 have done so—from which they can then personally profit. I do not think that anyone in the chamber—

Mike Rumbles: Will Mr Sheridan give way?

Tommy Sheridan: If Mike Rumbles will wait until I have finished my sentence, I will let him intervene.

I do not think that anyone in the chamber would disagree with a member choosing to purchase a property, rather than to rent or to pay hotel bills, if any personal profit was then paid back to the Parliament—in other words, if the public benefited from that process. However, what is happening is that overpaid MSPs are personally benefiting from the scheme.

Mike Rumbles: I thank Tommy Sheridan for eventually giving way. Does he not agree that he is misleading people and misrepresenting the facts? Does he not recognise that no money—none whatsoever—is provided by Parliament for the purchase of any property in Edinburgh? MSPs have to find that money themselves. Does he also acknowledge that, on 8 June 1999, by not opposing the motion that was carried that day that allowed that allowance to be made available, he accepted it? He has suddenly changed his tune, and I think that it is for political purposes.

The Deputy Presiding Officer (Murray Tosh): I will allow you some extra time, Mr Sheridan.

Tommy Sheridan: Thank you, Presiding Officer. There are a number of questions to answer. First, I do not think that I am alone among MSPs in admitting that I was unaware of the contents of an allowance scheme that would enable well-paid politicians to purchase a property at public expense and then privately pocket the profit. I was unaware of that, but as soon as I became aware of it, at the end of 2001, I complained to the Presiding Officer, Mr Steel, and I have been pursuing the matter ever since over the past four years.

Mr Rumbles made the point—it is marvellous that he did so as it enables us to get to the smoke and mirrors—that the public do not provide the money for the purchase of a house. I do not know

how Mr Rumbles knows that. I asked the Parliament to tell me for how many of the 48 mortgages the Parliament paid for 100 per cent of the mortgage and for how many the Parliament paid only the interest, with a capital repayment sum paid by the member, but the Parliament told me that it will not give me that information. If Mr Rumbles is telling me that, of the 48 mortgages that the public have paid so that members can have private homes, some have been only for the interest only and some have been for 100 per cent of the cost, I wish that he would provide me with the details. The truth—

Mike Rumbles *rose*—

Tommy Sheridan: Sit down, sir.

The truth is that it is uncomfortable for Mr Rumbles and for many other members to accept that this is an inappropriate use of public funds. It is inappropriate for public funds to be used to enable MSPs to buy a second house in Edinburgh, sell it on and pocket the difference. The practice is wrong.

Brian Adam (Aberdeen North) (SNP) *rose*—

Bruce Crawford (Mid Scotland and Fife) (SNP) *rose*—

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

Tommy Sheridan: This is not a question of left or right; this is a question of right and wrong. It is wrong for public money to be poured into the pockets of MSPs who are already well paid. We must change that situation. One of the ways of changing it is to force at least the declaration of the payments. We should get the matter out into the open. In the Interests of Members of the Scottish Parliament Bill, we should force the declaration that each individual member who has managed to benefit personally via the Edinburgh accommodation allowance has to register that benefit. That would enable the public to see how the Edinburgh accommodation allowance is being inappropriately used. I move the amendment in the interests of transparency and probity. I hope that members will support it.

I move amendment S2M-3633.1, to insert at end:

“but, in so doing, considers that it should cover homes which have been purchased under the Parliament's accommodation allowance and that amendments should be brought forward at Stage 2 to achieve this purpose.”

15:27

Linda Fabiani (Central Scotland) (SNP): Welcome to the voice of reason. All I will say in response to Mr Sheridan and his amendment is that if he wants to ask me about my Edinburgh flat, I will tell him about it. It is that easy—he does not

need to rant about it. I am sure that that goes for most of my colleagues.

We are here to debate the Interests of Members of the Scottish Parliament Bill. Progress on the bill was well under way before I became a member of the committee. I am impressed by the work that has been done over nearly five years to try to get the bill right. We must get it right. As Bill Butler said, we are obliged to bring forward a bill to replace the members' interests order.

The bill relates to the principles on which the Parliament was founded; they are basic principles on which we can all agree. We might disagree about who has the most wisdom—personally, I think that it is Scottish National Party members. There is, in general, willingness in the Parliament to examine the issues properly and proceed on the basis of evidence that is presented to us.

We seek justice in many forms—we may not agree on the best path to deliver it, but at least we already have a firm parliamentary tradition that insists that injustices cannot be swept under the carpet. There is a common desire for the delivery of justice.

As far as compassion is concerned, each member can look to themselves on that one.

The principle of integrity is the one that links into what we are doing today at stage 1 of the bill. We must ensure that we are personally and collectively as a Parliament accountable to the electorate and the population. However, the process must be proportionate and workable. That is why I give credit to those who have worked hard on the bill and to those who have responded to requests by committee members to put forward their points of view.

The issues can be difficult, although some of them are obvious. Bill Butler mentioned paid advocacy. It is obvious that members should not take payment for putting forward points of view in the Parliament. The point about overseas travel is also fairly obvious. Other things are not so obvious, however. When I joined the committee, the prejudice test was being discussed. The issue at the time was one of members having to consider their interests objectively in the light of a perception of gain. Although such perceptions can be actual or guided by others, all of us recognise their importance.

Nowadays, perceptions are quite often seen as fact. An awful lot of members feel that that is the case and recognise the difficulties in having to deal with them. We have to try very hard to do everything that we can to ensure that perception is not seen as all and that the facts are made available.

Responsibility for the issue does not lie only with the members of the Standards and Public

Appointments Committee; it is one for all MSPs. It is a good thing that an ad hoc committee is being established for stage 2. It means that members other than those on the Standards and Public Appointments Committee will look at the matter. It is also good that the ad hoc committee will take forward the views that are expressed in today's debate, look at the issues in a brand new light and, following its stage 2 deliberations, bring the matter back to the chamber.

Members of the ad hoc committee should be given a certain leeway; they should be allowed to be imaginative and not feel that they have to say, "Oh, we have already agreed the principles—some of them are set in stone." As Bill Butler said, some principles are set in stone under the Scotland Act 1998—to do with criminal offences, for example—but we can look again at other things. The committee will bring the bill back to the chamber for all of us to consider again.

Too often in the Parliament, we just let others get on with things—I am as guilty of that as the next person—and then, when something is put down in black and white, we all go, "Oh, gosh! I didn't realise that that was going to happen," and panic ensues. I urge all members to speak to the members of the ad hoc committee about any of their concerns. In that way, the ad hoc committee will get a broad picture of the views of MSPs on the matter.

15:32

Alex Fergusson (Galloway and Upper Nithsdale) (Con): In the debate in February, to which other members have referred, I said:

"Frankly, I believe that anyone who sees fit to vote against the motion should not come under the auspices of the order because they should not be a member of the Parliament."—[*Official Report*, 24 February 2005; c 14799.]

I stick to what I said then. As other members have pointed out, the Standards Committee was given its remit on the matter under the Scotland Act 1998 and has had no choice but to continue to take it forward.

This morning, I reread the *Official Report* of the February debate. I was struck by many of the wise words that were said, not least these—which I would think are wise, because they are my own. I said:

"I believe that a requirement to declare every single tiny facet of our existence would constitute a gross intrusion of members' privacy, to the extent that it could even put people off any ambition to be a member of the Parliament. That would be a retrograde step. There is a limit to the amount of intrusion that any register should involve and we must be careful that we do not step over that limit."—[*Official Report*, 24 February 2005; c 14800.]

With the benefit of hindsight, which we now have, I say without hesitation that we have

stepped over that limit. I say that because I have met somebody who has drawn back from his original intention to become a member of the Scottish Parliament. That is deeply regrettable, not because of the individual involved, who may or may not have been a terrific member, but because we want everyone to aspire to becoming a member of the Parliament. If people are put off that prospect by what we have effectively imposed on them, we as an institution will be considerably the poorer.

We are not an exclusive institution but, if we are not careful, we may find that we have helped to build one. It is important to remember that, until now, input to the bill has been made only by committee members. As Linda Fabiani said, it is healthy that the matter is now to be handed on to a wider selection of members.

The committee has done a pretty good job of getting the bill to this stage, given the remit that the Scotland Act 1998 imposed on us. We have all laid down little markers for the changes that we would like to see and I believe that we have done the job that we should have done in coming to a consensual agreement on what to lay before the Parliament.

We have been driven by circumstances that are rapidly changing. It is right that we should reflect on one or two of the proposals of most concern as we hand the bill over. I am particularly concerned about the onus on members to register interests—be they shares or heritable property—that are owned by spouses or cohabitantes, because that raises serious problems. Donald Gorrie said in the debate in February:

“It is quite wrong to ask a partner or spouse to declare such a shareholding. Progress in recent years in the system of taxation has seen husbands and wives taxed separately—after all, they are separate people.”—[*Official Report*, 24 February 2005; c 14803.]

Indeed they are. In this day and age, increasingly they will not be too keen to hand over information to their partner or spouse.

Stewart Stevenson: Will the member give way?

Alex Fergusson: I notice that Stewart Stevenson intervened on Donald Gorrie at exactly this stage in the debate in February.

Stewart Stevenson: Does Alex Fergusson think that the financial services legislation that precisely provides for the interlocking interests of people who are employed in the financial services industry and who are husband and wife—the legislation has applied for 20 years—is equally invalid?

Alex Fergusson: I refer Stewart Stevenson to the *Official Report*, column 14803, and the answer that Donald Gorrie gave to him when he made that

point in February. It is a perfectly valid point, but Donald Gorrie answered it much better than I could.

This business of the heritable property of a spouse is a potential minefield. Let me give a brief example. If my wife was to inherit a piece of heritable property and I said, “Well, that’s very nice, dear, but I’m just off to work this morning and I’m going to register it in the register of members’ interests,” she might reasonably say to me, “Over my dead body. I am not having every Tom, Dick and Harry and member of the press knowing what I have inherited.” Why should they, frankly, and why should I be put in the position of having to register that interest when my wife has asked me not to? I would stand accused of being extremely disloyal either to my wife or to the Parliament. I do not want to have to make that choice, because it is unfair. [*Interruption.*] Sorry, I missed that. If somebody said that the decision would be difficult, they could well be right, but I do not want to go down that line.

Mr John Home Robertson (East Lothian) (Lab): The decision is very easy.

Alex Fergusson: Yes, one would go to the Parliament.

I am also concerned about the use of the set figure of 50 per cent of MSPs’ salaries as a measure to register various items. Surely it should not be the value as a percentage of our salary that is registrable, but the degree of influence that the interest has on us. If I had £30,000-worth of shares in ScottishPower—which I do not—I would be totally unable to influence anything that the company did. However, if I had a £30,000 shareholding in a small company, of which I might or might not be a director—if I was, I would have to register that fact—I might be able to have a lot more influence on the company, certainly more than I would have with the same amount of money invested in ScottishPower.

I am struck by how things have moved on. I am concerned that every time we in this Parliament try to make ourselves more accountable and open—which is absolutely laudable and as it should be—we succeed in making it easier for those who seek to do us down to do exactly that and we end up being held in even less esteem. The loser in that equation is this institution and I do not want that to happen.

The changes have largely been fuelled by the Freedom of Information (Scotland) Act 2002. I challenge those who will consider the bill not to shirk from radical change, if they deem that necessary, and to “think the unthinkable”. I believe that those words were said by the Prime Minister to Frank Field. I hope that the ad hoc committee lasts longer in its role than he did in his.

15:39

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): The bill is welcome. I congratulate the convener and members of the Standards and Public Appointments Committee on bringing it forward.

First, I will deal with the amendment in Tommy Sheridan's name. I declare an interest as one of the members who receives the living in Edinburgh allowance, which, I take the opportunity to mention, is less than half what is available to our MP colleagues when they have to live away from home to represent their constituents. I resent the attempt to hijack this important debate about the registration of members' interests with such an unworthy and inappropriate amendment. It is clear that, under the bill, any accommodation that is used for residential purposes will simply not be registrable. Tommy Sheridan knows full well that allowances are an issue for the Scottish Parliamentary Corporate Body, not for the register of members' interests or the Standards and Public Appointments Committee. His comments are a bit rich, as he agreed to the allowances system when it was set up on 8 June 1999. He well knows that the interest on the money that an MSP has to raise is the only part that is paid and that, in many cases, it is cheaper for the public purse to pay the allowance than it is to pay MSPs to stay in hotels, but that is by the by.

Tommy Sheridan: I ask Mike Rumbles to take the opportunity to answer the same question that I will pose later to Linda Fabiani. As the accommodation allowance is meant only to cover expenses, will he give a commitment to pay back to the Parliament any personal profit?

