

MEETING OF THE PARLIAMENT

Thursday 8 June 2006

Session 2

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Scottish Parliament

Thursday 8 June 2006

[THE PRESIDING OFFICER *opened the meeting at 09:15*]

Regulatory Framework

The Presiding Officer (Mr George Reid): Good morning. The first item of business is a debate on motion number S2M-4502, in the name of Sylvia Jackson, on behalf of the Subordinate Legislation committee, on its 21st Report 2006, "Inquiry into the Regulatory Framework in Scotland—Draft Report".

I call Sylvia Jackson to speak to and move the motion. We have oodles of time this morning, so you may take as long as you like.

09:15

Dr Sylvia Jackson (Stirling) (Lab): As convener of the Subordinate Legislation Committee, it is with great pleasure that I open the debate on the committee's draft report, which follows its inquiry into the regulatory framework in Scotland. The committee does not often have the opportunity to blow its own trumpet. Indeed, this is the first time in the life of the Parliament that there has been a debate in the committee's name. However, that fact should not diminish the work that it does. Subordinate legislation is extremely important, but it has a reputation for being technical and complex and for being written and scrutinised by people who don anoraks and are fluent in Latin.

Alasdair Morgan (South of Scotland) (SNP): And Greek.

Dr Jackson: Yes, and Greek. The committee's work is becoming more important as more legislation is delegated to secondary legislation. For example, in 2005-06 there were 19 bills, but the committee considered nearly 500 Scottish statutory instruments, which is an increase of around 40 on the previous year, 86 on 2003-04 and around 180 on 2002-03. That rate of increase shows no sign of slowing.

We published a report on phase 1 of our inquiry in June 2005. That report examined the wider issues of regulation and the better regulation agenda, including issues such as the understandability and accessibility of regulation, the use of plain language, electronic access to legislation and the Executive's improving regulation in Scotland unit.

Phase 2 of our inquiry considered how the Parliament handles and scrutinises subordinate legislation. We focused on the Parliament's procedures, the forward planning of subordinate legislation and timescales for scrutiny. We also examined consolidation, whether the Parliament should have the power to amend subordinate legislation and the current division of responsibilities between the Subordinate Legislation Committee and lead committees.

The current arrangements and procedures for subordinate legislation are contained in a transitional order and are based almost entirely on procedures that operated at Westminster before devolution. It was always the intention that the Parliament would develop procedures that were fit for purpose, and the report affords the Parliament a once-in-a-lifetime opportunity to set down its own procedures for subordinate legislation. We are now seven years down the road; we know what works and what does not.

To help us in our consideration, we took oral evidence from academics, Parliamentary committees, the Executive and users of subordinate legislation. We received written evidence from a wide range of people at home and abroad and we visited Westminster to speak to committees there that work with the same system as we do.

In our draft report, we recommend the replacement of all the existing procedures by what we have called the Scottish statutory instrument procedure—I am sure that somebody will shorten that. We want to know what people think about it; we genuinely want people to tell us. We could, of course, have published our final report now and recommended the drafting of a bill to replace the transitional order. However, we recognise how important it is to make the right decision, which is why we have taken the unusual step of consulting on a draft report.

I will take a moment to address some of the issues that influenced our recommendations. For a start, we feel that the current system is far too complex and unwieldy. There are eight different procedures for processing statutory instruments, some of which are rarely used. We have various timescales in place for the consideration of instruments: 20 days for this, 21 days for that, 28 days for something else and 40 days for other things—the list goes on.

There has been concern about the potential lack of full and proper scrutiny. Committees told us that they are concerned that they are not always able to give as much consideration to an instrument as they would like, simply because of the lack of time available. That issue has raised its head again this week, as it does before every recess, when a large number of SSIs are laid by the Executive.

That impacts not only on members, but on the committee support structures, including the legal advisers, clerks and others. We must be able to scrutinise subordinate legislation properly. In order to do so, we need adequate time, and we need the Executive to plan better.

Another problem that arises is that some instruments are already in force when they are considered by committees, as will be the case with many of the instruments that have been laid this week. If a committee finds fault with an instrument, there tends to be a reluctance to recommend annulment, given the fact that people will already be working with it and the potential legal ramifications of that.

Committees are given no indication of what subordinate legislation is coming forward or when, unlike primary legislation, and they are therefore unable to plan that part of their workload properly.

The proposed Scottish statutory instrument procedure—SSIP—seeks to address all those concerns. It recognises that there will be exceptions to any rule, and it allows for those, for example in cases where an instrument must come into force immediately, perhaps for a public health reason. My colleagues may go into more detail about the features of the new SSIP and about how we arrived at our recommendations. I take this opportunity to thank committee members for the non-partisan way in which they conducted themselves during our inquiry. I also thank our special adviser, Iain Jamieson, to whom we are indebted for guiding us through a difficult subject and for his input to the draft report.

We believe that our recommendations will make a difference. We want to work with members and the Executive to improve the system that we have. I hope that members will contribute their views, if not today, then in the coming weeks. The draft report is already out to consultation, with a deadline for responses of 8 September, and we aim to publish a final report before Christmas.

I move,

That the Parliament notes the 21st Report 2006 (Session 2) of the Subordinate Legislation Committee, *Inquiry into the Regulatory Framework in Scotland - Draft Report* (SP Paper 564).

09:22

Mr Stewart Maxwell (West of Scotland) (SNP): I will echo some of Sylvia Jackson's comments. I express my thanks to the clerking team, the legal advisers—who we could not do without—and particularly the adviser to the inquiry, who gave us an enormous amount of help throughout. I also thank both current and past committee members. One or two of them are here today, and I hope that they will contribute their thoughts on where we

have ended up following an inquiry that has taken more than two years.

As Sylvia Jackson said, our committee operates under a transitional order. It has always been the case that we were going to consider the arrangements and design our own system for dealing with subordinate legislation. In effect, we aimed to design a system that was fit for purpose for this Parliament. It is of course no surprise that we have been operating under a transitional order, as there was simply not enough time for Westminster to consider new subordinate legislation rules between the 1997 election and devolution coming into effect two years later. Moreover, as I said, the committee has taken more than two years to reach this point, with a draft report and recommendations.

The system that we use is a direct copy of the Westminster system, not because we think that it is fit for purpose here, but because the transitional order was the quick and easy way to get the system in place by 1999. However, we have now been in operation for seven years, and it is time to replace the temporary system with something that will last into the foreseeable future.

The SLC has a bit of a reputation, as many members know. When I was first appointed to the committee in 2003, people asked me what I had done wrong. Who had I offended to end up on the gulag of committees? I think that that was unfair. [Laughter.]

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): It was a punishment.

Mr Maxwell: Over time, Jamie Stone will come to love the committee, as others do.

That view is held not because of the work that the committee does or the broad range of subjects with which it deals—it deals with almost every subject that comes before the Parliament—but because of the system under which it has to operate. I certainly took a long time to get used to the process; there is a steep learning curve for those who join the Subordinate Legislation Committee.

It is no wonder that members steer clear of the committee when they hear about affirmative orders; negative orders; draft affirmative orders; draft negative orders; super-affirmative orders; the 21-day rule; the 40-day rule; the 28-day emergency rule; Henry VIII powers; and laying orders before making orders, unless they are made before they are laid. The list goes on; the process is complex and difficult to understand. The system is opaque, with archaic rules and language. It is designed to put people off, but it does not need to be that way. The report sets out the reasons why that is the case.

When we visited Westminster, we asked MPs whether, if they had the chance to design a system to deal with subordinate legislation from scratch, they would design the system that they have currently. After the laughter died down, they said “absolutely not”. They are stuck with their system because it has been built up over a long time.

When we began our inquiry, most, if not all, members of the committee thought that what we had to do was fix the current system. We could tinker around the edges, make a few changes, add a few bits in and take a few bits away and end up with a system that was fit for purpose. However, as the inquiry progressed and we spent more time considering the issues, it became clear that we should go back to first principles and ask the fundamental questions: what is the purpose of subordinate legislation and why do we have it? Once we had addressed those questions, it became obvious that we had to design a bespoke system for subordinate legislation that was fit for the new Parliament and that such a system would not be an amended version of the current system but a new, simple, straightforward, clear and easily understood system. That led us to devise the SSIP.

One of the problems with the current system is that it forces the Parliament and its committees to waste time going through the motions—no pun intended—with some SSIs, while not allowing enough time to scrutinise those that are important. The SSIP will allow Parliament to concentrate on the instruments that matter. It will allow committees to see the upcoming instruments and focus their efforts on those that are controversial or of particular relevance or importance. At the same time, committees will be able to deal quickly with routine and uncontroversial instruments. Parallel consideration by the Subordinate Legislation Committee and the lead committee will mean that lead committees will have a maximum of 40 days, rather than the current 20 days, in which to do their work. The SSIP will also allow committees to deal with routine instruments in much less time than it takes at the moment.

The system will focus attention where it should be focused. It will free up the time of ministers and officials, who will no longer have to attend committees when it is not necessary to do so. How many lead committee meetings have we attended to which a minister comes along and makes a statement on an instrument, after which there are no questions and no debate and the instrument is just voted through? That is a waste of ministers’ and officials’ time. They should come to committees to discuss SSIs only when it is relevant and the committee thinks that it is appropriate to have a debate and ask questions.

One of the other great advantages of the SSIP is that all instruments will be laid in draft and will be able to be modified to remove technical and typographical errors without the clock stopping, although not to make policy changes, for a number of obvious reasons. Last week I asked the committee clerks, half jokingly, how many typographical errors we advised the Executive of informally in the past year. The number was about 400. I had thought that there were more than that, but it is still an incredible number of typographical and minor errors that could be corrected if we were allowed to modify the instruments without the clock stopping. Providing for changing the draft instruments for technical reasons is a good and sensible suggestion. It will result in a real saving in time and effort for everybody, because there will be no need to withdraw instruments and re-lay them or to introduce amending instruments in the future. I believe that that process will mean that—at the point of making the instruments—Scotland will have some of the most error-free instruments of any Parliament in the world.

On the face of it, it could appear that we are lessening parliamentary scrutiny procedures because every instrument is effectively a draft—or a negative, to use the old terminology. However, the opposite is the case: scrutiny will be increased. Last year, only 84 of 500 instruments were subject to the affirmative procedure. The rest were subject to the negative procedure, which means that they go through no real procedure in the Parliament. The SSIP will allow us to focus on the real instruments and deal quickly with those on which we do not need to spend time.

I am not sure that there is a cutting edge of subordinate legislation, but if there is such a thing, what is in the report is probably it. It will generate interest in Parliaments and legislatures around the world in what we are thinking and how we are developing the use of secondary legislation.

The SSIP is an example of better regulation in general. We want to sweep away from regulation the nonsense, bureaucracy and unnecessary rules and that is also what we want the proposed SSIP to do—we are sweeping away what is unnecessary and focusing on what is important.

The detail of the report is irrelevant in many ways; it will be the subject matter of a later debate. It is the bigger picture that is important—what we are doing and where we want to go. We will get into the detail as we go through the debate thereafter. That is why we have presented a draft report and why we framed it in that way.

I echo what the convener said: this new Parliament has a once-in-a-lifetime chance to put in place a system that is fit for purpose and designed for the needs of a 21st century Parliament, rather than a 19th century one. We

should grasp that opportunity to get it right. I commend the report to the chamber.

09:31

Murray Tosh (West of Scotland) (Con): I start by associating myself with the remarks of Sylvia Jackson and Stewart Maxwell about the work of the clerks and advisers to the committee.

In the first stages of his speech, Stewart Maxwell indulged in a bit of humour, which demonstrated to the chamber the camaraderie in adversity that tends to link present and past members of the Subordinate Legislation Committee. Those who serve on it in the future can be consoled by that thought.

That sense of a shared purpose has helped to inform the recommendations in the report, which is non-partisan, as the convener said in her opening speech. We do, of course, have our moments of political banter and teasing, but in carrying out this particular project we have attempted to concentrate on the task in hand, which is to deliver a better system of scrutiny. We sincerely believe that our proposed model will do that. We hope that the minister will regard it in that spirit and ultimately accept it.

Both Sylvia Jackson and Stewart Maxwell referred to the transitional order. I would like to start there as well, and reflect on why there is one. Under the Scotland Act 1998, there are transitional orders here and there that, during the first two sessions, we have slowly whittled away. Why did Westminster not define subordinate legislation procedure instead of covering it with a transitional order? Surely the explanation is that the ministers who framed the Scotland Bill in the first place knew, whether consciously or instinctively, that a system that had evolved at Westminster was ripe for reform and should be looked at again in the context of a newly devolved Parliament.

Paradoxically, although subordinate legislation is not intrinsically fascinating, does not the mere fact of transitional orders hark back to the excitement and radicalness of devolution—the sense that we could go back to first principles and build something from scratch that would work better and be distinctive? I think that we have done that. We have operated under the Westminster system by default, but we have been challenged to devise our own procedures. Can we do it better? I think that we have suggested how we can.

It is important to speak about what we have not challenged and what we have agreed is common ground. We have not challenged the concept of subordinate legislation. We accept that what is on the face of the bill is appropriate and that what is in subordinate legislation is the filling out of detail, the elaboration of policy and the arrangements for

implementation—the practical nuts and bolts that do not need to inform the debates in principle when we pass a bill, but which are properly the subject of ministerial actions, subject to approval, in the years that follow the passage of the bill. Opposition and Executive members agreed that ministers should get on with the job. If policy is agreed, the task of the Executive is to develop the detailed regulations and implement the legislation. We are not in any sense attempting to interfere with the job that ministers do; rather we are attempting to help them interact better with the Parliament in the interests of better legislation.

Our role is to scrutinise subordinate legislation. Everyone agrees that ministers are responsible for subordinate legislation; however, when the distinction between primary and subordinate legislation was made, no one ever suggested that that meant that subordinate legislation should not be subject to scrutiny. Of course it should be: it should be subject both to the technical scrutiny of the Subordinate Legislation Committee and the policy scrutiny that lead subject committees undertake if they see fit.

That process is more important today, given that one of the unnoticed revolutions in Government over the past decade has been the move towards skeletal bills. Because such bills outline broad frameworks and principles, but leave more and more detail to be determined by subordinate legislation, there is more of a requirement for effective subsequent scrutiny of any regulations that might be issued. Evidence that we received from subject committees strongly suggests that they need more time to consider certain policy choices. After all, although many instruments might deal with routine administration matters, many others set out important policy choices that ministers have made. Sarah Boyack highlighted the best example of that, which related to regulation governing the less favoured areas support scheme. The Environment and Rural Development Committee, of which she is the convener, would have liked more time to scrutinise the detailed allocation of what I believe was £60 million of public money. Committee members saw some scope for carrying out work on the matter; however, the negative instrument was already in force by the time they came to discuss it and they felt that they had not been able to interrelate with ministers and satisfy themselves that the decisions that had been taken fully accorded with the policy.

Committees want that kind of improved scrutiny. They do not want to take every statutory instrument to bits and analyse it in fine detail; instead, they want to be able to be selective and say, "We feel that it would be useful to examine this matter and want some time to discuss it with ministers". Moreover, we in the Subordinate Legislation Committee are acutely conscious of

the tight timetables to which we make hard-pressed staff work and would like to have more time to conduct our deliberations on those instruments. As a result, because the current process unduly constrains the scope of the subject committees, we have suggested that instead of reporting first to subject committees, our committee should work in parallel with them.

There are many reasons why we have proposed the new procedure, but one that I want to highlight is the amending of statutory instruments. I do so deliberately because, in the course of our deliberations and discussions with Executive officials, it became clear that they were very concerned about this matter. I think that it is important for everyone to understand what we are talking about.

When we took evidence on the principle of overall amendment, some suggested that committees should be able to amend statutory instruments. After carefully considering that proposal, we rejected it, because we did not think that, once Parliament had approved the principles of a piece of legislation, ministers who introduce regulations or orders should be made to re-open the whole matter by subject committees lodging amendments. There is simply no time for that, and we could see no justification for covering that ground again.

However, we think that technical amendments—manuscript amendments, if you like—that ensure that instruments are fit for purpose would improve the system. Stewart Maxwell referred to the number of typographical errors in subordinate legislation; sometimes there are also erroneous references to the parent legislation and other orders. Indeed, in response to our questions on an instrument, the Executive might accept many minor amendments that can be made if the instrument is at the right stage; however, the instruments are often unamendable and the Executive will simply say, “Yes, we recognise the problem, but we don’t think it will affect the way the instrument works.” Some errors can be so severe that the original instrument has to be withdrawn and a revised instrument issued later on. That cumbersome and unsatisfactory process means that stuff that is not correct is left on the statute book simply because we reckon that it will do. That is not a good way of governing or legislating.

Under our proposal, the amendment process would be initiated by the Executive. Although, technically, the Subordinate Legislation Committee would initiate amendments to an instrument by drawing the points to the Executive’s attention, the Executive and the committee would have to agree that the instrument has to be amended. That process would allow us to get better legislation on

to the statute book first time. That is not something that the Executive should be concerned about on procedural, policy or practical grounds.

The committee has also asked for the right to debate the annulment of an instrument. At the moment, that is open only to the subject committee. We have done that because we can conceive of occasions—during my time on the committee there have been two instruments about the vires of which we have worried seriously—when it would be appropriate to discuss the matter with the minister and to provoke a debate at committee, which, if it went satisfactorily, need not then be repeated in the chamber. Now and again there are vires issues or technical issues that lead us to say that, although the subject committee might be happy with the policy, the Subordinate Legislation Committee is rather worried that the instrument could be challenged on its vires. We therefore think that we should have that right to annul, but nobody on the committee intends that we should go round trying to annul instruments because they contain a reference to paragraph 6(d) when it should have been 6(e). We would rather sweep that kind of point—technically important but trivial in terms of our time—out of the way by using the power of amendment.

We have made recommendations on consolidation, on publication, on a forward work programme and on rules of court, all of which are designed to improve the flow of business, to increase transparency and to improve scrutiny. We think that ministers should go to committees to discuss statutory instruments when committees want to scrutinise those statutory instruments and do inquiries, but we do not think that there is much sense in ministers having to go to a committee 84 times in the course of a year because they have to be there to move an affirmative instrument to which nobody takes exception and about which no one wishes to create any debate. Let us use ministers’ time more fruitfully as well.

My final point is about emergency and exceptional procedures. We were extremely sensitive to the importance of introducing a new procedure that would command everyone’s support and would be seen by the Executive as fit for purpose. In our discussion with Executive officials, we were able to flesh out many areas where it was clear that the new procedure, as envisaged in outline form, would not be fit for purpose, because sometimes the Executive has to act quickly. An emergency instrument is a clear case in point, but there are other examples. For instance, a European directive may need to be introduced throughout the United Kingdom on an agreed date so that the system here replicates that in England. If I may say so, the fact that Scottish National Party members, who might have wanted to make a political point about that,

accepted that that was valid within the existing constitutional framework points to the maturity and sense of shared purpose in the committee and to our commitment to getting things right.

The fact that we were careful to shape a procedure that accepts those legitimate targets of Government demonstrates that we are looking for something that will improve the system of government, for Executive action as much as for legislative scrutiny. It is for those reasons and within that framework that the committee has produced an important, radical and challenging report, but one that still accepts the overarching framework of subordinate legislation operating within a system of division between primary and secondary legislation. That system allows the Parliament to focus in its plenary time on policy debates, lets the committees get on with the scrutiny of those instruments that they think should be scrutinised, and allows ministers, members and those regulated to understand, appreciate and participate better in the process of formulating a most important body of work.

I have great pleasure in supporting the convener's motion and in indicating my support for the Subordinate Legislation Committee's report.

09:43

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I woke up this morning and looked out the window, saw that it was a bright, cheerful day—and then remembered this debate. I joke. I am the newest member of the Subordinate Legislation Committee and I point out to members that I actually volunteered for the committee. That caused some shock among members of the Liberal Democrat parliamentary party—Margaret Smith had to take two pills and think about it—but here I am.

I do not have much to add to what has been said, save to say that Sylvia Jackson, Stewart Maxwell and Murray Tosh could not have done better in bringing to life an important subject. If one wants to understand the nuts and bolts of how the Parliament works, the Subordinate Legislation Committee is important, and I have found my involvement with the committee a most interesting experience. I was not sure what to make of it at first but, once one gets into it, it becomes extremely interesting.

Sylvia Jackson referred to the number of bills that the committee has scrutinised and to the fact that 500 instruments have been placed before the committee in the past year. That is a huge number.

I take on board the thinking that lay behind the transitional order arrangements that Westminster gave us. Perhaps Jim Wallace can enlighten us a

little on the matter when he sums up for my party. What we have heard so far—that things were deliberately done in the way that they were in the hope and expectation that we would develop our own rules—is probably correct.

If primary and secondary legislation are to work, it is important that things are done in the simplest possible fashion. When I first appeared at the committee and heard about Henry VIII powers, I did not know what on earth they were.

The Minister for Parliamentary Business (Ms Margaret Curran): I bet that made your eyes light up.

Mr Stone: I hear what the minister says. Whether I understand what they are even now is debatable. I will not say anything about what I thought when I heard the word “laid”.

On a serious note, I associate myself with what has been said about the clerks. I am new to the Subordinate Legislation Committee and value the support and advice that I have received from them. I also give credit to my fellow committee members, who have been patient with me and have drawn me into the committee. As Murray Tosh said, the committee has a very collegiate attitude. It is one of the most practical, let's-get-on-with-it, let's-try-and-do-things-together committees that I have come across.

Murray Tosh made interesting remarks about how we have whittled away—I think that was the expression he used—the transitional orders during the Parliament's two sessions. He was right to say that the challenge of devising our own fit-for-purpose procedures that will work is important.

We are rightly proud of the fact that people can go online to find out what we do, but what we say online must be understandable to members of the public. Expressions such as “negative instruments” and “Henry VIII powers” are meaningless to the public. The Subordinate Legislation Committee and the Parliament have a duty to make things as accessible as possible.

John Swinburne (Central Scotland) (SSCUP): Does the member think that the document uses too many acronyms? Members of the committee may know what all the initials stand for, but could not things be made much easier, plainer and simpler for members of the public who go on to the website? Rather than there being a series of initials, what those initials stand for could be stated.

Mr Stone: There is a lot in what John Swinburne says. He is probably going in the same direction as me. It is worth pointing out, as members have done, that the report is a draft report—it is work in progress. If we can improve it, that would be well and good. That is why we are going back to the

Parliament and the Scottish people and saying, "Come forward with suggestions and answer the questions that we have put." We want to hone things.

Murray Tosh mentioned the point Sarah Boyack made, which is crucial. The importance of rules about how we treat emergencies has also been mentioned—there must be such rules.

I do not have much more to say. The report is interesting and worthy. I joined the committee fairly late in the report's development. Getting as many people as possible—members of the public as well as politicians—to give their opinions on it between now and the beginning of September will be invaluable.

The Presiding Officer: We move to the open debate, in which I am not imposing any time constraints on members.

09:48

Christine May (Central Fife) (Lab): Some—although perhaps not all—members know that subordinate legislation is not used in every legislature. In fact, some of our European colleagues are shocked that we give ministers powers to make rules and regulations that implement primary legislation without any effective scrutiny by the Parliament. They believe that we are foolish—it happens in the Commonwealth nations, too—to allow our ministers such powers.

Jamie Stone referred to the Henry VIII principle, which involves the power to amend primary legislation by using secondary legislation and therefore gives ministers enormous power.

We have heard about the number of instruments that come before committees and the Parliament. I venture to suggest that—apart from members of the Subordinate Legislation Committee, or members who are particularly interested—nobody reads those instruments. Nobody knows what they say, what their impact is, who they will affect, or whether they make a major change to primary legislation.

Subordinate legislation is important: it puts the flesh on the bones of laws; it says what is allowed and what is not; and it deals with sanctions such as criminal penalties. In evidence to the committee, the Federation of Small Businesses said that it believes that subordinate legislation is extremely important, and I think it supported the committee in its view that changes should be made.

Regulation by subordinate legislation is one of the things business complains about most. I and some others in the chamber were lambasted at a Hansard Society event by representatives of the chemical industry about the plethora of regulations

and the frequent and minor changes that are made and that are not explained to the industry in an understandable way. Such changes are sometimes like the amendments to motions that we consider in this chamber: one word, as many of us know, can make a great difference. Is it "may" or "shall", or "could" or "would"? The choice can wholly change the focus of a piece of legislation.

In 2003, when I came to the Parliament, I began on the Subordinate Legislation Committee—and I did not regard it as the gulag. In my previous life, I had worked with such rules and regulations and I knew how important they were. I knew how difficult life could be when they were wrong or not as effective as they might have been, or when they clashed with other regulations. We have all despaired over trying to implement policy when there is conflict between two sets of regulations, perhaps for two different pieces of legislation.

Regulations affect more people than just those in business. They affect the voluntary sector, public agencies, the environment and, ultimately, every person in Scotland. It is therefore important, in this second phase of the work of the committee—which, of necessity, focuses inwards on the technicalities—that we keep our eye firmly on the external effects on business, on the public agencies, on the voluntary sector and on our communities.

In 2005, the Hampton review into better regulation in Westminster said that

"different regulators find it hard to join their systems or operations"

and that that could

"result in missed opportunities".

The report also highlighted the inconsistencies in regulation that I have referred to.

With such points firmly in mind, the Subordinate Legislation Committee considered what might be good for Scotland. The major recommendation in its report is that the system should be simpler. Members have spoken of the complexities, of the different forms of instrument, and of the terminology. John Swinburne is quite right to talk about the acronyms, but it is not only the acronyms; it is all the terminology.

From my time on the committee, I remember Alasdair Morgan showing off his Greek.

Ms Curran: His Greek what?

Christine May: Well, I notice that he is dressed in furry lining and anorak colours today. Is that deliberate for such a technical discussion? I withdraw that question. It is a wonderful suit.

We should simplify the system and make it particular to Scotland—but do so while acknowledging that regulations are also made at Westminster and that they may sometimes support the same piece of legislation or the same European directive, which will have to be commenced at the same time and which will affect businesses or others that operate both north and south of the border.

We should keep policy and technical scrutiny separate, but work on them concurrently. I hope that the minister will consider that recommendation carefully, because it makes sense. It would allow the time—the 40 days or whatever—to be used much more effectively, and would greatly increase the Executive's ability to make any necessary changes.

The Executive should plan the process and publish that plan so that users know what is coming. That is one of the report's key recommendations. I am not surprised that most businesses have little knowledge of the technicalities of the process, but it is really important.

Consolidation and updating are important, too. On numerous occasions I have listened to the committee recommend unanimously that a piece of legislation is due for consolidation, only for the Executive to tell us that it does not have time to do that. I say to the minister that it is important that that issue be examined seriously and that time and resources be made available to tackle it.

There should be an exceptional procedure for emergencies. Every piece of legislation should include provision for emergencies and exceptional circumstances, because one size never fitted all. The system must be flexible.

Finally, I have a request that I am sure the minister will find easy to meet. The improving regulation in Scotland unit—IRIS—plays an extremely important role in liaising between Government and business, but two changes need to be made to it. First, its membership should be expanded to include non-business members because it is important that the voluntary sector and other organisations that are affected by subordinate legislation and regulation are represented. Secondly, it should be moved from the Enterprise, Transport and Lifelong Learning Department to the First Minister's office. That would reflect the position of the unit at Westminster—it is within the Cabinet Office—and give IRIS the status it deserves. It would send a clear message to users of subordinate legislation and the people who are affected by it that that area of legislation is as important as primary legislation.

I welcome the report and hope that members and others out in the wider Scotland will give their views on its recommendations. I am pleased to support the motion.

09:56

Alasdair Morgan (South of Scotland) (SNP): I apologise to Christine May, but I have not had time since she made her remark to rush out and change my suit, so she will have to put up with this one. In my defence, I do not think that I have ever shown off in a committee, but if a statutory instrument that contains Greek comes before us—as happened when I was a member of the committee—we should at least ensure that it is correct.

I suppose that my speaking in the debate shows the truth of the old adage that you can take the man out of subordinate legislation, but you cannot take subordinate legislation out of the man—or perhaps it just shows that I have a very sad personal life.

I congratulate the committee on the report, which represents a good step forward. The procedures that it suggests will be much fitter for purpose than those that we have at present. I also congratulate the members of the committee on their modesty because the report is one of the few committee reports that does not contain the names of the members of the committee—they must be blushing violets.

There is no doubt about the importance of subordinate legislation, as several members have said. The first paragraph of the report states:

"Most statutory law is not contained ... in Acts of the Scottish Parliament or the Westminster Parliament, but in what is known as subordinate legislation".

It has already been mentioned that, as far as business in both rural and urban areas is concerned, the detail of statutory instruments is much more important and has a much greater impact than the provisions in the acts of Parliament that we pass.

The convener noted that there has been a vast increase in the number of statutory instruments that have been made, even since the Parliament was set up—I had not been aware that the number was so great. That should make us all pause for thought, especially given Christine May's observation that some legislatures manage to get away without having any statutory instrument procedure at all.

I want to deal with two particular areas that are mentioned in the report, the first of which is amendments to statutory instruments. The proposed procedure is important, particularly the provision that would allow the clock to stop ticking

when the committee suggested technical amendments to a draft instrument so that the Executive could adopt them. Another significant proposal is that to allow parallel consideration of an instrument by the Subordinate Legislation Committee and the relevant subject committee. That would ensure that the 40-day consideration period was more likely to be a true 40-day period.

I am not particularly happy with the inability of subject committees to amend or to suggest amendments to statutory instruments. I know that I will not win the argument, but I want to put it anyway. In defence of committees' inability to amend statutory instruments, the Executive states:

"it is entirely possible for the Parliament to reject an instrument and, in doing so, to make clear that specific changes are required".

However, that flies in the face of the reality that we know. We know what arguments ministers will trot out when the instrument comes before the committee. They will say that the instrument must be approved because it is absolutely essential. Often, because instruments are quite complex, a committee may have problems with only a small part of a statutory instrument. The committee is then in a no-win situation. Should it reject the entire instrument and throw out the baby with the bath water? In truth, it never does.

Murray Tosh: We understand the point that is being made, but does Mr Morgan envisage the Parliament having the resource and the time to deal with amendments, possible amendments and probing amendments to 500 instruments per year?

Alasdair Morgan: That is the difficulty that we have. It is difficult to see what the alternative is. To a large extent, we must look to the Executive to play the game as well, because of the constraints that have been placed on committees in dealing with statutory instruments. Statutory instruments are a powerful tool that we give to the Executive. Part of the bargain in our giving the Executive that tool is that it should not abuse the privilege. None of us could put our hand on our heart and say that it is never abused by any Executive of any party.

Paragraph 133 of the report cites the following statement by the Executive, in which it defends the position that there should be no amendments:

'We can envisage circumstances in which an instrument as amended does not necessarily reflect the policy intention of the original act'.

That suggests that only a committee might come up with wording of a statutory instrument that changed the policy intention of the original act. Surely the Executive is just as liable to do that, especially if the act was passed not in the previous week or month but 30 or 40 years beforehand.

In evidence cited in paragraph 134, the Executive states:

'Parliament had agreed the policy decided by the Executive.'

The instrument was just about how that policy should be delivered.

Murray Tosh: I understand that, 40 years down the road, the Parliament and the Executive that is in power may have an entirely different view of legislation. Would not the appropriate way to deal with that be to amend the primary legislation to enshrine different policies in it, rather than to amend subordinate legislation?