Mike Rumbles: I make it absolutely clear to the Parliament that not one penny piece of public money has been used to purchase any flat that I have stayed in. That is the fact and Mr Sheridan should stop misrepresenting it.

I would like to focus on the issue that we are supposed to be debating. There is no doubt that the main focus of change in the bill is the proposed extension of registrable interests to include non-financial interests as well as purely financial ones. That welcome step accepts that many people view non-financial interests as having as much influence over MSPs as purely financial interests have; indeed, in many cases, they are seen as having much more influence. However, I have serious reservations about the committee's solution to the registration of non-financial interests. Under the proposed system, all 129 MSPs will be able to decide for themselves whether an interest can reasonably be considered to prejudice their participation in the Parliament's proceedings.

At first glance, it is surely a reasonable presumption that we are all able and sound enough to do that but, unfortunately, the outcome will be 129 different ways of judging whether an interest should be registered. There will then be a flood of complaints to the Scottish parliamentary standards commissioner, which will result in the commissioner judging whether interests should have been registered. The judgment on what should or should not be registered ought not to be left to the standards commissioner to make on the basis of what I call case law. I am sure that neither the standards commissioner nor MSPs want that to happen, but it will happen unless we alter the proposal.

We have only one reasonable solution, to which Bill Butler alluded. We must ensure that MSPs have clear and unambiguous guidance on what should and should not be registered. We need to amend the bill to give authority to a list of non-financial interests in the guidance notes. Such a procedure would allow additions and deletions to be made, perhaps by the Standards and Public Appointments Committee, without the need to amend the primary legislation.

Some of the objections to such a way of proceeding focus on the problem of having too unwieldy a list, but I envisage a relatively simple and straightforward list. For example, I suggest that we include interests such as being a director, trustee or patron of an organisation or company, being a member of a community or other type of trust and being a member of an organisation that has, perhaps, a membership fee of more than a specific sum. Those practical suggestions could be used in drawing up a definitive list that is designed to ensure that major non-financial interests are declared, while protecting MSPs from unwittingly falling foul of the legislation and all the unwelcome and undeserved negative publicity that that would attract.

Bill Butler said that the committee will work on guidance for members on what should or should not be declared, but at present there is no guidance. We cannot leave the matter so open. A short but definitive list would meet the public's expectations on members' openness and transparency about our non-financial interests and would avoid the obvious pitfalls that will emerge for MSPs if the bill proceeds without amendment.

The bill is good, although it needs to be amended in part at stage 2. I recommend that members support the motion on the bill's general principles, but I ask them to have nothing to do with Tommy Sheridan's rather disreputable amendment.

15:44

Mr John Home Robertson (East Lothian)

(Lab): I have just finished reading a book about corruption in Silvio Berlusconi's Italy, which is a pretty scary illustration of what can happen when there are no checks and balances and absolutely no transparency to protect against the abuse of power and trust by elected politicians. With that in mind, I whole-heartedly support the principles of the bill. Standards of probity in public life in Britain are high and we want to keep them that way. Donald Dewar was right to insist on even higher standards in the new Parliament in Scotland.

Having said that, I have a couple of questions about aspects of the bill that may need further thought. I wish to flag up a more fundamental point within the privacy of these four walls, in the vain hope that somebody in the media might hear about it somewhere down the line. Some colleagues may recall a statement that I made on 1 November 2000, after Henry McLeish had dispensed with my services as Deputy Minister for Rural Affairs. My problem was that I had fallen foul of a change to the ministerial code that referred to any "apparent" conflict of interests. As Linda Fabiani said, we are getting into the same territory with the bill.

Despite the fact that I could demonstrate that I had not had any remuneration from my dormant partnership in a family farming business, I was barred from taking any responsibility for agriculture policy, on the ground that somebody might suggest that there was a perceived conflict of interests. There is the same catch in section 3(2) of the bill, which says:

"An interest meets the prejudice test if ... that interest is ... considered to ... give the appearance of prejudicing ... the ability of the member to participate in a disinterested manner in any proceedings of the Parliament."

The application of that perception test prevented me from bringing the benefits of some understanding of practical agriculture to the Rural Affairs Department. I fear that such a rule could prevent anybody with any experience in any industry or profession from bringing that experience to our deliberations in the Parliament. The logical outcome of such a rule—

Brian Adam: Mr Butler pointed out that, if a member has declared such an interest, it does not prevent them from taking part in any proceedings of the Parliament. There is a big distinction between holding ministerial office, which is not covered by the bill, and taking part in parliamentary proceedings. I hope that that reassures Mr Home Robertson on that point.

Mr Home Robertson: I hope so, too. I want to test that, though, because it raises the question of what the rule is for. If it does not prevent a

member from taking part in proceedings, what is the point in having it? The logical outcome of such a rule is that people who have knowledge about specialist subjects based on direct experience might not be allowed to speak about it in the Parliament. I can see the attraction of that principle to those civil servants who rely on the ignorance of elected members, but is it really in the best interests of effective democracy? I do not think so.

Informed debate is good for the Parliament and good for democracy. I hope that we can attract more people with experience in the professions and in business to stand for election to the Parliament. My concern, which was expressed by Alex Fergusson, is that the rule could deter good potential candidates. The words

"to ... give the appearance of prejudicing"

in the bill would give the force of law to innuendo about conflicting interests. It is one thing to have innuendo in gossip columns; it is another thing altogether to cite the risk of such innuendo as a ground to prevent an elected member from taking part in a debate. I suggest that a solution would be to give the standards commissioner and, ultimately, the Standards and Public Appointments Committee responsibility to adjudicate on real conflicts of interest and to take perceived or imaginary conflicts of interest out of the frame.

My second point, which Alex Fergusson also touched on, may seem a minor one, although, like him, I think that it needs to be addressed. The bill contains a series of references to the interests of members' spouses. I cannot believe that I am the only member who has never seen their spouse's bank statement. I have absolutely no idea whether my wife has any investments or shares—it is none of my damned business, frankly. With the greatest respect, I do not think that the Parliament has the right to try to compel me to ask her to disclose such information. Let us be careful about that aspect of the bill.

Finally, like yesterday's disclosure of the details of expense claims, the bill is a genuine demonstration of the determination of the Parliament to be honest and open with our citizens. Is it too much to ask the Scottish print and broadcast media to acknowledge that honesty and openness and perhaps even to give Scotland's new democracy some credit for what it is doing? Or will the media just carry on looking for the next political scalp? It is statistically inevitable that any sample of 129 Scots will include some who will make mistakes, but let the journalist who is without blame cast the first stone in such cases.

Let us reflect on the record of scalp taking in the short history of the Parliament. I will not suggest that Henry McLeish's premiership was

characterised by great genius or even great eloquence, but did he deserve to have his reputation destroyed by innuendo about his expense claims? The answer is no. He ran a constituency office, as most MPs do, and there were technical errors in his claims for it. That was enough to put his head in the pillory. This year, we have had a similar hue and cry over David McLetchie. I can think of many good political reasons for sacking Tory MSPs, but how can it make sense to lose a competent party leader on account of taxi fares? There is nothing luxurious about trips to Queen Street in black taxis.

I am just suggesting that it is easy to destroy the reputation of people in public life on the basis of flimsy evidence. Many Scots fought long and hard to achieve our new democracy and we are rightly setting high standards of honesty, openness and probity in our new Parliament. We cannot afford to go on losing good public servants every time there is a feeding frenzy in the media lobby. That is an important point. I support the bill, but I hope that people outside the Parliament will consider my last point, too.

The Deputy Presiding Officer: I should point out to members that the debate is oversubscribed and that notes are being sent out. I would appreciate it if members would stick to the advertised time.

15:51

Stewart Stevenson (Banff and Buchan) (SNP): I speak in this debate in a personal rather than a party capacity. There are a few points in particular that I welcome. I welcome the introduction of the prejudice test, including the appearance of prejudice, which, ultimately, is as important as the fact of prejudice.

It is worth reminding ourselves that the bill, if passed, will apply after the next election. Therefore, new members will come to the Parliament with an understanding of the rules that cover their being here. I am slightly surprised by the faint suggestion that spouses do not make a joint choice when one of them decides to stand for the Parliament. In the interests of marital, cohabitive and civil partnership harmony, I encourage spouses to make joint decisions on that matter. That will help.

I worked for 30 years in the financial services industry and my wife worked as a stockbroker for another company in the industry. My brother, who, like me, is a computery person, worked for a third financial services company. For 20 years, we were required under legislation to declare to each other our shareholdings and when we bought and sold them. Thousands of people across the country—I mean Scotland when I say that—have to operate

under those rules. It is not draconian for MSPs to have to consider something similar for ourselves.

Robin Harper (Lothians) (Green): Surely those declarations are for one specific purpose—to prevent insider trading. Can that possibly apply to us?

Stewart Stevenson: The issue is about the ability to use information in a way that advantages one party without that information being available to others for scrutiny. That, in a sense, is at the core of what we are talking about today. I recognise that I am probably in a minority on that provision in the bill and I suspect that we will not proceed with it, but I merely make the point.

There is a strange discrepancy in the bill in relation to declarable interests. We have to declare registrable interests, but we do not have to declare interests that we have registered voluntarily. We should look at that. Tommy Sheridan, who has participated in the debate, declares in the register of interests that he writes for the *Scottish Daily Mirror* and that he receives no funds for that—it has done the *Scottish Daily Mirror* a lot of good, I notice. That is a voluntary registration. Quite properly, therefore, in his motion referring to the closure of the *Scottish Daily Mirror*, Tommy Sheridan has not had to indicate that as a registered interest. I think that he should have done so and that the rules should require him to do so. However, he has not had to do so at this stage. That is an example of where there is a slightly unfortunate crossover.

On the market value of shares, I have registered my shareholdings for some time—

Tommy Sheridan: Will Stewart Stevenson take an intervention on that point?

Stewart Stevenson: I have run out of time.

Tommy Sheridan: It will just be a short one.

Stewart Stevenson: Well, quickly.

Tommy Sheridan: I ask Stewart Stevenson, who mentioned the *Scottish Daily Mirror*, to join me in condemning Trinity Mirror's decision to close down that newspaper. As a Scottish nationalist, I am sure that he will join me in that.

Stewart Stevenson: Tommy Sheridan will see that I have signed one of the motions on the subject.

The market value of shares is the important thing, rather than their nominal value. I welcome the fact that the rule on that has changed. I have registered the market value of the significant shareholdings that I have—it was about 40 per cent of what I needed to declare in terms of nominal value. It is not clear, however, whether the bill relates to members' total shareholdings—I have shareholdings in probably more than a dozen

companies—or to each individual shareholding. We need further clarity on that point, but I am sure that we will hear about it when Brian Adam sums up. The bill refers to outside activity. I welcome the recognition that, when we MSPs are speaking or writing outside the Parliament, we should, properly, make reference to our interests.

Given our roles as politicians, I wonder whether the bill should require us to say whether we are in default of the Political Parties, Elections and Referendums Act 2000. I mention that in relation to the fact that Tommy Sheridan resigned as the leader of the Scottish Socialist Party on 11 November last year. If he had left it three hours later, it would have been the 11th hour of the 11th day of the 11th month, but that would have meant peace breaking out—which it obviously has not. The socialists are now five and a half months in default of section 42 of the 2000 act and they will surely be subjected to fines under section 147, as they have yet to submit their accounts for two years ago. The SSP gets Short money—in the party's 2003 accounts, its Short money came to around £25,500. Where is the accounting, the transparency and the declaration of what the socialists have spent that on? I say to Tommy Sheridan that it is rich of him to come here and accuse us of hypocrisy and a lack of transparency when he and his party are incapable of obeying the legislation and rules of this country.

15:58

Gordon Jackson (Glasgow Govan) (Lab): A register of interests is clearly a good thing. Having said that, I find it difficult to know what else to say, particularly in a debate such as this, in which members have said almost all that there is to say. Obviously, there should be openness and transparency, which must apply to the sort of things that we should be registering.

Any reservation that one might feel about the subject can be linked to the comments that John Home Robertson made about the nature of scrutiny and reporting in this country. It would be nice to think that openness and transparency on the part of the Parliament would be met by fairness and balance from the press gallery. However, as the man says, that would be like a third marriage—the triumph of hope over experience.

As far as the detail of the bill is concerned, only a few things strike me as giving rise to even a little difficulty. First, the declaration of a spouse's or cohabitee's interest might not always be entirely straightforward. John Home Robertson touched on that subject and Alex Fergusson spoke about it very helpfully. The days when a spouse—in the past, a husband in particular—knew every detail of his partner's affairs, at least their financial affairs,

are past. A partner who is not in public life might not wish all his or her interests to be disclosed. That can give rise to a number of problems.

Stewart Stevenson was obviously trying to provide a little guidance on relationships. The provision to declare a partner's interests might cause an MSP's partner not to tell them things that would otherwise be shared in their marriage. The partner will say, "I'm not telling my partner these things any more, because they will end up in the public domain." That is not exactly ideal. The non-MSP partner might allow the interests to be declared but resent it. Alex Fergusson might have a discussion with his wife in which she says, "Okay, if you have to do it, do it." However, the resentment would be there, which, again, is not ideal.

There will be situations in which the member does not register an interest because he or she does not know that it exists. They might discover it later on and then register it. They would have done nothing wrong, because they did not know about it and therefore could not be blamed. Nevertheless, when such a situation arises, my friends in the press gallery will, no doubt, cast doubt on the openness and good faith of the member. The member would be able to say as often as they liked that they did not know about the interest, but the press will not play it that way. There has to be some provision about spouses and partners, but I am uneasy about how it would work in practice.

Heritable property has to be declared, quite rightly, and its value included. It is to be declared without any reference to the debt that might burden it. It might appear from the register that people own certain assets of a certain value, but the actual value of what they own might be very different from what appears on the register. There is no provision for that, so the register could, at the very least, be misleading.

Oddly enough, there is one provision on which I go the other way. I notice that any donation to election expenses has to be declared if it is 25 per cent or more of the total expenses. I tend to think that, if anything, 25 per cent is too high. Bearing in mind the amount of election expenses, I tend to the view that any substantial donation to such expenses should be declared, even if it is below the 25 per cent threshold. We could consider lowering that threshold, as we would have to get quite a lot of money from one person before we reached it.

I find the prejudice test difficult. I understand the thinking behind it and the so-called objective test, but I am struggling with how it would work in practice. Today, I read again the words

"reasonably considered to prejudice, or to give the appearance of prejudicing".

Reasonably considered by whom? I presume that the member himself or herself has to make that judgment. Is such a judgment to be second-guessed by those looking on? If those looking on are going to second-guess those judgments, will they do so fairly?

I use the example that a member genuinely believes that a gift given to a spouse does not meet the prejudice test as he would view it as a fair-minded person. If that member is a high-profile politician—something that most of us do not need to worry about—those outside are, to put it mildly, not guaranteed to approach the matter fair-mindedly. The burden on the member then becomes not what he or she considers appropriate, but a fear of what others might unfairly pretend to consider inappropriate.

Someone might give a rich member or his partner £1,000. That sum would be pennies to that person and not in any way likely ever to influence them. They would say that there was no possibility of their being influenced by that sum of money and everyone would know that to be true. However, the same gift might be entirely different for another member, because of their personal circumstances. How is the reasonable prejudice test to be worked and by whom? Would it apply to different people in different ways?

The bill is to be welcomed. Perhaps it is as good as it can be and we cannot improve it. Perhaps the difficulties that I am coming up with to pass the time are inherent.

The Deputy Presiding Officer (Trish Godman): You should pass the time a bit more quickly. You should be finishing now.

Gordon Jackson: Indeed. Further discussion and thought might be useful.

16:04

Phil Gallie (South of Scotland) (Con): I refer first to Tommy Sheridan's amendment. I am entitled to obtain premises in Edinburgh under the existing rules of the Parliament, but I choose not to for personal reasons. However, I think that having that element built into the regulations for the members of the Parliament is important for people who might consider being a candidate for election to the Parliament or who might be fortunate enough to win an election. They would do themselves and their families no good whatsoever if they did not first check out the Parliament's rules, the salary that they would be given, the conditions on employing people and the ways in which they could afford to stay in Edinburgh and still serve their constituents many miles away.

With the greatest respect, therefore, I say to Tommy Sheridan that his amendment is unfair and

attempts to stir up a pot that does not deserve to be stirred. As far as I am concerned, if, at the end of their time in Parliament, a member makes some financial gain from property that they have bought, so be it. Members who left Westminster in 1992—the year when I was elected to Parliament—made financial losses on the properties that they had obtained in their time there. Westminster did not make up those losses; that was just the members' hard luck. There are swings and roundabouts.

In the first session of the Scottish Parliament, there was some talk about the possibility of having to register membership of the freemasons. I became involved in the debate when I said—perhaps slightly controversially—that never at any time will I register freemasonry involvement. I commit myself to exactly the same position today. I am a freemason and I am not ashamed to admit it. I joined the freemasons in 1958 or 1959, at my father's behest, and became a life member. I think that the last time that I was involved in the freemasons was in 1961 or 1962. Since 1992, I have been an elected member more or less continuously—first at Westminster and then here—and, in that time, no one has ever challenged me by saying that I was biased towards freemasons or against people of a different religion or whatever. Whether I am a freemason is totally irrelevant to how I perform my duties. That will be my argument when I am asked why I have not recorded the fact that I am a freemason, even though I am quite willing to admit that I am one. Committing my membership of the freemasons to paper in that way would suggest that I am implying that it is something that might influence the way in which I do my business. It is not and I will not commit it to paper.

I find other issues somewhat disturbing. As Alex Fergusson suggested, there is a question mark over how the value of shares can be determined. Shares can fluctuate. In this modern day and age, I would like to think that people across the land participate in share ownership—perhaps that dates back to my heroine's cause, although if I mention Mrs Thatcher's objective of creating a share-owning community, I will lose the sympathy of the entire chamber. It is important to recognise that the influence that goes along with shares—even if they are at the level of half our salaries—can be fairly minimal, whether in parliamentary debate or elsewhere.

Alasdair Morgan (South of Scotland) (SNP): What is important is not the influence that we have on the firm whose shares we hold but the influence that we might have on Government policies that might affect the price of those shares. Clearly, we in the chamber do not have much influence in that regard, but we might do at some stage.

Phil Gallie: The member makes an important point when he says that this Parliament has little effect on businesses that issue shares. Indeed, a few weeks ago, I spoke in an energy debate and declared that I had shares in ScottishPower. I will continue to do that; perhaps I should have declared such an interest at the beginning of the debate. However, when we speak of these issues, it is reasonable that members acknowledge any previous involvement in shareholding. With respect to ScottishPower, there was no chance that my shares, or the thousands of shares of others, could be used to influence that company through activity in this Parliament.

Finally, I would like to speak about my support for Alex Fergusson's comment on spouses' inheritance, but I am out of time.

16:10

Mr Kenneth Macintosh (Eastwood) (Lab): I have spoken in a few Standards Committee debates, most of them as the deputy convener. In all of them, I whole-heartedly supported the findings and deliberations of the committee. I want to speak in support of the bill, but in doing so I also want to strike a note of caution. I want to speak from my experience not just as a former deputy convener of the Standards Committee but as someone who has appeared before that committee as the subject of complaint.

It is interesting to note that the first three deputy conveners of the committee, myself included, have appeared before the committee—we have all been hoisted on the standards petard. I hope that my colleague Bill Butler, who is the current deputy convener, was warned to beware the ides of March when he was offered the post.

On a more serious note, my experience as a member of the committee and as the subject of a complaint has led me to question whether the bill will achieve everything that we expect it to achieve. We want to see the highest standards in public life, and we particularly expect those standards in this Parliament. However, many have used the standards system to do down individuals and the Parliament, and many more would do so again. This is not about individual MSPs—we all value our reputations, but, in the memorable words of Robin Day, we recognise that we are “here today, gone tomorrow” politicians. The reputation of the Parliament is more important. I do not recognise our work in the cynical and prejudiced coverage of our affairs. I am not interested in protecting the reputations of individual MSPs; I am interested in defending the reputation of the Parliament, which with every attack on standards is damaged in a corrosive and cumulative manner.

Although the standards system should punish those who abuse their office, it should primarily be part of a robust framework that prevents any such abuse in the first instance. The public is not protected by a system that exaggerates the trivial or translates slip-ups into misdeeds. The end result is lower public confidence and increased disengagement with the political process.

A number of points in the bill concern me. The principle of transparency rightly underpins many of the bill's proposals. However, some of the proposals are based not so much on transparency as on the suspicion that there is potential political corruption that must be penalised and eradicated. For example, MSPs' wives, husbands or cohabitees are required to declare any property or shares. As much as we all wish to have a wealthy partner at home, I cannot imagine that that will affect many of us. However, I object to the principle. Our wives or husbands did not stand for election, so why should they be subject to that requirement when they did not put themselves forward for public office? Do people think that members would transfer property into their partners' names to avoid declaring it? Will we have a bill that is based on and feeds suspicion? Will it be designed to catch people out? I believe that we will have a bill that guides and protects us in what we do, that is underpinned by rigorous systems and that everyone can have confidence in and understand. The line between our public and private lives is always shifting, but it is going too far for the bill to include those who have not been elected.

I am also concerned about the application of the prejudice test. As several members have commented, that applies not to interests that prejudice our behaviour but to interests that appear to do so. It is often described as the so-called objective test, but it is highly subjective. It varies hugely, according to our own values. For example, before an MSP is elected, they may have worked for a noble organisation such as Christian Aid. If they failed to declare that later, would that be interpreted in the same way as someone who failed to declare that they used to work for a cigarette manufacturer or a drug company? I am sure that fair-minded people will apply that test in a fair-minded manner, but let us not pretend that there are not many people, in the media and elsewhere, who have lost all sense of perspective about the Parliament.

As Bill Butler outlined, the bill could result in members being the subject of criminal sanctions against which there is no defence. If a member or their partner was to break the code of conduct, however unwittingly, they would be liable to criminal prosecution and would have no defence. Although those sanctions are written into the Scotland Act 1998 and are not to be decided on

solely by the Parliament, I still believe that a provision could be added to the bill that said that a member's motives should be taken into account when determining whether the code had been broken. To my mind, there is a huge difference between deliberately disregarding, or acting in defiance of, the code and unwittingly misinterpreting it.

There are many examples of cases in which our willingness to be transparent and open in our affairs has been used against the Parliament. We need only look at today's ridiculous coverage, which again describes MSP staff salaries and allowances as MSP expenses. However, despite the hostility of some people, we should stick to our principles. We should maintain our openness in the hope that we will encourage a new way of doing business and a new way of governing. I believe that we can rebuild trust in the political process and in the institution of Parliament, but that we will not do so if we support a system that elevates mistakes into misdemeanours and interprets errors as evidence of wrongdoing, or if we criminalise the inoffensive.

The purpose of the register and the code of conduct should not be to trip members up, but to protect the public, to maintain the highest standards and to guide us in our conduct in public life.

16:16

Margaret Smith (Edinburgh West) (LD):

Although many Liberal Democrat members have significant concerns about aspects of the bill, there are parts of it with which I agree. I agree with the points that Linda Fabiani and others made about overseas travel and paid advocacy. I agree, too, with John Home Robertson that we should ensure that the system that we establish is driven by the needs of our constituents and our needs as members, rather than by the needs of the media or, indeed, of parliamentary officials.

We must proceed with the bill because we have a statutory obligation to enact primary legislation to replace the members' interests order. It is clear that we must have a system for registering interests and that the system that we put in place must be transparent, reasonable and workable. What has come out of the debate so far is that many MSPs question whether the proposed scheme is workable or reasonable. I add my concerns to those that have already been expressed by Alex Fergusson, John Home Robertson, Phil Gallie—for once, I agree with him—and Ken Macintosh.

As Gordon Jackson pointed out, the bill contains a number of loopholes. For example, on heritable property, it is misleading that liabilities will not be

shown. People will see a figure that suggests that a member owns a property when it is clear that they do not. Only a partial picture will be painted. As we have seen from the stories about the allowances system that appeared yesterday and today, people—whether they are members of the public or the media—only ever get a partial picture, which is open to them to misrepresent as they see fit.

In his inimitable way, Gordon Jackson shot several holes in the prejudice test, which creates the perception that we cannot do our jobs in a disinterested manner. That impression could be used mischievously by some, because we are not dealing with fair media. Time and again, the public say that they want to be represented by people who have a range of life experiences, but the bill will establish the need to register non-pecuniary interests and will create the impression that only lily-white 20-year-olds need apply to be MSPs. Looking around the Parliament, I do not see many lily-white 20-year-olds.

I agree that a prejudice test would probably be preferable to an indicative test, but I think that the Standards and Public Appointments Committee must take on board the comments that colleagues have made today. I welcome Bill Butler's assurance that the bill is not about a witch hunt, but perhaps he can explain that to the tabloid press, which has already made use of information about non-pecuniary interests that members have supplied voluntarily for the register of interests.

What about our spouses, our cohabitees and—in time to come—our civil partners? They have never stood for election. Those of them who met, married or got involved with members after we had stood for election the first time were not involved in the process of our deciding to enter public life and most of them do a fantastic job, not only for us, but for the general public, in supporting us in the job that we do.