Alasdair Morgan: Yes, but we are dealing with a situation in which a committee is presented with a statutory instrument to which it must say yes or no. That is the difficulty. As the Subordinate Legislation Committee points out in paragraph 137 of the report, and as Mr Tosh said earlier, acts are often simply frameworks for Government legislation. For that reason, I do not agree that the power to reject instruments is sufficient. We need to strike a balance. I see the difficulties in allowing every committee to lodge amendments to subordinate legislation, but if we are not to allow that, we must stop passing skeletal acts and must leave much less to be decided after bills are passed.

We should have much more detail within bills. If SSIs contained only detail that it was not appropriate to have in the relevant bill, all would be well—but I often have the feeling that details are not included in the bill not because that is not the place for them, but because ministers have not yet worked out what they want the detail to be. SSIs are simply a way of speeding up the procedure.

The second area that I want to cover is consolidation. Acts are complex and statutory instruments are complex. Five statutory instruments that amend each other and an act is even worse. It is wrist-slitting stuff. Nobody can ever work back through the chain of these things.

In paragraph 158, the committee says that it thinks that the Executive lawyers have a cut-and-paste version of the current legislation. In paragraph 161, the Executive says that it

'would not want to share something that might not be wholly reliable.'

If the Executive's view of what it thinks current legislation is is not reliable—if no one actually knows what the up-to-date situation is—what does that mean for the ordinary people and businesses in this country that are meant to obey the rules and regulations? There is a strong case for consolidation to be an on-going process.

The Executive says that considerable resource implications might be involved in consolidating subordinate legislation. What would a *Daily Mail*

editorial make of that? Effectively, the Executive is saying that we have so much legislation that we cannot keep pace with it and ensure that it is up to date. The *Daily Mail* would suggest that that means that less legislation should be passed. We should think about that. If we cannot ensure that the legislation that we are passing is consistent and clear and enables the people who have to obey it to know what it is that they are supposed to be obeying, we should think seriously about what we are doing.

10:06

Mr Kenneth Macintosh (Eastwood) (Lab): Thank you for giving me the opportunity to speak, Presiding Officer. I was not planning to do so, but I am happy to make a contribution.

Mr Stone: Are you really happy, Ken?

Mr Macintosh: Well, one of the reasons why I argued in the committee that we should have this debate today was so that we might engage members who are not involved in the Subordinate Legislation Committee. Unfortunately, looking around the chamber, I see that we have comprehensively failed in that task.

The fact that we are having this debate means that the debate is not being held just in the confines of the Subordinate Legislation Committee and the various departments in the Executive. We are asking members from all parties to consider these bold, innovative and quite radical proposals.

My colleagues have already outlined many of the reasons why we have gone down this route. I do not wish to repeat what they have said, but I will say that there is a danger that, in the face of the complexity of the current system, we will end up dealing with subordinate legislation in a formulaic manner or, at least, we will fall into bad habits. Although we are dealing with more and more subordinate legislation, many of the instruments, following their scrutiny by the Subordinate Legislation Committee, receive little more than cursory examination by the lead committee—I know that from my experience of sitting on lead committees.

I believe that the Subordinate Legislation Committee spends far too much time correcting or flagging up all the typos, which Stewart Maxwell and Murray Tosh alluded to. We end up acting as some sort of quality control mechanism for the Executive, which should not be our role. If we are to scrutinise effectively matters ranging from the trivial to the serious, the attractions of this new system are many, particularly the potential for the Executive to amend instruments using the parliamentary process that Murray Tosh talked about.

The process could clearly be far more interactive and it should certainly be far better than the current, frustrating stand-off that we sometimes have between our committee, with our legal advisers, and the Executive, with its lawyers.

Having outlined my support for the proposals for the new, open and accessible system, I would like to strike a note of caution. Whatever the failings of the current process, it works. We need to improve the Parliament's ability to scrutinise the Executive and statutory instruments effectively, but we need to be careful that we do not create a new series of problems. This is already a slow and bureaucratic process. Is there a possibility that we might end up making it even slower?

There is a possibility that the new system could be abused by those who might wish to slow down the business of government. I do not think that ministers will be called to attend every meeting of the Subordinate Legislation Committee under the new system, but I imagine that the Executive will be slightly apprehensive that that is exactly what will happen.

This morning, we have made a virtue of the fact that the current system is not party political and that colleagues work together effectively across party boundaries to make subordinate legislation work. Is there a danger that, by introducing the new system, we could make it more party political? That would not be a step forward.

Murray Tosh: It is perfectly possible under the existing system to bring ministers to every committee to discuss every statutory instrument, simply by lodging a motion to annul, but nobody does that. Why should things change under the new system? Why should we fear that committees will start to harass ministers, given that there is ample opportunity to do so at present but nobody does it?

Mr Macintosh: I agree with Murray Tosh. I believe that the new system will be a huge improvement on the current system. There are clear attractions in it, not just for the Parliament and the Subordinate Legislation Committee but for the Executive. It will benefit the business of government because we will spend time on the more important points of subordinate legislation rather than on the trivia.

I do not think that people will abuse the new system. What I am saying is that there must be doubt, if not in the Executive's mind then perhaps in the machine that is government and in the minds of civil servants. I do not want to give civil servants a bad name, but they are used to the current system and any step into the unknown creates anxiety.

The committee could have followed a different route. We could have made a series of

recommendations to improve the current system incrementally. For example, whatever happens, we want parallel consideration of subordinate legislation by the lead committee and the Subordinate Legislation Committee and we want to place far more emphasis on prior consultation and planning so that Parliament knows what is coming up and things are not sprung upon us. In effect, our workload should be managed better.

The change is a step into the unknown, but it has many attractions—not just for the Parliament, but for the Executive and the business of government in Scotland. I hope that the minister will recognise that. We need to ensure that the Parliament and the Executive work together. The balance of power between the two bodies could change, but if we work together we can maintain the trust that currently exists and design a system that is better both for our new Parliament and for our new system of government in Scotland. I hope that the minister and members—including those who are not present this morning—will engage with the committee's draft report.

10:12

Mr Jim Wallace (Orkney) (LD): I must be the first member to speak in the debate who has not been a member of the Subordinate Legislation Committee. I am delighted to be able to take part in the debate, which has been constructive, and I congratulate the Subordinate Legislation Committee on the service that it has done not only the Parliament but the wider Scottish body politic by publishing its report.

Like Alasdair Morgan, I was a member of the Westminster Parliament that passed the Scotland Act 1998 (Transitory and Transitional Provisions) (Statutory Instruments) Order 1999, which was secondary legislation. Perhaps Alasdair Morgan, with his classical background, can tell us the difference between a transitory provision and a transitional provision. Murray Tosh and Jamie Stone speculated about why that order was made. I believe the reason was that we needed to have some procedures in place when the Scottish Parliament was established. It is obvious from the committee's report and from members' speeches today that the flow of statutory instruments never stops, so when Parliament was established there had to be a procedure in place to deal with them.

Equally, however, it was recognised that it was important that our Parliament would in time devise its own means of dealing with secondary legislation. We have done that. That has not been rushed in any way and the experience that we have gathered in the past seven years has influenced the report. Many of the recommendations in the report would help to improve matters.

In spite of the fact that we inherited a system from Westminster, I can identify two areas in which we do things better. In the Scottish Parliament there is an opportunity to examine properly instruments that are subject to the negative procedure. At Westminster, the Joint Committee on Statutory Instruments does a technical job but, as I remember, if one wanted to debate such an instrument, one had to table a motion. The chances of such a motion's ever being debated are at the grace and favour of the Government of the day. I remember that the Opposition parties sometimes used to compete to table such motions first; members would keep going to the table office to find out whether the instrument had been laid, because if we were allowed to debate the motion, whoever had got in first to table a motion would have the chance to lead the debate. We deal better with legislation that is subject to the negative procedure.

I do not recall a piece of secondary legislation ever being withdrawn when I was at Westminster, but I know from my ministerial experience that secondary legislation has been withdrawn here, and not only for technical reasons. Gordon Jackson will remember that, in the early days of the then Justice and Home Affairs Committee, an order was produced that would increase the threshold for small claims and summary cause cases. It attracted technical objections and involved policy issues that led to its being withdrawn. As John Home Robertson has just pointed out, we still await its return.

I welcome simplification and parallel consideration, which would provide more time. I was sceptical about the Executive's having to produce a programme for statutory instruments in the next three months or six months—perhaps that feeling was born of experience—but a programme would provide discipline. If we had had such a programme back in 2001, we would not have missed the order to continue tolls on the Erskine bridge. If such a programme allowed the Subordinate Legislation Committee to identify issues on which to focus, it would be welcome.

The report is useful for reminding us of issues that arose from phase 1 of the committee's inquiry. They are set out in annex 2, which refers to the importance of regulatory impact assessments. Those are vital not just for business, but for others. A presumption should be made in their favour and some of the means of ensuring scrutiny of regulatory impact assessments should be imported into standing orders.

As many members may know, I am examining on the European and External Relations Committee's behalf whether the transposition of European Union directives is gold plated. It would be premature to give conclusions on that, but

issues have been identified, such as consultation at early stages and at the time of transposition. If legislation must be introduced in the next session of Parliament to implement recommendations in the Subordinate Legislation Committee's report, I hope that that might be considered in the round and in relation to better transposition of European Union legislation.

10:17

Murdo Fraser (Mid Scotland and Fife) (Con):

The debate calls to mind the halcyon days that I spent discussing statutory instruments in the Subordinate Legislation Committee on Tuesday mornings during the previous parliamentary session in committee rooms on the Mound. I have a sense of nostalgia when I remember those days when we few, we happy few, we band of brothers and sisters joined together to discuss interesting subjects. [*Interruption.*] Murray Tosh suggests from a sedentary position that I want my old job back, but I think that I will leave that until later in my career, if I can.

Members who sit on the Conservative side of the chamber have a clear view of the public gallery—it has been interesting during the debate to watch people take their seats and leave quickly thereafter. It is clear that the debate has not attracted the level of public interest that some recent debates have.

The debate has been important, though. In the brief time that is available, I will highlight a few matters by drawing on the report and on my experience on the Subordinate Legislation Committee. One important point to which the report refers is that many errors appear in statutory instruments. Stewart Maxwell referred to the fact that the report says that 20 to 30 per cent of instruments that go before the committee have errors. It is interesting that the equivalent figure at Westminster is only about 5 per cent. There are two possible explanations for that: one is that our Scottish Executive drafters are poorer than those at Westminster, which is possible, and the other—which I suspect is more likely—is that the Subordinate Legislation Committee's staff are better at picking up errors than are staff at Westminster. It is only right that we give credit to the committee's staff. Anybody who has served on the committee will know that, were it not for the assistance of the committee's staff and legal advisers, committee members would find their work much more difficult.

The time pressures on staff are a serious problem. After instruments are laid, the legal advisers have only a short time in which to examine them in order to draw members' attention to any errors. That can be an issue, in particular towards the end of the parliamentary session or

the week before a recess when dozens of instruments—up to 40 or 50—might be laid. That puts a lot of pressure on the staff, so the timescales should be ironed out. I am pleased that the report comments on that.

The Subordinate Legislation Committee is important to Parliament because it keeps technical issues separate from political judgments on instruments. There is nothing automatic about our having such a committee. I understand that the Northern Ireland Assembly does not have a committee that does such work; rather, it is done by a civil servant who reports to the lead committee. However, it is an advantage to have the Subordinate Legislation Committee; its decisions have more weight than if they were made by a civil servant.

I will comment briefly on the recommendations in the report. It makes sense to have a simplified procedure. I spent two years on the committee, but am none the wiser about the differences between affirmative and negative instruments—

Mr Stone: Henry VIII provisions.

Murdo Fraser: Or Henry VIII provisions.

I am sure that members who have not served on the committee are even more confused than I am. It would make sense to simplify the procedure. We should also reconsider timescales, which would be good for the staff who serve the Subordinate Legislation Committee. As Murray Tosh said, let us consider giving the committee the power to recommend amendments to instruments rather than simply to report to the lead committee, and let us also consider having it report in parallel with the lead committee, which would save time.

This has not been the liveliest debate for the people in the public gallery, but it has nevertheless dealt with some important points. I commend the committee's report.

10:21

Mr Adam Ingram (South of Scotland) (SNP):

Raising the subject of subordinate legislation, even among the political anoraks who occupy this building, tends not to get much response other than people's eyes glazing over rather quickly. I must therefore congratulate colleagues who have taken part in this morning's debate for at least holding members' interest—then again, all of us have probably paid our dues as members and former members of the Subordinate Legislation Committee of the Parliament.

The debate and the draft report could well mark a turning point in the life of the Parliament, and be the final break from a complex, arcane and archaic way of making legislation that we inherited from Westminster.

The committee had two options from which to choose in drafting the report. One was to go for improvements to the current system and, where it could, to streamline but maintain in essence the existing machinery. The other option was much more radical: it was to start again from first principles and devise a system for subordinate legislation that is not only fit for purpose for a new Parliament in the 21st century but, perhaps more important, which ordinary mortals might be able to access and understand. That is the committee's ambition for the Scottish statutory instrument procedure. It is to the committee's credit that it has taken the latter course, but we will have to weigh the issues raised during consultation on the draft report very carefully before we confirm our recommendations.

Sylvia Jackson highlighted the large volume of subordinate legislation that comes before Parliament and the considerable experience that members have gained. Now is therefore a good time to replace the transitional arrangements. She also pointed to the need for proper scrutiny and highlighted the fact that subject committees often struggle with time constraints when they carry out such scrutiny. Reform is needed.

Stewart Maxwell highlighted the fact that the SSIP will allow Parliament to concentrate on the instruments that matter and to get quickly through routine instruments. Murray Tosh underlined the non-partisan nature of the committee's reflections on the reforms that we are advocating and rightly emphasised that we are making no attempt to interfere with the Executive's ability to make subordinate legislation. His clarification of what we mean by being able to make amendments effectively with Executive approval should reassure the minister.

Similarly, Christine May rightly pointed to the considerable powers that ministers possess in being able to make subordinate legislation, and she indicated how such legislation significantly affects business in other organisations. Making the system simpler will lead to better and less burdensome regulation.

I hope and trust that the minister's response to the draft report will not be opposition to it. We are not trying to limit the Executive's ability to progress its legislative programmes—quite the opposite, in fact—but we want to ensure proper and efficient scrutiny. As other members have said, this is a once-in-a-lifetime chance to effect a truly modernising change in government. I hope that we take it.

10:25

The Minister for Parliamentary Business (Ms Margaret Curran): I have never been a member

of the Subordinate Legislation Committee, although I obviously have ministerial responsibility for it. I do not know whether that allows me to be part of the merry "band of brothers and sisters" to which Murdo Fraser referred, but the fact that I have found the debate interesting surely qualifies me for membership.

I should say on behalf of the Labour group that we do not regard membership of the Subordinate Legislation Committee as a kind of punishment for bad behaviour. I am sure that Gordon Jackson, who is just about to leave the chamber, would confirm that. *[Laughter.]* I turned round at just the right moment.

We welcome the debate and I hope that I will not strike a tone of opposition. Certainly, since I have been the Minister for Parliamentary Business, I have tried to engage constructively with the Subordinate Legislation Committee. I appreciate its non-partisan and professional approach—the committee works in the interests of the whole Parliament, which is greatly appreciated on our side of the table. I hope that such dialogue can continue.

I obviously have responsibility for ensuring that we keep the show on the road and get to the end result; it is not just about the process, but the outcome. I may raise doubts and questions in my speech, but I will do so from within a framework of wanting to hear the arguments and iron out the detail. We welcome many parts of the draft report and we will move on that once we get to the details. We suggest that we can continue the discussion, as time goes on, through the Executive officials and Subordinate Legislation Committee officials who are clearly engaged with the detail. I hope that what I say will be viewed in that context. I want to thank officially Sylvia Jackson and the committee for the work that they have done and the manner in which they have conducted discussions with the Executive.

The report is substantial and what it says is significant, so we must consider it in great detail. The report requires full consideration and careful study from our side of the table. We will engage in and continue with that work. As I said, however, I want to flag up a couple of issues; I hope that members will bear with me as I do that. Again, I emphasise that we do not dismiss what the committee has said in relation to the points that I will address. It is just that we believe that we must think through certain issues as we move forward.

In particular, we must think through the recommendation on the 40-day draft instrument laying period. We regard that as the main recommendation and will pay particular attention to it. A maximum normal laying period of 40 days for most draft instruments, even the most routine instruments, would add considerably to the work

and timetables in making SSIs. Again, I am not saying that there are not things that we can do to improve our procedures or that we should not address issues in our internal working arrangements.

Dr Jackson: I just want to point out that for instruments that have little or nothing wrong with them, the period would be much shorter than 40 days.

Ms Curran: I appreciate that point, which suggests the kind of detail that we need to iron out as we go forward. We need to think through the consequences of what Sylvia Jackson just said. However, our view is that the committee's 40-day proposal would subject a range of what we regard as routine instruments to an unnecessarily long period of scrutiny and delay.

I accept the point that Sylvia Jackson made in her opening speech about exceptions to the rule and the detailed procedure for amendments. We will seek clarification of what that would actually mean in practice, particularly in terms of the respective roles of the Executive and Parliament in making decisions. Again, the Subordinate Legislation Committee will appreciate that we think that the 40-day proposal needs more work to be done on it so that it can accommodate instruments that are also subject to procedures at Westminster or which are intended to progress in parallel with corresponding instruments at Westminster. We have a number of doubts about the practicality of the main proposal. We need to consider it in more detail and more work needs to be done on it before we can make a formal response to it.

However, the debate has flagged up significant issues that are mentioned in the report and which we need to address, such as the time for lead committees to scrutinise instruments and the lack of planning for SSIs, which leads to bulges in the workload and a lack of advance notice. We support a number of options to tackle those problems. For example, parallel working by the Subordinate Legislation Committee and lead committees or a short extension—to 28 days—of the period before an instrument comes into force could provide lead committees with more time to consider SSIs and the Subordinate Legislation Committee's comments on them. The implications of an extension to 28 days require more detailed consideration, but they are likely to be considerably less than the implications of the proposed 40-day period.

I accept the committee's points about bulges in the workload at certain times. If we can, we will seek to improve our planning procedures to address that issue and iron out, as Murdo Fraser suggested, a number of the associated problems. I do not dismiss the possibility of improvement. Jim Wallace made a compelling point about

instruments in which mistakes have been made. If I could, I would try to avoid such mistakes with all human resource, but I am, simply because of the way in which financial years, parliamentary time and parliamentary business work, not sure that we can avoid all the log jams. However, we can discuss that point in detail.

The debate has been helpful for Parliament's scrutiny of subordinate legislation and for improving its procedures. It will, as Christine May said, improve the outcome of the process and the impact of subordinate legislation. When I work with other ministers, I take great pains to stress the Subordinate Legislation Committee's and, increasingly, lead committees' views about the range of subordinate legislation and the emphasis that is placed on it. That is now embedded into our procedures and thinking.

I look forward to continuing our discussions and the partnership working that we are developing and I hope that we will be able to come to an agreed resolution of the issues.

10:32

Gordon Jackson (Glasgow Govan) (Lab): I am conscious that time has gone and everything has been said, so I will briefly say one or two things about the committee and what it is doing.

It cannot be said too often that the committee owes a debt to its clerk, legal advisers and special advisers. The work that they do is amazing.

I say again to the minister that the committee operates in good faith. Tory, Scottish National Party and Executive-party colleagues operate with one common motive: to get statutory instruments right. We are not about politics or policy, but procedure—the minister may laugh but, on this occasion, it is true. We suggest that the committee should have powers to amend instruments not to inhibit ministers, to stop them doing their jobs or to second-guess previously decided policy, but with a much more definite motive.

The committee has been accused of not blowing its own trumpet, so I will do that. We know what we are talking about; we have worked hard at the inquiry and we really understand our job. The convener said that we know what works and what does not, which is true, so I do not apologise for our making the proposals; we have thought about them carefully.

Our approach is simple: we want to make the procedures simpler and easier to understand. Murdo Fraser said that he had been on the committee for two years and still does not understand some of the differences between procedures. I mean no disrespect, but I suspect that if I were to ask members who have never

been on the committee about the different forms of subordinate legislation procedure, I would find—if I could get them to wait until I had finished the question—that they did not have a clue what I was talking about. That is not a criticism of members; it demonstrates the point that the procedures are far too complex. We are anxious to simplify them, which is why our proposed new single procedure offers a way forward.

We also want to give Parliament a proper opportunity to scrutinise subordinate legislation. The present system is a problem in that regard. Some members might suggest that the proposed new system is a problem because all instruments would, in effect, be subject to the negative procedure but, as Stewart Maxwell suggested, the new proposal would actually enhance the ability of members to scrutinise instruments.

The suggestion to allow a laying period of 40 days, or less, has been raised. I appreciate that fine tuning is required on that, as with any proposal, but our suggestion would give lead committees and the Subordinate Legislation Committee the opportunity properly to scrutinise, which the lead committees have told us they need.

My main personal aim, which I think is also the aim of the Subordinate Legislation Committee, is that we produce better legislation, which is why we are interested in the power to amend instruments. I say to Alasdair Morgan that I do not think that we should give every committee the power to amend, although I understand why he referred to that idea. I think, as Murray Tosh thinks, that the practicalities would not work. The Subordinate Legislation Committee does not want the power to amend in order to cause the Executive bother or to second-guess policy; we genuinely believe that such a power would produce better legislation. We constantly find things that are wrong with instruments, and we are left with the choice either to stop an instrument completely or to let it get on the statute book wrong, which does not seem to be a terribly wise or appropriate system to me. As I said, our intention is to produce better legislation.

I am more encouraged than I thought I was going to be by what the Minister for Parliamentary Business said in her speech. We do not expect a rubber stamp to be given to our proposals. There is a sense that Governments are always conservative, but not as in the Conservative party. In their own way, all Governments tend to be conservative and might be afraid about changes such as the Subordinate Legislation Committee is suggesting.

There is a danger, however, of missing an opportunity. We have taken lots of evidence, and we are currently working according to what is only a transitional procedure. I have absolutely no doubt that the proposed radical changes would be

a good thing for Parliament, its committees and, I believe, the Executive, even with respect to the freeing up of ministerial time.

Not everyone will be happy right away and things will need to be changed, so we have in a sense backed off a step, but in a wise way. As Sylvia Jackson said, the committee could have produced a bill and taken things to the wire, but we have no interest in doing so. We have taken the unusual steps of presenting our proposals, declining to draw up a bill and offering to reconsult. I am encouraged by what the minister said, and I think that we will re-engage on the issues that have been raised in the inquiry and take the opportunity to produce much better legislation in the future. I commend the committee's draft report to the Parliament.

Interests of Members of the Scottish Parliament Bill: Stage 3

10:37

The Deputy Presiding Officer (Trish Godman): The next item of business is the continuation of stage 3 proceedings on the Interests of Members of the Scottish Parliament Bill. On 26 April, Parliament resolved that stage 3 proceedings that day be adjourned in order to clarify uncertainties that had arisen during those proceedings. Members have before them a second marshalled list, containing an amendment that seeks to clear up those uncertainties. The amendment will be debated before the motion on whether to pass the bill is considered.

Schedule

REGISTRABLE FINANCIAL INTERESTS

The Deputy Presiding Officer: Amendment 35, in the name of Brian Adam, the member in charge of the bill, is the only amendment in the group.

Brian Adam (Aberdeen North) (SNP): Before I get into the detail of amendment 35, I offer my apologies to members for the confusion that occurred around this issue during the previous debate. We have worked hard to ensure that the amendment before members today meets the concerns that were expressed. I hope that members have had an opportunity to look at the note explaining the background to the amendment, which, as I promised, was circulated to all members.

The principal reason for amendment 35, which confers power on the Parliament to modify the schedule, is to enable us to keep the requirements of the legislation current, relevant and pertinent in the future. Without such a provision, the only way in which we could amend the requirements that are imposed on us by the schedule would be by way of a further bill. Given that it has taken us seven years to reach this point, I suspect that not many members would be keen on that approach.

In other bills, power is given to the Executive to amend similar provisions by way of statutory instruments. Ministers accept that it is not appropriate in the special circumstances of a bill that is solely about members that they should be given responsibility for that. The amendment utilises a fairly common approach to changing administrative matters by requiring that any changes be agreed by the Parliament. Because any changes would amend the provisions of an act, which in turn could affect what constitutes a criminal offence, it is important to have some means by which the Parliament's resolution is made public. Members will see that, for that

reason, the terminology has been revised to refer to a "resolution" of the Parliament, as opposed to a "determination".

Proposed subparagraph (2), which amendment 35 would insert into the schedule, applies the relevant provisions of the Scotland Act 1998 (Transitional and Transitory Provisions) (Statutory Instruments) Order 1999 to the resolution, which should enable publication by Her Majesty's Stationery Office.

Members were particularly concerned about how the process would operate in practice. It is envisaged that the Procedures Committee will consider whether there is a need for any changes to the standing orders to set out the process under which Parliament would consider any such resolution. I anticipate that the Standards and Public Appointments Committee will, as part of its existing remit, alert the Parliament when any change is required. Thereafter, I expect that all members will have an opportunity to participate in a debate and to vote on any changes before they are made.

Officials supporting the Standards and Public Appointments Committee, of which I am convener, have advised the Subordinate Legislation Committee of the proposed change and I understand that it is content with the approach. I commend the amendment to members, because it will allow the requirements imposed on members to be kept up to date and sets out an appropriate approach to making any necessary, agreed changes.

I move amendment 35.

Alasdair Morgan (South of Scotland) (SNP): During the earlier stage 3 proceedings, I do not think that members were against a provision that would allow us to change the schedule without having to revert to primary legislation. However, many of us were concerned that a procedure was being put to us that had not been explained to us in advance and of which we did not have the details. Many of us were rightly unhappy about that.

I accept that the procedure has still to be implemented, potentially through changes to our standing orders, but I think that we are a lot clearer now about what is being suggested. The Scottish National Party will support amendment 35.

Alex Fergusson (Galloway and Upper Nithsdale) (Con): I start by commending staff of the directorate of clerking and reporting for the drafting of the note that was circulated to all members. A number of members who were particularly exercised about the issue when we last debated it on 26 April have obviously been

completely satisfied by that note, because they ain't here this morning. That is also commendable.

There has been a positive outcome, considering the almost shambolic way in which the previous stage 3 proceedings drew to a close on 26 April. That situation arose because of considerable confusion and consequent uncertainty among members of all parties as to the procedural niceties of what was meant by a "determination". It is, of course, vital that any legislation that we pass, particularly on a matter of this nature, is clearly understood by all members. The positive outcome is that when that threatened not to be the case, we identified a procedure that would allow us to revisit the matter after due consideration, without having to abandon the proposed amendment or drop the bill altogether. I take great comfort from the fact that our procedures allowed that to happen.

I hope that members are now absolutely clear about what is being proposed. It is right that Parliament will be able to alter the bill, when enacted, with the benefit of hindsight, without recourse to primary legislation. I endorse wholeheartedly amendment 35.

I applaud the convener of the Standards and Public Appointments Committee for the way in which he handled the fairly bruising experience that he went through on 26 April. He did so with his customary good humour, for which I commend him. His clarification, along with the note that was circulated, means that amendment 35 is completely worthy of members' support. I urge members to support the amendment, because, by doing so, they will strengthen the bill.

Brian Adam: We did indeed have difficulty on 26 April, and it was helpful that we had procedures in our standing orders that allowed us to pause at that point and reflect on the issues that were raised. It is particularly important in a unicameral Parliament that we were able to do that and that the culmination of seven years of hard work by a number of members in two sessions was not lost on a technicality.

I appreciate the comments of the other two members who took part in this short debate on amendment 35. We are not in a position to spell out in detail the mechanism that will be used to modify the schedule; that will be a matter for the Procedures Committee. It might even be a matter for the Procedures Committee in the next session of Parliament.

Amendment 35 agreed to.

Interests of Members of the Scottish Parliament Bill

The Deputy Presiding Officer (Trish Godman): The next item of business is a debate on motion S2M-4218, in the name of Brian Adam, that the Parliament agrees that the Interests of Members of the Scottish Parliament Bill be passed. Bill Butler has seven minutes in which to speak to and move the motion.

10:45

Bill Butler (Glasgow Anniesland) (Lab): Thank you for that generous amount of time, Presiding Officer. I do not know whether I will need it all.

This subject directly impacts on all 129 members of this Parliament. I thank members for their participation and contributions, not only this morning, but at earlier points in the process.

I pay tribute to my colleagues on the Standards and Public Appointments Committee and especially to the convener, Brian Adam, as Alex Fergusson did in the previous debate. Although Brian Adam did not, in the debate on 26 April, persuade every member on the subject of determination, what he said made perfect sense to me. However, now that we have changed "determination" to "resolution", I hope that we will now resolve to get on with things. We have agreed to do so, and that is good.

I also pay tribute to members of the committee's clerking team, who were excellent, as usual. Without their help, it would have taken us even longer to reach this stage. I also pay tribute to past members of the Standards and Public Appointments Committee for their contribution.

I mention in particular the members of the Interests of the Members of the Scottish Parliament Bill Committee, which was formed to scrutinise the bill at stage 2. They had the unenviable task of getting to grips at fairly short notice with a sometimes technical policy that was formed by two separate committees over almost two sessions of the Parliament. They have the thanks of the Standards and Public Appointments Committee for engaging with the bill and staying with it beyond stage 2. I believe that they also have the thanks, quite rightly, of the Parliament.

The bill has taken a long time to make its way through the process. In October 2000, the then Standards Committee started to look at replacement legislation for the Scotland Act 1998 (Transitional and Transitory Provisions) Order 1999 Members' Interests. It is perhaps a good thing that the bill's progress has been measured. As times change, new issues naturally emerge, and members have had time to reflect on the

experiences of the past few years. No doubt, some of us will make similar utterances in a few years' time, if or when we review whatever legislation is then governing members' interests.

At this moment in time, the Scotland Act 1998 is the starting point for any bill on members' interests. The requirements of the 1998 act have to be reflected in the provisions of any bill that the Parliament produces. The 1998 act requires that we make provision for the registration of members' financial interests. One of the main areas of discussion at each stage of the bill has been whether non-financial interests should be registered. It is only sensible that I leave more substantive comments on the issue to the committee's convener, Brian Adam, who will sum up following other members' contributions to the debate.

Suffice it to say that in any matter in which 129 people have a shared interest, there is room for divergent opinions. Even given the time that the bill, in whatever form, has been under consideration, we have probably not managed to produce something that fits everyone's expectations. It has been healthy to disagree about and discuss aspects of the bill, and the fact that we have done so is probably also a healthy sign that all MSPs do not think alike, even on shared concerns about members' interests.

Of course, members are open to many influences. Although that is sometimes perceived as a good thing, more often than not it is portrayed as a bad thing. Parliamentarians should be accessible to people and organisations as they consider and act both on issues that affect their local communities and on national matters. However, all members have their personal baggage, and deliberately hiding certain interests or experience could be portrayed or perceived as wrong. For example, the provisions on paid advocacy have quite rightly provoked no argument. However, members have wrestled with ideas about the other influences that should be required by law to be registered and the extent to which such requirements would intrude upon the right of every person to a private life. That aspect of our debates has been interesting and—dare I say it?—compelling.

To conclude, I return to our starting point, the Scotland Act 1998, which requires that

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

We are currently working under the members' interests order that was laid at Westminster in 1999. Its full title tells us that it is a “Transitional and Transitory” piece of legislation, and its final article states that the order will

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

I have to say that I am not sure about the difference between transitory and transitional and, after the debate, I will seek Alasdair Morgan's advice on that matter. In any case, I hope that if this afternoon Parliament agrees to pass the bill, as amended, we will be a step nearer to that act.

Overall, the Standards and Public Appointments Committee has tried to hold to the original consultative steering group principles of transparency, openness and accountability, and we hope that they are all reflected in the bill.

I move,

That the Parliament agrees that the Interests of Members of the Scottish Parliament Bill be passed.

10:52

Alasdair Morgan (South of Scotland) (SNP):

In response to Bill Butler, I say that I hope that this Parliament will be a transitional one between the Westminster Parliament and a full independent Parliament, whereas I know that the current Executive is transitory.

Substantial amendments have been made to the bill as introduced, the most significant of which have been the deletion of the requirement to register non-financial interests; the change to the threshold for registering financial interests; changes to provisions on the financial interests of spouses and other relatives; and the fact that, under amendment 35, the schedule can now be modified by a “resolution” instead of by a “determination”. Bill Butler said that Brian Adam had managed to persuade him that the word “determination” was perfectly clear; if so, with amendment 35, we appear to have improved on perfection.

The bill has been driven by the need for transparency in the extent to which financial inducements might influence our dealings and the need to give the people of Scotland confidence that the system in place will achieve that. We also wanted to avoid a system that might result in unnecessary bureaucracy and intrude unnecessarily into what remains of members' private lives and, more important, into the lives of their relatives.

Because of the media's criticism of many MSPs, some of us were, at one stage, prepared to declare that which should not be declared. However, over the past couple of months, many of us decided that, regardless of what we did or how open and transparent we were, we were still going to be criticised by some people.

We therefore came down on the side of doing what was sensible, rather than pandering to those who wanted us to expose every detail of our personal lives and of the lives of those around us.

It is a balancing act between transparency, the need to give confidence to the people of Scotland and our rights and the rights of our relatives not to be subjected to unnecessary scrutiny. I hope that we have struck that balance. Only time will tell, but I certainly commend the bill to Parliament.

10:55

Margaret Jamieson (Kilmarnock and Loudoun) (Lab): Eventually we get to discuss the Interests of Members of the Scottish Parliament Bill. The bill has been a long time in the Parliament's committee system and was delayed again for further clarification, so I am glad that we have now got that clarification out of the way this morning.

In session 1, the Standards Committee considered a draft bill and left a legacy paper for those who were to become the members of the committee in session 2, to ensure that the Parliament complied with the transitional arrangements contained in the Scotland Act 1998. When the current bill was introduced, it was vastly different from the proposals of the session 1 committee. All of us will ask why that should be, and my view is that our attitudes had changed and that we also had experience of the Freedom of Information (Scotland) Act 2002, which contributed significantly to members' changed views.

It is also true to say that the decisions that we have taken at stage 3 further demonstrate that changed view. Many of the issues that are now included in the bill will make it much easier for MSPs to operate and will also give members of the public a clearer understanding of what is involved. I find it significant that the bill also relieves the Scottish parliamentary standards commissioner of the burden of interpretation, as happens under the current legislation.

It is also the case that a more confident approach has been taken to the provisions of the members' interests order. The most important decision of the Parliament, in my view, relates to the non-requirement on a member's spouse, civil partner or cohabitant to provide details of their financial interests. That is a bold decision and it represents how relationships are now viewed in today's world. The changes to the members' interests order that have been brought about will stand the test of time and will provide an appropriate basis for those members who are returned next year, even if it took us seven years to achieve.

Some might continue to argue for other changes. The absent Mr Sheridan has tried on a number of occasions to include a reference to allowances in the register of members' interests. That is clearly a separate issue, and I have every

confidence in the current Standards and Public Appointments Committee, which will consider the matter when it reviews the code of conduct. I am also confident that the Scottish Parliamentary Corporate Body will examine aspects of the allowances system.

It would be remiss of me not to mention the work undertaken by the committee that was established to consider the bill at stage 2. All those involved were somewhat thrown into a process that they had never before been involved in. It was new to us and we did not know how the process would work, but we soon found out. We were able to examine the provisions and we also went as far as proposing a number of amendments. I thank my colleagues on that committee—Jamie McGrigor, Mike Rumbles, Susan Deacon and the late Margaret Ewing—for all their work at stage 2. I also thank Stewart Stevenson, who acted as Margaret Ewing's substitute on the committee.

We now have a replacement for the members' interests order that reflects the society in which we live. It is clear and open and, above all, it is workable. I commend the bill to Parliament.

10:59

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): As other members have said, the theme that has come across repeatedly in this debate is that the bill has been a long time coming, and I have to say that it must be the bill on whose consideration we have spent longest.

It took a year for the Standards Committee even to consider the matter in the first session, after which there were three years of work before a draft bill was produced. It has taken the subsequent committee another three years in this session to reach where we are now. Therefore, the issues in the bill have been examined for six years.

I was responsible for the draft bill in the first session, and it was interesting for me to take a place on the ad hoc committee in the second session to examine Brian Adam's work on the bill as introduced. As Margaret Jamieson mentioned, a good amount of time was spent scrutinising the bill. A few changes were made, but the two main changes resulted from Susan Deacon's amendments, which related to non-financial interests and the need for a modern examination of the relationship between members of the Scottish Parliament and their spouses in the 21st century. I was initially a great supporter of including non-financial interests in the draft bill, but as a result of experience over the six years, I took the view that if we could not identify the non-financial interests that we should declare, we should not declare non-financial interests at all. I

feared that if we left things as they were, there would be confusion and a lack of clarity.

I understand why, in the stage 3 debate in April, the Standards and Public Appointments Committee brought back items for discussion that the ad hoc committee had rejected. Members wanted to ensure that all 129 members had an input into the decisions that were made. However, I think that that approach helped to sow confusion in the debate, during which members of the Standards and Public Appointments Committee stood up to oppose amendments that the convener had lodged on behalf of that committee.

Alex Fergusson (Galloway and Upper Nithsdale) (Con): I agreed to the committee lodging certain amendments at stage 3. As I tried to point out in the debate on 26 April, we lodged those amendments to ensure that the whole Parliament and not only members of the committee could determine the outcomes. I hope that Mike Rumbles understands that. That was the right approach.

Mike Rumbles: I have worries about that process. A little bit of confusion was caused by the attempt by the convener of the Standards and Public Appointments Committee to bring back on behalf of the committee amendments that members of that committee opposed. That is why the Parliament decided to invoke—for the first time, I think—the procedure that has been followed, which has brought us to today's debate.

Brian Adam (Aberdeen North) (SNP): I hope that Mike Rumbles will reflect on the fact that the opportunities for discussions to which he has referred were nothing to do with why we had to continue the matter and complete it today. I do not think that the fact that we allowed all members of the Parliament an opportunity to debate issues relating to non-financial interests, to which he has referred, and spouses, civil partners and co-habitees caused any confusion at all. In fact, an exciting and interesting debate took place and we resolved in a determined way how to proceed in the future. We had a little difficulty with a technical matter, which has now been clarified.

Mike Rumbles: My perspective on the matter is different from that of Brian Adam. The Parliament had rejected what the committee wanted to do several times and we were left with suggestions that the committee wanted to do this and that, which upset many members who did not see what it was trying to do. The Parliament had rejected what the Standards and Public Appointments Committee had wanted to do, so the committee asked the Parliament to do something else, which caused confusion. As I have said, I understand why the committee did what it did—it was to allow everybody to have an input.

This is a very good bill—it would have to be after six years of examination, and there would be something wrong if it was not. It gives openness and transparency, but above all else it gives clarity. MSPs know exactly what they have to declare and what they have to register. There is no confusion. The bill is absolutely clear, and that is as it should be.

11:05

Alex Fergusson (Galloway and Upper Nithsdale) (Con): As many members have said, the bill has been a long time coming. It has taken seven years and the input of two committees to get where we are today.

The bill is hugely important. The process has been a little messy on one or two occasions, but it has brought out what I believe to be the very best in the Parliament. Individual members have been forthright in questioning the advisability of an ever more intrusive requirement to register not only our own interests—it is reasonable that we should do so—but the interests of spouses and partners.

I have often stressed the need for simplicity and clarity and, indeed, a level playing field. Previous contributions from Susan Deacon, Donald Gorrie, Ken Macintosh, John Home Robertson, Mike Rumbles—for whose Damascene change of heart on some issues I applaud him—and others have shown that a level playing field, vital in a members' interests regime, simply cannot be achieved.

I greatly applaud the stand that those MSPs and others took. Members had the courage to back the removal of some stage 2 amendments that would have required a level of transparency and intrusion—Alasdair Morgan used the word “intrude”—that would simply not have been fair to all members and would not have achieved the desired outcome. As I have said at every possible opportunity, every attempt that we have made in this Parliament to be open and transparent has simply given those who would do us down an increased amount of ammunition—and they have used it.

If passed this afternoon, as it surely will be, the bill will make it far less likely that people are put off becoming members of this Parliament. That is another issue that I have referred to in the past. Furthermore, the bill is considerably clearer, simpler and easier to understand than it might have been had members not taken, on 26 April, what Margaret Jamieson described today as “bold” decisions.

I have very much enjoyed being a member of the Standards and Public Appointments Committee while we have been considering the subject. In answer to Mike Rumbles, I say that I have no regrets that some amendments proposed

by the Standards and Public Appointments Committee were rejected. However, as I said on 26 April, my agreement to amendments in committee did not always signal my approval of them. It was important that the committee supported amendments unanimously, even if some members voiced reservations, so that the Parliament as a whole would have the opportunity to come to a determination. This has been a completely unwhipped debate.

Mike Rumbles: I want to draw a distinction. When the convener of the Standards and Public Appointments Committee, on behalf of the committee, lodges amendments at stage 3, that has a different level of importance than when an individual MSP lodges amendments. An individual MSP would have been perfectly able to lodge those amendments at stage 3, but because the convener was lodging them on behalf of the committee they had a certain status. I am not sure that that was helpful to the debate.

Alex Fergusson: Had decisions been forced on the committee, amendments would have been backed only by a majority of the committee. I do not think that that would have been helpful. The fact that amendments were lodged by the convener on behalf of the committee—after notice had been given that, in the debate, individual members would voice their reservations—has not done either the procedure or the Parliament any harm. It was absolutely right that the whole Parliament should take those decisions. In doing so, it has in many ways shown a maturity and some sheer common sense of which many would previously have suggested we were incapable.

I whole-heartedly commend the bill to the chamber.

11:09

Stewart Stevenson (Banff and Buchan) (SNP): I start by thanking Margaret Jamieson for her courtesy in extending thanks to other members of the Interests of Members of the Scottish Parliament Bill Committee, on which I served. Of course, my period of service on that committee was not a happy one, given that Margaret Ewing was then extremely frail. The last parliamentary action in relation to Margaret was her election as the convener of the committee, but alas she was unable to attend any of its meetings.

As much as Margaret Ewing was a politician, she was a parliamentarian above all else. What we debate today is a bill about parliamentary activity. It is a debate for which no party in the Parliament is whipped—apart, perhaps, from the party whose members are absent from the back benches—and in relation to which we will have to exercise our judgment individually when we come

to decision time. However, it is clear that what our collective judgment will be has been established and that we will support the proposed changes.

We must consider both the bill and the whole system that is implicit in it in a particular way. The bill is a legal document that will lay down legal requirements on members of the Parliament. However, that is not enough—that is the minimum standard that we must achieve. The bill uses words that make it clear that we will continue to have to exercise judgment; it does not represent a simple tick list or formula that we can apply.

When we look at the prejudice test, it is clear that we must exercise judgment. The bill states:

“An interest meets the prejudice test if, after taking into account all the circumstances, that interest is reasonably considered to prejudice, or to give the appearance of prejudicing, the ability of the member to participate in a disinterested manner in any proceedings of the Parliament.”

That is a very high test, which we, as members, must apply for ourselves. At the point at which we have to exercise that judgment, the interest in question may be known only to us and to no one else. Although it may, of course, emerge at a later stage, that will be no justification for our failure to apply proper judgment at the point at which we should have put it on the register of interests.

However, there is an extent to which we will have to have psychic powers. Although the Parliament is constrained with regard to what it may legislate on, we are not constrained with regard to what we may debate. If I had a nephew who lived in Australia in a town where the Commonwealth games were to be held and who intended to lease his house during the games, I would have a familial interest in the profit that would be made from that. If the Parliament was then to debate the Commonwealth games, would that interest meet the test? Only I would be able to make that judgment. We can all come up with examples. The bottom line is that the bill will not relieve us of individual responsibility.

There are other difficulties that we must consider. From the outset, I concluded that the way in which the members' interests order dealt with shares was inadequate, because its test relates only to the nominal value of shares, which often bears little relation to their actual market value. Voluntarily, I have registered most but not all of my shareholdings. The shareholdings that I have not registered are quite small—they have a value of a few hundred pounds. For example, I am in the process of acquiring shares in a co-operative that operates a wind farm in my constituency. I expect to invest £500. As drafted, the bill will catch that because what it says about shares makes it clear—to me, at least—that it is the aggregate total of my shareholdings that

matters, not the individual value of an individual shareholding in an individual company. I agree with that provision.

I will now be mischievous by attempting to wind up anyone who wants to be wound up. We may not have excluded the requirement to register the interests of our partners. I use that word very carefully, because in the schedule the bill makes it clear that we must register gifts

“Where ... a partnership of which the member is a partner”—

it does not say a legal partnership—

“receives, or has received, a gift of heritable or moveable property or a gift of a benefit in kind”

and the value of the gift on that date exceeds the amount specified.

Mike Rumbles: Will the member take an intervention?

Stewart Stevenson: It is easy to wind him up.

Mike Rumbles: Stewart Stevenson missed out part of the quotation. The bill states that gifts that are received by

“a member or a company in which the member has a controlling interest or a partnership of which the member is a partner”

are to be registered. It is quite clear.

Stewart Stevenson: I view my relationship with my dearly beloved as a partnership of equals. That is my point. My comments are intended merely to illustrate that we must read the bill and ensure that we understand exactly what it says.

It gets even more complicated, because there may be some shares that pay no dividends. I have held shares in a number of companies that do not pay dividends. Microsoft, one of the biggest companies in the world, does not pay dividends. Capital appreciation may be postponed to a far-distant point, but there are still issues. The prejudice test is the key. It is good that that is spelled out in the bill.

It is somewhat ironic that we are concluding the parliamentary process on the bill on the very day that the Parliament has probably—I do not make the claim absolutely—become the first Parliament to publish all the receipts for members’ expenses, albeit that we have more to publish. That bespeaks our openness and preparedness to be accountable, as does the bill. I notice that the public gallery is rather sparsely populated and that the press gallery is entirely empty. I am sure that the press are fair cumsnugged as they look through the 15,000 receipts that have been published. It will keep them out of mischief for at least three hours.

It was a privilege and a pleasure to participate in the work of the committee. There is no hiding

place in a five-person committee. We had genuinely engaged and serious discussions about some of the issues. I did not agree with all the conclusions, but that is all right. The bill that is before us reflects the sweat, work and intellectual endeavours of two generations of parliamentarians. Like almost all other members—certainly all members of good common sense—I will support the bill at decision time.

11:18

The Minister for Parliamentary Business (Ms Margaret Curran): It says in my notes that I welcome the opportunity to contribute to the debate, and indeed I do, although I do not want to get caught in the crossfire that is going on. As I said during the stage 1 debate, my role is merely to emphasise the Executive’s shared interest in ensuring that the Parliament passes robust and effective legislation. In essence, the bill is a matter for the Parliament and the Executive has no further interest in it per se.

Previously I highlighted the importance of seeking to produce a framework that takes account of what people outside the Parliament might deem to be relevant. We must have that at the forefront of our minds. Of course, as members have said, we must also develop a framework that respects members’ privacy and wider responsibilities.

The framework must be clear—ambiguity does not assist us in any way. Members must not be unfairly compromised or penalised. That point was well rehearsed at stage 2 and during stage 3 consideration of amendments. We must be transparently accountable. We now have a system that will allow us to do that, to build on the respect that the Parliament has already gained and to agree to legislation that supports the principles that I have outlined.

The legislation is key in underpinning our accountability to the electorate and the propriety of decisions that we are in the privileged position of making on its behalf. Now and, hopefully, in the future, it protects members who seek to focus on the interests of Scotland, while ensuring that we have a proper and effective system of accountability. Equally, it minimises the opportunities for those who set out to undermine the Parliament’s work.

The Executive has monitored the progress of the bill during its amending stages. Members of the ad hoc committee had a difficult task in seeking to refine the details of the bill and I am sure that the chamber will join me in expressing gratitude to the committee for its thorough consideration of the policy issues. I pay tribute to Margaret Jamieson for all the work that she did in relation to that

committee. Further, I pay particular tribute to Margaret Ewing and associate the Executive with Stewart Stevenson's words in that regard. She was a committed parliamentarian and knew her responsibilities clearly. I want to take this public opportunity to emphasise the loss to us all that was caused by Margaret's death.

I restate my thanks to Brian Adam in relation to the work that we have done over the years in terms of expressing the Executive's interests, where appropriate. Brian Adam has conducted himself in a non-partisan and collegiate way in his post. All members of Parliament appreciate that. Further, I think that he has come to appreciate the life of a minister and the fact that irritating members can annoy us because they simply will not be told how clear things are. Much as I appreciate Brian Adam's many talents, however, I think that his party loyalties will prevent him from holding ministerial office—I say that to reciprocate Alasdair Morgan's points. I am glad that Brian Adam acknowledges the pressure that we are under.

The process has been a useful one for the Parliament to undertake. I appreciate that we have done this work as a group of members rather than as party representatives. I think that the Standards and Public Appointments Committee and others have discharged their responsibilities effectively. It is to be hoped that, at last, we are at the end of the process.

11:22

Brian Adam (Aberdeen North) (SNP): At the end of the passage of any bill, thanks must be given. I associate myself with the remarks of other members who thanked members of the Standards and Public Appointments Committee and the previous Standards Committee, which did the initial work in the previous session, and the members of the ad hoc committee. I would also like to associate myself with the remarks that others have made about the involvement of Margaret Ewing. Although she did not attend any of the formal sessions, she attended some of the informal briefings that helped us to develop the appropriate debate that took place in public—we had to gather information and ensure that we were well informed before we could properly scrutinise the proposals.

I thank the members who have engaged with the bill and the members of staff who have helped to deliver it. We can express our views but there are a lot of technicalities involved in the legislation and the clerking staff and the staff of the non-Executive bills unit helped to deliver the bill.

As others have said, legislation that relates to members' interests should be about openness and

transparency but it should be measured. We had a debate about how that should happen in a measured way.

Mike Rumbles said that, in his view, some of the difficulties that we had in the previous stage 3 debate on the bill might have been caused by the fact that amendments that were lodged on behalf of the committee did not carry the support of the committee. To that, I would say that those amendments were in my name and that that position mirrors the approach to Executive bills, which involves the minister being in charge. In that regard, I say to Margaret Curran that she should reflect on the fact that I might just be getting in a little practice for next year. The committee might have discussed the amendments, but they were not committee amendments as such. I had the agreement of members of the committee, but the purpose of the amendments was purely to enable all members to have their say. I, along with the convener or the deputy convener of the ad hoc committee, tried to create a climate in which debate could happen and in which we could engage not only the seven members of the Standards and Public Appointments Committee and the five members of the ad hoc committee, but all 129 members. In that sense, we achieved our objective.

Mike Rumbles: I think that Brian Adam misunderstood my point. I did not say, nor did I wish to imply, that his amendments did not have the support of the Standards and Public Appointments Committee. What I said was that some members of the committee opposed the amendments. It was evident that the amendments that were lodged on behalf of the committee by the convener did not have the support of the Parliament, and that led to confusion and delay. The point that I was making is that amendments that are lodged on behalf of the Standards and Public Appointments Committee by the convener have a different status from amendments that are lodged by individual members.

Brian Adam: I understand the point that Mike Rumbles is trying to make, but I do not accept that that is the case. There is a difference between an Executive bill and a committee bill, particularly one that affects all members. My duty was to ensure that there was a full debate and I made sure that that happened by lodging the amendments.

One reason why a little confusion may have arisen is that members were allowed to debate the matter and had to accept responsibility for their decisions without the guidance of whips. It is unusual for that to occur throughout a debate. We have free votes in some circumstances, but they do not usually apply to a whole bill and a whole debate. I think that that enhanced the debate. It might have contributed to the confusion, but we

were doing something new and we had the opportunity to exercise a little-known part of our standing orders. The guidance that we received on that from the Presiding Officer team was greatly appreciated, certainly on my part. The fact that we stretched the Parliament as part of the process is a positive thing. However, I do not want to labour the point.

I turn to the remarks that were made by my colleague Alasdair Morgan, who was perhaps single-handedly responsible for our having to come back to the debate today because he said that he did not understand what "determination" meant, what its consequences would be and how the procedures for dealing with it would be arrived at. I am glad that he graciously recognised that we are now a little further forward. It is clear that he is determined to achieve change and the Parliament has determined that resolution is the better part of determination. We could spend ages dancing on the head of a pin; I am not sure that the word "resolution" is very different from the word "determination", but members understand the former a little better.

The key difference today is the one that means that there will be an opportunity to publish the intention to change, which will also put it into the public domain in a more formal way than might otherwise have been the case.

Mike Rumbles was correct to say that the change in attitude has been driven by experience, particularly over the past 18 months. That is perfectly understandable.

Margaret Jamieson said that the Freedom of Information (Scotland) Act 2002 had influenced her thinking on the matter. She was correct to say that we now have a more confident approach to asserting what we think is a proper balance. In the past there was an attitude that we needed to be as open as possible, but we have to get the right balance. The Parliament has had the opportunity to debate the matter and it has clearly decided in which direction it wants to go.

It is true that some changes that we have introduced reflect changes in relationships that the Parliament has acknowledged as important by amending family law to recognise civil partnerships and cohabiting couples. Having done that, the Parliament has decided to alter declarations of interest that involve members' partners.

Margaret Jamieson was right to say that issues that relate to allowances are not matters for the bill. They are primarily for the Parliament as a whole, but the Parliament has given the corporate body the authority to deal with those matters, where they properly reside.

Alex Fergusson was right to say that the whole Parliament has now had the opportunity to have a

debate. That was what was wanted by the ad hoc committee and the Standards and Public Appointments Committee, which was charged with producing the bill. The Parliament has had that debate, primarily at a previous meeting.

Stewart Stevenson highlighted two principal changes that will take place as a result of the bill and which were agreed without significant debate beyond the debate in the Standards and Public Appointments Committee. The objective prejudice test, which is widely recognised as a significant advance, places much responsibility on members to make a judgment. The individual member's judgment will be considered by the electorate eventually and in some circumstances by our independent Scottish parliamentary standards commissioner. Some members had concerns about that and we debated how much should be left to the commissioner to interpret. If the Parliament passes the bill, it will have decided that the objective prejudice test is the direction in which it wants to go.

Perhaps the position on shares will be a little clearer, because the requirement to register will relate to the actual value of shares rather than a notional value. I am not sure that Stewart Stevenson was quite right on a couple of points. An interest in shares could include that of a marriage partner, but only if they were subject to the member's control or direction. Given that Parliament has already interpreted that, that is not really a runner. In relation to gifts, the word "partnership" takes its ordinary legal meaning. We will pass a law today, so that will be the meaning that applies. That meaning does not include marriage partners.

It is important that any person who observes their elected member going about their parliamentary duties should have a sense of what drives that member. The subject that perhaps provoked most discussion was registering non-financial interests. The intended policy of the Standards Committee at the end of session 1 and of the current Standards and Public Appointments Committee was that registering non-financial interests should be mandatory rather than voluntary as it is at present.

There is no doubt and no one disputed that non-financial interests can shape a member's views. However, the questions with which we have all grappled are the extent to which non-financial interests should be required by law to be registered and, if registration were required, how that would impact on private and family life. Parliament has agreed not to force registrations, for the reasons that a wide variety of members have given, which I understand perfectly. Parliament has agreed to leave the onus on members to decide whether a non-financial

interest is relevant to their Parliament work, with the option to register such an interest voluntarily, which is exactly the present situation.

Another interesting deliberation was about the interests of non-MSPs—the people who are closest to us, such as spouses, civil partners or cohabitants. Members picked over that issue in the stage 1 debate and in the bill committee at stage 2, which resulted in food for thought before stage 3. As members we put ourselves up for election and for public scrutiny, but Parliament has agreed that our family members do not necessarily do so. Members are responsible for whether a family interest should be voluntarily registered. We can choose to make that registration, but it will not be compulsory.

It is worth restating that the register is about influence and what may make a member act in a certain way. When a member has to register something, chooses to register something or declares something it does not preclude them from participating in full in parliamentary life. It does not preclude a member from contributing to debates or from voting on an issue. The purpose of the register is to show what may influence a member or make them act in a certain way. It is important that the public are aware of that and the onus is on members to let the public know about it. Some registration will be compulsory, but I hope that some of it will continue to be done voluntarily. The register will inform anybody who is interested in what is going on that a member has an interest in, or even knowledge of, the subject under debate.

Subject to the bill being passed this afternoon—I hope that we will not have to revisit the matter again—the provisions of the act will affect members who are returned to Parliament following the election in May 2007. We will then see the legislation at work and we will be able to keep an eye on it to check that it meets the public's need to have information about what might be considered to be a possible influence on the conduct of a member, whether that strikes the appropriate balance with the rights of members and whether adjustments will need to be made over time.

The bill does not sit in isolation. The code of conduct is currently under review. At the risk of causing confusion, Mr Rumbles, I encourage members to take an active and early interest in the current review of the code of conduct rather than to engage in the debate at a later stage. It is wonderful that members have engaged in this debate, but it might have been helpful and would perhaps have caused less confusion if we had had a wider debate at an earlier stage. I invite members to engage now in the review of the code of conduct.

The committee's intention is to change the arrangement of the code of conduct by dividing it

into three parts. The first part will set out the aspirations; the second part will set out the rules and regulations in the code; and the third part will offer guidance on how those might be applied. That should help members to understand where they are in relation to the code. It should also help the public to understand what members are doing and it should help the commissioner to interpret the rules.

Once again, I extend my thanks to members for their input and I trust that they will agree that the Interests of Members of the Scottish Parliament Bill be passed.

Point of Order

11:38

The Deputy Presiding Officer (Murray Tosh): I have notice of a point of order.

Stewart Stevenson (Banff and Buchan) (SNP): Before we start questions to ministers, I ask whether the Presiding Officer has observed that for environment and rural development question time this afternoon neither question 1 nor question 2 has been lodged and question 9 has been withdrawn, and that for health and community care question time question 1 has been withdrawn? As someone whom the computer has not favoured with my name coming out of the hat since April 2005, I wonder whether it is possible for you, when questions are not lodged, to consider taking the next people on the list, who in this case would have been in the 11th and 12th positions, so that they have the opportunity to lodge questions? That would give those of us who regularly put our name in each week with little result a little more chance to ask questions and hold ministers to account.

The Deputy Presiding Officer: I understand the member's point and where he is coming from, but members will be aware that such matters are matters for standing orders. A change in procedure to effect what Mr Stevenson requests would require an amendment to standing orders, which in turn would require a motion to that effect from the Procedures Committee. All I can suggest to Mr Stevenson is that if he fleshes out his proposal and submits it to the Procedures Committee, it will no doubt care to consider it in the fullness of time.

Question Time

SCOTTISH EXECUTIVE

General Questions

11:40

Reparation Actions

1. Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): To ask the Scottish Executive what action is being taken to ensure that reparation actions in Scottish courts are processed efficiently. (S2O-10160)

The Deputy Minister for Justice (Hugh Henry): The Scottish Court Service has targets for the throughput of civil business in the courts, including reparation actions. As I announced during the civil justice debate in April, we are in discussions with the senior judiciary about a judicially led review of the civil courts. One of the aims of the review will be to identify how to improve further the efficiency of the civil courts.

Jeremy Purvis: I have written to the minister about the case of a constituent who has approached me. On 27 October 1998, a lorry reversed and crushed her head against a wall. She was not expected to live, but she did and she is pursuing a case against the driver and his company. The hearing has now been booked for 16 January 2007, which will be eight years and four months after the accident. Does the minister agree that that is absolutely unacceptable? Further, has the Executive carried out research into whether the new procedures for personal injury actions in the Court of Session that were put in place in April 2003 have been effective, so that cases such as that which my constituent has endured are not repeated?

Hugh Henry: I share the frustration of Jeremy Purvis and his constituent. Anyone who must wait more than eight years for justice to be delivered clearly has not been served well. However, it would be wrong of me to comment on or intervene in individual cases. I am not aware of the circumstances that have led to the delay. We share the view that justice should be delivered speedily. That was one of the reasons why we set up the new procedures, to which Jeremy Purvis referred, which from all reports are working well.

I confirm that we have analysed the new procedures, which have been independently evaluated by the University of Edinburgh. We expect to receive a report in the summer but, from what we have heard so far, the new procedures are working well. However, I do not think that we can be complacent. Even if the new system is

shown to be working well, there are clearly still problems, as Jeremy Purvis indicated, that we need to address.

Dr Sylvia Jackson (Stirling) (Lab): I am aware of cases that were delayed not just on one occasion but on several, then were finally dropped. Is the minister aware of the number of cases that are significantly delayed, and will that issue be part of the civil justice review that he will embark on?

Hugh Henry: I cannot comment on the number of cases that are delayed or, indeed, ultimately dropped. However, the intention of the civil justice review is to consider the processes, how the courts operate and how people can get better, easier, speedier and more cost-effective access to justice. I have been heartened by the discussions that we have had so far. I think that everyone shares the view that if sensible improvements can be made, they should be made.

The Parliament has invested a huge amount of effort in tackling many of the problems in the criminal justice system. It will be incumbent on the next Parliament to consider the need to address problems in the civil justice system.

Margaret Mitchell (Central Scotland) (Con): More generally, on the efficiency of courts, including the criminal courts, does the minister agree that if a court considers that a supervised attendance order is the most appropriate punishment for an individual, it should be available as the first-instance disposal rather than, as at present, being available only when someone has defaulted on a fine? If so, will the minister make the necessary changes to ensure that supervised attendance orders can be used as the first-instance disposal?

The Presiding Officer (Mr George Reid): That does not sound terribly much like it is about reparation.

Hugh Henry: No, it has nothing at all to do with reparation. I suspect that Margaret Mitchell has simply seen an opportunity to raise a different issue.

We believe that supervised attendance orders and other disposals make a contribution. We will work to ensure that they are used effectively and we will consider the efficiencies of measures at all costs. However, those matters can be considered in other debates at other times.

Class Sizes

2. Dave Petrie (Highlands and Islands) (Con): To ask the Scottish Executive whether it will provide a progress report on the commitment in "A Partnership for a Better Scotland" to reduce

secondary 1 and secondary 2 class sizes in English and maths to 20 by 2007. (S2O-10102)

The Minister for Education and Young People (Peter Peacock): There are no interim targets for the delivery of our commitment to reduce S1 and S2 class sizes in English and maths to 20 by August 2007, but I can report that very good progress continues to be made in training the teachers who are needed to meet our target.