Many of our partners already feel that they live in a goldfish bowl, but their private assets are now to be opened up to public scrutiny. For what reason? What right do we have to force our partners to declare financial holdings and interests that we may not even know about? Indeed, as many members have pointed out, would it be even possible to do that? I thought that we were trying to find ways in which to attract good-quality people into politics and public life. In many ways, the bill would undermine that aspiration.

Crucially, the bill as it stands is also unworkable, as it would require MSPs to declare any interest prior to taking part in parliamentary proceedings. Most of us understand that to mean that, when we speak in a debate, we should say whether we have an interest, such as a shareholding. Most of us try to declare any interest in that way. However,

the bill would require us to declare any interest before every vote, so we would need to find a mechanism whereby members could do that. For every amendment at stage 2, every last-minute technical amendment at stage 3 and every manuscript amendment, we would need to know about the amendment, understand it and declare our interest accordingly if we were not to leave ourselves open to sanction.

Brian Adam: Will the member give way?

Margaret Smith: I am running out of time. Presiding Officer, do I have time to take an intervention?

The Deputy Presiding Officer: Mr Adam will need to be very quick.

Brian Adam: The member is absolutely right in what she said about voting, but that is a consequence not of the bill but of the Scotland Act 1998. There is nothing that we can do about that. How that declaration should be made will be determined by the Parliament, which will decide whether to endorse any process that is proposed by the Standards and Public Appointments Committee.

Margaret Smith: I believe that we are getting ourselves into a situation that is unworkable.

In my final minute, I will deal with Mr Sheridan's point about the inappropriate use of public money. I sometimes think that that term could be applied to my having to sit here to listen to the stuff that Mr Sheridan comes out with, as he continually misrepresents the accommodation allowance—an allowance for which, as a local member, I am not eligible. However, he continually misrepresents how colleagues go about their business of representing their constituents. In many cases, members do that far away from their homes and families. For some time now, I have consistently called for a full review of the allowances scheme, so I do not say that the scheme should not be re-examined. However, I will not support Mr Sheridan while he continues to misrepresent the scheme by grandstanding on the issue.

Finally, I agree totally with Ken Macintosh that honest mistakes that members make should be treated in a different way, not as acts that have been undertaken by crooks. Frankly, in so many ways, that is exactly how MSPs are dealt with under the allowances scheme and how they would be dealt with under the register of interests that is proposed in the bill. Indeed, that is also how they are dealt with by the media each week.

We must be clear that any proposals must be not only reasonable but workable. As the bill stands, it contains some serious flaws.

The Deputy Presiding Officer: Mr Sheridan, you have six minutes.

16:23

Tommy Sheridan: It was wonderful to hear Margaret Smith claim that I misrepresented the Edinburgh accommodation allowance, but she did not tell me how I had misrepresented it. When she said that we should have a review of the scheme, I could not have agreed more. She and I agree that, in representing their constituents, MSPs—who, by the way, are treated much better than other public servants in the recompense that they receive for travel and accommodation—should not be out of pocket. However, what I and the rest of the people of Scotland are opposed to—which the Parliament would have opposed as well, if members had been aware of it at the time—is MSPs privately profiting from the use of an allowance scheme from public funds. That is the issue.

Mike Rumbles said that not a penny of public money was used to purchase his property. I will need to take his word for that because when I asked whether we provide 100 per cent mortgages to MSPs, I was told that I was not entitled to that information. However, I know that Mike Rumbles has received £49,000-worth of mortgage interest payments since the erection of the Parliament. The point is that, when he comes to sell on his property—

Mike Rumbles: On a point of order, Presiding Officer. Is it appropriate that the member should denigrate a fellow member of the Parliament and suggest that they are responsible for a misuse of funds, as he seems to be indicating?

The Deputy Presiding Officer: The matter is in the public domain. However, I ask Mr Sheridan to be very careful about how he presents what he is saying. We will see how we go from there. He should be very careful about how he puts forward his argument.

Tommy Sheridan: Absolutely, Presiding Officer. I will be very careful, because I do not want to denigrate Mike Rumbles. The point is that he has not done anything that is illegal. The accommodation allowance was designed to recompense MSPs for out-of-pocket expenses.

The Deputy Presiding Officer: Mr Sheridan, I will give you a wee bit of advice. You have stated clearly what you feel about the accommodation allowance. I ask you to move on and to provide us with other examples of what you think about the bill.

Tommy Sheridan: With the greatest of respect, Presiding Officer, Mr Rumbles used a great deal of his speech to denigrate my arguments. I am only replying to the debate—that is what summing up is supposed to be about. I am making the point that it is in the public interest—and certainly the Parliament's interest, if we want to win back the public's confidence—that how our allowance

schemes are used should be completely transparent. It is quite simply wrong—

Mike Rumbles: On a point of order, Presiding Officer.

Tommy Sheridan: I hope that time will be added on, Presiding Officer.

The Deputy Presiding Officer: Mr Sheridan, sit down.

Mike Rumbles: I believe that it is in contravention of standing orders for one member to impugn the integrity of another in the chamber.

The Deputy Presiding Officer: That is the case, but my judgment is that at the moment Mr Sheridan is not doing that. I am listening very carefully to what he is saying, which is in the public domain. Mr Sheridan, be careful about what you are saying.

Tommy Sheridan: As I said, I will be careful. I think that the member doth protest too much. He is not the only member who doth protest too much.

The Deputy Presiding Officer: Mr Sheridan, I am ruling you out of order. Please move on. That comment was not acceptable.

Tommy Sheridan: Oh! I must say, Presiding Officer—

The Deputy Presiding Officer: I am in charge of the debate. You will now move on.

Tommy Sheridan: Is it not acceptable language to say that a member doth protest too much?

The Deputy Presiding Officer: I am not accepting it on this occasion. Move on or sit down.

Tommy Sheridan: Okay, I will move on. It seems that my comments have touched a raw nerve.

In his speech, Mr Stevenson used the time-honoured tactic of attacking the messenger because he did not like their message. It is a pity that Stewart Stevenson is not here and that he could not wait to hear my speech. *[Interruption.]* I see that he is on the other side of the chamber, and I say to him that he must grapple with the point that his constituents deserve to be made aware that there is an allowances scheme that not only allows members to have the interest on a mortgage paid but allows them to sell on their property for personal profit. However, I thank him for the fact that he has given me a good idea for my stage 2 amendment.

Phil Gallie: On a point of order, Presiding Officer. Can you confirm that members' allowances and their entitlements to them are published on the Scottish Parliament's website and that it is therefore open to every constituent to understand and scrutinise them?

The Deputy Presiding Officer: That was not a point of order, but what Mr Gallie said was true.

Tommy Sheridan: It was not a point of order, but it reminded me of Phil Gallie's comment that I am stirring pots that do not deserve to be stirred. Let me beg to differ. I am stirring a pot that should have been stirred a long time ago.

I was saying that Stewart Stevenson's comments have given me an idea for my stage 2 amendment. It should not be the nominal value of the second homes purchased using the Edinburgh accommodation allowance that is declared in the members' interests declaration, but the market value. The truth is that far too many MSPs are quite legally but, in my opinion, inappropriately profiting from an allowance scheme that was not meant to pour thousands of pounds into members' pockets. That is what my amendment will be about. I hope that the Parliament, if it wants to be transparent and above any idea of corruption, will support it. No one has argued against it on the basis of principle.

The Deputy Presiding Officer: Mr Sheridan, you must finish now.

Tommy Sheridan: Despite the fact that I have had to deal with four points of order and the Presiding Officer breathing down my neck, I will finish now.

16:30

Mr Jamie McGrigor (Highlands and Islands) (Con): This has been a good debate—or it was for a while—on an important subject. At a time when it feels as though the public's confidence in politicians is low, it is critical that we make the right decisions about how we conduct ourselves as representatives of the public in this Parliament.

Surely we do not need too detailed a description of members' interests and lives. After all, the purpose of the register, according to paragraph 4.1.1 of the "Code of Conduct for Members of the Scottish Parliament", is

"to provide information about certain financial interests of members which might reasonably be thought by others to influence members' actions, speeches or votes in the Parliament, or other actions taken in their capacity as members."

It is important that the right balance is struck between the need for transparency and the need to protect the privacy of members and their families.

It is unfortunate that a number of aspects of the bill fail to strike that balance correctly. We risk creating an awful environment with a demand for every aspect of an MSP's life to be declared and where everything, no matter how trivial or irrelevant, should be in the public domain. That

would be a gross intrusion on members' privacy and, at a time when the Parliament needs to increase its credibility by encouraging new faces, it would risk discouraging potential MSPs from putting themselves forward for public service. Although we must maintain adequate standards, we should not poke our noses unnecessarily into other people's business, nor should others poke their noses into ours.

This is a free country. This is Scotland. This is a country where people have always respected dignity and privacy. It is the country that ushered in the age of enlightenment. Surely this country is not moving towards George Orwell's "Nineteen Eighty-Four" and the age of Big Brother, although sometimes I fear that it is.

I have two key concerns, which were highlighted by my colleague Alex Fergusson. The first is the proposal that MSPs should be required to register non-pecuniary interests, such as membership of the freemasons. The second is the proposal that the requirement to register heritable property should be extended to spouses and partners.

On the first point, the committee aimed to ensure that the register of members' interests would contain all the relevant interests, while stopping short of requiring that grossly intrusive information be included—such as close personal friendships—as some have sought. My close personal friendship with Mike Rumbles, for example, does not mean that I will always vote Liberal.

The bill rightly aims to ensure that members register matters of genuine interest that might prejudice their actions or the work that they do as MSPs. However, it has been argued by my Conservative colleague Phil Gallie that it should be up to an individual MSP's judgment whether a non-pecuniary interest is relevant to their parliamentary duties, and I agree. I declare an interest, such as my involvement with the Disabled Ramblers when I talk about disability, or with the National Farmers Union Scotland when I talk about farming. I do that when it is relevant to a debate, but not as the norm. That is more than sufficient to ensure transparency of my position and interests.

The key test is for MSPs to consider not whether they would, or even might, be influenced by membership of the freemasons, for example, but whether a fair-minded and informed person would conclude that the MSP's impartiality would or would appear to be prejudiced by such membership. I think that the committee has shown sound judgment in adopting that objective test and believe that it will work well in practice.

In relation to the second concern, the current situation is that unless a member has specific

legal rights in relation to the spouse's property, there is no requirement to declare it. The bill's proposals would change and tighten the existing legislation so that a member would have to declare a heritable property in which a spouse or partner has an interest.

Those proposals invade the privacy of people who are not even members of the Scottish Parliament. It is one thing to require that my interests as an MSP be disclosed where relevant, but it is quite another to ask that of my wife, who has not chosen a career under the full glare of public scrutiny, thank goodness. That is an unacceptable proposal.

Although the Conservatives will support the bill in principle, because of the legislative requirement for it under the Scotland Act 1998, my party will seek to clarify and amend it as it progresses. As a prospective member of the ad hoc committee that will be established to scrutinise the bill at stage 2, I will do my best to ensure that those concerns are expressed. A reasonable balance must be struck between the transparency that is needed and the privacy that should be respected.

16:35

Alasdair Morgan (South of Scotland) (SNP):

The devil of bills such as this lies not so much in the detail, but in some of the unforeseen consequences of measures that we easily pass and then regret at leisure. It is easy to expand on a principle that is generally agreed—I think that all members agree with the principle of the bill—but it is much less easy to draft legislation that will not bite unintended victims while letting other people scoot right past.

On balance, I feel that it is right to have a prejudice test—if we can agree a mechanism that works. The alternative of trying to list all the categories, gifts and inducements that could be or should not be registered is doomed to failure. Indeed, anyone who listened to Mike Rumbles's illustration of what such a list might contain will appreciate the difficulties that will arise if we take that particular approach.

That said, the prejudice test is not the perfect answer. First, the member will be expected to interpret whether he is prejudiced; however, someone else, perhaps in a court of law, might simply reinterpret that interpretation. Gordon Jackson made a thoughtful speech on that point.

Another problem is that people are informed by their previous experience of where prejudice stops and informed interest in a subject begins. In that respect, I do not agree with John Home Robertson. Declaring an interest does not stop us participating in debates and decisions; it means simply that when we participate in debates, our

interest is on the record. At least it makes it illegal for anyone to participate if they have a substantial hidden financial interest in the outcome of the decisions that we make.

I used the word “substantial”. The proposal that MSPs should register gifts with a value of 0.5 per cent of their salary sets the bar too high. One need look only at the first couple of entries in the current register of members’ interests to find that gifts valued at between £250 and £500—in other words, those that fall between 0.5 per cent and 1 per cent of a member’s salary and that therefore have to be registered—include a bus pass for Lothian Buses and a visit with a colleague to a football match. The match happened to be at Ibrox, so it was expensive—although one might argue that it was not money well spent.