Dave Petrie: Having taught secondary mathematics from North Berwick to Fort William over the past three years, I confirm that there is no evidence to support the minister's optimistic view. Average S1 and S2 class sizes in maths and English are still around the 30-plus mark. Will the minister give a commitment that he will not only secure maths and English teachers—I appreciate that he is talking about teacher numbers, but we are considering maths and English teachers specifically—but make classroom space available? I know the capacity of the existing schools. A twofold approach is necessary: we need teachers and class space. A wary teaching profession eagerly awaits the minister's response.

Peter Peacock: First, I welcome the fact that Dave Petrie chose to train as a teacher late in his life. I am sure that those skills will become useful again in a year's time, when he will require a job.

I would genuinely like more people to make the decision that Dave Petrie made and enter teaching. Indeed, huge numbers are doing just that. The number of entrants to maths teacher training is up by 116 per cent, while the number of entrants to English teacher training is up by 145 per cent. This year, 257 maths teachers and 328 English teachers will emanate from our colleges and universities.

We are making significant progress. I am glad to tell the Parliament that, since the Tories left office in 1997, teacher numbers have risen by 5 per cent and the number of teachers in training has increased by a staggering 75 per cent. In the same period, primary class sizes have fallen by 4 per cent and primary 1 and 2 class sizes are down by 8 per cent. Pupil to teacher ratios have improved by 12 per cent since the Tories left office. They were rising under the Tories, but they have been falling since Labour won the election in 1997. That is good news for Scotland, and I wish that the Tories would welcome it for a change.

Fiona Hyslop (Lothians) (SNP): I take it that the minister will join me in wishing the Educational Institute of Scotland well for its conference, which starts today in Dundee.

Does he acknowledge that English and maths teachers constitute the largest number of teachers in our secondary schools, that 17 per cent of teachers are over 55 and that, despite the late but

welcome recruitment of new teachers in those subjects, there has been only a 5 per cent increase in new recruits? The reason that there are no interim measurements is that the policy is less a target to benefit pupils than more wishful thinking from the Government.

Peter Peacock: It is far from wishful thinking. I must say that I enjoyed dinner with the EIS last night, as I am sure Fiona Hyslop did. We are working with the EIS on future class sizes and how we manage them beyond the targets that we have set, which we will hit.

It is important to understand that we have modelled the number of teachers we need to recruit on the profession's age profile. We have done that systematically and in a much more sophisticated way in recent years than in the past. Teacher recruitment is buoyant and our universities are bulging at the seams. There are 3,860 probationers in the system this year. We are spending an extra £18 million this year and giving local authorities an extra £44 million the following year to employ those extra teachers, which will bring huge benefits to Scotland's classes. I wish that the Scottish National Party would join us in welcoming all those new teachers to the classroom and welcoming the big difference that they will make to Scottish education.

A75

3. Alasdair Morgan (South of Scotland) (SNP): To ask the Scottish Executive what the specific programmed dates are for the start of construction of the six improvement schemes on the A75 between Stranraer and Dumfries. (S2O-10080)

The Deputy Minister for Finance, Public Service Reform and Parliamentary Business (George Lyon): Expressions of interest from contractors have been received for the schemes at Barfil, Newton Stewart and Planting End. Tenders are expected to be issued in August 2006, and the projected construction start is April 2007. Transport Scotland's intention is to publish draft orders for the schemes at Dunragit, Hardgrove and Cairntop in the next two months.

Alasdair Morgan: I thank the minister for that answer, which is more positive than any of the others I have received since I first started asking the question in 2002. Even yet, the start date is slipping by another year, and it is now in the financial year 2007-08. Does the minister accept that it is important for the communities along the A75 that there are no more of the interminable delays that have occurred with those six important projects since 2002?

George Lyon: I am pleased that the member is pleased with the response. I restate that we

expect the construction of the first three schemes to commence next year.

When the concept of providing guaranteed, unambiguous overtaking lanes was first proposed, it was insufficiently detailed for all the value-for-money issues to be identified and addressed. I acknowledge that that process has taken some time, but we are now beyond it and we are moving towards construction. The Minister for Transport and I regret that the process has taken some time, but we are now in a position to move forward with those important works on the A75.

Alex Fergusson (Galloway and Upper Nithsdale) (Con): Does the minister accept that the unusually high percentage of heavy goods vehicles that use the A75—as borne out by the Executive's own figures—the effect of which will be greatly exacerbated following the construction of the joint port facility at Cairnryan, more than justifies giving a different weighting to any modelling exercise on the A75, as seemed to be acknowledged by the Minister for Transport when he visited Galloway and Upper Nithsdale? Does the minister accept that we urgently require not just a start date for those six agreed projects—I welcome the minister's reply on that issue—but several more projects, including bypasses for the two villages that will be left without one, Springholm and Crockettford?

George Lyon: I recognise the issues that the member raises, which I understand he has discussed with the Minister for Transport. I will certainly pass on to him the concerns that the member raises once again today. I am sure that those issues will be addressed under the forthcoming review of transport projects that the Minister for Transport announced recently.

National Transport Strategy

4. Mr John Swinney (North Tayside) (SNP): To ask the Scottish Executive what issues are being considered in its consultation on the national transport strategy. (S2O-10085)

The Deputy Minister for Finance, Public Service Reform and Parliamentary Business (George Lyon): The national transport strategy consultation paper, which was issued on 20 April, sets out the issues under consideration. The paper poses questions on a range of issues, including how we continue to build a sustainable transport system for Scotland. The Minister for Transport looks forward to considering views on the paper after the closing date for comments, which is 13 July.

Mr Swinney: It is always a pleasure to hear the Deputy Minister for Finance, Public Service Reform and Parliamentary Business deputising at questions on transport in the absence of the real-

life Minister for Transport. I am sure that it is a great pleasure for George Lyon into the bargain.

I ask the minister to reflect on the clear demand in my constituency and in constituencies in the north of Scotland for the transport strategy's road safety priority to be realised through the implementation of a dual carriageway between Perth and Inverness, which would ensure that motorists from this country and from abroad do not have to drive on the most dangerous trunk road in Scotland.

George Lyon: The national transport strategy will inform the strategic transport projects review, which will consider the future transport interventions that will be required to deliver the strategy in the 10-year period beyond the current committed projects running to 2012. Given its role and adequacy, the A9 between Perth and Inverness has been identified as one of the candidates for priority consideration under the STPR. Some preparatory work is now being commissioned to identify the practicalities of dualling north of Ballinluig. I hope that the member will accept that as a positive step in addressing the concern that he has raised once again today.

Mark Ballard (Lothians) (Green): Question 58 in the national transport strategy consultation introduces the idea of abandoning the national target to quadruple cycling. Can the minister explain how abandoning that target can be squared with the Executive's stated commitment to a shift away from car use towards safer and more sustainable alternatives, including cycling? If the national target is replaced by local authority targets, will the minister consider that providing leadership on promoting cycling remains one of his key duties?

George Lyon: I am sure that I do not have to point out to the member that we expect him to respond to the question in the consultation on the national transport strategy. As I said to Mr Swinney, the Minister for Transport will look forward to reflecting on the views that are expressed in response to his consultation. We look forward to Mr Ballard's response.

Kilmarnock to Glasgow Rail Line

5. Margaret Jamieson (Kilmarnock and Loudoun) (Lab): To ask the Scottish Executive when it will consider the outcome of the guide to railway investment projects stage 4 assessment of the dynamic loop on the Kilmarnock to Glasgow rail line. (S2O-10125)

The Deputy Minister for Finance, Public Service Reform and Parliamentary Business (George Lyon): Strathclyde Partnership for Transport has commissioned Network Rail to progress work towards implementing a loop

between Kilmarnock and Glasgow. Transport Scotland is working with both parties to accelerate work on the project.

Margaret Jamieson: The minister's answer will go some way to clearing up the misinformation that has been circulating locally. Will the minister indicate the possible timetable for completion of the GRIP stage 4 assessment?

George Lyon: We anticipate that the current feasibility work will be completed in early 2007 and will identify the main activities, estimated costs and timescales for implementation.

Enterprise in Education

6. Irene Oldfather (Cunninghame South) (Lab): To ask the Scottish Executive what importance it places on encouraging enterprise in education. (S2O-10141)

The Deputy First Minister and Minister for Enterprise and Lifelong Learning (Nicol Stephen): Enterprise in education is a key priority for the Scottish Executive. The £86 million that we have made available to deliver "Determined to Succeed", our strategy for enterprise in education, is a clear mark of the scale of our commitment.

Irene Oldfather: Will the minister join me in welcoming the innovative range of projects undertaken by young people in North Ayrshire as part of "Determined to Succeed", including the design and production of costumes for Scottish Opera by pupils of Irvine royal academy and the production of a Largs tourist brochure by Brisbane primary school pupils? Does the minister believe, as I do, that as well as learning about the world of business, enterprise in education allows young people to develop report-writing, negotiating, financial and team-building skills? Will he join me in wishing North Ayrshire's entry, Stanley primary school, every success in the final of the tomorrow's inventors competition at Glasgow Science Centre next week, as I am sure that his deputy, Allan Wilson, would, given that it is in his constituency?

Nicol Stephen: I am pleased to send my good wishes to the school and to compliment North Ayrshire Council on all the excellent work that it is doing to deliver on "Determined to Succeed". More than £1.8 million of funding has been allocated to North Ayrshire Council to enable it to deliver enterprise education. In April 2006, it reported that it had met the targets set in "Determined to Succeed"—every pupil from primary 1 to secondary 6 now has an annual entitlement to enterprise activities. Each of the 10 school clusters in North Ayrshire has more than five business partnership agreements in place. The total number of formal and informal business partnerships in the area is 527. That has helped us to meet and beat

the 2006 target to have 2,000 such partnerships throughout Scotland. The initiative is a shining example, not only in the United Kingdom but in Europe, of what can be achieved through enterprise education. We are well ahead of our targets for delivery.

Youth Facilities (Audit)

7. Richard Lochhead (Moray) (SNP): To ask the Scottish Executive whether it has any plans to carry out an audit of youth facilities across Scotland. (S2O-10110)

The Deputy Minister for Education and Young People (Robert Brown): The Scottish Executive has no plans to carry out an audit of youth facilities across Scotland.

Richard Lochhead: Many young people in my constituency have approached me to complain about the lack of youth facilities in their communities. I am sure that that is the case in other members' constituencies throughout the country. Will the minister outline what assistance his Government gives local authorities to build new youth facilities? Does he agree that carrying out an audit would provide a national picture of where the gaps in youth facilities lie throughout Scotland, so that we could do something about them?

Robert Brown: I acknowledge Richard Lochhead's interest in the matter. Two mapping exercises have been carried out. One was by YouthLink Scotland in 2003 and one was a performance information project carried out by Communities Scotland in 2005, which related largely to the United Kingdom sector. That is part of the national picture. Local strategies, however, are for local authorities to make. A large number of youth facilities exist in local areas, not least of which are the Elgin youth cafe and the outfit initiative, which were recently visited by the First Minister and Peter Peacock.

First Minister's Question Time

12:00

Cabinet (Meetings)

1. Nicola Sturgeon (Glasgow) (SNP): To ask the First Minister what issues will be discussed at the next meeting of the Scottish Executive's Cabinet. (S2F-2340)

The First Minister (Mr Jack McConnell): As ever, we will discuss issues of importance to Scotland.

I congratulate Newcraighall primary school in Edinburgh, which I visited this morning, on the occasion of its centenary. I am sure that we all extend our congratulations and wish the school all the very best.

I also wish to express my concern about Margo MacDonald, who is spending some time in hospital. She is a powerful member of the Parliament and I am sure that we all wish her very well. *[Applause.]*

Nicola Sturgeon: I wish the school a very happy birthday and I wish Margo MacDonald a speedy recovery and return to the chamber.

We heard this week that some local authorities in Scotland are rationing free personal care because of a lack of resources. What action will the First Minister take to ensure that old people get the care to which they are legally entitled?

The First Minister: I make it very clear that local authorities have an absolute duty to deliver that service properly. The local authorities in Scotland that deliver the service willingly by using their budgets properly are to be congratulated. Those local authorities that do not should step up to the mark and meet their obligations; if they do not, there are clear procedures that will be followed.

Nicola Sturgeon: Is it not the case that half of all councils operated waiting lists last year and that several councils, including North Lanarkshire Council in the First Minister's area, are already doing so this year? The First Minister's answer suggests that he thinks that that is not acceptable and that there is no excuse for it.

I draw the First Minister's attention to a letter that I received from him just last week. It says:

"Local authorities have an obligation to deliver or secure services once an assessment has been made ... but, before doing so, may consider the availability of resources. Operating a waiting list ... may therefore be appropriate."

It is signed "Jack". Is it not the case that despite all the tough talk about going in to sort out errant councils, the First Minister condones waiting lists?

Is that not a betrayal of the policy of free personal care?

The First Minister: It took Ms Sturgeon two weeks to read the letter enough times to be able to take out of context a couple of sentences and misinterpret them. She has been slower than she normally is, although still predictable. As I am sure she will confirm, the letter also states clearly that even if local authorities are not in a position to make available the practical services that people might require immediately following an assessment of need, they have an absolute duty to secure appropriate services for people and to manage them until other resources are available.

It is of course right that any guidelines spell out clearly what should happen where there are practical difficulties at a local level, but it is essential that every local authority in Scotland assesses the need of the elderly people in its area and then ensures, first, that those needs are met as quickly as possible and, secondly, that where those services are meant to be delivered free, they are. Free personal care is one of the best policies that the Parliament has made and Scotland's councils should be delivering it.

Nicola Sturgeon: Can I get this right? The First Minister has confirmed what he said in his letter, which is that he thinks that, where resources are not available, it is appropriate to operate waiting lists. That is rather different from what he said to me in his first answer.

The First Minister: Read out the whole letter.

Nicola Sturgeon: I am happy for the whole letter to be read by anybody who wants to read it.

Is it not the case that the policy of free personal care for all who need it has turned into nothing more than a postcode lottery? Some councils have waiting lists; others do not. Some councils charge for food preparation; others do not. As the First Minister acknowledges in his letter, the reason for that is that there is an issue with resources and with how money is allocated to councils.

Instead of talking tough in public but giving the green light to waiting lists in reality, is it not time that the First Minister got it sorted and made sure that old people get the care that they need when they need it, as was so clearly intended by the Parliament?

The First Minister: I want to be very clear about the facts. First, we are proud of this policy, which we have delivered and fully funded. Indeed, given the policies that it would pursue in many other areas, a nationalist Government would never be able to fund it. Secondly, a clear majority of Scotland's local authorities are using the allocated resources to implement the policy in full. The councils that are not spending this money that we

give them on elderly people should be doing so; if they do not, there are procedures that we can and will follow.

Nicola Sturgeon: A good place for the First Minister to start might be to stop condoning waiting lists. This policy is not being funded adequately, which is why many vulnerable old people throughout Scotland are on waiting lists for care that they are entitled to receive when they need it.

The First Minister: Read out the whole letter.

Nicola Sturgeon: Is it not time that, instead of trying to play the blame game with councils, the First Minister took some responsibility and sorted the matter out?

The First Minister: Ms Sturgeon has declined every invitation to read out the letter—

Nicola Sturgeon: You read it out. *[Interruption.]*

The Presiding Officer (Mr George Reid): Order.

The First Minister: What Ms Sturgeon does not say is that, first, the policy, as agreed by the Parliament, is crystal clear. Secondly, the policy has been fully funded on the estimates that local authorities have provided. Thirdly, a majority of local authorities deliver the policy as defined and within the budgets that we have given them. Councils that are not spending this money we have given them directly on older people should be doing so; if they do not, we will follow the procedures that are available.

Prime Minister (Meetings)

2. Miss Annabel Goldie (West of Scotland) (Con): To ask the First Minister when he will next meet the Prime Minister and what issues they will discuss. (S2F-2341)

The First Minister (Mr Jack McConnell): I met the Prime Minister, the Chancellor of the Exchequer and the Home Secretary earlier this week and had a number of interesting discussions with them.

Miss Annabel Goldie (West of Scotland) (Con): That must have been some convention of minds. Perhaps in the course of those discussions a succession was made clear.

With the passing of its Community Care and Health (Scotland) Act 2002, the Executive promised that personal care would be free to the elderly in Scotland and that food preparation would be included in that right. Four years on, the Executive has breached that commitment. Will the First Minister explain why so many councils in Scotland are finding it almost impossible to meet the Executive's commitment to free personal care

for the elderly and why there should be any doubt about the inclusion of food preparation?

The First Minister: Although I appreciate the reasonable way in which Annabel Goldie has put her question, I disagree with its content. First, the policy is very clear. Secondly, it has been fully funded on estimates that were provided by local authorities after our joint work on the matter. Thirdly, it has been described by a cross-party group in the Parliament as an excellent policy that is being well implemented. Fourthly—and most critical—the majority of Scottish local authorities are fully implementing the policy with the funds that have been made available to them. They all have an obligation and duty to do so, and those that are not meeting that obligation are diverting money into other areas. That should not be happening and, unless those councils start using that money to implement the policy, we will take action against them.

Miss Goldie: The First Minister seems to have suggested that some councils have received, but have misspent, their allocation. In response to Ms Sturgeon, he said that, where that unhappy circumstance has arisen, there are “clear procedures that will be followed”. Elderly people are not interested in squabbles between councillors and the Executive and the problem will not be resolved by blaming someone else. If clear procedures will be followed to deal with this matter, does the First Minister accept that, having created the right to free personal care, the Executive has a legal responsibility to ensure that that care is provided when and where it is needed—not after someone has languished on a waiting list—and that that requires adequate funding?

The First Minister: The direct implication of Miss Goldie’s question is that we should take the responsibility for delivering elderly care services away from local authorities and deliver them centrally. If that is what the Tories are suggesting, they should have been honest about that when the legislation was debated and lodged an amendment to that effect. If they wish to move such a motion now, we will happily debate it with them.

Our judgment is that, given the current distribution and the services that are provided through social work, local authorities are the best mechanism for making these decisions and for ensuring that services are properly delivered at local level. As I said, the majority of Scotland’s local authorities deliver the policy in full within the resources that were agreed with them and identified by them as being required to deliver it. The minority of authorities that appear not to be doing so at the moment are wrong. They should be doing so and, unless they do so, we will move

into the procedures that are available and will take action against them.

Miss Goldie: A few weeks ago, we learned that the Executive was bailing out Scottish Enterprise to the tune of £45 million. In that case, an Executive agency had overspent, just as the First Minister states that certain councils have overspent.

The First Minister: Underspent.

Miss Goldie: The First Minister made it clear this morning that he considered that some councils had received money but had not allocated it to the intended use. The point is that he is alleging that there is a misallocation of resource by the councils. I am pointing out that, at the end of the day, there is a client group whose members are not getting the services that they were promised because of a breach somewhere along the line. The councils are arguing that absence of resource and lack of money are responsible. If the kernel of the problem is money, as certain councils are alleging, and if one council has totally closed the books, saying, “No resource. No cash. Can’t provide the service,” will the First Minister explain why he can bail out the enterprise agency but is not willing to step in now with his procedures—whatever they are—to implement the free personal care obligation that the Executive has placed on those councils?

The First Minister: First, we agreed the amount of money required with the local authorities and their representatives. Secondly, the vast majority of Scotland’s councils are delivering that service, as agreed by the Parliament, in the interests of elderly people, who should come first, and they are doing so within the resources that are available to them. Thirdly, those councils that are not delivering that service are failing to do so because they are underspending, not overspending. If they have been given money that they are not currently spending on the service, it would be a ludicrous outcome for us just to give them some more so that they can spend it somewhere else if they wish. They need to spend their budgets on the priorities that are needed by local people and on the needs that are assessed under the legislation, putting the individual elderly citizen first. When they do that, the policy will be implemented in full.

Karen Whitefield (Airdrie and Shotts) (Lab): Is the First Minister aware of the death from tuberculosis of three of my constituents at Eastercroft House nursing home in Caldercruix? Can he assure me that a full investigation will be conducted into the outbreaks of that disease, that full consideration will be given to the steps that can be taken to contain the spread of TB and that, if appropriate, improvements to action in such

circumstances will be made to safeguard vulnerable residents and staff?

The First Minister: First of all, we want to express our sympathy with the families of those who have been most affected by what appears to be an outbreak. We wish those who are currently feeling ill or who could be affected a full and speedy recovery. The outbreak team is meeting regularly and all the appropriate procedures have been put in place. However, it will be essential during and after the incident that we learn any lessons that have to be learned and that people across Scotland see the example of what has taken place and ensure that best practice is implemented elsewhere, should anything like this occur again. We must also look again at the way in which we educate those who run establishments, to ensure that they have the highest standards of cleanliness and hygiene at all times.

Scottish Executive (Targets)

3. Dennis Canavan (Falkirk West) (Ind): To ask the First Minister whether the Scottish Executive is satisfied with its progress towards meeting its targets. (S2F-2348)

The First Minister (Mr Jack McConnell): With 11 months until the end of this parliamentary session, we have had sustained economic growth in every quarter since the previous election, health waiting times are at their lowest ever levels, attainment in schools is up on all criteria since devolution, crime is coming down, our courts are better at delivering justice and clear-up rates for crime are up. The policies of the devolved Government are helping to deliver real improvements in Scotland.

Dennis Canavan: Given the Executive's target of reducing the number of pupils to a maximum of 20 in all secondary 1 and secondary 2 maths and English classes by next year, how on earth can it be satisfied with progress when the truth is that it does not know what progress—if any—has been made? The most up-to-date figures that the Executive has produced are for September 2003, when around 8,000 such classes had more than 20 pupils.

The First Minister: Even Mr Canavan—who, like me, is a former maths teacher—will acknowledge that as the policy was established in 2003, its achievements will not be measured by what happened in that year. It was precisely because of the 2003 figures that we decided that the big priority for secondary reforms had to be reducing English and maths S1 and S2 class sizes. There is a problem that other parties should recognise. Young people can have difficulties with the transition from primary schools, such as the successful school that I visited this morning, to

secondary schools. We know that many disciplinary, achievement and attainment problems in our schools start in those years and classes. That is why there is a record number of people on teacher training courses and why there has been more than a 100 per cent increase in the number of maths teachers in training since 2003. We are well on track to delivering our commitment, which is important and central to improving the life chances of young people in Scotland.

Dennis Canavan: Will the First Minister please stop waffling and answer the question? As a former maths teacher, he is surely capable of counting the number of pupils in all S1 and S2 maths and English classes and the number of maths and English classes that currently have more than 20 pupils. Is he aware that when I asked all 32 local authorities for their up-to-date figures, the 20 responses that I received indicated that more than 80 per cent of maths and English classes have more than 20 pupils? Will he therefore take urgent steps to assess and rectify the situation? At the current rate of progress, the Executive has as much chance of hitting next year's targets as Scotland has of winning this year's world cup.

The First Minister: I have every respect for Mr Canavan as a politician, but sometimes I worry about his mathematics when he reads one of his pre-prepared speeches. Anybody with any common sense can see that it takes time to train maths and English teachers. The fact that the number of trainee maths teachers has increased by 116 per cent since 2003 and the number of trainee English teachers has increased by 145 per cent shows that additional teachers are being trained. The target does not relate to last year, the year before last year or the year before that—it relates to next year, when those teachers will have been trained and will be in classrooms and the target will have been met.

Glasgow Bar Association

4. Bill Butler (Glasgow Anniesland) (Lab): To ask the First Minister what action is being taken to respond to the vote by court lawyers in the Glasgow Bar Association to refuse to defend sex offenders because of issues over legal aid payments. (S2F-2344)

The First Minister (Mr Jack McConnell): I see no justifiable reason for legal professionals putting public safety at risk. We are ready to discuss with the Law Society of Scotland the offer that was made some weeks ago of a considerable interim increase in legal aid fees. However, we will make contingency arrangements for the possibility that people might carry out their irresponsible threat.

Bill Butler: I thank the First Minister for his straightforward reply. He will be aware that when

trade unions take strike action, they always seek to ensure that protection and cover are in place for the most vulnerable. Does the First Minister agree that, in light of the measures that the Executive has introduced to deal with sex offenders, it is unacceptable that lawyers—some of whom are very well paid indeed—could put public safety at risk, especially in the most serious cases, in order to negotiate a better pay deal? Furthermore, will he confirm that if private company lawyers do not think that representing sex offenders pays enough, public sector lawyers will represent sex offenders in the interests of public safety and to avoid delays in the dispensation of justice and consequent stress to victims and witnesses?

The First Minister: I will make three points. First, we will of course put contingency plans in place and they will involve—in addition to any other measures that we identify—the use of the Public Defence Solicitors Office, which I assume is what Bill Butler refers to.

Secondly, it is important to acknowledge that the fees for solemn criminal work were increased in 2004 by 15 per cent for advocacy and by other figures above the rate of inflation for other areas of work. The offer on the table from us, as an interim increase, is 8 per cent for advocacy and 5 per cent for other work.

Thirdly, with such substantial increases already delivered and on offer, it is shocking and disgraceful that, in order to heighten public concern and to scare the public into putting pressure on us, the lawyers in the Glasgow Bar Association have threatened to create chaos in the prosecution of sex offences in particular. They should be ashamed of themselves. They should call the action off and get round the table to discuss the issue with officials from the Justice Department and then with the justice ministers, in order to reach a solution.

Margaret Mitchell (Central Scotland) (Con): Although the action by the Glasgow Bar Association could not possibly be condoned, does the First Minister accept that action is being threatened because—among other issues relating to legal aid—the association and the Faculty of Advocates are furious? They agreed to co-operate fully and to change their work practices to ensure early disclosure and to comply with the Bonomy proposals for High Court reform—legislation that the First Minister is not slow to take credit for—but the promises that were made by the Labour and Liberal Democrat coalition have not to date been honoured. In fact, there has been a downrating across the board.

The First Minister: I have acknowledged that there was an issue to do with legal aid payments. That issue arose under the previous Conservative Government and continued after 1997. There was

a lack of regular annual increases. However, the issue has been tackled with the substantial increase in 2004 that I have described and with the substantial increase that has been proposed as an interim increase for 2005.

It is interesting to note that the Conservative party, although it talks regularly about not putting the abusers' interests first, is very quick to defend those who are better off in society and allow them a free hand in making this kind of threat to members of the public. The Tories should put the victims and witnesses of crime first and they should stop defending those who are threatening to put our court system into some sort of chaos.

Scottish Criminal Record Office Inquiry

5. Stewart Stevenson (Banff and Buchan) (SNP): To ask the First Minister what steps the Scottish Executive will take to give effect to motions S2M-4485 and S2M-4486, agreed without dissent by the Justice 1 Committee on 1 June 2006. (S2F-2342)

The First Minister (Mr Jack McConnell): Motion S2M-4485 concerns a report that was provided as part of a criminal investigation; as such, it is a matter for the Lord Advocate. Motion S2M-4486 is being considered by the Minister for Justice. We will try to find a way forward that will assist the committee while preserving the important legal principles that the Minister for Justice has previously set out.

Stewart Stevenson: I hope that the First Minister will accept that there is common cause to reinstate confidence in the fingerprint system in Scotland—which, of course, is why the motions were passed by a unanimous vote in the committee.

The First Minister mentioned the Lord Advocate. The report that is being sought is, in essence, in the public domain, but the detail behind it is not yet in the public domain. It would be of very great assistance if the First Minister could assure us that further efforts will be made. I hope that the First Minister is able to assure Parliament—and I invite him to do so—that the discussions that are currently taking place with the Minister for Justice will be rapidly concluded. The investigation by the committee is well under way and we have little time left.

The First Minister: In some of the sessions of the Justice 1 Committee this week, we have seen the difficulties in this case and the difficulties in ensuring that a conclusion can be reached that will help to rebuild confidence in the justice system—not only in the fingerprint service but in other aspects of the system too. I absolutely agree with Stewart Stevenson if he is genuine about seeking common cause to restore that confidence. I

welcome that indication and I hope that in the work and in the conclusions of the committee, we will see that that objective is clear.

It is my sincere belief that matters relating to reports commissioned by the prosecution in Scotland are not matters for politicians and I hope that the committee will take that into account. I believe that such matters are matters for the Lord Advocate and need to be handled properly to ensure that our legal system is not put in a difficult position in the future by any precedents that would be set.

In relation to matters that affect the Executive and reports commissioned by us for legal advice in advance of cases in which we are defending the public interest, there are important issues to be considered. The Minister for Justice is happy to discuss those issues in detail with representatives of the Justice 1 Committee. A meeting has already taken place between the convener of the committee and the Minister for Justice. I understand that this week's meeting was a helpful initial attempt at finding a way forward. We are determined to assist the committee as much as we can.

Pauline McNeill (Glasgow Kelvin) (Lab): The First Minister has alluded to the meeting that I had with the Minister for Justice this week at which, as the committee's representative, I set out the case for the committee to have access to both MacLeod reports and the Mike Pass report.

Does the First Minister acknowledge the cross-party efforts that the Justice 1 Committee has made to give an extremely important issue a public airing? Does he accept assurances from me as the committee's convener that we have no desire either to override the important issues that must be taken into account when the release of the reports in question is considered or to set a precedent? Does he agree that it is in the interest of the public and of the Parliament to ensure that we obtain all the information that is relevant to our important inquiry into the McKie case and the Scottish fingerprint service, so that we can make our findings?

The First Minister: It is important that the information that is made available, the advice that we give and the assistance that we provide help the committee to conduct itself in a way that is helpful to ensuring that we restore confidence in the fingerprint service and the system as a whole. I welcome the fact that committee members from different parties have indicated that that is their objective. I simply counsel that there are important principles to do with the independence of the prosecution from politicians that the committee needs to heed in the work that it undertakes.

I believe that the committee has done a good job so far. It will be important for it to take further evidence—I understand that that is its intention. I hope that we can reach a conclusion on the issue speedily and that we can ensure that the committee's recommendations and the actions of ministers work together to ensure that people in Scotland can have faith in the system and can believe that, in spite of the disagreements that may exist among experts about individual fingerprints or anything else, the system as a whole is robust and that the principles of the Scottish legal system will be maintained.

Teachers (Paperwork)

6. Lord James Douglas-Hamilton (Lothians) (Con): To ask the First Minister whether the Scottish Executive will institute a study to assist with the reduction or simplification of paperwork undertaken by Scotland's teachers. (S2F-2351)

The First Minister (Mr Jack McConnell): There have been a number of studies and action is being taken on them. If there are sensible suggestions for a further study that would add to the sum total of knowledge, we would be happy to examine them, but I remind the Parliament that we have reduced the administrative burden on teachers by increasing the number of classroom assistants, finding new ways of collecting data and introducing non-classroom support staff. The introduction of bursars in secondary schools and business managers in primary schools has been particularly important. Those measures are helping us to achieve the attainment levels that I mentioned in answer to Dennis Canavan's question.

Lord James Douglas-Hamilton: Although I welcome the tone of the First Minister's reply, does he accept that it is unacceptable that five years after the agreement of the teacher's settlement, only 8.5 per cent of the teachers who were questioned by the National Association of Schoolmasters Union of Women Teachers said that their workload had reduced, whereas some 81 per cent of them wanted further reductions in the amount of paperwork and bureaucracy that they faced? Does he agree that, at least, the number of classroom support staff promised in the McCrone agreement should be available and that their deployment throughout Scotland should be more efficient so that teachers are freed up to teach, to plan innovative lessons and to provide constructive assessment to pupils? There is considerable evidence that the pattern of employment of classroom support staff is not uniform throughout the country but varies considerably from authority to authority.

The First Minister: I hesitate to talk too much about the workload of my former colleagues.

However, we all want to see reductions in workload—most people in most jobs would say that. What is important is that the workload in Scottish schools is right and is focused on the correct activities for teachers and other staff in the classroom and elsewhere in the school. More than 3,000 additional support staff members have been provided since the agreement, and there will be many more. Those staff are reducing the administrative and support burden on teachers.

The increase in the number of teachers is assisting not just teachers but, more important, pupils and parents to improve education and to achieve higher attainment levels. Our objective should be not to have an arbitrary reduction in workload but to secure improvements in the classroom. That means freeing up teachers for more preparation and marking time, which the agreement did. We must also encourage teachers and others who work in our schools to take part in extra-curricular activities, as they did when I started to teach back in 1983. That got lost in the 1980s and 1990s, but it needs to return.

12:31

Meeting suspended until 14:15.

14:15

On resuming—

Question Time

SCOTTISH EXECUTIVE

Environment and Rural Development

The Deputy Presiding Officer (Trish Godman): Questions 1 and 2 have not been lodged.

Diversion from Landfill

3. Chris Ballance (South of Scotland) (Green): To ask the Scottish Executive what importance it attaches to the contribution of incineration or energy from waste to diversion from landfill. (S2O-10149)

The Minister for Environment and Rural Development (Ross Finnie): The national waste plan outlined a requirement to recover energy from around 14 per cent of municipal waste in order to meet landfill diversion targets by 2020. That could be achieved using a range of different technologies.

Chris Ballance: Does the minister agree that energy from waste is at the bottom of the waste hierarchy, only marginally above landfill? Therefore, in assessing applications for grants under the strategic waste fund, will he downgrade those applications that are heavily dependent on incineration?

Ross Finnie: I agree with the general proposition, as I do not regard incineration as being much above the landfill option. The national waste plan makes it clear that the incineration of waste without the recovery of energy is not a viable option and that energy from waste can play a role only after recyclable materials have been extracted, in so far as that is reasonably practicable. The guidance also confirms that energy from waste must form part of an integrated waste management strategy, including waste prevention, reuse, biological treatment, recycling and landfill. Given that guidance, I share a degree of disappointment at the nature and content of some of the submissions that are made to us. We will apply the criteria in assessing the bids that are before us.

Roseanna Cunningham (Perth) (SNP): The minister will be aware how controversial landfill sites are with local communities, especially because of the negative environmental impact that they can have. There is such a case in my constituency, near Abernethy, with the Binn farm landfill site. Does he agree that, until successful

diversion schemes are in place, the regulatory role of the Scottish Environment Protection Agency is absolutely vital? Does he, therefore, share my concern at the apparent reluctance of SEPA to act when there are repeated infractions, as in the case of the aforementioned landfill site?

Ross Finnie: I agree that SEPA has a crucial role to play. In my experience, it is unusual for SEPA not to use its powers. I am sure that other members in the chamber would attest to a rather overzealous approach by SEPA and perhaps regard this as a welcome counterbalance to that. Nevertheless, the point that Roseanna Cunningham makes is a serious one, and if what she says is the case I would be happy to receive any representations that she wants to make on the matter.

Scottish Natural Heritage and the Scottish Environment Protection Agency (Public Inquiries)

4. Murdo Fraser (Mid Scotland and Fife) (Con): To ask the Scottish Executive whether Scottish Natural Heritage and the Scottish Environment Protection Agency have adequate resources in order for them to make representations to public inquiries on planning applications for large renewables projects. (S2O-10092)

The Deputy Minister for Environment and Rural Development (Rhona Brankin): SNH and SEPA are statutory consultees under a range of provisions on development proposals, including renewable energy schemes. Grant in aid for 2005-06 for SNH is set at £63.697 million and for SEPA at £35.582 million. Funding for SEPA has increased by 21 per cent over the past two years, and SNH has seen an increase in funding of more than 5 per cent during the same period. I am satisfied that both SNH and SEPA have adequate resources to allow them to make representations to public local inquiries. Both organisations must exercise judgment about priorities.

Murdo Fraser: If the minister is satisfied that SNH and SEPA have the resources, it must be that they are simply not making those representations. I do not know whether the minister is aware of the frustration that exists among communities in Perthshire and the Ochils that are involved in public inquiries, opposing planning applications for large-scale onshore wind farms. They are having to find tens of thousands of pounds out of their own pockets to employ representation and expert witnesses to level the playing field with wealthy developers, while statutory consultees such as SEPA and SNH—which have objected to the proposals in writing—refuse to provide representation because of a supposed lack of resources. Surely the Scottish

Executive should ensure that statutory consultees are in a position to back up at a public inquiry the evidence that they have given in writing.

Rhona Brankin: I do not want to comment on particular cases but I reiterate that both organisations have received substantial increases in funding. Of course, SEPA and SNH will give a high priority to contributing to public local planning inquiries. They must decide whether that contribution will be oral or written, and they will base those decisions on the individual cases.

Alasdair Morgan (South of Scotland) (SNP): Does the minister agree that it is a touch bizarre for the Conservative spokesman to be asking for increased taxpayers' money to be given to certain public agencies so that they can go along to public inquiries to oppose projects that, if they go ahead, will also be funded by the taxpayer?

Rhona Brankin: In general policy terms, our renewable energy targets are hugely important and seek to achieve the important environmental objective of reducing greenhouse gas emissions. SNH and SEPA recognise that. However, ministers will not grant consent in a particular case if the environmental impacts of the development would be unacceptable and could not be addressed by mitigation or compensation, for example. Those bodies have a clear role.

The Deputy Presiding Officer: Helen Eadie does not appear to be here to ask question 5.

Fly-tipping

6. John Home Robertson (East Lothian) (Lab): To ask the Scottish Executive whether it has any plans for action to deter the practice of fly-tipping and discarding litter at roadsides and lay-bys. (S2O-10122)

The Minister for Environment and Rural Development (Ross Finnie): The Executive has taken a number of steps to increase penalties for littering and fly-tipping and to improve enforcement. Substantial funding has been provided to undertake educational campaigns.

John Home Robertson: Am I right in thinking that the Executive's trunk road contractors are collecting more than 30,000 sacks of litter thrown out by drivers and passengers every year? I presume that as much again will be collected on local roads. What will the minister do about the filthy and decadent louts who are flinging cans, McDonalds wrappers and everything else on to our roadsides? Surely this is one area in which we have the devolved powers to address a genuine problem. Will the minister adopt proactive tactics—hidden cameras for example—to detect culprits? Why not compel offenders to spend time collecting litter as well as name and shame them?

Ross Finnie: The figures quoted by John Home Robertson are right. I know that, because they were contained in a letter from a colleague minister that indicated the volume of waste that is dumped.

The fact that a substantial number of the offences take place in the hours of darkness greatly complicates matters, although the police have been asked to consider the problem. However, we have made it clear to all authorities, in particular the police, that we have additional powers and that certain pollution offences, including fly-tipping, can carry fines of up to £40,000 under summary proceedings.

We have weapons, but they might not be being used. I take the member's point that we need to ensure that authorities realise that they have additional powers and that they are capable of using them to greater effect, because the volume of waste that is being collected and the unsightly mess that such waste makes of our countryside are simply not acceptable.

The Deputy Presiding Officer: I call Alex Fergusson. I am sorry; I meant Alex Johnstone.

Alex Johnstone (North East Scotland) (Con): Anecdotal evidence and, to some extent, personal experience indicate that a higher proportion of our police force is patrolling the roads in the current environment. Has the minister any views on whether the police have the necessary powers or the will to take greater action in an attempt to prevent this most heinous and highly visible environmental crime?

Ross Finnie: I see that the burden of proof has shifted from absolute assertions provided by factual information from a minister to anecdotal evidence. I repeat the point that I made to John Home Robertson. The Antisocial Behaviour etc (Scotland) Act 2004 includes additional provisions that double to £40,000 the maximum fine possible under summary proceedings for pollution offences, including fly-tipping.

I cannot possibly answer on what chief constables have in mind as their priorities, but we have made it clear—and we will continue to do so—that littering the countryside is a serious offence and that any perpetrators should be brought to book and should face the penalties that are now available within the jurisdiction.

The Deputy Presiding Officer: Question 7 has been withdrawn.

Aberdeen Beach Recharge Scheme

8. Richard Baker (North East Scotland) (Lab): To ask the Scottish Executive what progress is being made on the Aberdeen beach recharge scheme. (S2O-10113)

The Deputy Minister for Environment and Rural Development (Rhona Brankin): Aberdeen City Council is making good progress with its preparations and is on track to carry out the scheme this summer.

Richard Baker: I welcome the investment in preserving the future of Aberdeen's beach following a campaign by Lewis Macdonald, who is the local MSP. Will the minister assure me not only that the Executive is ready to make speedy progress on the scheme but that dialogue is taking place with Aberdeen City Council to ensure that it makes timeous progress on putting in place the right consultation and planning processes to allow the scheme to proceed quickly?

Rhona Brankin: Yes, of course. I, too, acknowledge Lewis Macdonald's campaign to save Aberdeen beach and I was delighted to be able to accept the council's business case for the scheme. As Richard Baker knows, we have agreed in principle to grant aid the scheme, subject to its gaining statutory consents. I understand that objections were made to the granting of planning permission, but we expect a decision on the matter shortly.

The council decided to negotiate a single tender with an appointed contractor for the dredging and placing of the sand from Montrose port. The council has invited competitive tenders for the other works to be returned by 12 June. Subject to obtaining the necessary consents, sand recharge is planned to start in mid-July and take about one month. The other works will follow on no later than September and will take about eight weeks. My officials are working closely with Aberdeen City Council to ensure that the scheme goes ahead as planned.

Alex Johnstone (North East Scotland) (Con): As one who spent many a long day on Aberdeen beach in my childhood, I am grateful for the actions that the Executive and Aberdeen City Council are taking to ensure that the beach is not only protected but built up to compensate for some of the losses that have been suffered in recent years. Given that the minister has now committed herself to improving the quality of the sand, can she do anything to improve the weather?

The Minister for Health and Community Care (Mr Andy Kerr): That is a matter for the First Minister.

Rhona Brankin: I am advised that that is a matter for the First Minister, but I suspect that it is a matter for somebody up there.

I am delighted to hear that Alex Johnstone is pleased with the action that is to be taken to save Aberdeen beach. It is a great beach. I lived in Aberdeen for many years and used the beach on

many occasions—but not often for swimming. I welcome Alex Johnstone's support.

The Deputy Presiding Officer: Question 9 has been withdrawn.

Beef Exports

The Deputy Presiding Officer: We move to question 10, for which I call Alex Fergusson.

10. Alex Fergusson (Galloway and Upper Nithsdale) (Con): Well-recognised, Presiding Officer.

To ask the Scottish Executive what steps it is taking to encourage the export of Scottish beef. (S20-10094)

The Minister for Environment and Rural Development (Ross Finnie): The Executive is working closely with Quality Meat Scotland in its efforts to promote Scottish beef in mainland Europe. I have already attended events in Brussels, Monaco and Rotterdam to launch Scottish beef into those areas. Next week, I will attend a dinner in Bologna that will relaunch Scottish beef into Italy. We are also providing financial assistance towards the cost of QMS marketing agents in France.

Alex Fergusson: I am sure that all members will agree that the efforts that are being made could not be better directed.

Does the minister agree that an important component of the trade, especially for the dairy sector, is the resumption of live exports? Now that the rest of Europe is on the verge of adopting new rules on veal production, can he assure the Parliament that the Executive will not attempt to hinder that trade as long as all relevant welfare concerns are addressed and legislation is properly adhered to? Will he assure us that a tough line will be taken with any individual or organisation that attempts to hinder the trade?

Ross Finnie: Alex Fergusson certainly makes a valid point, in that substantial changes have been made to the nature of the regulations that govern the live-meat trade. I think that almost all European Union member states have now abandoned the old veal cages. That is to be warmly welcomed as we know that the resumption of the meat trade will bring the issue of live exports into play. It is absolutely clear that, as long as regulations on international trading and the welfare of animals are adhered to, there is no reason for ministers or any other Government to impede progress.

Alasdair Morgan (South of Scotland) (SNP): Clearly, British legations and consulates abroad potentially have an important role in the promotion of Scottish beef exports. Will the minister say what steps he is taking to ensure that the legations and

consulates are aware of the fact that Scottish beef is now available for export once again and of the distinction between Scottish beef and beef from other parts of the United Kingdom?

Ross Finnie: I assure Alasdair Morgan that the respective British embassy—and, indeed, the respective British ambassador—was intimately involved in each of three events that I attended in the Netherlands, Belgium and France. They are part of the wide dissemination of information. The same process will be undertaken as we relaunch next week into Italy. I assure the member that all steps have been taken and the appropriate information has been provided to ensure that the attempt to launch and relaunch Scotch beef into mainland Europe is well co-ordinated.

Mr Andrew Arbuckle (Mid Scotland and Fife) (LD): In his primary answer, the minister indicated that he had been over in Europe promoting Scottish beef. I understand that the receptions were very successful. He indicated that there are one or two slots in his future itinerary. Does he have any plans to further extend this European tour to promote Scottish beef?

Ross Finnie: I am sure that the member appreciates the infelicitous nature of the split infinitive "to further extend". I am sure that that was not quite what he meant.

It was very important for the Scottish Executive—the Scottish Government—to be seen at those events, which were well prepared and rehearsed. We were absolutely clear that the invitations should be extended to those with a genuine interest in the matter—leading chefs, journalists in the technical press, and those with a clear interest in the importation and processing of beef.

QMS has plans to ensure that the momentum of the initial launch is sustained. As we get into the autumn, I will want to meet QMS to review progress and to see whether it is appropriate for Government to give a further boost to that kind of promotional event. However, I rather suspect that the money that we are giving to assist in the appointment of agents in those key countries is now the issue and that, from now on, our main task will be to ensure that the message goes out about the quality of the product that we are selling on the ground and that key buyers are targeted.

John Scott (Ayr) (Con): The minister is aware that, pre-BSE, the beef export industry was worth £120 million. Has any work been done to estimate the potential market that is currently available to Scottish farmers? In addition to the answers that he has given thus far, does the minister have any further initiatives up his sleeve? I am thinking in particular of on-the-ground initiatives to promote Scottish beef in Europe.

Ross Finnie: I am sorry that £10 million seems to have got lost in translation. The industry has generally regarded the figure as being £130 million, but there we are. If it helps the member, I can give the figure in euros—it is €200 million. I suspect that that remark might be rather more contentious. John Scott spoke about getting Scottish beef back into Europe. Of course, beef never left Europe; Scotland is in Europe. We must be careful about what we say in that regard.

As the analysis that QMS Scotland and others have undertaken shows, there will be a long gestation period before we fully re-establish these markets; time has moved on. The people I met during each visit told me clearly of their appetite to purchase Scottish beef—oh, that was a very bad pun. I should say that they told me of their willingness to purchase Scottish beef. However, the price, quality and all of those aspects must be set out.

Agents have been appointed in the Benelux countries and France and we are reassessing the situation in Italy. That work on the ground is absolutely critical. I have no reason to believe that, in a year or a year and a bit, we will not have gone way beyond the £130 million figure, but it would be foolish to pretend that that will happen overnight. We have had 10 years in which people have not had the opportunity to purchase the product. I am satisfied that the campaign has been structured very professionally indeed.

Alex Fergusson: On a point of order, Presiding Officer. I welcome the fact that my question elicited a record number of supplementaries, but I modestly suggest that it would have been more in order to fill in the time available as a result of questions not being lodged, a member not being in the chamber in time to ask her question and questions being withdrawn. The situation highlights the point of order that Stewart Stevenson made this morning, when he drew attention to the problem of questions that are not lodged. I understand that the matter must be referred to the Procedures Committee, but could the name of the person who failed to lodge a question be published in the *Business Bulletin* before the phrase, "Not Lodged"? That might reduce the number of questions that are not lodged.

The Deputy Presiding Officer: That is a matter for the Procedures Committee, as the member knows, but we will reflect on what he has said.

Health and Community Care

The Deputy Presiding Officer: Question 1 has been withdrawn.

Digital Hearing Aids (Waiting Times)

2. Mike Pringle (Edinburgh South) (LD): Presiding Officer, John Farquhar Munro was to ask the third question on health and community care, but unfortunately he is ill and not in the Parliament, so his question probably should have been withdrawn.

To ask the Scottish Executive what progress is being made in reducing waiting times for digital hearing aids. (S2O-10156)

The Deputy Minister for Health and Community Care (Lewis Macdonald): Waiting times fell between June and November last year in nine of the 12 areas for which figures are available. We continue to work with all national health service boards to reduce those waiting times further.

Mike Pringle: Does the minister agree that it is appalling that one of my constituents has a proposed wait of 2.5 years just for an assessment? Does he agree that as well as reducing other waiting times, serious efforts need to be made to put the problem right in Lothian? It is a disgrace and an embarrassment for the health service that my constituent must wait for 2.5 years, not to get his hearing aid but for his assessment.

Lewis Macdonald: I agree that the length of time that Mike Pringle describes is not acceptable. I understand that during the past 12 months in Lothian, the period during which new patients have been required to wait for assessment and then for a fitting has fallen by nearly half. It is clear that progress remains to be made in that regard and I expect audiology departments throughout Scotland to continue to work towards meeting the rigorous targets that we set in relation to the fitting of digital hearing aids for patients, wherever they are in Scotland.

Mr Duncan McNeil (Greenock and Inverclyde) (Lab): I thought that I would ask a supplementary question in case I did not have a chance to ask question 7. I give notice that I withdraw question 7.

The minister is aware that there is a particular need for audiology services in my constituency, where many former workers in heavy industry suffer hearing loss. Despite a spend of £600,000 18 months ago to cut waiting times, people still wait far too long. Will the minister examine how the extra money was spent and ascertain why better results have not been achieved? If the service remains unable to meet demand, despite the best efforts of the people who deliver it, will he consider enlisting outside help?

Lewis Macdonald: If health boards are struggling to make the changes that are required to put services in place it is appropriate that they seek support from elsewhere. I believe that in the

former NHS Argyll and Clyde area progress has been made in recent weeks, but there is more to be made.

The key for many boards is to put in place trained staff, particularly audiologists, and the necessary equipment and facilities. I understand that quite a lot of the money that was provided is being used for those purposes. The money does not deliver everything immediately, but we want early delivery. As short-term measures, a number of boards have brought in private sector providers to assist them or made other temporary arrangements to help to reduce waiting times. We expect all boards to consider such measures if they are appropriate and will help them to achieve short-term targets. In the long term, boards must put in place the facilities and staff that are key to meeting the targets.

Mrs Nanette Milne (North East Scotland) (Con): I acknowledge the recent roll-out of audiology modernisation throughout Scotland. It is good news that 92 per cent of hearing aids that are issued are now digital. However, concerns arise about a postcode lottery for treatment. What is the future direction of the policy on audiology and will the need for further progress create undue pressure on the current budget?

Lewis Macdonald: I hope that it does not. I also hope that the term “postcode lottery” does not become a code for saying that local health board discretion is suddenly a bad thing, because it is a good thing. Boards have specific challenges to meet in their areas and we expect them to meet those challenges. We also expect the good example that some boards have set in pushing down waiting times, in some cases to half of what they were a year ago, to be followed by others.

We have provided funding for degree courses for audiologists—a four-year course for new students who start from first year and a two-year conversion course for students who have already completed a bachelor of science course. That will bring new audiologists on stream. The first students will complete the conversion course in the summer of next year and newly trained students will become available two years after that. That provision will make a significant difference over that timescale. In the meantime, we expect boards to learn from one another and to work with Executive officials to ensure that waiting times are driven down as fast as possible.

Shona Robison (Dundee East) (SNP): Given the difficulties with waiting times for audiology services, will the minister consider setting a waiting-time target for the services?

Lewis Macdonald: We have done so. We have asked boards to ensure that the waiting time is reduced to 26 weeks—that is the target that is in

place and we want boards to make progress toward achieving it. Some are already doing well but, as I said, others have some way to go. We want to ensure that they work toward those outcomes in a co-ordinated way. However, we realise that, to do that, boards need trained staff, which is why we have made provision for the degree courses that I described.

The Deputy Presiding Officer: Question 3 has been withdrawn.

Residential Care (Highland)

4. Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): To ask the Scottish Executive what information it has received from Highland Council in respect of Highland Council's plans to put out to tender the provision of care for elderly people who are currently resident in local authority homes, such as Grant House, Grantown-on-Spey; Invernevis House, Fort William; the Wade Centre, Kingussie; and Ach an Eas and Burnside, Inverness; and whether it considers that the savings which the council has predicted are realistic. (S2O-10087)

The Deputy Minister for Health and Community Care (Lewis Macdonald): The issue is for Highland Council, but it has kept my officials informed about the progress of the tender exercise. The council believes that it can make significant savings by tendering a number of care home places to the independent sector and intends to use any savings for the delivery of home care services in its area.

Fergus Ewing: I have given notice of my supplementary question to the minister's office. He will be aware of the widespread concern about the issue among the relatives of people who are looked after in the homes and the worrying possibility that they may have to move. The minister will know that Highland Council leaders elected not to hold public meetings to present the policy in any part of my constituency. Does the minister accept that the council has not carried out such an exercise previously and that the task of preparing the specification and the preferred bidder method of tendering are immensely complex and challenging? Does he therefore agree that it would be prudent for the plans to undergo some form of independent evaluation before they are implemented, to ensure that they are robust?

Lewis Macdonald: I am grateful to Mr Ewing for the advance notice of his supplementary question. Arriving at a specification and the tendering processes that follow from that are always complex matters. It is for Highland Council to determine how it does that—that is the discretion that we give local authorities. The council assures me that, in preparing for that, it has followed

Treasury green book methodology and Executive guidance on value for money. Nonetheless, more significantly in respect of Mr Ewing's question, the council, rather than wait for the routine audit of its plans and expenditure, has asked Audit Scotland to monitor the tendering process as it happens. That may well meet Mr Ewing's request.

NHS Boards (Performance)

5. Jim Mather (Highlands and Islands) (SNP):

To ask the Scottish Executive what measures the Minister for Health and Community Care will focus on when he reviews the performance of national health service boards during the summer. (S2O-10088)

The Minister for Health and Community Care (Mr Andy Kerr): I will cover a broad range of topics during this year's annual reviews, including service improvements, shifting the balance of care, service redesign, resources and, of course, important local issues.

Jim Mather: In the case of NHS Western Isles, will the minister focus on the retention level of senior staff and the size of severance payments to those staff in recent years, compared with the retention levels of and severance payments to such staff in other national health service boards in Scotland?

Mr Kerr: I will do so, as the member has raised those issues. I will also reflect on the performance of NHS Western Isles, which has met the waiting times and accident and emergency targets that the Executive set it and has a good track record on patient waiting times, dealing with availability status codes and other issues. The member wants to reflect on more controversial matters, but my job during the annual reviews is also to reflect on the good performance of our NHS boards, including that of NHS Western Isles.

Drug Addiction (Specialist Facilities)

6. Mr Andrew Arbuckle (Mid Scotland and Fife) (LD): To ask the Scottish Executive whether there are any plans to introduce national health service specialist facilities to treat and rehabilitate young people addicted to drugs. (S2O-10163)

The Deputy Minister for Health and Community Care (Lewis Macdonald): The Executive allocates more than £23 million annually to NHS boards for the provision of drug treatment and rehabilitation services, including those for young people. Drug action teams and their local partners should assess the level of need in their area in order to ensure that drug treatment and rehabilitation services meet local needs, and NHS boards should take their advice in deciding how best to provide those services.

Mr Arbuckle: Does the minister agree that the community-based approach to drug treatment and care in Fife—where a range of services is specifically designed for those under 16 and other young people—is the best way forward in targeting the problem of young people's addiction to drugs?

Lewis Macdonald: I agree that there are good models in the Fife drug action team's work that focuses on families and young people. Such work will certainly help to support those people and their wider families in dealing with addiction and preventing addictions becoming lifelong. It is clear that good work is also being done in the safer neighbourhood teams to encourage young people to access services, which is to be welcomed. We want such models to continue to develop.

Richard Lochhead (Moray) (SNP): Is the minister aware that NHS Grampian, which is his local health board, has said that the waiting time for drug treatment services for drug users in Moray has reached eight months? Does he accept that that is unacceptable, despite all the hard work that professionals have done on the ground in NHS Grampian? Will he investigate why the waiting time is so long? Is there a lack of resources? Does he accept that the quicker drug treatment programmes for addicts are delivered, the quicker a lot of misery for families and our local communities will be prevented?

Lewis Macdonald: I am aware of issues that have arisen in the Grampian area, as I am sure are other members. Difficult issues relating to treatment and rehabilitation and the levels of addiction and drug misuse in communities are involved and it is clear that we must tackle both ends of the spectrum. The treatment of and support for those who misuse drugs must be improved, but we also need to continue to support the action that has been taken to reduce the supply of drugs and the number of young people throughout Scotland who become involved in such damaging practice.

Mr Duncan McNeil (Greenock and Inverclyde) (Lab): Is the minister aware that 70 per cent of those who use drug rehabilitation services go back on to drugs within 90 days? Will he deal with the projects that are involved and consider their focus in order to find out how that poor record can be improved?

Lewis Macdonald: Duncan McNeil makes an important point. It is important to put in place treatment services, but they will not by themselves tackle all the issues that arise. I am certainly prepared to consider such matters in the way that Duncan McNeil has suggested and will respond further to him in due course.

The Deputy Presiding Officer: Question 7 has been withdrawn.

Primary Care (Springburn)

8. Paul Martin (Glasgow Springburn) (Lab): To ask the Scottish Executive what measures are being taken to improve access to primary care in Glasgow Springburn. (S2O-10129)

The Minister for Health and Community Care (Mr Andy Kerr): In March, I announced a further investment of £2.6 million in Springburn health centre, which will provide the platform for better access to improved services for the people of Springburn. As Paul Martin is aware, I will visit Springburn health centre on 26 June, when both of us will have the opportunity to see the improvements to dental, primary and community health care services following the recent premises upgrade.

Paul Martin: I welcome the £2.6 million investment in Springburn health centre and the new investment in the adjacent Petershill health centre.

What plans does the minister have to move away from the traditional concentration on general practitioners in health centres and to take a much wider approach to tackling some of the health inequalities that we have heard about so often in the chamber?

Mr Kerr: All across Scotland, I see many health boards taking up the challenge of “Delivering for Health”. That challenge encompasses the very message that the member raises. It is about the broadening of local community health services to cover not only the treatment of patients, but preventive and anticipatory care. It is also about involving allied health professionals, dentists and local government partners in the health and well-being of communities. That is the approach that we want to take.

The Springburn health centre provides extra GP facilities, but there are also community health staff, a consulting room for outreach services—including sexual health services—and the extension of the community pharmacy. In many ways, Springburn is setting an example for the rest of Scotland. However, I accept that we should not be complacent. I want more services to go out to local communities, and to transform our health service into the preventive and anticipatory care model so that we can improve the overall health and well-being of our nation.

Osteoporosis (West of Scotland)

9. Mr Stewart Maxwell (West of Scotland) (SNP): To ask the Scottish Executive what plans it has to improve the service for people who suffer from osteoporosis in the west of Scotland. (S2O-10097)

The Deputy Minister for Health and Community Care (Lewis Macdonald): Our work on smoking, diet and exercise will all help to reduce the risk of people developing osteoporosis. Our work on falls prevention will also help prevent people with osteoporosis from experiencing further fractures. Early diagnosis is very important, and we encourage NHS boards to ensure ready access to DEXA—dual energy x-ray absorptiometry—scanning. Boards should also ensure there is local implementation of the Scottish intercollegiate guidelines network’s guideline on the management of osteoporosis.

Mr Maxwell: The minister may be aware that services for osteoporosis patients in the Greater Glasgow NHS Board area were much better than they were in the former Argyll and Clyde NHS Board area. For example, there were no DEXA scanners in Argyll and Clyde and all patients had to transfer to Glasgow for a scan.

Now that the Argyll and Clyde NHS Board area has been mostly absorbed into the Greater Glasgow and Clyde NHS Board area, will the minister urge the board to improve services for osteoporosis patients in the Argyll and Clyde area—especially in relation to the assessment of secondary fractures and the provision of locally available DEXA scanners?

Lewis Macdonald: I would certainly be happy to have a discussion with Greater Glasgow and Clyde NHS Board on that matter. Clearly, the board is responsible for delivering those services and that support. As Stewart Maxwell acknowledges, the board has led the way in the provision of a DEXA scanner in the west of Scotland. That encourages me to believe that it will want to extend that service more widely.

John Scott (Ayr) (Con): The minister will be aware that the National Osteoporosis Society is celebrating its 20th anniversary this year. I want to acknowledge the great progress that has been made in that time. Does the minister accept that, as diagnosis improves, it is being discovered that the size of the problem is growing? What further measures might the minister take with a view to improving the diet of young people, especially those in the areas of south and west Scotland with a high deprivation index?

Lewis Macdonald: John Scott is right to say that we have a growing problem that must be faced. We have an aging population and we have to address such problems when people are at an early age. Good work is already going on under the Scottish diet action plan, an aspect of which is the encouragement and promotion of calcium intake. That is clearly very important for young people, but also for more mature people.

“Delivering for Health” sets out the importance of early preventive interventions before conditions develop. We will continue to work on that.

Cancer (Waiting Times)

10. Shona Robison (Dundee East) (SNP): To ask the Scottish Executive what action will be taken to ensure that waiting time targets for urgent referrals for people with cancer are met. (S2O-10082)

The Minister for Health and Community Care (Mr Andy Kerr): I continue to impress on NHS boards' chairs and chief executives the need for continuous action to drive and deliver faster care for patients with cancer. There are signs of improvements in specific cancer services but the benefits of extra investment and additional actions to drive down waiting times are taking far too long to show. To aid delivery of the national cancer waiting times target, a national delivery plan has been developed which sets out the key additional actions agreed with NHS boards and regional cancer networks. A copy of this plan is available on the Scottish Executive website.

During the forthcoming annual reviews, I will be challenging NHS boards to demonstrate that they are taking the necessary action to improve performance, and to demonstrate that progress is being made.

Shona Robison: I am pleased that the minister shares my concerns, but the past few sets of statistics have shown that in some of the areas in which the targets on particular cancers have not been met, the situation has worsened. We know in which health board areas there are particular problems. What action can the minister guarantee will be taken to ensure that the next time we get the statistics for urgent referrals there are signs of improvement in those specific areas?

Mr Kerr: The cancer services in Scotland are among the best in the world. We have built up capacity and have seen what improvements in services can be achieved. More and more people with cancer are surviving—we should understand that it is no longer the death sentence that it once was.

However, I remain extremely concerned about the performance of some of our boards. As well as taking action on the reporting systems, investing in trackers and providing additional consultancy support, we have worked to make available diagnostic equipment resources to those boards. I understand the member's concerns; I, too, am concerned. The action plan has been put in place and I expect it to be delivered on.

Climate Change

The Deputy Presiding Officer (Trish Godman): The next item of business is a debate on motion S2M-4507, in the name of Ross Finnie, on climate change.