Other gifts in that category included a flight on a sea plane and return flights to and accommodation in London in order to attend and speak at a Burns supper. In fact, various members have registered flights to and accommodation in London. It strikes me as bizarre that we should have a limit that requires anyone to register return trips to London and a night in a hotel to participate at a conference at the instigation of the conference organisers, for example.

Some members feel that it is right to declare every gilt quach that they get—and God knows we get enough of those—but listing such trivia creates bureaucracy and might even begin to obscure really important entries in the register. I also think that section 39 of the Scotland Act 1998, particularly subsection (6), is draconian, and, along with John Home Robertson, I plead guilty to having helped to enact it. Of course, the 1998 act itself is another example of legislation that is good in its totality but bad in some of the unintended consequences of its detail.

The issue of spouses is very difficult. I have listened to and very much sympathise with the arguments that have been made. However, there is always the possibility that someone who is determined to hide a financial interest will get a compliant spouse or partner to hold the asset for them. The question is whether the need to cater for that unlikely event means that we should impose an undue restriction on members’ spouses. Any decision on that matter will be a difficult balancing act for us.

Alex Fergusson: Is the member not going against the usual principle, to which we all hold, that one is innocent until proven guilty?

Alasdair Morgan: The whole matter is a case of being innocent until proven guilty. We must declare the interest up front, even though it may not influence us. We are talking about potential interests, and it is a matter of how we are

perceived by the electors who sent us here. Would a reasonable elector think that we might perhaps be biased in a particular debate? They could not even begin to make that assumption if some asset in which we have a pecuniary interest is hidden from them.

I would like to say a word about the bizarre amendment. There is clearly a legitimate debate to be had about allowances for Edinburgh accommodation—or for anything else—but that is not what today’s debate is, or should have been, about. Today’s debate is about how monetary or other interests influence members’ conduct in debates or in their parliamentary activities. I did not hear even Mr Sheridan argue that the use of that allowance would, or could, influence our participation in debates. It is not as if we are getting a large bung of cash from some company that might expect us to buy a boat from it. If we get that cash, we are getting it from the Parliament, so unless we were debating a motion to abolish the Parliament it would hardly be a relevant inducement. The truth is that the amendment was just an excuse for a rant on a totally different issue. The Scottish Socialist Party has a debate next Thursday and could have raised the issue then.

It is clearly necessary that we are seen to be above improper influences on our deliberations. In general, the bill goes in that direction, but I have no great hope that the fourth estate will treat us any better after it is passed than it treats us now.

16:41

The Minister for Parliamentary Business (Ms Margaret Curran): I am pleased to have this opportunity to contribute to the debate on behalf of the Executive. Although all the issues that have been discussed are clearly matters for the Parliament, the Executive has a shared interest in good governance arrangements and in ensuring that any legislation that the Parliament passes is robust and effective. It is in that spirit that I make my contribution, although the issue is primarily a matter for the Parliament.

This afternoon’s debate has been interesting. Tommy Sheridan has many achievements under his belt, but making me feel sympathetic to Mike Rumbles is not one that I was expecting. At centre stage is the balance between probity and a workable system, which I think everyone accepts. Bill Butler’s introduction was extremely interesting and thorough. He talked about the need for a proportionate system that is comparable to other systems for those involved in governance arrangements, but he also mentioned the critical common sense that must be injected as we make our decisions.

We will obviously see things from our own perspective, because we have direct experience of the issues and will frame legislation around that, but it is critical that we try from time to time to step beyond that perspective and to appreciate how others see us, so that we are not seen purely as defending our vested interests. That degree of common sense, and the processes that we go through, will be vital.

The debate has highlighted some of the challenges that we will face along the way. We must pass the legislation—in the final analysis, we must have a system—but there is a great deal of detail to be addressed and, as Alasdair Morgan said, the devil is in the detail and in how that detail is managed. I have a sense that our colleagues who are about to sit on the ad hoc standards committee will have quite a task on their hands as they try to grapple with some of the issues, as many of the contributions have demonstrated. I hope that we can develop a scheme that is workable—it is certainly within the abilities of the prospective members of that committee—but that does not diminish our work or us in the process.

I absolutely concur with how that sense has been articulated in the past few years. It is as if there is an assumption that we are always out to make a fast buck, rather than to do the job that we were elected to do. Ken Macintosh spoke for many members when he said that we should not treat errors as criminal acts and we should be clear about the difference. I hope that, when the ad hoc standards committee is grappling with those issues, it will be able to make proposals that achieve that balance. I think that I speak on behalf of the Parliamentary Bureau when I say that we would be sympathetic to ensuring that the committee gets the time that it needs to carry out that work and to go through the necessary detail to address the significant points that have been raised today.

A more general point emerged from Linda Fabiani's contribution. As she said, we are all busy people and, with the best will in the world, we sometimes do not focus on the issues that we are required to focus on until they are under our noses. We have perhaps all been a bit guilty of that this afternoon.

I want to put on record my thanks and our thanks for the work of the committee; Brian Adam, Bill Butler and others have done sterling work. It is incumbent on us not to abandon them to that work and only complain, nor should we do that to the members of the ad hoc committee. The Parliament must consider processes to introduce early warning systems to make us focus, give us time to do the work and support members who carry out difficult tasks on our behalf.

It is vital that we adhere to and are seen to adhere to the highest possible standards in our conduct and in how we manage our interests. It is a privilege to serve in the Parliament. We make decisions of enormous importance to the ordinary citizens of Scotland. It is important that they see that our full and primary focus is on addressing those concerns and that we will not entertain any undue influence when we make those decisions. It is also important that we get an effective and efficient scheme and that we consider the process carefully because its unintended consequences could create difficulties for us. It is vital that we have the confidence of ordinary Scots as we do our business in this Parliament, but it is also vital that the scheme has the confidence of members and that they feel that it works effectively for them and allows them to conduct their business of representing their constituents effectively.

We are not quite there yet on some of the detail. We have a challenge on our hands and we must support the members who have agreed—willingly or, I suspect, not—to serve on the committee. That is a challenge for the whole Parliament. I will say to my colleagues on the Parliamentary Bureau that we should give some attention to how we support such processes in the Parliament.

16:47

Brian Adam (Aberdeen North) (SNP): I thank all the members who have taken the trouble to attend the debate. I suspect that many members of the Standards and Public Appointments Committee thought that the debate might be rather dull. If we are to thank Mr Sheridan for anything, it should be for ensuring that the debate was not dull. From discussions with the deputy convener, Mr Butler, I know that we were concerned that we might have difficulty in filling the time, but it has not been difficult. There have been some interesting and, rightly, challenging speeches.

I will rehearse the history of the legislation. The bill reflects a duty that was placed on us by the Scotland Act 1998. Many of the concerns that Margaret Smith expressed, on behalf of quite a few members, relate to the fact that we cannot make changes to some of the elements that are stipulated in section 39 of the Scotland Act 1998. We must accept that that is the starting point, unless Mrs Curran—wearing her Minister for Parliamentary Business hat—can persuade her colleagues in Westminster to reopen the 1998 act. Much though many of us might welcome that, I suspect that it is not realistic in relation to the bill.

It is good that concerns have been raised and that we will have the opportunity—at stage 2 and stage 3 consideration of the bill—to get it right.

In the first session of Parliament, the Standards Committee arrived at a draft bill that was almost

identical to this one. Just as the current committee has done, it conducted a consultation exercise. It managed to get eight people to participate—we were rather more successful, in that 23 people responded and made 32 contributions. However, the great majority of those contributions were on one subject rather than the general issues that we are debating today; their aim was to ensure that anyone who was a freemason would be forced into declaring that in advance.

If the bill is passed in the form that is before us today, it is true to say that whether Phil Gallie declares his membership of that organisation will come down to his judgment. However, we now know that he is a member, because that is on the record. In fact, I think that that was true the last time that he made his declaration. The matter is now in the public domain. [*Interruption.*] I hope that that is not the bell for the end of round 3.

This is our second attempt to pass such a bill and I hope that the matter does not have to be revisited yet again in the next session of Parliament.

The debate has engendered some interesting contributions, but unfortunately the bill is of interest primarily to us as members. However hard we might try to engage with the public, the issue is not of great interest outwith the Parliament. Members will be pleased to hear that there will be a part 2 to the debate. One of the consequences of the bill is that the Standards and Public Appointments Committee will have to revisit the code of conduct—indeed, we are already in the throes of doing that. Any member whose experience of the code of conduct has given them cause for concern should be aware that this is a good time to be thinking about it. As I said, members are about to be given the opportunity to take part in a debate on the subject.

Mike Rumbles mentioned the guidance that needs to be issued, particularly in relation to the non-financial interests that the bill suggests should be registered. Although I cannot give him an absolute commitment on the timescale, our intention is to produce such guidance by the end of next year or before the 2007 election at the latest. Our intention is that members should know where they stand. Mike Rumbles's suggestion, which is worthy of consideration, is in line with the committee's thinking as laid out by the deputy convener in his opening speech. I hope that members will follow through on the remarks that they have made today by lodging the appropriate amendments at stage 2.

Some of the detailed points that were raised in the debate showed that the member in question had not quite got the gist of the bill's intention. Alex Fergusson raised the issue of shares that are owned by spouses. Under the law, such interests

have to be declared at the moment. All that the bill will do is to extend the provision to heritable property. I understand members' concerns on the issue, but Alasdair Morgan put it rather well when he talked about partners moving assets between them. If someone does that, it could quite reasonably be suggested that the asset—or apparent asset—could influence the decisions that their partner takes as an MSP.

If members wish to delete the provision from the bill—on heritable property or on heritable property and shares—I will be happy to engage in discussion on the matter at stage 2. Indeed, I look forward to the appropriate amendments being lodged.

One of the issues that exercised members of the committee in both this session and the previous session was whether any defence would be made available to us. We heard about that again today from Kenneth Macintosh, who has taken a keen interest in the subject. The intention behind the prejudice test is not to offer a defence, but to ensure that no member will unwittingly be found guilty of a breach of the law. If someone does not know something, how can the circumstance arise in which something that they do not know influences their decision? Again, any member who has concerns on the detail of the prejudice test—we heard some eloquent contributions on the subject—should suggest some alternatives. We must find a way of dealing with the issue.

I look forward to Mr Jackson making an equally erudite contribution at stage 2. I say to him that, at the moment, the courts use such a prejudice test. We as individuals make the judgment to start with but, as the explanatory notes state at paragraph 23, it is measured against what

“a fair minded and impartial observer”

might think. Those are not our words; they are the words that are used by the courts in interpreting the test in other areas.

Undoubtedly, the debate is coloured by what has appeared in the media in the past year or so. I sympathise with the views that have been expressed by a number of members: we are not necessarily going to get fair-minded media, and fair-minded representation of what members do seems to be beyond the capabilities of at least some in the media in Scotland. I cannot make them change; the bill will not make them change; and members will not make them change. However, we should do what is right. We need to pass the bill. It needs to be proportionate and in line with the principles on which the Parliament was established.

John Home Robertson, too, misunderstood the objective test. If a member's wife does not tell him what she owns and he does not ask, since he

does not know, her holdings cannot influence his decisions. Therefore if the prejudice test is applied, he is not in breach.

Gordon Jackson *rose*—

Brian Adam: I am just coming to the point that Gordon Jackson is likely to raise. If I do not cover it, I will let him in.

Mr Jackson suggested that the situation is likely to lead to stresses and strains within relationships, which might well be the case. Perhaps we need to revisit the measure. However, if we do not have the prejudice test—which has not been dreamed up by the committee; it exists and is respected elsewhere, including by the courts—we will have to find something else. If Mr Jackson wishes to add to that, I would be delighted to hear from him.

Gordon Jackson: I was thinking of the situation in which a member finds out about something later and then puts it on the register. When it comes out, the gentlemen of the press will take the cynical view, “Och, he knew all along.” It worries me that people’s good faith will be scrutinised unfairly.

Brian Adam: I agree that innuendo is common currency in the press’s dealings with the Parliament. I do not have a solution to that, although I would be happy to hear suggestions.

I want to ensure that I will not overrun.

The Presiding Officer (Mr George Reid): You have a minute and a half.

Brian Adam: I want members to be certain that the bill is primarily about providing a register of members’ interests for the Scottish Parliament that is transparent and proportionate. It is about what we have, what we do, and what in our background might influence us, so that it is in the public domain. Nothing will prevent us from contributing to a debate once we have declared an interest.

The prejudice test requires members to consider objectively the interests that they hold while providing some protection by minimising the chances of their unwittingly falling foul of the registration requirements. The Parliament is determined to be at the forefront of developing best practice on standards. We should try to do that even in the kind of atmosphere that we have had to endure over the past year. I hope that as the Parliament grows up, our press corps will grow up, but I say that more in hope than in expectation.