14:56

The Minister for Environment and Rural Development (Ross Finnie): I am glad to say that today's debate is the third occasion on which Parliament has debated climate change in the past 18 months. Given the scale and immediacy of the challenge, such regular examination of the issue is appropriate.

It is often said that climate change is the greatest threat that our planet faces, but we are sometimes less clear about what Scotland can do to help tackle it. The theme for world environment day—which was on Monday—was deserts and desertification. That highlights one of the reasons why climate change is such a grave threat. Climate change is turning the dry lands that cover more than 40 per cent of the earth's land and which are home to a third of the world's population into deserts, thereby exacerbating the poverty that the inhabitants of those areas already suffer. That is but one example of why climate change is the most serious threat that we face. It has the potential to devastate and destroy the lives of millions of people, most of whom have done almost nothing to contribute to the problem.

As a developed nation, Scotland has contributed to the problem. Although we are only a small country that is responsible for around 0.2 per cent of global greenhouse gas emissions, per person our emissions are about twice the global average. In other words, our carbon footprint is too big. We therefore have a responsibility to change our ways and to lead by example, in line with the principles of sustainable development and environmental justice. We must cut our emissions significantly over the coming decades and adapt to the impacts of climate change, because no matter how successful global efforts to reduce emissions are, some climate change is now inevitable. The developing world will suffer the worst impacts, but the consequences for Scotland could be serious.

Scotland has a good record when it comes to emissions reductions. Between 1990 and 2003, our carbon dioxide emissions fell by more than did those of any other part of the United Kingdom. If we take account of removals by carbon sinks—the absorption of carbon by our trees and soils—our net greenhouse gas emissions declined by 14 per cent. All that was achieved during a period in which our economy grew by 29 per cent.

Our record is better than that of 13 of the 15 European Union member states that signed up to the EU Kyoto target and it is a positive base on which to build. However, we recognise that much more needs to be done if we are to transform Scotland into a vibrant, low-carbon economy. Everyone in Scotland must be encouraged to play their part and the Executive must show leadership.

Bruce Crawford (Mid Scotland and Fife) (SNP): I am sure that the minister is aware that offshore wind has great potential to reduce our overall carbon footprint. Can he throw any light on the problems that exist in relation to the roles of the Department of Trade and Industry and the Scottish Executive in the consent process for offshore wind developments? My understanding is that the industry is being pushed from pillar to post on the issue and that although responsibility for the matter will be devolved to the Scottish Parliament, that has not yet happened. The process needs to be accelerated so that some of the huge potential of offshore wind farms can be released.

Ross Finnie: I agree entirely with the member that offshore wind has huge potential. He is correct to say that we have secured agreement that the matter should be transferred to our responsibility. All of us regret that the issue has not been resolved as quickly as it should have been. My colleague Nicol Stephen is anxious that it should be resolved very quickly, so that we can get over the problems that Bruce Crawford highlighted. We must be able to give the industry a clear signal that it can develop in a way that will make a further contribution in the sphere of renewable energy.

The new climate change programme, "Changing Our Ways: Scotland's Climate Change Programme", is a serious response to this serious and urgent challenge. It sets out how we plan to tackle change in a sustainable way to create a stronger, healthier and more just society and a more productive, competitive and sustainable economy. It makes clear the importance of us all changing our ways. The new programme identifies for the first time the Scottish share of UK climate change commitments. That is the amount of carbon savings that Scotland must deliver through its devolved policies to match savings from all devolved policies in the United Kingdom programme, on a per capita basis.

Mr Mark Ruskell (Mid Scotland and Fife) (Green): Is the minister concerned, as I am, that we could meet the so-called Scottish share target even if emissions were still rising in Scotland?

Ross Finnie: That will depend on the second element of the programme. As we have indicated clearly, we hope that, as well as managing the total amount of our contribution to the savings, we

will be in a position to talk about carbon savings. I will address that issue later. We definitely intend to match both elements of the policy, to ensure that the possibility to which the member alludes does not materialise.

Despite the reservation that has been expressed, it is important that we can now disaggregate the figures and see that we can achieve more than the estimated 1.7 million tonnes of carbon savings that are required of us. We have set ourselves the target of an additional 1 million tonnes of carbon savings, to demonstrate the level that we wish to reach. The fact that we have mapped out in our new programme how we will meet the target shows that it is not an unrealistic aim. When carbon savings from reserved policies are added to the Scottish target, we expect annual carbon savings in Scotland of 3.8 million tonnes by 2010. To put that in context, Scotland's total net emissions in 2003 were 14.9 million tonnes.

The programme makes some important new commitments to support the target. It commits us to identifying total carbon savings from all energy efficiency measures in the forthcoming Scottish energy efficiency strategy, as a further contribution to the target; to developing a renewable heat strategy and a biomass action plan to ensure strong market development in those areas and additional carbon savings; to improving the energy standards in our building regulations; to determining the contribution that the transport sector will make to the Scottish target, as part of the national transport strategy; to delivering a significant amount of carbon savings through the forestry sector and to developing a climate change action plan for Scottish agriculture; and to assisting our local government colleagues to develop local authority climate change programmes.

Climate change is a truly cross-cutting issue, and there are many opinions about how we should secure our aim. I was reassured by the positive response that the programme received from Scotland's environmental lobbies, which welcomed the setting of the Scottish target and our commitment to report annually to the Parliament on progress. We will not meet the Scottish target unless all sectors contribute, including sectors in which emissions are currently rising. We must ensure that we deliver the savings that are required to meet the target in the most sustainable and cost-effective way.

I know that members have concerns about aviation, a sector in which emissions continue to increase. I want to make two points on aviation. First, we must recognise that, given the way in which our employable population is developing and the intellectual capital that it possesses, it is

vital that Scotland should be able to trade that intellectual capital internationally. Secondly, that imperative does not mean that we should allow unfettered growth in general aviation emissions.

Along with the UK Government, we continue to press for the inclusion of aviation in the EU emissions trading scheme, whilst not ruling out the use of any other economic instrument. Such a move will assist in the development of an internationally agreed methodology for reporting international aviation emissions, which is currently lacking.

Phil Gallie (South of Scotland) (Con): Will the minister expand on that point? Would aviation emissions include the emissions that are registered to each airline, depending on the national base of the airlines, or would they be linked to airport traffic within countries?

Ross Finnie: The proposal does two things. First, it tackles all aircraft in Europe—the issue that remains to be resolved is the landing of aircraft from America. An absolute target would therefore be set in terms of the total amount of emissions coming from air traffic. That will, undoubtedly, have an impact on price but if the problem is dealt with on an international basis, we will not render the UK uncompetitive. It is important for us to be able to trade internationally.

To answer the point that was raised by the Green party, I had hoped that the emissions up to 2020 would be included in the climate change programme. Unfortunately, however, it was not possible to disaggregate the UK projections in time. Once those projections are available, we will compare them with the Scottish share and Scottish target to determine the impact that Scotland's climate change programme will have on overall emissions. That will allow us to ensure that our approach is sufficient to meet the long-term challenge.

The plan sets out route maps. We have made announcements about the fact that our views have changed on renewables; about the consultation on the national transport strategy; and about the research that Scottish Natural Heritage is doing on the species that are most at risk. We have announced our commitment to carbon proof Executive climate change policies, and formal mechanisms are being drawn up to ensure that we are able to do that.

We must communicate the climate change message clearly and as effectively as we can to all those who are engaged in the process, so that we can get buy-in from all sectors of Scottish civic society.

We believe that we can take further the work that we have done and continue to engage those member states who are interested in this matter.

We are committed to progressing and delivering on our climate change programme. I believe that we are taking seriously our international duty in relation to climate change.

I move,

That the Parliament welcomes the publication of *Changing Our Ways: Scotland's Climate Change Programme* as a serious response to a serious challenge; notes the identification of the Scottish Share of carbon savings from devolved policies across the United Kingdom and the setting of the first ever Scottish Target to exceed that share; welcomes the commitment to report annually to Parliament on progress on implementing *Changing Our Ways* and, in the longer term, to submit the programme to an independent audit; recognises the importance that must be accorded to adapting to the unavoidable impacts of climate change, and agrees that mainstreaming climate thinking, through the carbon proofing of new policies and measures and through communication, is vital to ensuring an effective climate change response.

15:08

Richard Lochhead (Moray) (SNP): The Scottish National Party welcomes the debate, which concerns something that might be the biggest threat to humanity in the 21st century. Members from all parties must agree on the scale of the challenge that faces our society if we are to curb global warming and prevent the devastation that could take place across the planet as a result of climate change. Further, all parties must agree that human activity is contributing hugely to global warming and that it is the duty of the Parliament to show leadership to Scotland, the rest of Europe and the planet.

As the minister said, quite rightly, our message must be that Scotland can make a difference. We are a small country and many people are cynical and believe that there is not much that we can do to influence climate change. However, it is our duty to do what we can. We have a moral responsibility not only to future generations of Scots, but to the rest of the planet, particularly to the vulnerable communities that are always the first to feel the brunt of extreme weather events that occur as a result of climate change. Of course, we must remember that Scotland is not immune in that regard, given the tragic events that have occurred in this country in recent years as a result of extreme weather.

The SNP welcomes the publication of the Government's climate change programme. Again, the programme is a boost for and a vindication of the idea of having a Scottish Parliament: if there were no Scottish Parliament, there would be no climate change programme for Scotland. Within the limitations in the context of devolution, we welcome the fact that a target will be set for reducing carbon emissions in Scotland and that a Scottish share will be established of the commitments in the UK programme. We also

welcome the fact that the commitments that the Government in Scotland makes will be independently audited.

Parliament has a duty to hold ministers to account. We welcome the Minister for Environment and Rural Development's commitment that climate change proofing will take place throughout all Government departments. The mainstreaming of climate change policies is important. We must reach a stage at which all ministers report to the Parliament annually the carbon savings and costs of their policies. That is the best way for the Parliament to hold ministers to account and we hope that that will happen sooner rather than later.

Mr Ruskell: Would the member welcome a carbon costing of removing tolls from the Tay and Forth bridges?

Richard Lochhead: As I said, we should be told the carbon costs and savings of all policies. That includes transport policies. I will return to transport in a few moments.

Climate change is not just a threat to Scotland, but an opportunity because transforming our economy into a low-carbon economy will have massive economic and social benefits. We have the technologies and we can gain tens of thousands of jobs if we take a lead and put in place the necessary measures as soon as possible.

Scotland's track record on emissions is not impressive, especially given our enormous potential to become the renewables capital of Europe. Of the 25 members of the European Union, only nine other countries have higher per capita emissions than Scotland. The Scottish Executive's record is poor, as were the records of the previous UK Governments that ran Scotland. We hear that net greenhouse gas emissions fell by 14 per cent between 1990 and 2003. On the face of it, that is impressive, but as the minister's document says, that reduction is due to industrial decline in Scotland and the closure of massive plants such as Ravenscraig. It is not due to the Executive or previous UK Governments putting in place proactive measures to cut emissions.

Energy accounts for 37 per cent of emissions in Scotland and is therefore the biggest contributor. It is embarrassing that England has made a bigger reduction in its emissions than Scotland, yet Scotland has the biggest potential to cut emissions and the biggest potential for renewable energy.

Ross Finnie: Would the member care to explain why it is embarrassing that, prior to that figure starting as the data point, Scotland did not have a dependence on coal burning? What is embarrassing about us not engaging in a dash for gas? Therefore, why is it embarrassing that

Scotland's position was better before we started and that the figure that the member mentioned includes the dash for gas?

Richard Lochhead: I can tell the minister why it is embarrassing. He and his Government have been in power for seven years—since the Scottish Parliament reopened—but that time has been wasted. We have not caught up with other countries that have clean technologies and, in particular, clean energy production. Had we had ministers who were proactive, we could be where many of those countries are now.

The Government made great play of the fact that it has announced an investment of £20 million over two years in renewable energy in Scotland, but that is chicken-feed in comparison with what is required to transform Scotland's energy sector into a low-carbon sector. Twenty million pounds equates to 1 per cent of the cost of building a nuclear power station. Scotland can be in the lead if the Government gets behind the major projects on clean energy production that are taking place. We can get into the lead and we could have an impressive record.

The building of the hydrogen plant at Peterhead is exciting. It will be the biggest industrial hydrogen plant in the world and will produce carbon-free electricity, but the project requires Government support and the Government must get behind it.

Eleanor Scott (Highlands and Islands) (Green): Will the member take an intervention?

Richard Lochhead: I am sorry. I would love to take an intervention, but I am running out of time.

We have the potential for clean coal technology in Scotland and the Government must get behind that, too. If we want to reduce drastically carbon emissions from the energy sector, carbon storage offers immense opportunities for Scotland, given our geographical location and the North sea. The UK Government has announced that it will invest £25 million in developing carbon storage, but Norway—a small country of 5 million people—has announced that it will invest £162 million in that technology. On carbon storage, we need to up our game.

Energy efficiency is another major route to cutting emissions, yet we are still waiting for the Government's energy efficiency strategy. It was promised in 2004 and again in 2005, but we are nearly halfway through 2006 and we still await it. We need a high-profile energy efficiency agency in Scotland that will be a one-stop shop that can be accessed by people outside the Parliament who do not know where to obtain advice about energy efficiency.

I wanted to discuss many other issues, but I am running out of time. The Government must avoid

gesture politics. Many schemes that are up and running are underfunded. If the Government really wants to tackle climate change and to transform Scotland into a low-carbon economy, we need real resources. We should not spend billions of pounds on nuclear power; we should put money into transforming Scotland into a low-carbon economy. The Parliament should have the powers so that we can make the maximum contribution to tackling climate change and saving the planet.

I move amendment S2M-4507.3, to insert at end:

“recognises that Scotland requires many of the political powers currently reserved to the UK Government in order to build a low-carbon society and make a greater contribution to the global effort towards tackling climate change; regrets the ongoing delay in publishing the Scottish Executive’s energy efficiency strategy; calls for the establishment of a single high-profile public sector organisation to provide a one-stop shop for the promotion of energy efficiency across all sectors; urges Scottish Ministers when reporting annually to the Parliament to publish the carbon costs and savings that have resulted from their policies, and rejects the view that new nuclear power stations offer a solution to climate change.”

15:15

Alex Johnstone (North East Scotland) (Con):

As the minister said, we have debated climate change several times. One theme that has developed over time is the consensus in the Parliament that a problem has to be addressed and should be addressed by consensual measures. The Conservatives will not oppose the minister’s motion; we simply seek to add to it slightly.

It would be churlish of us to oppose the motion, given that at Westminster earlier this year, the Conservative party, the Liberal Democrats, the Scottish National Party, the Ulster Democratic Unionist Party and Plaid Cymru signed a cross-party agreement on climate change. The five parties agreed that an independent body should be established to monitor and enforce year-on-year carbon reductions and to cut emissions by at least 60 per cent by 2050. The body would publish an annual report, which would be debated in both Houses of Parliament. Under that Conservative initiative, long-term emission cuts would be guaranteed, whoever was in power. Aspects of that agreement are reflected in the motion, so it is entirely appropriate for us to support it.

I lodged a small amendment to raise an issue that I highlighted in a recent debate on architecture and to do so with the ministers whose responsibility it is to address my concerns. Scotland is an industrial nation. All its political parties are to some extent concerned about the redistribution of wealth and the provision of high-quality public services. For that reason, it is

essential that Scotland’s industry remains profitable and has a future and that we fight matters such as fuel poverty, which many of us have identified as a major problem.

When I looked through the Executive’s proposals, I was concerned to ensure that whatever action we take passes the test of economic sustainability. When we choose to set targets that exceed those of our neighbours and when we choose to set a good example, as many of us wish to do, we should do so in a way that does not undermine the ambition to maintain growth in the Scottish economy and to maintain opportunities to create the wealth that will ultimately give us that high-quality public service.

Rob Gibson (Highlands and Islands) (SNP):

Alex Johnstone will recall that the Environment and Rural Development Committee’s report on climate change said that the business environment partnership suggested that

“the challenge can be considered as a win-win situation.”—
[*Official Report, Environment and Rural Development Committee*, 2 February 2005; c 1588.]

As he signed up to that report, does he agree that tackling climate change can create jobs?

Alex Johnstone: Indeed. I signed up to and fully agree with that report. However, it is essential to ensure that nothing that the Government or the Parliament chooses to do undermines the economic objective.

For that reason, I am concerned by today’s announcement that the Liberal Democrats in the south have decided to change their tax policy radically. They propose a 2p cut in income tax—the lost revenue would be replaced primarily by increases in capital gains tax and a possible raft of green taxation. Perhaps that could be done in a way that would not undermine the policies that we wish to pursue, but I am concerned that, as with all other types of taxation, the least well-off would end up paying the highest proportion of their income in the new tax. If we do not move in the right direction, we might find that such a proposal would cost jobs and undermine our economy as a result.

When we progress down the road that is outlined in the programme, we must seek guarantees from the Executive that there will be continued opportunities to put public money towards the research and development that will be necessary to increase the opportunities in offshore wind and to create new opportunities in harnessing wind, wave and tidal power.

Richard Lochhead: Does the member agree with the many people who believe that if we opt for new nuclear power stations in Scotland, we will undermine the case for investing in the renewables to which he refers?

Alex Johnstone: That is the same logic that tells us that the way to teach children to swim is to drop them from a great height into deep water. I do not agree with that policy.

It is not my intention to debate the issues surrounding nuclear power. I have made my views on the matter clear on many occasions and will do so again in the future. We have always made clear our commitment to renewable sources of energy in Scotland and we continue to reiterate it today.

I have taken this opportunity to highlight my concerns about Scotland's economic well-being in the future. I believe that the Executive understands the issues. The Scottish National Party's amendment indicates that it, too, may understand the issues; unfortunately we cannot support the amendment because, as usual, it suggests that everything would be better in an independent Scotland. I am unable to agree with that view. I am less convinced that my views are reflected in the Green party's amendment, although I will listen with interest to what its members say in the debate.

I move amendment S2M-4507.2, to insert at end:

"and that all such measures must pass the test of economic sustainability."

15:21

Mr Mark Ruskell (Mid Scotland and Fife) (Green): Since we debated climate change for the first time in this Parliament in January 2005, there has been almost universal recognition that the crisis is the number 1 challenge that we face as a society. Since that debate, we have had the first public acceptance by the US Government that climate change is real and that it is caused by humanity. An excellent climate change inquiry report has come from Parliament and, at long last, both the Government at Westminster and the Executive have published climate change programmes. We have even had a national debate about whether David Cameron should buy a Lexus or a Prius to follow him on his bike to work.

We welcome "Changing Our Ways: Scotland's Climate Change Programme", as a first step to tackling the crisis in Scotland. Many of the actions within it could make significant cuts in emissions and we support them without criticism. We also acknowledge that the role of Government is difficult and that some policy areas, such as transport, present huge challenges to making the policy truly sustainable. However, now is not the time to hide from those challenges, to spin the perception that all is rosy when it is not and to pretend that hard choices do not have to be made.

It is absolutely imperative that we get to grips with the scale of the problem. It may be that we

should encourage small, politically expedient actions in order to gain confidence, but at the same time we must not leave the big challenges hidden and unresolved. We must make steady year-on-year progress towards the goal of slashing our emissions by at least two thirds by 2050. That means hard choices for Governments as well as for individuals. The target is not just a political one. It is a target that has been set by the planet itself and it is a hard and immovable physical and political backstop. We must do it or else. It is not negotiable. It is a hard target that we must meet.

The Scottish climate change programme states:

"Scotland is making reassuring strides in reducing its own emissions".

However, I do not see the three to four per cent reduction year after year that is needed to stop dangerous global climate change. The reality is that emissions have not fallen since the First Minister came into office and that the progress that has been made since 1990 has been due largely to the closure of Ravenscraig. Energy and transport emissions are not falling: they are rising and are dragging down the progress that is being made by other sectors of society in cutting our total emissions.

The programme also states:

"The Scottish Executive has reviewed its strategic approach to tackling climate change and strengthened it."

Surely the most important thing that we must do to make progress is to get all Government policies facing in the right direction. However, there are worrying signs that the Executive has, in effect, given up on transport. Instead of strengthening the road-traffic reduction target, the transport strategy states:

"Our research suggests that it would be desirable to replace a traffic stabilisation target".

Meanwhile, the Executive opposed the Green amendment to the Housing (Scotland) Bill, which would have established a target for efficiency. In both the energy and transport sectors, the Executive has ignored the Environment and Rural Development Committee's recommendations. In both cases, the Executive has failed to strengthen its approach.

Ross Finnie: The member's challenge is that we have rejected the question of energy efficiency. Paragraph 5.21 of our programme document "Changing Our Ways" contains the statement:

"The effectiveness of the strategy will be measured through the carbon savings it delivers and a specific carbon savings target will be set within it".

Can the member explain to me why, through ordinary use of the English language, that does not imply the setting of a target?

Mr Ruskell: I think that the minister has failed to read the Environment and Rural Development Committee's inquiry report. We challenged the Executive to set a target for home energy efficiency, but it failed to back that in the Housing (Scotland) Bill. The minister needs to reflect on that failure.

We read also in the Executive's programme that its

"new Programme commits the Executive to a Scottish Target in devolved areas."

We welcome the shift in language towards measurable delivery, but the Scottish share and so-called target counts only the policies that make emissions fall and assumes that no other policies under Executive control will make emissions rise. That is clearly nonsense. The connection of renewable energy to the grid will not reduce emissions if demand for electricity goes up. An increase in the use of biofuel in cars will not reduce emissions if car usage is encouraged by building more roads.

It is entirely possible—this was the point in my earlier intervention—that we could meet the Executive's so-called target while emissions are still rising overall. We would be achieving absolutely nothing. Surely the minister, as a former accountant, should know better than anyone that looking at savings while ignoring expenditure is bad practice. It is simply not good enough for ministers to say that they do not have control over the policies that affect climate change and so cannot take responsibility. If we had a Tory Government that was busy slashing petrol taxes and abolishing the climate levy from the back of its Lexus, there might be an excuse, but we have a UK Government that backs an overall target for emissions, so why do not ministers in Scotland have the courage to adopt the same overall target as the UK? If they did not make the target because of Westminster policies, that would be clear in any analysis. The Executive has a target for economic growth that is determined mainly by global economic trends. Why not have a national, all-inclusive and overall target for climate change that is far more under our control?

It is time for the Executive to be honest about the scale of the problem that we face and about the impact of all Government policies on climate change. The Executive must bite the bullet and recognise that a Scotland that is to be fit for our children's future is one in which climate change and sustainable development must be at the heart of Government. All policies must point in one direction only in order to tackle the climate change crisis.

I move amendment S2M-4507.4, to leave out from "as a serious response" to end and insert:

"notes that CO2 emissions from Scotland have not fallen since the current First Minister took office; is concerned that Scotland's emissions reduction since 1990 lags behind that of England; notes that according to the Scottish Executive about half of Scotland's emissions reduction is due to the decline of heavy industry and not due to Executive policy measures; recognises that emissions from energy use and transport, accounting for over half of Scotland's emissions, have been increasing since 1990; is concerned that there are devolved policy measures that will result in greenhouse gas emissions that have been ignored by the Executive's Climate Change Programme, such as motorway building and subsidies for air transport which are likely to negate savings made under the Executive's Scottish Share; warns the Executive that unless the Scottish Share applies to all policy measures and is part of an identifiable overall target for emissions reduction it will be meaningless; calls on the Executive to implement fully the recommendations of the Parliament's Environment and Rural Development Committee's *5th Report, 2005: Report on Inquiry into Climate Change*, including traffic reduction and energy efficiency targets; agrees with the Executive that mainstreaming climate thinking, through the carbon proofing of new policies and measures, is vital to ensuring an effective climate change response, and therefore calls on the Executive to implement carbon proofing immediately starting with all existing policies and projects."

15:28

Maureen Macmillan (Highlands and Islands) (Lab): It has taken us two centuries to reach what many believe could be a tipping point for the earth, but we do not have that amount of time, nor anything like it, to counteract what has been done. I hope that nobody here will deny that climate change is the greatest challenge that faces us and that we must address it swiftly. We need to persuade our fellow Scots that that is the case and we need to set clear directions as to how we can help to slow down the process and mitigate its effects, support people to change their lifestyles, and support the embryonic industries and businesses that are providing renewables—the green jobs dividend. I welcome Scotland's climate change programme, which sets out the timetable to address the issues, although I would like more assurances on the green jobs dividend.

We have a target, which is to reduce carbon emissions by 1.7 million tonnes by 2010, but how will we achieve that? How can we convince people who spend the evening watching a television programme about the Greenland glacier melting that leaving their television on standby all night is helping to cause that very event? How can we persuade people to install wood-fuel heating systems rather than oil or gas systems? How can we persuade people to love wind farms more and to put up with pylons? What about our love affair with the four-by-four or our demands for out-of-season vegetables? We need leadership and persuasion at all political levels—local, Scottish, UK and European.

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): Does Maureen Macmillan agree that there is potential mileage in the proposals that are coming forward from Balcas, in our joint constituency, which are about using renewable wood rather than oil or gas?

Maureen Macmillan: Yes. I will come to that later in my speech.

In the Highlands, the development of wind farms became the object of a vociferous and infectious paranoia that resulted in a quite wrong general perception that every hill would be covered in turbines and every valley would have a line of pylons. The death of Highland tourism was predicted in much the same way as it had been when the dams and pylons of the North of Scotland Hydro-Electric Board were put in place in the 1950s. It did not happen then and it will not happen now. As well as setting back the renewables agenda—wind generation is a proven, ready-to-go technology—paranoia has made it difficult for some community groups, which could use the income from wind generation to good effect, to find local acceptance for their modest proposals. We have wind in abundance. The Portuguese, who have sun in abundance, are building 150-acre solar power stations on their hillsides. Will tourists stop going to Portugal? I do not think so.

The negative feelings about wind power have been reinforced by the perception that most wind turbines are imported and that there is little spin-off in the way of jobs. Amicus has been campaigning for many months to make it a condition of the award of a contract that the turbines must be manufactured in this country and, at last, there has been a breakthrough at European level. In March, the European Commission exempted electricity-producing utilities companies in Great Britain from the utilities directive, which makes it possible to develop local supply chains for the wind-generation industry. If engineering jobs are created locally, there will be greater acceptance of the intrusion of renewable technologies into the landscape. This is an opportunity that we must grasp, but we need support from the Executive and the Department of Trade and Industry to grow the sector in Scotland.

We also have great opportunities in the Highlands for other renewables, both in marine energy and in biomass. At a northern industries meeting—a business breakfast in Dingwall at the end of May—Simon Grey of AWS Ocean Energy in Alness predicted that wave-swing generators could supply 20 per cent of Scotland's energy by 2020. That is something that the nuclear lobby does not want to hear, but I will say it again. A wave-swing generator could generate 20 per cent of Scotland's energy by 2020. We need to

challenge the Executive and the DTI to support such projects to the hilt if they are to succeed. I know that there is a £50 million marine research development fund, but is that sufficient? Other countries would be only too anxious to develop such projects, so it is a challenge for us to ensure that the sector stays here. It could keep two construction yards of the capacity of the one at Nigg in work at full stretch. Major wind farms could be located off the western northern isles, with each park of 50 devices generating power for 24,000 homes.

Phil Gallie: Maureen Macmillan mentioned wave power. I go along with what she says—I am sure that the potential is great. However, the technology has not been developed worldwide. Is not her projection for 2020 rather optimistic?

Maureen Macmillan: That is the point. We have a unique opportunity to develop the technology in Scotland and so to lead the world.

We need to build up local supply chains for a biomass industry. Renewables obligation certificates for carbon-neutral heating will help, as will the £3 million for micro-renewables. Balcas, of Enniskillen, recently gave a presentation at Parliament on its wood pellet manufacture. That plant, which uses timber from the west of Scotland, has enabled a central heating industry to grow up around it, from the manufacture of boilers to installation businesses. We want such clusters in the parts of Scotland where there is an abundance of timber.

Those parts of Scotland also happen to be the parts that are most dependent on expensive oil for heating. The Scottish Gas home survey pinpointed the Highlands and Islands as having the worst home carbon dioxide emissions because of oil dependency and poor insulation. If wood fuel and wood-fuel boilers were readily available, we would be able more easily to persuade builders to give customers the chance to use wood-fuel systems, and canny customers would be persuaded to choose them on long-term cost grounds.

I would have liked to address the issue of public procurement, but I have run out of time. We also need to consider freight traffic and whether we should use our coastal harbours more for goods that do not need to be transported swiftly.

15:34

Mr Andrew Welsh (Angus) (SNP): I certainly share Maureen Macmillan's wish for practical action. I believe that here in Scotland we can set the standard and take the lead in 21st century environmental stewardship, which would not only showcase the progressive nature of Scotland's new democracy, but ensure massive economic benefits for our nation by carving out niche

environmental markets to compete in the growing field of world-wide environmental business.

In saying that, I see a three-pronged practical approach to such environmental stewardship, involving the Scottish economy, society and environment. Safeguarding of the environment need not necessarily create conflict between economic advancement and ecology. For sustainable improvement, the three elements should be in harmony. In many ways, the problems that face rural Scotland illustrate that. Such problems are largely ignored in the Government's rural development plan, but a proper Scottish environmental strategy could and would address them. Increased use of biofuels and their production in Scotland would not only help the environment by reducing the use of fossil fuels, it would give another cash crop to Scottish farmers, who are now looking to diversify in the face of a fast-changing agricultural world.

Alex Johnstone: Will Mr Welsh accept that farmers' genuine ambition to get involved in that trade is currently being thwarted by the fact that palm kernel oil can be imported so cheaply, which has a negative effect on our environment?

Mr Welsh: I share that concern and I have tried to help farmers to get involved in that market.

A farming industry that is more economically stable and less reliant on Government aid or subsidy will be the essential backbone of our rural economy and life. If the Scottish Government's forthcoming Scottish biomass action plan is to be of any use whatever, it will have to show clearly how the Government will give practical support to the biofuel industry and other related fledgling industries. I want to hear today what the Administration proposes and how it will fit into the overall pattern of Scottish future-proofed bio-industries.

I certainly hope that the Government moves away from the head-in-the-sand position that was given by Tavish Scott, who answered my question of 30 September 2005 by stating:

"The stocking of biofuels is a commercial matter for fuel manufacturers and retailers."—[*Official Report, Written Answers*, 30 September 2005; S2W-19408.]

That do-nothing, head-in-the-sand attitude will simply not do. Other Governments throughout Europe have long since realised that market-enabling laws are essential to help technologies obtain volume economies of scale and that, once capital costs are paid, that turns out to be a very good investment for the future. We must not miss out on such sustainable economics. Again, I refer the Government to the points that were made by Professor Bernard King of the University of Abertay about the necessity of linking greater Government funding to practical research, on

which cutting-edge employment creation can be founded.

Proper management of environmental issues can and should link them with broader social and economic issues in raising Scottish living standards and improving lifestyle opportunities. In my constituency of Angus, climate change and environmental stewardship are matters that successive SNP administrations have championed. As part of its environmental action plan, Angus Council is committed to raising awareness of sustainable development, central to which is a process of changing attitudes and the recognition that changing attitudes leads to changing behaviour. The council is tackling issues such as waste management, energy conservation and transport use through a consistent and integrated programme for environmental sustainability throughout council strategy, policy and programme formulation, and in partnership with other local organisations such as the Angus Environment Trust, the local rural partnership, the biodiversity steering group, and the Tayside environment business forum.

Angus Council has demonstrated that environmental issues such as climate change cannot be disengaged from economic and social issues, and that solutions to environmental problems will help to address economic and social concerns. As a result, it has achieved a substantial reduction in the production of greenhouse gases in all residential properties, and more than 80 per cent of council housing stock has a high national home energy rating. It has also increased the use of renewable energy technology.

We do not need more reviews, consultations, theories or other central Government stalling tactics, but sound practical measures that produce results. Only if we nest strong environmental problems within a well thought out and co-ordinated series of policies will Scotland be able to meet the environmental challenges of the future. Given the current lack of co-ordination among the Executive's different policy initiatives, I am less than sure that that will be accomplished. Why do Scottish houses not have solar panels and other renewable energy sources in-built as a natural part of their construction?

Allied to the intellectual fire-power in our universities and higher education institutions and our industrial skills, we have all the natural advantages that are necessary in water, wind, solar and wave power to make Scotland the environmental research and production centre for Europe and the world. Using Scottish skills and Scottish resources, we could create employment in new future-proofed industries. What Scotland needs is a positive national effort in linking and co-ordinating policies whereby our national health

service, local government, central Government, industry and other organisations become key to practical success. That is certainly achievable in a small country such as Scotland and it is an opportunity that must not be missed.

We lost out on the first hydrocarbon bonanza; we must not also fail to create an environmental economic Scottish success story. That should be everyone's target.

15:41

John Scott (Ayr) (Con): Apart from welcoming a committee report, I will focus on the practical aspects of water—its supply, security and use—that are not dealt with in the committee report.

That climate change is upon us now appears to be accepted worldwide—except perhaps by the Americans if “Panorama” is to be believed. Global warming is bringing about that climate change and its attendant problems, one of which is a developing worldwide shortage of potable water. Over recent years, there has been a growing awareness of the fact that some of our natural resources such as gas, oil and coal are finite. I believe that the next public awareness jump will be about just how precious our worldwide freshwater resources are.

Across the UK, America, Africa and the widening desert strips on each side of the equator, water tables are falling and groundwater supplies are at their lowest since the last ice age. Water is, in my view, about to become a much more valued and tradeable commodity, as the minister mentioned in his opening remarks. Consequently, we need to start examining more closely than we have ways of sustainably collecting, storing, treating and recycling water.

The House of Lords Science and Technology Committee report on water management is a good starting point. Paragraph 8.24 of the summary of recommendations states:

“We have seen insufficient evidence to convince us that the potential consequences of climate change are being adequately factored into long-term planning for water management, with due regard being paid to the inherent uncertainties. We therefore recommend that both Ofwat and the Environment Agency”—

obviously, those organisations deal only with England and Wales—

“take steps to make the process whereby such issues are addressed within long-term planning more transparent and open to scrutiny.”

If such an approach is needed in England and Wales, I respectfully suggest to the minister that we also need to address those issues in Scotland.

Security of supply of water in the UK could well become a major issue within the next 10 years—

worrying signs are already flashing up. In the south of England, drought orders are currently in place and inadequate water supplies are available for much-needed new house building. We in Scotland need to be aware of a developing UK and worldwide scarcity of water and we need to re-evaluate our views on water so that we see it as a precious resource.

Mr Ruskell: Will the member give way?

John Scott: If Mark Ruskell will forgive me, I would rather not give way as I have a lot to get through.

We are already creating river basin management plans, but it can be argued that we need to go further by creating regional spatial strategies with a view to storing more water for the future. The House of Lords report states:

“We believe that the construction of new reservoirs, and the enlargement of existing ones, for the purposes of public water supply are likely to be necessary in order to meet long-term water demand.”

I believe that we in Scotland must also take note of that recommendation. We need to start looking again at creating new reservoirs in Scotland.

In addition, we need to use such stored water as an energy resource with a view to having schemes that offer a combined energy and water supply solution. Apart from the benefit of using increased hydro-electric power to provide a stable carbon-free energy source, we can play our part in securing water supplies in the UK and worldwide context.

Although a national water grid is perhaps not currently feasible, I believe that a spot market in water will emerge in the near future. As water becomes scarcer and even more valuable, such a market would enable boatloads of water to be delivered worldwide.

In spatial planning terms, we should note the climate change predictions that suggest that the north and west of Scotland will be the only areas of the UK where annual rainfall will be maintained, or even increased. I believe that, as of now, we should be looking at river basin management plans for the north and west of Scotland, with a view to developing increased water storage capacity.

In renewable energy terms, most people acknowledge that onshore wind farming, quite apart from its problems of back-up and intermittency, is on the verge of being over-developed as a sustainable resource. That is particularly the case as we seek to develop our tourism industry. At the moment, Government gives excessive support to wind farming through the renewables obligation certificates. A change of emphasis is required; Government needs to invest

more in other reliable energy sources, of which combined energy and water schemes could be a part.

Of course, problems will need to be overcome in terms of finding sites where energy can be extracted from water and sites that are close enough to coastlines to allow the piping of water from shore to ship. There will also be problems in changing existing legislation and in providing connections to the grid. However, I believe that the proposal is worthy of Government investigation and support in terms of helping to resolve in a sustainable way the security of water and energy supplies. Given that Scottish Water's investment plans are already all but stretched to breaking point, the proposal offers a development opportunity for the private sector. Certainly, if one of the diversified utility companies were to invest in such a project in the north and west of Scotland, perhaps to supplement its own dwindling resources, it would do so in the knowledge that Government-funded and cash-strapped Scottish Water would be unable and unlikely to compete with it in the foreseeable future. The private sector would have no competition in this emerging combined energy and water niche market.

A feasibility study could be carried out to evaluate such a project and to make certain that the economics stack up; a pilot scheme could also be developed. Much work would need to be done before the proposal would be brought to fruition and the support and political will of the Executive would be required. However, I believe that combined energy and water projects could benefit Scotland economically and socially. In addition, they could also support areas of the UK and elsewhere in the world that are less well-off than Scotland is in terms of the already scarce commodity that is water.

I welcome the debate today and the Executive's commitment to addressing the problems of climate change and carbon emissions. I hope that my proposal for a new and different way of resolving some of the problems that we face in this regard provides further food for thought.

15:47

John Home Robertson (East Lothian) (Lab):

Most of the burgeoning emissions of carbon dioxide that cause climate change are a direct result of people such as us burning hydrocarbons in cars, aeroplanes, heating installations and, indeed, the power stations that provide electricity for just about every aspect of modern life.

Here in the developed world, we have been at it for a long time. We should not be surprised, therefore, that countries such as China and India are burning more coal, oil and gas in support of

the better lifestyles that they want for their people. We cannot tell families that do not have a proper water supply or a fridge, let alone a car or a computer, that they should do without those things to prevent global warming.

Two big problems arise from the fact that we are burning so much hydrocarbon. As colleagues have repeated again and again in the debate, the first is that we are emitting vast quantities of carbon dioxide, which is causing global warming. Each year, three power stations here in little Scotland emit 18 million tonnes of carbon dioxide. Secondly, we are depleting at a terrifying rate our finite resources of oil and gas. In just a few decades, we have used most of the oil and gas from the North sea. Our great-grandchildren will not forgive us for using up the reserves of oil that the chemical, pharmaceutical and other industries will need in future. Our great-grandchildren will not believe the fecklessness of the generation that allowed the world's dwindling stocks of precious oil and gas to be burned in power stations.

Like Maureen Macmillan and other colleagues in the Labour Party and other parties, I strongly support everything that the Executive is doing to promote energy efficiency, renewables and biofuels. I also support everything that it is doing to encourage greater use of public transport and its delivery of the specific objective of cutting carbon dioxide emissions. It is vital that we do so.

In fact, I urge ministers to go further. The slogan for the do a little, change a lot campaign is fine, but the time has probably come to do a lot and to press others to do likewise. The Executive needs to do everything that it is doing and more. That is not always easy, as I know from my experience of going against local objectors to wind turbines in my constituency.

Let us keep striving towards the Executive's ambitious target of 40 per cent of electricity generation from renewables. However, we must not become so obsessed with that 40 per cent that we forget about the remaining 60 per cent. If we fail to plan for the baseload generating capacity, there will be electricity shortages. I doubt that voters will be impressed by a Government that cannot keep the lights on.

The need for carbon-free and low-carbon bulk and micro-generation is immense. I agree with colleagues that Scotland can and should lead the way in supporting the development of technologies that are needed here and throughout the world for wave power, wind power, solar energy and the whole range of renewables and energy efficiency technologies—and yes, that list must also include nuclear technology.

Maureen Macmillan: Does the member agree that if we use nuclear power it is unlikely that there will be investment in green renewables?

John Home Robertson: That is a depressing suggestion. I do not see why we cannot have both, because the world and Scotland need both. We should be more ambitious.

The only way in which Britain's needs for electricity in the medium and long term can be met without continuing to pump tens of millions of tonnes of carbon dioxide into the atmosphere every year is to develop clean coal technology and replace aging generating plant with modern nuclear power stations. I will be blunt and say that that is going to happen, now that the Committee on Radioactive Waste Management has concluded that deep geological storage is the right way to deal with nuclear waste. The only question is whether that electricity generation industry will remain in Scotland.

Rob Gibson: Will the member give way?

Phil Gallie: Will the member give way?

John Home Robertson: No. I am sorry, but I am running out of time.

If we refused to allow new nuclear stations to be built at places such as Torness and Hunterston, the UK Government would build them in England instead and Scotland would become a major importer of nuclear electricity instead of being an exporter, as we are now. We would also sacrifice more than 1,000 Scottish jobs in the electricity generation industry. I do not want that to happen, so I am delighted that the First Minister will visit Torness on Monday to see the benefits of a good, modern generating station and to listen to the views of the people who work there.

Like Maureen Macmillan, Sarah Boyack and a range of members in the Labour Party and other parties, I will continue to support the drive for energy efficiency and renewables. However, members should make no mistake: we need nuclear too if we are serious about supplying electricity for the future as well as reducing disastrous emissions of carbon dioxide. It is not a case of either/or; we need both. Members of all parties should face up to that fact. We should start by rejecting the Scottish National Party amendment.

15:53

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): As members have said, climate change is one of the most significant issues that we face. Its impact pervades every aspect of society and the battle against it is unlike any other that humankind has faced. We must work with other countries, and Scotland can and

should take a lead in tackling the root causes of climate change.

We cannot ignore the effects of climate change. Spring arrives three weeks earlier than it did in 1978 and we have all seen the effects of climate change with our own eyes.

Alex Johnstone: Does the member agree that the records on early springs seem to come mainly from the south and that early springs are not the experience in the north-east of Scotland?

Mr Stone: In the Highlands, there are now species of butterfly that were completely unknown in the area when the member and I were children. That, if nothing else, demonstrates climate change, as the member would see if he cared to take a walk in my constituency.

The 10 warmest years since records began have been since 1990 and they include every year since 1997. Of course, the flip side of what I said to Mr Johnstone is that the warmer climate is affecting indigenous wildlife that is adapted to a colder climate.

Mr Jamie McGrigor (Highlands and Islands) (Con): Will the member give way?

Mr Stone: Not at this stage.

Climate change is affecting traditional industry in the Highlands. People who used to earn a living from winter tourism in the Cairngorms lament the pitiful winter snows that hamper their means of earning a living. On a global scale, flooding and irregular storms wreak havoc on communities, industries and human life. That gives one a sense of foreboding about the disastrous effects of climate change. It is imperative that we address the issues now so that, as John Home Robertson said, future generations do not have to live with our mistakes.

As part of the partnership Government with the Labour Party, my party is contributing to tackling and managing climate change. Compared with England, we use more renewable energy and invest more in recycling. We have tighter building regulations, more radical strategic environmental assessments, more ambitious energy efficiency measures and a better approach to reducing the impact of flooding. The Executive works with the UK Government, but we in Scotland are ahead of the game, thanks to our partnership.

As we have heard, between 1990 and 2003, carbon dioxide emissions in Scotland fell by 8 per cent, which was faster than in any other UK country. Scotland's climate change programme sets an ambitious target to exceed our share of the UK carbon savings target by an additional 1 million tonnes in 2010, which is a big overachievement.

Mr Ruskell: Will the member reflect on the fact that that so-called target counts only the reductions in emissions and does not count potential increases from policies such as the M74 extension, the Aberdeen western peripheral bypass and the air route development fund?

Mr Stone: The member made that point earlier, but he cannot pass by the facts that I gave.

My party understands that environmental policies can complement and enhance economic growth. Greenhouse gas emissions in Scotland continue to fall, despite 29 per cent growth in the Scottish economy between 1990 and 2003. My party's manifesto gave a commitment to support growth in renewable energy manufacturing, which combines the objectives of creating economic growth and supporting the environment. Our outlook is practical yet forward thinking.

My colleague Mr Ruskell's party feels that, by 2020, 100 per cent of electricity can be generated from renewable sources, despite widespread opinion in the industry that even 40 per cent will be a difficult challenge. If the Greens and the Scottish National Party want to work together, they will have to consider how they can combine when the SNP has said up front that it wants to get every last drop of oil out of the North sea. Those two policies do not sit together happily, although, given the friendly relationship between my colleague Mr Gibson and my friend and his partner Eleanor Scott, perhaps they will show the way forward.

Rob Gibson: How do the Liberal Democrats intend to split the use of the oil that comes out of the North sea? We do not intend to burn it all—we intend many different uses for it.

Mr Stone: I am sure that Rob Gibson and I will have an interesting debate on that during our homeward journey on the train. If all parties work together on the issue and try to bury party-political differences, that will lead to the best management of what is, as John Home Robertson said, a finite resource. Our grandchildren and great-grandchildren will curse us if we squander that resource.

Nicol Stephen recently announced details of a £20 million investment in the Executive's clean energy strategy, which aims to tackle climate change and make Scotland the renewable energy powerhouse of Europe. As Maureen Macmillan wisely said, Scotland has an opportunity to promote itself as a European leader in renewable energy technology, development and expertise, while lessening its dependence on costly non-renewable energy sources. My party supports urgent investment in clean coal technology and research into and development of renewable technologies. We also realise that energy

conservation must be a major contributor to balancing energy supply and demand in Scotland.

As members from all parties have said, the issue is too important for us to duck—I give the Greens their due on that. If we get it wrong, not only will it affect society, it could undermine the future of our civilisation as we know it.

15:59

Rosie Kane (Glasgow) (SSP): Any steps that are taken to address climate change are to be welcomed, but we are now past the stage of taking steps—we need to take massive leaps if we are to address the challenges facing the planet today. The minister, Richard Lochhead and others have talked about the enormous scale of the problem. Over the years, we have watched as the planet and its people have been blown around, washed away, gassed and poisoned as a result of pollution and climate change. As members have said, the poorest and most vulnerable people in society bear the brunt of climate change. At one time, the ravages of a chaotic climate could be seen only miles away, but they are now on our doorstep. There were warnings for a long time, but they were not heeded. Sadly, we are now simply firefighting.

There is now plenty of information. Public awareness is on the rise and people are taking action. Folk are recycling much more. We know that it is essential not to leave our televisions and videos in stand-by mode. Children in schools are learning about the world in which we live and about how to respect and protect the planet.

While the public are engaging and trying to do the best they can, big business is getting away with environmental murder and politicians are not keeping big business in check. The raping and pillaging of the planet in the name of profit is at the heart of the problem. Unless action is taken, the excellent efforts of the caring public will simply not be enough.

Phil Gallie: The living standards of the public are changing and they are demanding more energy and more space in which to live. We have seen the average number of people in each house in Scotland drop from three to two, which has created greater demand for energy. Is not there a problem that the public also must address?

Rosie Kane: I say to Phil Gallie that the public are addressing the problem and are doing their best. More can always be done, but unless we consider what big business is doing globally we will miss the point and take one step forward and two steps back. I will continue in this vein and perhaps enlighten Phil Gallie a wee bit.

We need a Government that will protect homes and communities in Scotland from environmental degradation, whether from pollution, climate change or landfill. In Scotland, as in the rest of the world, the poorest people have no choice but to live next to stinking landfill sites, where there are increased incidences of miscarriages, or on top of toxic waste dumps, where people must live with increased cancer risks.

The Executive's motion refers to what is

"vital to ensuring an effective climate change response."

Will Ross Finnie explain how the proposed M74 northern extension fits into that response? If it is constructed, it will plough through and pollute one of the sickest and poorest constituencies in Britain. It will bring 110,000 car journeys per day through built-up, urban Glasgow and increase people's reliance on cars. How does that square with the promises that have been made? The Scottish Executive continues to ignore underground pollution in Rutherglen, Cambuslang, Carmyle and Toryglen, but tells us that we should change our ways. That is hypocrisy. The M74 northern extension will throw pollution into the atmosphere and the Executive will not even make an effort to locate polluted sites and make them safe.

A special day for the environment is 5 June, when we remember and celebrate it and do our best to change it. That date is also my birthday. I have therefore brought a wish list to the Parliament, which I urge the minister to listen to.

We should invest in a properly integrated public transport system, a publicly owned railway system and freight rail that serves the needs of the people and the environment. There should be proper investment in renewable energy development by a publicly owned and publicly accountable energy company that encompasses all types of renewable energy. I say in particular to John Home Robertson—who is also known as nuclear man—that the Executive should get off the fence and unequivocally ditch the notion of nuclear energy. We should introduce energy efficiency measures in industry and business and in houses when they are being built to address fuel poverty. We should stop the ludicrous practice of building houses on flood plains and instead invest properly in river management. We should end the building of luxury golf courses for the rich, which are detrimental to the environment. Scotland is not a theme park.

Mr Stone: I hear what the member says, but surely she recognises that golf courses such as that at Skibo in my constituency do a great deal to boost local economies and provide employment.

The Deputy Presiding Officer: Rosie Kane is going into her final minute.

Rosie Kane: I am indeed, so I will get back to Jamie Stone rather than waste any more time by answering him. I will get him on the train home. *[Interruption.]* I did not mean anything sinister. I mean that I will have a debate with him in the same way as he will have a debate with Rob Gibson.

Our kids must have healthy food to eat. We should invest in organic farming to reduce the reliance on chemicals from the petrochemical industry and invest in locally grown food to reduce the number of miles that our food travels. In addition, will somebody please do something about the waste that is produced from packaging? There should be proper investment in reuse, recycle and reduce facilities rather than investment in landfill. I am sick, sore and tired of the ridiculous amount of packaging that we all have to drag home from the shops and which then lies in landfill sites and chokes the kids up the road. That is my wish list.

That sounds like a huge investment—I am sure that a lot of members think that it is—but in the long term it will bring a huge saving. We cannot spend too much when it comes to saving the planet. If we do not spend the money, we will all rue the day.

16:05

Mr Alasdair Morrison (Western Isles) (Lab): In previous debates on climate change, I have always focused on my constituency's potential in the renewable energy revolution. In her excellent speech, Maureen Macmillan exposed the hypocrisy of the nationalists regarding renewable energy. They are always demanding greater targets for and greater output from renewable sources, but at the same time they go round the length and breadth of Scotland chuntering and opposing wind farm developments. That is hypocrisy, of which they are expert exponents.

Richard Lochhead: Will the member give way?

Mr Morrison: No thank you, Mr Lochhead.

I enjoyed Mr Jamie Stone's contribution, but I was waiting for him to reinforce the views expressed by the MP for Caithness, Sutherland and Easter Ross, Mr John Thurso, regarding the construction of new nuclear power stations. Perhaps that was just an oversight by Mr Stone.

I want to raise a few issues regarding the built environment and how we should reduce its effect on the environment, and I will discuss my constituency's role in that process.

It is becoming generally accepted that architects are responsible to a considerable extent for the problem of carbon emissions, 40 per cent of which come from the built environment. Lest anyone

think that this will be a tirade directed at architects, I say that architects will be key players in providing the world with a solution. The internationally renowned American architect Edward Mazria said:

"The building community is chiefly responsible for greenhouse gases and we have a unique and historic opportunity to reverse that for which we are responsible."

Architects would argue that energy engineering is not their prime responsibility, but we cannot deny that decisions made by architects at the earliest stages of building design have major energy implications over the life of buildings. The essence of the problem is that architects have been making decisions in the dark. They have had neither the skills nor the tools to foresee adequately the energy consequences of their designs. By the time engineers are brought into the process, it is often too late to back away from the most important design decisions. In addition, building regulations have hitherto not been framed sufficiently tightly in terms of energy and carbon emissions. That has provided more room for design manoeuvre than is required to protect our environment. Even when architects and engineers have created exemplary green building designs, the wider building industry and supply chain has frequently created further problems through products and building construction techniques that are energy inefficient.

This year may be the watershed year when such problems start to be addressed seriously. From the regulatory perspective, the European Union energy performance of buildings directive comes into force. The directive, which is implemented in the United Kingdom via building regulations, mandates that an energy certificate be prepared and displayed for new and existing large buildings.

We should be thankful that the professional institutions are playing their part. The UK Chartered Institution of Building Services Engineers and the American Society of Heating, Refrigerating and Air-Conditioning Engineers provide building design operation and energy efficiency standards that are used globally. A few months ago, they jointly and encouragingly released a statement in which they said that they

"reaffirm their joint commitment to developing and adopting energy efficient practices and resources, and call upon their members, governments, and colleagues in the building and related industries to likewise respond."

In December 2005, the American Institute of Architects called for a 50 per cent reduction in fossil fuels used to construct and operate buildings by 2010. The challenge for architects will lie in achieving that goal without adequate tools that factor energy into early-stage designs.

I am delighted to report that I was recently involved in the launch of a highly innovative and significant research and development project in

my constituency that will result in a step change in new low-carbon design practices. The UHI Millennium Institute, in conjunction with Lews Castle College, is partnering a renowned world expert, John Fitzgerald Kennedy of Green Building Studio in California. They are working together to bring his groundbreaking internet technology to bear on the energy impact of architectural designs. The service will be fast, easy and free for all architects. It will empower them to make informed decisions about the energy footprint of buildings. It will be used for the first time in the UK in the context of the energy innovation zone that is promoted by the Western Isles community planning partnership. Kennedy and his partners in UHI—namely Dr Neil Finlayson and Donnie Macritchie—believe that the scale of the built environment energy problem can be addressed only by an internet-scale solution.

I had the privilege of introducing my colleague Sarah Boyack, in her capacity as convener of the Environment and Rural Development Committee, to people at Lews Castle College. I know that she was greatly impressed with the work being undertaken there. That reinforces the view that the energy innovation zone that the local authority has been promoting so aggressively is progressing on many fronts. We have manufacturing in Arnish, there are proposals for wind farms both large and small throughout the Western Isles and UHI is progressing the all-important research and development.

Scotland in general and its universities in particular have world-class expertise and are at the forefront of developments in the field of building energy. I am delighted that my constituency is now firmly placed at the forefront of such developments in the UK. I strongly recommend that we in the Parliament and colleagues in the Executive welcome the major initiatives to assist architects in the design process and continue to give the fullest support to projects that will reduce carbon emissions from the built environment. If we do that, we will play an important role in changing our ways and taking tough decisions. That will be the product of courageous political leadership.

16:10

Ms Maureen Watt (North East Scotland) (SNP): All the members who have spoken agree that we have a problem and few people elsewhere would disagree, so it would be criminally negligent if society and government failed to take compensatory measures for the sake of present and future generations.

I am sure that no member of the Parliament wants there to be a repeat in Scotland of the tragic deaths that took place in France last year as a

result of excessive heat. At a time when we are more used to having to deal with winter deaths and the problems of fuel poverty—on which neither Westminster nor the Executive has the right answers—it might seem unlikely that we will have to deal with the problems that France experienced. However, that is not beyond the bounds of possibility and we should put in place measures to prevent their occurrence. I say to Mr Morrison that architects must put in place heat regulation systems that can both keep heat in buildings and take it out of them.

Climate change is happening. Monitoring in Aberdeen has shown that the sea level has risen by 70mm over the past 100 years. We have seen the effects that that has had on the coastline—a vast amount of expensive work is now required to halt and reverse the erosion of the beach at Aberdeen. Other areas are subject to the same pressures. What review and long-term programme of action will the Executive put in place to protect the most vulnerable areas?

Rainfall patterns are changing. Although the amount of rainfall is likely to increase by between 10 per cent and 25 per cent in winter months, there could be a corresponding decrease in summer months. In that regard, I agree with John Scott and ask the Executive what review it has undertaken of water abstraction and storage schemes.

It is obviously easier to reduce Scotland's carbon footprint and its greenhouse gas emissions in some areas than in others. I do not suppose that even the minister or Alex Johnstone would claim to have the answer to the production of methane by cows, but I am sure that they will be aware that the Rowett Research Institute in the north-east is conducting research on the matter.

The Executive will need to help the energy supply industry with research and development on carbon capture. According to a representative of BP to whom I spoke at yesterday evening's Scottish Parliament and Business Exchange event, the company will know about the economic viability of its scheme and whether it can proceed with it by the end of the year. What talks are the Executive and the DTI having with the company to ensure that we create the conditions that will allow that scheme to succeed?

How can we persuade other businesses that taking steps to reduce their energy bills not only makes good financial sense but is increasingly important from a public relations point of view, given that it is the right thing to do both ethically and environmentally? I agree with Rosie Kane that the Government must engage with food manufacturers to reduce the amount of packaging around food and that retailers must stop shoving plastic bags at customers. It would take very little

to persuade shoppers to take their own bags to the shops and to get them used to less packaging. In many ways, vast numbers of the public are ahead of Government policy in that area and are waiting for action to be taken but, as other Scottish National Party members have said, Scotland is constrained by always having to refer to another place.

Education programmes are vital. For example, the "Talking Scotland" ads on drugs and alcohol that the Scottish Executive produces could be interspersed with advice on using energy-efficient light bulbs, not leaving appliances on stand-by and spending to save by buying more energy-efficient appliances in the first place. We could persuade people to buy food locally at farmers markets, which can be cheaper and can save on food miles. I thank all members who have supported my motion, with *Farmers Weekly*, to promote farmers markets and buying food locally.

As Richard Lochhead mentioned, we urgently need an energy efficiency strategy. In the private house-building sector, corners are still being cut. Pipes that are out of sight are not being lagged and the most energy-efficient boilers are not being installed. Aerial heat loss surveys show that new private house developments are some of the worst when it comes to energy efficiency. Planning and building departments must be signing off those developments. What quality control measures are in place to ensure that building control officers are doing their jobs properly? Given the breaches to which I have referred, are ministers confident that allowing buildings to self-certify is the right way to go?

Scotland must do as much as it can to reduce energy consumption. On a global scale, our contribution may be small, but it could be much larger if the Scottish Government were to put its heart and soul into supporting research and development in those Scottish companies that work in the renewables sector. The export potential is huge and would have a substantial impact on jobs and the balance of payments. As our political leaders travel the world, they must use their influence to persuade other Governments to address climate change. It is testament to Blair's weakness with Bush that he has not been able to persuade the Bush Administration to reduce its reliance on oil and to save the planet in more ways than one.

The Deputy Presiding Officer: I call Sarah Boyack.

16:17

Sarah Boyack (Edinburgh Central) (Lab): Do I have four or five minutes, Presiding Officer?

The Deputy Presiding Officer: It may even be six.

Sarah Boyack: Excellent.

I want to focus on some of the easier challenges that are before us. This afternoon, there have been some excellent speeches, especially focusing on the renewables sector, where we have made great strides since the establishment of the Scottish Parliament, although there is much more to be done. However, I want to focus on energy efficiency, because if we really want to tackle some of our climate change problems, we should start with some of the easiest areas, rather than always focus on the difficult issues. I will come back to Mark Ruskell's excellent speech on the need to focus on the difficult issues, but today I want to consider why we are not cutting our emissions and reducing our energy demands by 20 per cent—that is the easy bit. We should really focus on cutting them by 40 per cent.

To meet the 20 per cent target, we need to have an energy efficiency strategy. The Executive has heralded such a strategy three or four times, but we are still waiting for it. We need to get a move on. We are already missing out on some carbon savings because we do not have that strategy in place. As well as supporting energy efficiency, we need to provide much better public information about what people can do as individuals.

Richard Lochhead: Will the member give way?

Sarah Boyack: No.

I turn to the issue of domestic use. A consultation on revised building standards is under way. That is extremely welcome. We should see it as a chance to ratchet up our standards. As all members know, the rise in domestic energy prices is a huge issue for households that are on fixed incomes and are on the brink of fuel poverty. Over the past two years, energy prices have gone up by about 30 per cent. That is dragging many people into fuel poverty. We need to ensure that we have higher general building standards. In the consultation, there is a welcome reference to the use of low or zero-carbon technologies. That is really good, and we should encourage builders to do more in that area.

However, the use of such technologies cannot be at the expense of energy efficiency—the two issues must go hand in hand. We should take a lead from the Greater London Authority and some of our European neighbours and ensure that the consultation leads to higher energy efficiency standards for our buildings. We should combine such standards with low or zero-carbon technologies, rather than seeing a trade-off between the two, and ensure that we incorporate microgeneration, combined heat and power and heat exchange pumps in buildings. Recently I

visited a house for five people in Alasdair Morrison's constituency. Traditionally, the fuel bill would have been £700 a year, but this brand-new house, built by the local housing association, was going to have a bill of £200. That is the kind of house that we should be building everywhere in Scotland. It has a mix of energy efficiency measures and small-scale micro-renewables.

In addition to acting with regard to our new houses, we must consider the fact that a majority of our existing houses will still be with us in 2050, by which time we have to meet our target of a 60 per cent reduction in carbon emissions. We have to do more to our existing housing stock.

Recently, I asked a parliamentary question about whether we in Scotland could go ahead with a policy that is being piloted in England by the UK Government and British Gas and which gives people £100 off their council tax when they install energy efficiency measures. Apparently, because of a legal loophole, even though that is happening under the Labour Government in England, we cannot do it in Scotland. I think that we should sort out that legal loophole. The member's bill that I am working on at the moment would let us do that.

We should be encouraging people to upgrade the energy efficiency of our existing buildings. The figures from Scottish Gas suggest that spending a modest amount on cavity wall insulation or loft insulation could result in a saving of something like £500 over three or four years. That is the kind of equation that people understand. We should be promoting that in Scotland and letting more people play a part in that agenda. There are, apparently, 700,000 houses in Scotland that could benefit from cavity wall insulation.

Why are we not doing more on the simple things that I have outlined? We have the big challenges of climate change before us but we should be starting to take action on the issues in which we can link together social justice, the creation of local jobs and saving the planet. That seems to me to be an obvious thing for us to do. We should also be incentivising small businesses, which are acutely aware of the rising costs of energy. We should be helping them. If they are occupying a building and put in energy efficiency measures, we should give them money off their business rates as a practical incentive. We will be doing lots of extremely expensive things to promote low-carbon technologies. Some of the projects that I support in a foolhardy way, such as the hydrogen projects in the north-east of Scotland, are superb, but they are not cheap. Why are we not doing some of the basic things that every householder can play a part in?

We need more education. Some of the Executive's education campaigns have been

excellent. No one person can find a solution; everyone has a part to play.