In delivering what is right for the Parliament and sustaining its underlying principles, we should not be driven by the occasional winds that will blow against us either as individuals or as an institution. I am confident that the bill will enable the Parliament to build on its already high standards.

Mr Sheridan rightly pointed out that we have not given guidance on his amendment. Personally, I shall not support it, because I heard nothing in his argument to suggest that owning a property in Edinburgh, which may have been contributed towards through the existing allowances scheme, would influence how a member might vote. I cannot understand why the amendment was regarded as appropriate.

The Presiding Officer: Will you begin to close, please?

Brian Adam: I am doing that—I am offering guidance to members on how to vote on the amendment.

The bill strikes the right balance between privacy and openness. I look forward to engaging with the ad hoc committee at stage 2 and with the rest of the Parliament at stage 3.

Business Motions

17:01

The Presiding Officer (Mr George Reid): The next item of business is consideration of three business motions, in the name of Margaret Curran, on behalf of the Parliamentary Bureau: S2M-3727, on rule 5.6.1(c) of the standing orders; S2M-3730, setting out a business programme; and S2M-3731, setting out a timetable for stage 3 consideration of the Family Law (Scotland) Bill.

Motions moved,

That the Parliament agrees that Rule 5.6.1(c) of Standing Orders be suspended for the purposes of Members' Business on Thursday 22 December 2005.

That the Parliament agrees the following programme of business—

Wednesday 21 December 2005

2.30 pm Time for Reflection
followed by Parliamentary Bureau Motions
 followed by Ministerial Statement: Abolition of Priority Need
followed by Finance Committee Debate: Budget Process 2006-07
followed by Business Motion
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business

Thursday 22 December 2005

9.15 am Parliamentary Bureau Motions
followed by Scottish Socialist Party Business: Blood Products
followed by Scottish Socialist Party Business: "Torture Flights" on Scottish Soil
 11.40 am General Question Time
 12 noon First Minister's Question Time
followed by Members' Business
 2.15 pm Themed Question Time—
 Education and Young People,
 Tourism, Culture and Sport;
 Finance and Public Services and
 Communities
followed by Parliamentary Bureau Motions
 2.55 pm Decision Time

Wednesday 11 January 2006

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 12 January 2006
 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
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business.

That the Parliament agrees that, during Stage 3 of the Family Law (Scotland) Bill, debate on groups of amendments shall, subject to Rule 9.8.4A, be brought to a conclusion by the time-limits indicated (each time-limit being calculated from when the Stage begins and excluding any periods when other business is under consideration or when the meeting of the Parliament is suspended, other than a suspension following the first division in the Stage in the morning and afternoon being called, or otherwise not in progress):

Groups 1 to 4 – 1 hour and 15 minutes

Groups 5 to 8 – 2 hours and 10 minutes

Groups 9 to 13 – 3 hours and 30 minutes

Groups 14 to 16 – 4 hours and 25 minutes

Groups 17 to 20 – 4 hours and 55 minutes.—[Ms Margaret Curran.]

Motions agreed to.

Parliamentary Bureau Motions

17:02

The Presiding Officer (Mr George Reid): The next item of business is consideration of five Parliamentary Bureau motions. I ask Margaret Curran to move motions S2M-3720 to S2M-3723, on the approval of Scottish statutory instruments, and motion S2M-3724, on the designation of a lead committee.

Motions moved,

That the Parliament agrees that the draft Fundable Bodies (Scotland) Order 2005 be approved.

That the Parliament agrees that the draft Private Landlord Registration Modification (Scotland) Order 2005 be approved.

That the Parliament agrees that the draft Contaminated Land (Scotland) Regulations 2005 be approved.

That the Parliament agrees that the Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (No. 17) (Scotland) Order 2005 (SSI 2005/585) be approved.

That the Parliament agrees that the Environment and Rural Development Committee be designated as lead committee, and that the Justice 2 Committee be designated as secondary committee, in consideration of the draft Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2006.—[*Ms Margaret Curran.*]

The Presiding Officer: The question on the motions will be put at decision time.

Decision Time

17:03

The Presiding Officer (Mr George Reid): There are five questions to be put as a result of today's business. The first question is, that amendment S2M-3633.1, in the name of Tommy Sheridan, which seeks to amend motion S2M-3633, in the name of Brian Adam, on the general principles of the Interests of Members of the Scottish Parliament Bill, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Byrne, Ms Rosemary (South of Scotland) (SSP)
 Canavan, Dennis (Falkirk West) (Ind)
 Curran, Frances (West of Scotland) (SSP)
 Fox, Colin (Lothians) (SSP)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Martin, Campbell (West of Scotland) (Ind)
 Sheridan, Tommy (Glasgow) (SSP)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)

Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahan, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)
 Morgan, Alasdair (South of Scotland) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Etrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robison, Shona (Dundee East) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

Wallace, Mr Jim (Orkney) (LD)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Presiding Officer: The result of the division is: For 8, Against 114, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The second question is, that motion S2M-3633, in the name of Brian Adam, on the general principles of the Interests of Members of the Scottish Parliament Bill, be agreed to. Are we agreed?

Members: Yes.

The Presiding Officer: That is agreed to.

Christine Grahame (South of Scotland) (SNP): On a point of order, Presiding Officer. I shouted "No."

The Presiding Officer: You will have to shout significantly louder. None of us heard you. Since you have registered that point, I will go back to the previous question.

Members: Oh.

The Presiding Officer: It is in the interests of fairness.

The question is, that S2M-3633, in the name of Brian Adam, on the general principles of the Interests of Members of the Scottish Parliament Bill, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)

Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fox, Colin (Lothians) (SSP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kane, Rosie (Glasgow) (SSP)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Leckie, Carolyn (Central Scotland) (SSP)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Campbell (West of Scotland) (Ind)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahan, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robison, Shona (Dundee East) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)

Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Wallace, Mr Jim (Orkney) (LD)
 Welsh, Mr Andrew (Angus) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)
 Smith, Iain (North East Fife) (LD)
 White, Ms Sandra (Glasgow) (SNP)

The Presiding Officer: The result of the division is: For 115, Against 0, Abstentions 5.

Motion agreed to.

That the Parliament agrees to the general principles of the Interests of Members of the Scottish Parliament Bill.

The Presiding Officer: The next question is, that motions S2M-3720, S2M-3721 and S2M-3722, in the name of Margaret Curran, on the approval of Scottish statutory instruments, be agreed to.

Motions agreed to.

That the Parliament agrees that the draft Fundable Bodies (Scotland) Order 2005 be approved.

That the Parliament agrees that the draft Private Landlord Registration Modification (Scotland) Order 2005 be approved.

That the Parliament agrees that the draft Contaminated Land (Scotland) Regulations 2005 be approved.

The Presiding Officer: The next question is, that motion S2M-3723, in the name of Margaret Curran, on the approval of an SSI, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)

Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)
 Morgan, Alasdair (South of Scotland) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)

Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robison, Shona (Dundee East) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Wallace, Mr Jim (Orkney) (LD)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Byrne, Ms Rosemary (South of Scotland) (SSP)
 Curran, Frances (West of Scotland) (SSP)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fox, Colin (Lothians) (SSP)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Martin, Campbell (West of Scotland) (Ind)
 Sheridan, Tommy (Glasgow) (SSP)

The Presiding Officer: The result of the division is: For 114, Against 8, Abstentions 0.

Motion agreed to.

That the Parliament agrees that the Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (No. 17) (Scotland) Order 2005 (SSI 2005/585) be approved.

The Presiding Officer: The next question is, that motion S2M-3724, in the name of Margaret Curran, on the designation of a lead committee, be agreed to.

Motion agreed to.

That the Parliament agrees that the Environment and Rural Development Committee be designated as lead committee, and that the Justice 2 Committee be designated as secondary committee, in consideration of the draft Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2006.

Steiner Schools

The Deputy Presiding Officer (Murray Tosh):

The final item of business is a members' business debate on motion S2M-3117, in the name of Mike Pringle, on the benefits of dialogue between the Steiner and mainstream education sectors. The debate will be concluded without any question being put.

Motion debated,

That the Parliament commends Steiner Schools in Scotland, including the Edinburgh Rudolf Steiner School, for providing education which focuses on a child's spiritual, physical and moral well-being as well as academic progress; notes the recent research publication, *Steiner Schools in England*, by Professor Woods of the University of West of England, which compared Steiner Schools with those in the state sector; agrees with him that "there is great potential benefit from mutual dialogue and professional interaction between Steiner and mainstream educators"; welcomes high-level dialogue between the Steiner Fellowship (the UK Steiner accreditation body), local education authorities in England and the UK Government which has led to the prospect of the United Kingdom's first publicly funded Steiner Academy in Hereford, and considers that the Scottish Executive should engage actively with local authorities in Scotland and encourage the schools to be brought within the publicly funded sector, in a similar fashion to other European countries such as Norway, Sweden, Finland and Denmark.

17:10

Mike Pringle (Edinburgh South) (LD): Why have I chosen this subject for a members' business debate? Because I believe that what the Steiner Waldorf schools in Scotland—in particular the school in my constituency of Edinburgh South but also those in Aberdeen, Glasgow and Forres—have to offer could have considerable benefit for public sector schools at primary and secondary level. Encouraging more financing from local government would enable the skills that Steiner schools have developed to be brought into the state schools sector. The motion calls for dialogue between Steiner schools and the state sector, but that can be done only if Steiner schools are given adequate resources.

First, I will give a few facts about Steiner schools in Scotland. There is currently a school roll of 650, although there is potential for one of 850. In line with mainstream teaching in Europe and with Liberal Democrat policy, children start formal learning at the age of six; early years are reserved for creative play. All children learn two foreign languages from the age of six. The schools are non-denominational and aim to be fully comprehensive. Pupils of all mainstream abilities are welcome; there is no entrance exam. The Steiner schools' exam results are extremely impressive—they had a pass rate at grades A to C of higher of 83 per cent in 2005.

The schools' curriculum is based on an understanding of child development. It offers a balance of artistic, practical and intellectual work for all pupils. It encourages creativity, lateral thinking, emotional intelligence and citizenship. It places emphasis on music, arts and crafts, foreign languages and learning through doing. The pupils study subjects such as philosophy, geology, astronomy and the history of architecture alongside the subjects that they are doing for their exams.

What is important is that the schools aim to be accessible to children from all financial backgrounds; however, they also need to pay teachers enough to live. Those factors are not easily reconcilable. The average Steiner teacher earns only £16,000 a year, which allows fees to be kept low at about £3,600 per annum. The policy of no state funding is making the schools' founding aim of being socially inclusive increasingly difficult. They must either struggle financially or be socially exclusive. That is not what they want.

It is important to note that Steiner schools should not be lumped in with other independent schools, which simply offer parents the choice of paying for the teaching of a curriculum similar to that of state schools. Steiner offers a whole other way of learning—and not just for those who can afford to pay.

What contribution do other countries make to Steiner schools? Denmark gives them 85 per cent funding; Sweden and Holland give them 100 per cent funding; in New Zealand, the state gives them the same per capita funding as mainstream schools; Hungary gives them full funding; and Austria gives them the same level of funding as mainstream schools.

What is happening in England? It was recently agreed that the Government will fund a Steiner school in Hereford. Discussions are going on with local authorities to work towards the funding of Steiner schools. The Westminster Government will pay 90 per cent of the running costs. That has come about as a result of ministers being impressed by the quality and creativity of the education that Steiner schools provide as well as by the dedication and enthusiasm of children, parents and teachers. That quality exists in the Scottish system and is worthy of support.

There is nothing to prevent Scottish local authorities from providing funding for Steiner schools now. They fund other types of specialist schools, such as music and Gaelic schools. Why not Steiner? After all, Steiner schools' specialism lies in their approach. It is up to the Scottish Executive to give strong direction and encouragement to local authorities to provide the necessary funding. By helping to fund Steiner education, local authorities could adopt the best practice that they see.

There are already signs of dialogue in the form of a joint discourse between the staff of the Steiner school in Edinburgh and Balgreen Primary School teachers. Teachers from the state sector chose specific Steiner subjects to study with their pupils. They agreed that, given time, the approach would raise attainment levels in computation skills—the times table—and oral literacy. It would also have a beneficial effect on children with learning difficulties such as dyslexia and would raise self-esteem through enhanced creative expression. The children have become more confident and enthusiastic about their drawing and art work: for the first time in the project, children have asked if they can take their work home to show their parents. I welcome the Executive's funding of that project, but we can get more of the same only through adequate funding of the Steiner sector.

The Minister for Education and Young People is pushing his proposals for the curriculum for excellence, which reveals the extent to which the Executive is moving towards encouraging a mainstream curriculum that is along the lines that Steiner schools already work on. The proposals aim: first, to simplify and teach the curriculum so that teachers can play to their strengths and allow more time for creativity, depth and breadth; secondly, to make the curriculum more child centred; thirdly, to emphasise the how of teaching, not just the what; and, fourthly, to ease pupils' progressions between nursery and primary school and between primary school and secondary school. Those are, and always have been, the essential foundations of Steiner schools. With their experience and expertise, Steiner schools could make—and I think they would make—a significant contribution to the curriculum for excellence.

I issue an invitation to both the Minister for Education and Young People and the Deputy Minister for Education and Young People to visit the Edinburgh Rudolf Steiner School so that they can see the excellent work that it is doing. Many Steiner ideas are now in the main stream. If we want more dialogue, more resources are needed now. I believe that the time has come to give Steiner in Scotland the recognition that it justly deserves.

17:16

David McLetchie (Edinburgh Pentlands)
(Con): I begin by congratulating Mike Pringle on securing the debate, which provides welcome recognition of the contribution of Steiner schools to the education of children and young people in Scotland today. Like Mike Pringle, I have visited the Edinburgh Rudolf Steiner School on a number of occasions. In February of last year, I was pleased to sponsor a presentation to members, which was given by members of the Scottish Association for Steiner Waldorf Education.

We are all familiar with the old joke about the visitor from abroad who asks a local the way to a particular destination, and is met with the response, "Well, I wouldn't start from here." In my opinion, "I wouldn't start from here" is almost the perfect way to describe the system of education in this country—both north and south of the border—with its rigid demarcation between state-maintained schools, which are run almost exclusively under a local authority umbrella, and private or independent schools.

We could have established the principle of universal free education funded out of taxation without devising a system that in effect nationalised or municipalised its provision. The principle applies with equal validity to our health service. We could have had a taxpayer-funded national health service without having a taxpayer-funded nationalised health service. Ironically, Steiner schools, which are firmly committed to an ethos of social inclusion, as Mike Pringle has pointed out, have been the victims of that apparently unbridgeable divide.

Moreover, the situation has got worse, not better, in recent years. There used to be a measure of financial support for Steiner schools from the Government through the assisted places scheme, which was introduced by the last Conservative Government, but which was of course abolished upon the election of its Labour successor. That was a significant blow to Steiner education. Some 40 per cent of pupils at the Edinburgh Steiner school, for example, were funded through the assisted places scheme. That means that Steiner schools are now more exclusive than they were before, because parents who are unable to pay the full fees cannot choose a Steiner education for their children no matter how much it may be in the best educational interests of their children to do so.

The Prime Minister is not a man on whose arguments I usually call in aid of my own. However, in a recent analysis of our education system in Britain as a whole, he pointed out—quite rightly in my opinion—that, for the better-off, it is full of options, whereas for those on middle or lower incomes, it is very much a matter of take or leave the local school. He said that the solution was

"to escape the straitjacket of the traditional comprehensive school and embrace the idea of genuinely independent non-fee paying state schools. It is to break down the barriers to new providers, to schools associating with outside sponsors, to the ability to start and expand schools; and to give parental choice its proper place."

I could not agree more.

I know not whether Mr Blair, in the time left allotted to him, will achieve that ambition for schools in England, for which he is responsible,

but I am quite certain that it is what we need to do for schools in Scotland. However, given its record to date, I doubt whether the Scottish Executive has either the inclination or courage to tackle the vested interests that represent the roadblocks to reform of our education system.

As Mike Pringle said, the provision of Steiner education within our maintained sector is a feature of education systems in countries across Europe. That would be a significant step forward for us here in Scotland, which I would welcome wholeheartedly as promoting diversity and choice within the system. However, I do not believe that Steiner education should be considered in narrow isolation or as a special case, like Jordanhill or a music school funded directly by the Executive. Rather, consideration of the Steiner schools should exemplify the need for a fundamental change of approach to the provision of education for all our children and young people. If the Scottish Executive is prepared to take that on board, it will have my full support.

17:22

Mrs Margaret Ewing (Moray) (SNP): I will not follow David McLetchie in his interpretation of the Rev I M Jolly on the future prospects of the current Prime Minister, but I join him in congratulating Mike Pringle on bringing the subject before the Parliament. I seem to remember that previous discussions on Steiner schools have been tucked away in amendments to major education bills. We have not had the opportunity to explore many of the issues surrounding the educational facilities of our Steiner schools.

Mike Pringle said that I had a Steiner school in my constituency—the Moray Steiner school in Forres, which has a school roll of 125. I have had the pleasure of visiting it and found contented staff, who made few moans, contented children and a great deal of positive work being done. In its report, Her Majesty's Inspectorate of Education said:

"The school had made good progress within the constraints of the resources available to it ... The school continues to make good use of the local environment as a resource for learning in the social subjects."

It is important that the school is still making the best use of everything available, despite the constraints on resources.

We often discuss the teaching of foreign languages in our education debates. Foreign languages are taught from an early age in Steiner schools, which is a huge advantage. The ability to speak a second language on leaving school can increase an average salary by about £3,000 a year. A survey of more than 2,500 firms found that nine out of 10 thought that their business could benefit from better language skills.

We should consider many aspects of Steiner schools. In Moray, some children at the Steiner school are funded by Moray Council—such decisions are taken by the local authority. Is the minister aware of how many local authorities are engaged in funding children to go to Steiner schools? It would be useful to know that. If he cannot produce the figure tonight, he could perhaps write to me and to other members.

Lord James Douglas-Hamilton (Lothians) (Con): Does the member accept that there used to be such a system under the assisted places scheme, which has long since been abolished by Labour?

Mrs Ewing: Yes, but the decisions are taken by Moray Council when parents have made applications for particular reasons. The decision is, quite properly, for the education authorities, in discussion with the parents. The children are funded; their transportation costs are included. The example shows how we can bring the Steiner schools much more into the main stream.

On a day on which the so-called league tables of Scotland's schools have been published, I worry—as I do, sometimes—that we do not show enough of what happens in the Steiner school system apart from exams. They concentrate on the whole child, using the Piaget philosophy. No league table shows where barriers have been broken down by the efforts of those working in the Steiner schools or in special needs units in our mainstream schools.

I believe that, by not funding the Steiner schools, it could be argued that we are breaking the United Nations Universal Declaration of Human Rights, article 6 of which states that

"Parents have a prior right to choose the kind of education that shall be given to their children"

and that

"Education shall be free, at least in the elementary and fundamental stages."

Further, we might be in breach of the Charter of Fundamental Rights of the European Union. Has the minister checked the call for funding for our Steiner schools against that issue?

17:26

Lord James Douglas-Hamilton (Lothians) (Con): I am grateful to Mike Pringle for raising the important and topical subject of Steiner Waldorf schools.

Since Rudolf Steiner founded the first of his schools in Germany in 1919, the popularity of the schools has grown and there are now nearly 900 around the world. The schools give priority to educating the whole child, with a strong emphasis

on personal responsibility, creativity and social awareness. Children at Steiner schools sit national exams but, alongside the main lessons and examination courses, a programme of arts, crafts and drama takes place. All the Steiner schools in Scotland are subject to Her Majesty's Inspectorate of Education inspections. Their flexible approach allows for innovative teaching and a broad, engaging curriculum that reflects the range of children's interests and learning styles.

In countries such as Norway, Sweden, Finland and Denmark, Steiner schools are publicly funded. However, the 23 schools in the United Kingdom are independent, although there is a possibility that that could change. As a result of recommendations made in the first Government-funded study of Steiner schools in England, by Professor Woods, of the University of the West of England, the UK Government is on the road to establishing publicly funded Steiner schools. The report found that there are common themes to be found in Steiner and mainstream education and that there is a potential to utilise such themes as bridges to facilitate dialogue and interaction between the Steiner and maintained sectors. Funded Steiner schools could make a significant contribution to the education debate in Scotland and could share best practice with colleagues in a meaningful way. As Mike Pringle said, the recent collaborative project between the Edinburgh Steiner school and Balgreen Primary School, which explored creativity and multisensory learning, is a worthy example of that.

We have no objection to Steiner Waldorf schools being independent. However, if they are to be brought within the state sector—assuming that that is their wish—the question that arises for the Executive is why comparable concessions are not being made to George Heriot's School and the Edinburgh Merchant Company schools, for which there is also an extremely good case.

The principle that we believe in is diversity in education. The Executive has said that it values Steiner education for the choice that it offers to parents. However, that choice is likely to be available only to parents who can afford to pay. With the honourable exceptions of Jordanhill and special schools, there is, apparently, no longer scope within the coalition's public sector education system for independently run but publicly funded schools to exist. Nonetheless, we support Government funding for public sector schools following the pupil to a school of the parents' choice, whether that be traditional, mainstream or subject specialist. Funding would pass from the Executive to schools so that all public sector schools could be independent but state funded. We believe that granting schools the flexibility to engage in collaboration with other schools will be mutually beneficial. All schools, whether they be in

the state sector or the independent sector, should be free to set their own priorities.

As David McLetchie said, the Prime Minister is committed to widening diversity in education provision in the interests of raising standards and offering parents a choice of school for their child. As Winston Churchill said,

"The optimist sees opportunity in every danger; the pessimist sees danger in every opportunity."

I urge the Executive to accept that optimism should be the hallmark of Scotland's education policy.

17:30

Robin Harper (Lothians) (Green): I thank Mike Pringle for securing the debate. The motion is important, because it makes the Executive and the Parliament aware that some schools in Scotland have a well-developed education philosophy that marks them out as different from state schools.

I argue that the state system does not have the foundation of a cogent and coherent education philosophy; rather, it aims for targets and products. The purpose of Steiner schools is to develop the whole child, and that is what makes them so important. We need to examine Steiner schools to see what lessons they have for the Scottish education system. Such an examination should tell us whether we have defined our purposes correctly—and in the interests of our children—and whether our education system is fully fit for its purpose.

I do not want to run our education system down, because what we do well in schools means that we have an excellent system. We are doing things better, but we need to be doing better things, which is what Steiner schools do already. To reinforce the arguments that we have already heard about what Steiner schools offer, I will dig a little more into their education philosophy.

If passing examinations and pure knowledge could solve all our problems, we surely have enough people to solve them. But we have not solved all our problems, because we need more from our young people when they leave school. Steiner schools are about imaginative and original thinking and emotional engagement. Steiner teachers use concepts and the arts as well as human beings and nature to produce children who are emotionally responsive and sensitive. We need that.

People should leave school with a sense of purpose. If our children are going to help to change the world, they need a reservoir of strength that is not hindered by some of the obstacles that schools put in their way, such as targets for passing examinations. Steiner schools

educate, regularly producing the top 10 examination results, but passing examinations is not their *raison d'être*. Their *raison d'être* is the whole child, so they do well in passing examinations. Let us get those ducks in a row, in the best way.

I am happy to speak in the debate and support Mike Pringle's motion. The Green party's education policy supports everything he has said and everything Steiner stands for—diversity in schools; encouraging experimental specialist schools to flourish; enabling parents or guardians to choose to educate children themselves or where they wish. We support educational initiatives outwith traditional institutions of learning, but we support funding out of the public purse. Education should be designed to foster personal learning capacity and should give equal weight and value to the cultivation of all the intelligences—I keep mentioning Howard Gardner's nine intelligences. That is what schools should be about. They should not be just about numeracy and literacy.

17:34

Mr David Davidson (North East Scotland) (Con): I congratulate Mike Pringle on bringing a very important subject to the Parliament and thank him for giving us the opportunity to show our support for and share our thoughts about the Steiner Waldorf principles. I have met many of the parents and staff at the Steiner Waldorf school in Aberdeen and I have never heard anyone do anything other than praise its whole environment and spirit.

The first time I came across creativity being taught was early on in my studies at Manchester business school, which had an inspirational professor of creativity. He was a wonderful Welshman—Wales occasionally produces quite good people. I have attended parliamentary debates during which several members have argued that creativity can be taught, while others have said that it cannot. The children in Steiner schools are living proof that creativity can be taught. We must get across the message that that applies to children of all abilities, including those who have great difficulties.

The one-size-fits-all philosophy is a spent idea, especially in education. We should start by taking into account the assessed needs of the child and the wishes of the parents or the families concerned. Every child is different. I remember having one form master for six years. Over the years, he got to know all the foibles and traits of his pupils. He could head off problems, give encouragement or slap someone with the tawse if he thought it important to do so. He took an interest in the individual child. That message

should transform all the school systems in Scotland; it should not apply just to state schools or just to independent schools.

I find it extremely annoying that people are thwarted in the sense that they must have the money to provide their child with such an education, even though they are taxpayers who have paid their share into the kitty for general education. Many people in the north-east and elsewhere—I have contacts at the Edinburgh Rudolf Steiner School—feel the same way. There are children in mainstream education who could benefit from going to a Steiner establishment. Teachers in Aberdeen talk about what could be learned from Steiner schools. Aberdeen City Council sends members of staff along to Steiner schools to find out how they can do things differently but, when they return, those staff members face the brick wall of the bureaucracy that runs the state system.

It is true that there must be a critical mass of children in state education, but we are not looking for the opportunity to innovate in a sensitive way or to produce people who will make themselves a force in the world. Many of the people who are educated at Steiner schools have a quiet confidence; they are not necessarily pushy but, as Robin Harper rightly said, they are accomplished, rounded individuals. I just hope that the minister realises that we must examine more carefully the opportunities for children that such an education can bring.

When I stood for Parliament in 1999, I was asked at a public meeting for my views on education. I said that every young person in Scotland should have an education or training that is appropriate to their needs. I was attacked for saying that—not by the local headmaster, who clapped, but by people who think the state knows best. State interference is the last thing with which we want to muddle up a young child. The state's role should be to provide an environment in which children can learn, develop and prosper.

When the minister responds to the debate, I hope that he will tell us a little more about what will be done to improve collaboration across the systems. We are not talking exclusively about education for children with special needs or learning difficulties; we are talking about the need to have an entirely different, holistic approach to education. I hope that the minister takes on board what many members have said this evening.

17:38

Ms Rosemary Byrne (South of Scotland) (SSP): I thank Mike Pringle for securing the debate. It will come as no surprise to colleagues that my interest is in spreading good practice,

finding out what Steiner schools have to offer young people and moving their methods and philosophy into mainstream schools. I have much sympathy for the motion. I believe in everyone having an equal education, so I come to the debate in a spirit of admiration and respect for the work of the Steiner schools, aspects of which I would like to be implemented in our mainstream schools.

I am interested in educating the whole child and in ensuring that every child's needs are met and their individual learning styles catered for. As has been said, one size does not fit all. Too often in our schools today, we try to fit young children into the same mould. They begin the formal curriculum at the age of five and even if their development needs have not been met, they are forced through assessments before they are ready.

Steiner schools have much to share with mainstream schools. As other members have mentioned, that has been seen in the future learning and teaching programme project that involved the Edinburgh Rudolph Steiner School and Balgreen Primary School. I am interested in Steiner schools' multi-sensory learning approach, which is the kind of approach that we should use in our mainstream schools for children who are dyslexic, dyspraxic and so on.

Steiner schools offer an education that promotes academic excellence, cultivates artistic expression and develops practical skills. They aim to develop and stimulate a love of learning and a deeper sense of social responsibility. Because Steiner schools are small, pupils receive individual attention in small classes in which they learn to work independently and to be self-motivated. All that happens in an atmosphere in which children feel safe and secure. I quote information that I got from the internet today:

"It is the task of the teacher in the Waldorf School to know what may be appropriately imparted at any given age. The curriculum, in its distribution of subject matter, forms the basis of such knowledge. It lays down no laws, but expresses the needs of child nature (and human nature) ... at any given age."

The methods that are used in Steiner Waldorf education and the philosophy behind them are surely ambitions that we should have for all our children. We need to aim for smaller class sizes, adherence to individual learning styles, learning at a pace that reflects the development of the individual, self-motivation, sense of self-worth and awareness of social responsibility. All that should take place in an environment that educates the whole child by using music, drama and physical activity at the core. Far too often, we neglect those areas in mainstream schools.

I accept that improvements have taken place in mainstream schools—I agree with Robin Harper

that many good things are happening—but many areas of education are still being neglected. Not all mainstream schools have drama teachers and we do not have enough music teachers to provide the range of teaching that young people need. We do not have enough physical activity, as can be seen by the evidence of rising obesity levels in children. I think that we have much to learn from the methods that are used in the Steiner schools. I hope that, at some time in the new year, I will be able to visit the Steiner school that I have been anxious to visit for a while.

I am disappointed that no Labour member is present in the chamber for today's debate. I believe that we have much to learn from Steiner schools. Having an open mind on education and on how we teach our young people should always be key. In our debates and discussions, we should always learn from others and consider other methods.

17:42

Mr Brian Monteith (Mid Scotland and Fife)
(Ind): I congratulate Mike Pringle on securing tonight's debate on his motion which, as a past supporter of Steiner Waldorf schools, I was pleased to support.

Having visited the Steiner school in Polwarth, I know that the visitor can only be impressed at seeing the results of its teaching, which is aimed at the whole child and not just its academic senses. As everyone who is familiar with the school will realise, the Steiner school may be independent, but it is open to all and is truly comprehensive and inclusive. Indeed, the word "holistic" could have been invented for Steiner schools. The fees take account of parents' means and Steiner schools tend to understand the difficulties that some parents face in paying their children's fees.

It is unfortunate that, in this members' business debate, we have heard only one side of the argument. We have heard much support for Steiner schools but, because no members of the Labour Party—the largest party in Parliament—have turned up for the debate, we have heard no argument being put for why we should not provide for Steiner schools in the main stream. However, we know that Labour members—at both Executive and council level—have consistently resisted the opportunity of, in a sense, nationalising Steiner schools despite the fact that those schools have been crying out to become part of the mainstream system. It is difficult to believe that schools that want to be part of the system have been refused, but that is the sad but strange situation.

I quote from the most recent Convention of Scottish Local Authorities newsletter the words of

Councillor the Rev Ewan Aitken, who is the COSLA education spokesperson. He said:

“In Scotland ... educational policies since devolution have aimed to strengthen decision-making at local level and to reflect the diverse nature of Scotland’s communities and schools.”

He continued:

“the Scottish Executive together with local government and individual schools and professional organisations, is building greater choice and opportunity for young people in the classroom.”

Those are fine words, but where is the action? Labour members are not here because, wittingly or unwittingly—I am not sure which—Mike Pringle’s motion reveals that in England there is the possibility of change that will allow Steiner schools to become part of the state system. That reform is not happening in Scotland, so Labour members are embarrassed and cannot even turn up to put the argument. That is a scandal.

There are ways in which the problem can be overcome. Rightly, the motion refers to a number of other countries. We can look to Denmark, for instance, where 3 per cent of schools used to be independent. By allowing state funding to go with the child to the school of parents’ choice, it was possible for new schools to be created. Here is the rub: councils and the Executive fear that if Steiner schools come into the state system, they will be popular and there will be more of them. Some school buildings that are empty because schools have been closed will suddenly be taken over and will become Steiner schools. Councils and the Executive will not run those schools—they will be independently managed, but state funded. Councils and the Executive do not want that, because the Labour Party does not want to lose control. That is a shame and a disgrace.

There are other ways forward, apart from the Danish model. We could also have direct funding of schools. The Deputy Minister for Education and Young People, who will respond to the debate, knows of examples of direct funding, such as Jordanhill School. If that is good enough for Glasgow and for the Executive, why not directly fund Steiner schools in Scotland?

There is one other way forward—through local authorities. Ewan Aitken, from Edinburgh, could go to Polwarth, knock on the door of the Edinburgh Rudolf Steiner School and say, “Let’s talk and do a deal. We’ll buy places and put Edinburgh schoolchildren into the Steiner school.” The same could happen in Aberdeen and Glasgow. Councils need only to decide to do it. In closing, I suggest that when the Liberal Democrats and the Conservatives win power in the City of Edinburgh Council in 2007, they make it one of their policies to make that journey together. They should take

the trip to the Steiner school and say, “We’re going to make you an Edinburgh city school.”

17:48

The Deputy Minister for Education and Young People (Robert Brown): Like other members, I congratulate Mike Pringle on securing this debate on the benefits of dialogue between Steiner schools and local authorities in Scotland. I also thank other members for their speeches. It has been a worthwhile debate, which has ranged widely across a series of philosophical and educational issues, to say nothing of party divides.

As other members did, Mike Pringle made important points about the objectives of education as a whole in Steiner schools and other forms of school. It may be helpful if I begin by defining what I understand to be the current position.

There are five Steiner schools in Scotland, which are all registered as independent schools. They are attended by about 600 to 650 pupils in total and are subject—as are other schools in the independent and state sectors—to inspection by Her Majesty’s Inspectorate of Education. The well-known Camphill Rudolf Steiner school near Aberdeen has recently been in the news because of other, transport-related issues; it is a special school that provides specific provision for children who have additional support needs. I will return to that point shortly.

All the Steiner schools, like other independent schools, are self-funding. As we heard in the debate, local authorities are rightly responsible for education provision in their areas. In 2005-06, they received public funding to the tune of about £4 billion for that purpose. They are entitled, if they wish to do so, to set up a Steiner school—it is not properly the role of the Scottish Executive to make that decision for them. Brian Monteith made the point that there is discretion for local authorities, perhaps with varying political approaches, to support Steiner schools.

Councils may also fund a child to attend a Steiner school if they conclude that the school best meets the child’s additional support needs—we heard from Margaret Ewing about that. Parents can make a placing request for their child to be placed in the Steiner special school. That can lead to the placement being funded if, subject to the terms of the Education (Additional Support for Learning) (Scotland) Act 2004, it can be established that the child’s additional support needs would be better met. I will write to Margaret Ewing with the numbers, which I do not have to hand.

Mr Monteith: I know that the minister is intimately aware of the Jordanhill story. Jordanhill was directly funded because although local

authorities could have funded the school, they chose not to. Currently, local authorities choose not to fund Steiner education. Would it not therefore be possible for the Scottish Executive to follow the Jordanhill model and take up the slack and fund Steiner schools?

Robert Brown: It is possible to draw too many conclusions from the Jordanhill situation, which arose for particular local reasons connected to Jordanhill College of Education, which is a different issue. The primary issue is local authorities' approach to the matter, but I will come back to some of the issues that Brian Monteith touched on.

Margaret Ewing talked about possible concern in respect of the European convention on human rights. I very much doubt whether such problems could arise in this context. As she knows, the Scottish Commissioner for Human Rights Bill is currently being considered by Parliament. It will establish an independent commissioner who might take an interest in the matter she raised.

The motion talks of the advantages of dialogue between Steiner and local authority schools. I entirely support that. Mike Pringle and others mentioned a project that is funded by the Scottish Executive through the future learning and teaching programme, which saw the Edinburgh Rudolf Steiner School and Balgreen Primary School in Edinburgh working together in partnership. The two schools explored how elements from the Steiner approach to learning and creativity could be integrated into a mainstream curriculum. A DVD about the project is currently being prepared and copies will be disseminated widely to interested parties, including to all directors of education in Scotland. The DVD will outline the background to that unique partnership and will illustrate some of the teaching practices that were applied during the project. We hope that that will allow authorities to see how their schools might learn from the approaches that are used in Steiner schools. The Executive has also agreed to fund a small-scale independent evaluation of the project to assess its impact, which will start early next year. We will publish the findings to let people who have an interest in the project learn more about its impact on learning and teaching.

Rosemary Byrne made a good point when she spoke about the importance of spreading good practice, which lies at the heart of the debate. Indeed, the advantages of working across the sectors are more general and I am pleased that there are many instances of good joint working between local authority schools and independent schools, including sharing of facilities, curriculum development and leadership development. It is worth noting that the cohort of independent schools in Scotland also includes 35 other

independent special schools that depend on fees of various kinds, which includes placement request funding.

Mr Davidson: Will the minister give way?

Robert Brown: I have to watch my time; I am sorry about that, but this is a short debate.

I do not want to enter into the broader issues—some people were peddling particular party hobbyhorses, dare I say it, in their entirely genuine support of the Edinburgh Steiner school. It was interesting to see some of the parallels between the Conservatives' policies on funding approaches and those of Robin Harper.

I say to Mike Pringle that I have not had the opportunity to visit the Edinburgh Steiner school, but I have been to the Glasgow school and was able to examine its approach and discuss it with staff there. I also had the benefit of attending the presentation that David McLetchie made a few months back.

The Steiner approach has made a significant contribution to educational thinking over the years. The English research, which is at an early stage and is being assessed by the education authorities in England, identified particularly the early introduction of a foreign language, the child-centred approach and the emphasis on art and creativity. It might be a tribute to the Steiner schools that such issues are now being debated and acted on in the mainstream curriculum, particularly in the context of the current curriculum review, to which I hope Steiner schools will contribute. Indeed, the review has huge potential to make considerable changes in mainstream schooling. Steiner education has quite often provided a background in that respect.

We want all Scottish schools in every sector to be truly excellent, so we encourage them to consider best practice and to engage in dialogue across the sectors. We very much welcome the potential for local authority and Steiner schools to learn from one another. I am sure that the debate will have helped to encourage that, so I congratulate Mike Pringle again on securing it.

Meeting closed at 17:55.

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