Mark Ruskell's speech today was excellent but, on Monday, I was disappointed to see that the Greens were criticising the Executive for mentioning the fact that half-filled kettles should be part of our strategy. If that were the only part of the strategy, I would be fully behind that criticism. Last year, I went down to Wokingham to look at the national grid. On that visit, I found out that the national grid is under the greatest pressure at half-time in a football match, when everyone in the nation fills up their kettles to the top and puts them on. That is an amusing anecdote, but it focuses the mind on the need to use our energy more wisely. We need to think about the times at which we use our energy.

Several members have mentioned the practical things that we can all do. Everybody needs to keep those things in mind. Schools are playing a part and eco-schools are a superb way in which to get the next generation involved in this agenda. However, those of us for whom the fuel bill is not a big issue are not under pressure yet. We have to encourage people to take action because it is the right thing to do.

Bigger changes in lifestyles will come about once awareness is raised. Let us get on with energy efficiency. It is the easiest place to start and it would save £1.3 billion that Scotland currently wastes. That is inexcusable and must be tackled.

16:24

Eleanor Scott (Highlands and Islands) (Green): Alex Johnstone mentioned that this debate shows that there is a lot of consensus on this issue. However, I am not going to be as consensual as I usually am. It is not usually my style to be critical of other members and it is certainly not my style to criticise my fellow Greens, but I must say that I thought Mark Ruskell was a little bit too nice in his speech. I will return to that in a minute.

Mark Ruskell's speech emphasised the essence of our amendment. The Scottish share is not a target; it is an estimate of potential savings in CO₂ emissions from particular sectors of Executive policy. It is not the whole story. For example, it does not include those areas in which current policies will lead to increased emissions, which means that it tells us nothing about how Scotland is doing as a whole. After all, if we looked only at expenditure and not at income, we would never know whether we were overdrawn. The Scottish share has to apply to all policy measures, as our motion states, or it is meaningless.

As I said, I am not going to be particularly consensual. I am going to be slightly critical of "Changing Our Ways: Scotland's Climate Change Programme". I looked forward to the publication of that document and I was happy when it came out. When I started to go through it, however, I was irritated by some of its contents. It is that irritation that I will share with members today. I am surprised that more members did not refer directly to the document—I wonder whether I am among a minority who have actually read it.

I was irritated by the examples of a failure to join up Executive policies. For example, on page 6 there is a lovely picture of some cyclists, but it is a pity that in its transport consultation the Scottish Executive is considering abandoning its target of quadrupling cycling. Money for cycling is being squeezed and funding is largely left to local authorities. Page 22 highlights the biomass heating at Queen Margaret University College and the combined heat and power system at the University of Edinburgh. Page 46 mentions the Avern Leisure centre in Alness, which is near where I stay in Easter Ross, but what about schools that are being built under public-private partnership contracts? Under such contracts, it seems to be impossible to specify that buildings must have biomass heating systems. The new Dingwall academy is to be built 6 miles down the road from the Avern centre, but that school will not have a biomass boiler even though the area is awash with—

Maureen Macmillan: Does the member realise that it will be possible to put in a biomass boiler at a later date?

Eleanor Scott: A wet heating system can be specified so that the boiler can be replaced, but that is a bit of a cop-out. A biomass boiler should be put in from the word go, both for its own merit and to show that we are serious about stimulating our biomass industry and tackling climate change.

Page 10 shows a picture of the Pelamis wave energy generator. We are really proud of the Pelamis because it was developed and largely built in Scotland, but is it contributing to Scotland's share? No—it is contributing to Portugal's share. The minister is fond of talking about route maps and intellectual capital, but marine renewables are crying out for a route map to commercialisation. They can get from the good-idea stage to the testing stage, but they cannot get to commercialisation. The Government is not backing up the industry and it is crucial that it begins to do so—otherwise, we will lose the initiative and it will go abroad.

Page 18 mentions

"our successful Scottish Community and Householders Renewable Initiative".

It is successful, but it is so successful that it is constantly underfunded and under threat. If it was increased tenfold, it still would not meet the demand. We are underfunding a crucial route by which we can encourage the use of renewable sources in homes and communities.

Page 21 states:

"The residential and transport sectors have shown significant growth in energy consumption ... But these sectors are also the most difficult to tackle".

There is an air of hand-wringing helplessness about that, but the Executive should not wring its hands. It should do something about the problem. It could start by supporting Green MSPs' proposed bills on home energy efficiency and traffic reduction targets.

The document states that air travel is reserved, but the Scottish Executive introduced the air route development fund, which will increase air travel. In his opening speech, the minister said that we need air travel for some purposes, and I agree. There are lifeline air services in my region that I would support. However, I do not think that we needed a 90 per cent increase in the number of air passengers between 1993 and 2003. That is an unacceptable increase.

Ross Finnie: I was trying to make a serious point. Is the member seriously telling me that the Green party's message to all those people in our universities who need to trade their capital internationally is, "Go abroad and stay abroad, because you won't be able to trade from Scotland"? That is a serious question, which the member must address.

Eleanor Scott: I hope that the minister is not seriously suggesting that the only way to trade intellectual capital is to put it in a bag and carry it abroad. Nowadays, we have much more sophisticated methods for communication of intellectual capital and other things.

My favourite example from the document is on page 13, which mentions the "ambitious target" of 40 per cent renewable electricity by 2020. Electricity forms 20 per cent of our energy use and 40 per cent of 20 per cent is 8 per cent, so the target is for 8 per cent of energy to be from renewables by 2020. Is that an ambitious target? By 2020, 92 per cent of our energy use will be from non-renewable resources. The minister might call that ambitious, but I call it a cop-out. I call it a failure of leadership and a failure to grasp the nettle.

I do not want to be negative about the document or indeed the Executive's efforts. I have been campaigning for recognition of the seriousness of the issue for the past 17 years, so the fact that it is even on the Government's agenda is progress, but we could be doing so much more. I especially like

the bit in the document about the responsibility that developed countries have to lead the way in tackling climate change. I agree whole-heartedly with that. However, that will involve hard decisions by Governments. If a Government is not prepared to take those hard decisions, it is not fit for purpose in the early 21st century. If we do not act responsibly and with urgency in this century, we will experience escalating local and global effects of climate change, droughts, population displacement and human misery.

16:30

Nora Radcliffe (Gordon) (LD): When a television programme on climate change is about five global disasters that are waiting to happen, when top businessmen go to Downing Street to ask the Government not to relieve the pressure on business but to introduce tougher measures, when the world may be going to war over water and not oil and when there is a real possibility that billions of people will be displaced by natural events, never mind wars, climate change is a serious challenge.

If we do not take action—and perhaps even if we do—we may face catastrophic climate change. That is a terrifying prospect, but it is no good sitting like a mesmerised rabbit in the headlights. It is also no good to take the attitude—which is receding, thankfully—of saying that Scotland is a small country, so what can we do and what difference can we make? I have two responses to that. First, Scotland has a history of making a contribution to the world that far outweighs its size. Everything from telephones to tarmac—that might not be the best example—to penicillin shows that. Secondly, as other members have said, as a developed country, we have made and still make a disproportionate contribution to the problem. It behoves us to lead by example and to harness our talents for invention and innovation to halt and reverse climate change and the damage that is being done.

Members have traded many statistics and I will not add my tuppenceworth. Anything can be proved with figures. I would like to see concentration on what needs to be done. It is important to find ways of measuring accurately the effectiveness of the actions that we undertake, but we should not be too distracted by figures.

I was sorry to hear Alex Johnstone's attack on my Liberal Democrat colleagues at Westminster, who are being sensible in developing a tax policy that starts to focus on taxing pollution, not income. That is exactly the right way to go.

Mark Ruskell made a strong speech. I agree with him that statistics can be misleading.

Maureen Macmillan identified leadership and persuasion as key and I agree. The Government can set parameters and provide information and legislative and fiscal encouragement, but it all comes down to people hearing and acting on the message. She spoke about challenging myths and changing perceptions to enable the renewables sector to grow. She articulated well the potential. What also emerged was the frustration at how slowly we are using that potential.

Andrew Welsh made a strong speech. I agree with his call for support for fledgling industries. In essence, he was saying that if we get climate change action right, that will be good for the environment, the economy and social well-being.

In a constructive speech, John Scott highlighted the necessity of increased awareness of one of the essentials of life—fresh water. He also pointed out the potential to expand hydropower. It is amazing that that is not more of an element in the debate.

John Home Robertson made a good point about what needs to be done after a target is met. Reaching a target of 40 per cent is great, but 60 per cent is left. He knows that I believe that his conviction that we need nuclear power alongside everything else is wrong. The CORWM report outlined not the right way but the least worst way to deal with our waste.

Jamie Stone's speech showed the other side of the coin to Mark Ruskell's, as it was a positive presentation of what the Executive is doing as opposed to a negative one. Not surprisingly, I was in sympathy with that.

Rosie Kane might not have the same answers as I have to many of the problems, but she made many good points about what needs to happen and to be done. Perhaps how we would do things would differ, but I agree with much of what she said.

Alasdair Morrison focused on the step change that we should aim for in our built environment. He was absolutely correct, and other members picked up on what he said.

I was pleased that Maureen Watt drew attention to the good science that is going on in the north-east on matters as diverse as bovine digestion and carbon sequestration. She also mentioned thermal imaging, which is a simple tool to demonstrate energy inefficiency. It could be used much more to build consumer demand for better, more energy-efficient houses. Sarah Boyack picked up on that theme and concentrated on housing stock and the contribution that could be made by householders and small businesses here and now.

Every contribution counts, whether it is big or small, but the contribution must be made. The wide variety of topics covered in the debate illustrates how all-pervasive the issue of climate change is.

The debate has largely been constructive. There is much consensus about the problem, the breadth and depth of the solutions and our responsibility as leaders, legislators and individuals to work towards those solutions. The Executive's climate change programme is aptly entitled "Changing Our Ways". We must all work together—across the Parliament, the country and the globe—if we are going to arrest, halt and reverse climate change and the consequences that it may well have for our planet. I commend the programme to the Parliament.

16:36

Mr Ted Brocklebank (Mid Scotland and Fife)

(Con): The debate has been thoughtful and constructive. Climate change is for real. This Parliament is certainly convinced of that. If anybody still doubted it, Sir David Attenborough's wonderfully stage-managed conversion on the BBC the other week gave the phenomenon official blessing.

Of course, the Conservatives had witnessed another David's whole-hearted conversion to the cause some months ago—I refer to Cameron of that ilk. He rightly described climate change as the greatest challenge facing mankind.

Some experts, such as the green guru, Professor James Lovelock, tell us that it is already too late. In his new book, "The Revenge of Gaia", the professor claims that a final collapse might be about to happen, as he watches the J-curve of carbon dioxide emissions shoot off the top of the graph. Ross Finnie accepted in his speech that irreparable damage might already have been done; Rosie Kane and others concurred.

Most reputable scientists accept that reversing the surge of the J-curve is beyond the power of individuals, communities or even nations. Other than trying to explain why it is such a bad thing that soon we might be able to grow grapes in John o' Groats or welcome new species of butterflies to Tain, how do we get people to accept that they can do something about climate change? That is especially the case in Scotland where, so far—apart from last year's tragic storms in the Uists—we have been spared most of the catastrophic implications of climate change. The real test of climate change is perhaps less to do with whether warming can be reversed and more about whether the rich nations are prepared to help those most at risk from the worst effects and to clean up our own act to limit the damage. Of course, we must do our

bit in achieving a 60 per cent cut in carbon dioxide emissions by 2050, but saying it will not make it happen. As Mark Ruskell and others pointed out, any improvement in emissions reductions in Scotland has probably largely been due to the closure of Ravenscraig. Scotland's emissions are not dropping; they are going up.

In our view, the Executive has failed to capture the public's imagination in its drive to make all of us more environmentally friendly and climate-change aware. It is long on targets but short on action to bring about the vibrant, low-carbon economy to which Ross Finnie referred. It has chosen instead to focus largely on the proportion of electricity that is generated by renewable energy sources.

Robin Harper (Lothians) (Green): Does the member agree that the part that education can play, all the way through from primary up to college or university, is extremely important and that more attention should be given to that?

Mr Brocklebank: I concur. In a previous existence I made television programmes about the subject. Part of what we were trying to do was to educate people about the issue.

Renewables must have a place in any future energy equation, but we believe that the Executive's current policy of 40 per cent provision from renewables has allowed wind power to get ahead in the market, to the detriment of other technologies.

It is unacceptable, for example, that there are no fewer than nine applications for windfarms on the Ochils, several of which are at the appeal stage. Likewise, in north-east Fife, which is an area of outstanding natural beauty and a tourist magnet, there are still competing applications for windfarms just a few kilometres apart, after yet another application in the same area was dropped before going to appeal.

In certain select locations—mainly the islands—where there is a constancy of wind, there may be an argument for onshore windfarms, but I understand that even on the Isle of Lewis, the RSPB and other, statutory, conservation bodies are opposing a 700MW windfarm, which they claim will damage an internationally important wildlife site. Wildlife, too, share our planet and deserve to be factored into any future energy equation.

The fact is that the current planning regime provides inadequate guidance to local authorities, communities and developers on the siting of windfarms. What is needed is a national location strategy and, in our view, that is what the Executive should provide if it really believes that wind technology has a role. I agree with John Scott that we should develop a raft of renewable

resources, including tidal, wave, hydro, biomass and perhaps offshore wind, all of which Scotland is ideally placed to exploit.

However, it is more important that we emphasise energy efficiency. As Sarah Boyack and others said, energy efficiency is widely recognised as the cheapest, cleanest and safest way of achieving the nation's climate change commitments. For example, if every UK household replaced just one 100W light bulb with a 20W compact fluorescent lamp long-life light bulb, the energy saved would be the equivalent of that produced by the Sizewell B nuclear power station—that is a staggering fact.

As several members indicated, we still await the Executive's energy efficiency strategy. However, as Alasdair Morrison rightly said, there is tremendous scope for achieving energy efficiency in the built environment through, for example, heat retention methods such as double glazing, house insulation and so on, which are probably more easily achievable than anything else. Robin Harper mentioned recently Amory Lovins's wonderfully energy efficient house in Aspen, Colorado. Having visited it, I probably would not give it any prizes for architecture, but the ideas for energy efficiency in that house are such that architects from all over the world should visit it, study it and consider whether they could use those ideas in their own countries.

Sarah Boyack was right to say that a range of fiscal incentives should be used to encourage homeowners and businesses to become more energy efficient. Only when we ourselves reduce emissions and offer practical policies on efficiency will Scotland and the wider UK be able to demonstrate the global leadership that might yet persuade other countries to follow our example.

16:42

Rob Gibson (Highlands and Islands) (SNP): In a wide-ranging debate, the Scottish National Party has tried to focus on several practical means of making progress. However, it is necessary to comment on remarks that have been made throughout the debate to see why we need the full powers of a normal country to tackle the climate change problem. Looking over our shoulder and having to consult further south is not the best means of making progress.

The Executive acknowledged in its response to the Environment and Rural Development Committee's report on climate change that national emissions reduction targets were not currently feasible due to the fact that the Executive does not have full control over the levers required to deliver them. The SNP believes that, following that admission, the situation must be sorted out.

Indeed, if we are to achieve the climate change targets that I think people are trying to grapple with, we must have our hands on those levers.

Richard Lochhead made a plea for a major push on energy efficiency, which many members mentioned, to make it more publicly high profile and available. The question of how 700,000 houses can be climate-proofed is a practical one, but that could create a lot of work for private businesses. The win-win situation to which we referred earlier is part of that. However, when we look at "Changing Our Ways", we can see the plethora of bodies that have been set up in the private sector, in local authorities and so on to deal with energy efficiency. I think that a one-stop shop, as mentioned in the SNP amendment, would be a good way in which to give energy efficiency a far higher profile. If the Tories actually believe that we should make a difference, the SNP's amendment, which deals with energy efficiency matters practically, is well worth their support.

Mark Ruskell talked about the difficulties of the hard target in transport. In his contribution to the climate change debate in March 2005, the then Minister for Transport said of the growth in transport:

"We must do whatever is realistically possible to limit that continuing growth."—[*Official Report, Environment and Rural Development Committee*, 2 March 2005; c 1735.]

Unless we have major investment in public transport, we will not be able to do that.

It is possible, however, in the fuels that we produce, to make Scotland a centre of excellence for clean road fuels—I mention the Argente Energy factory development for biodiesel in Lanarkshire and the potential for energy crops. Andrew Welsh mentioned the problems of getting those issues to the forefront of the debate. Hydrogen technology is also proven and requires to be developed. The Government's efforts to create the potential for people to adapt to liquid petroleum gas has been a massive failure, given the potential that exists to get people thinking about changing the fuels that they use.

It is up to us to ensure that all the departments in the Government are made to announce, each year, how much carbon they are using, how much they are saving and the costs that they are incurring in the process. Unless the reports from the Government to the Parliament detail that information from each Executive department, we are going to lose out.

A number of issues relating to governance require answers from the minister. The European Union's energy efficiency directives must be brought together in each country. I want to know when the energy efficiency strategy in its various

stages will be announced in Scotland. It is essential for us to know how we are going to achieve, how much we are going to achieve and over what timescale.

The Executive was going to involve all the relevant departments in developing an adaptation policy framework—a clearer picture of what adaptation is, where the gaps are and what better coordination is required in terms of the governance issues that relate to Executive departments' behaviour. I wonder whether the minister will respond to that point, given his comment in response to paragraph 272 of the committee's climate change report. I have not yet found the Executive's response to that recommendation in "Changing Our Ways". It would be useful for us to know that.

Maureen Macmillan dwelt on many of the important renewables developments that are happening. However, when one sees the list that shows that we are falling behind on the potential for wave and tidal—indeed, we are falling behind on the development of much of the technology—the areas of failed investment show the large amount that we have to catch up and why not having all the levers of power in Government has put us at a disadvantage.

John Scott talked about new forms of energy coming from hydro power. Do we not have a problem with water in this country, which we inherited from the Tories? I am talking about all the leaky pipes in the water system that they failed to deal with when they were in power.

John Home Robertson raised the issue of filling the energy gap with nuclear power. If we develop the Talisman Energy project to its full potential and if we develop the hydrogen scheme at Peterhead, that will deal with a third of Scottish household needs. If we added to that the Pentland firth's potential for tidal energy, we would be in a position not only to bridge the gap, but to export energy from our renewable sources, if we had a Government that set such a target.

There are many things to be said about the way in which the Government is operating. I focus finally on Jamie Stone's speech. If he is happy with the way in which the coalition is operating, I wonder whether he will be happy if there is another Labour/Liberal Democrat coalition—let us hope that there is not—and the nuclear waste is dumped at Altnabreac, in his constituency. That is the prospect for the future of Scotland. The SNP's alternative, which focuses on raising popular support for energy efficiency and getting ministers to show how we are improving on our carbon reductions, would be a practical way to try to stave off that awful nuclear future.

16:49

The Deputy Minister for Environment and Rural Development (Rhona Brankin): Ross Finnie opened this afternoon's debate by reminding us of the devastating global impact that climate change could have without urgent global action. He went on to outline the important role that Scotland has to play in global efforts to tackle the problem. It is reassuring that members recognise the severity of the problem and Scotland's responsibility to be at the forefront of the global response.

The scientific evidence for climate change is now overwhelming. Since 1990, global temperatures have risen by 0.2°C and atmospheric concentrations of carbon dioxide have increased from 354 to 380 parts per million and are still rising. To limit global warming to 2°C above pre-industrial levels—the figure above which scientists consider dangerous climate change will be triggered—is likely to require carbon dioxide concentrations in the atmosphere to stay below 400 parts per million.

Therefore, the scale and urgency of the challenge cannot be underestimated. An increase in global temperatures of approximately 1°C is likely to lead to extensive coral bleaching; a 2°C increase might be the threshold that triggers melting of the Greenland icecap; and an increase of more than 3°C poses a serious risk of large-scale, irreversible system disruption, such as possible destabilisation of the Antarctic ice sheets.

Such grave scenarios are well within the range of climate change projections for this century. If anticipated growth in emissions is left unchecked, the increase in global average temperatures could be as much as 5.8°C. As many members have said this afternoon, that could have devastating environmental, social and economic impacts around the world, particularly in the most vulnerable developing countries.

Rosie Kane talked about the need for international action. Of course, the UK has already taken a strong lead internationally in negotiating the Kyoto protocol, in setting ambitious domestic goals, and in establishing one of the world's leading climate change research centres in the form of the Hadley centre. The Executive has played an active role in supporting and working with the UK and, by publishing our new climate change programme, we have demonstrated leadership in our own right.

We have identified the Scottish share of UK climate change commitments and have set a Scottish target that commits us to making a more than equitable contribution in devolved areas. Due to the fluid nature of the Scottish share, it will increase in line with UK efforts to meet the 2010

20 per cent goal. By committing to deliver 1 million tonnes of carbon savings above and beyond the Scottish share, we are demonstrating our ambition to deliver much greater savings in devolved areas than the UK average.

By setting a Scottish target, we have provided strong leadership, but no Government can control emissions on its own. Everyone must accept responsibility. We must change our ways and adopt more sustainable patterns of behaviour; that includes individuals, households, businesses, community groups and the voluntary sector. Maureen Macmillan referred to that in her speech.

We need to communicate the climate change message as widely as possible, through a range of channels. As Ross Finnie said, we are developing more effective ways of communicating sustainable development messages. Part of that is about ensuring that those on the ground are aware of climate change, of their contribution to it and of the opportunities that exist to tackle it.

Mr Ruskell: Does the minister acknowledge that if we abandon traffic reduction targets as Mr Scott clearly wants us to do, we will never meet the long-term targets to which she alludes? We will never make a two-thirds reduction by 2050.

Rhona Brankin: I disagree; we are not abandoning the targets. If the member looks at the national transport strategy, he will see that we are seeking views on that.

We have to be sure that we are communicating our message to key stakeholders, so one of our first steps—which might seem a small step but which I think is important—will be to run a prominent climate change display at this year's Royal Highland Show. We are also publishing a short guide for farmers on climate change and Scottish agriculture. By raising awareness of the issues, we hope that farmers, among others, will be encouraged to help to tackle climate change for the other benefits that doing so will bring, such as resource efficiency and commercial development. We will continue to seek opportunities to spread the climate change message among all sectors of society, including the general public.

One policy measure that has implications for all sectors of society is the European Union's emissions trading scheme, which is the largest such trading scheme in the world. Around 120 installations based in Scotland—accounting for almost 50 per cent of the total carbon dioxide emissions in Scotland—are part of the scheme. Through it, they are expected to reduce their projected emissions by around 6.5 million tonnes by the end of 2007.

Whereas the EU emissions trading scheme is specifically designed to reduce carbon dioxide emissions, members will understand that not all

policies have emissions reduction as their primary objective. However, it is essential that the impact on emissions should be a key consideration in the development of future policies, as a number of members rightly pointed out. The Environmental Assessment (Scotland) Act 2005, which came into force in February this year, will go a long way towards ensuring that climate change is taken into account in policy development. Through that pioneering act, Scotland is leading the way in Europe in extending the scope of environmental assessment to all public sector strategies, plans and programmes. That will support the drive for genuinely sustainable development and will promote public involvement in the decision-making process. Given the new Scottish share and Scottish target approach and the extensive analytical assessment that go with that, we want to ingrain climate change thinking even further in policy development. In short, we want to carbon proof new policies to ensure that we know what impact they will have on carbon emissions.

Alasdair Morrison and Sarah Boyack highlighted the importance of energy efficiency in architecture and building standards. The current public consultation on architecture policy recognises the importance of sustainable buildings. Indeed, Architecture and Design Scotland is currently considering how to respond to the issue of climate change. Executive officials are in discussion with ADS on the possible steps that could be taken to enhance energy efficiency. I very much welcome the work that is taking place in the Western Isles, which I would be delighted to visit in future.

Several members mentioned the potential for biomass energy. Obviously, as we have said, we are working on the development of a biomass action plan, which will be delivered by the end of 2006. We have huge forestry and agricultural resources in Scotland, so we are well placed to become a major player in renewable heat and biomass production. We are hugely keen to promote biomass and are exploring ways of overcoming some of the barriers that members mentioned to the promotion of renewable heating in PPP projects.

In addition, the updated agriculture strategy that we recently published recognises the need for Scottish agriculture to mitigate, and adapt to, climate change. We will establish a stakeholder group to evaluate agriculture's contribution and use that information to develop a comprehensive action plan for further improvements.

Work to establish mechanisms to deal with climate change and to achieve the Scottish target is under way. We will provide training for policy makers to help them to take account of mitigation and adaptation issues in developing new policies. We will establish an analysts' network within the

Executive to ensure that the carbon impact of policies is assessed and presented in a consistent and routine manner. We will consider how climate factors are being addressed at policy, plan and programme level as part of the SEA process. We will use all of that vital information to help to inform investment decisions and spending review processes to ensure that the most cost-effective and sustainable climate-friendly policies are pursued.

Scotland might be a small country, but we have a responsibility of global proportions. Size is no excuse for inaction. Each one of us has a moral responsibility to act now. By acting positively, we can have an influence well beyond our own borders and, in doing so, we can make Scotland a more prosperous and sustainable place. I do not share the doom and gloom of the SNP, the Greens and the Tories. For the SNP to claim that we can tackle Scotland's climate change problems only by becoming independent is, frankly, rather a joke.

Scotland's climate change programme is a serious response to a serious issue. It has been welcomed by all the serious environmental players in Scotland. It represents a considerable and serious stepping up of our efforts and ambitions. What we need now is for everyone in Scotland to respond to our leadership and to make a pledge to reduce their own contribution to climate change.

I urge the chamber to support the motion in Ross Finnie's name.

Parliamentary Bureau Motion

17:00

The Presiding Officer (Mr George Reid): The next item of business is consideration of Parliamentary Bureau motion S2M-4508, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, on membership of a committee.

Motion moved,

That the Parliament agrees that Eleanor Scott be appointed to replace Mr Mark Ruskell on the Environment and Rural Development Committee.—[*Ms Margaret Curran.*]

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

Before we move to decision time, members will wish to join me in welcoming to the Parliament Izaskun Bilbao, the President of the Basque Parliament, her bureau and the spokespersons of all the Basque political parties. [*Applause.*]

Decision Time

17:01

The Presiding Officer (Mr George Reid): There are seven questions to be put as a result of today's business. The first question is, that motion S2M-4502, in the name of Sylvia Jackson, on the Subordinate Legislation Committee debate on its draft report on its inquiry into the regulatory framework in Scotland, be agreed to.

Motion agreed to.

That the Parliament notes the 21st Report 2006 (Session 2) of the Subordinate Legislation Committee, *Inquiry into the Regulatory Framework in Scotland - Draft Report* (SP Paper 564).

The Presiding Officer: The second question is, that motion S2M-4218, in the name of Brian Adam, on the Interests of Members of the Scottish Parliament Bill, be agreed to.

Motion agreed to.

That the Parliament agrees that the Interests of Members of the Scottish Parliament Bill be passed.

[*Applause.*]

The Presiding Officer: The third question is, that amendment S2M-4507.3, in the name of Richard Lochhead, which seeks to amend motion S2M-4507, in the name of Ross Finnie, on climate change, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
Ballance, Chris (South of Scotland) (Green)
Ballard, Mark (Lothians) (Green)
Byrne, Ms Rosemary (South of Scotland) (SSP)
Canavan, Dennis (Falkirk West) (Ind)
Crawford, Bruce (Mid Scotland and Fife) (SNP)
Cunningham, Roseanna (Perth) (SNP)
Curran, Frances (West of Scotland) (SSP)
Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
Fabiani, Linda (Central Scotland) (SNP)
Fox, Colin (Lothians) (SSP)
Gibson, Rob (Highlands and Islands) (SNP)
Grahame, Christine (South of Scotland) (SNP)
Harper, Robin (Lothians) (Green)
Hyslop, Fiona (Lothians) (SNP)
Ingram, Mr Adam (South of Scotland) (SNP)
Kane, Rosie (Glasgow) (SSP)
Lochhead, Richard (Moray) (SNP)
Martin, Campbell (West of Scotland) (Ind)
Marwick, Tricia (Mid Scotland and Fife) (SNP)
Mather, Jim (Highlands and Islands) (SNP)
Maxwell, Mr Stewart (West of Scotland) (SNP)
McFee, Mr Bruce (West of Scotland) (SNP)
Morgan, Alasdair (South of Scotland) (SNP)
Neil, Alex (Central Scotland) (SNP)
Robison, Shona (Dundee East) (SNP)
Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
Scott, Eleanor (Highlands and Islands) (Green)

Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 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)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)

Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Presiding Officer: The result of the division is: For 34, Against 77, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The fourth question is, that amendment S2M-4507.2, in the name of Alex Johnstone, which seeks to amend motion S2M-4507, in the name of Ross Finnie, on climate change, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Petrie, Dave (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Murray (West of Scotland) (Con)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 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)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)

Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kane, Rosie (Glasgow) (SSP)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Campbell (West of Scotland) (Ind)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (South of Scotland) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (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)
 Scott, Eleanor (Highlands and Islands) (Green)
 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)
 Swinney, Mr John (North Tayside) (SNP)
 Wallace, Mr Jim (Orkney) (LD)
 Watt, Ms Maureen (North East Scotland) (SNP)
 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 16, Against 95, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The fifth question is, that amendment S2M-4507.4, in the name of Mark Ruskell, which seeks to amend motion S2M-4507, in the name of Ross Finnie, on climate change, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Canavan, Dennis (Falkirk West) (Ind)
 Curran, Frances (West of Scotland) (SSP)
 Fox, Colin (Lothians) (SSP)
 Harper, Robin (Lothians) (Green)
 Kane, Rosie (Glasgow) (SSP)
 Martin, Campbell (West of Scotland) (Ind)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 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)
 Lyon, George (Argyll and Bute) (LD)

Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Adam, Brian (Aberdeen North) (SNP)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

The Presiding Officer: The result of the division is: For 11, Against 77, Abstentions 23.

Amendment disagreed to.

The Presiding Officer: The sixth question is, that motion S2M-4507, in the name of Ross Finnie, on climate change, 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)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 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)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)

McFee, Mr Bruce (West of Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 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)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 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)
 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)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Curran, Frances (West of Scotland) (SSP)
 Fox, Colin (Lothians) (SSP)
 Harper, Robin (Lothians) (Green)
 Kane, Rosie (Glasgow) (SSP)
 Martin, Campbell (West of Scotland) (Ind)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)

The Presiding Officer: The result of the division is: For 101, Against 0, Abstentions 10.

Motion agreed to.

That the Parliament welcomes the publication of *Changing Our Ways: Scotland's Climate Change Programme* as a serious response to a serious challenge; notes the identification of the Scottish Share of carbon savings from devolved policies across the United Kingdom and the setting of the first ever Scottish Target to exceed that share; welcomes the commitment to report annually to Parliament on progress on implementing *Changing Our Ways* and, in the longer term, to submit the programme to an independent audit; recognises the importance that must be accorded to adapting to the unavoidable impacts of climate change, and agrees that mainstreaming climate thinking, through the carbon proofing of new policies and

measures and through communication, is vital to ensuring an effective climate change response.

The Presiding Officer: The final question is, that motion S2M-4508, in the name of Margaret Curran, on membership of a committee, be agreed to.

Motion agreed to.

That the Parliament agrees that Eleanor Scott be appointed to replace Mr Mark Ruskell on the Environment and Rural Development Committee.

Muscular Dystrophy

The Deputy Presiding Officer (Murray Tosh):

The final item of business is a members' business debate on motion S2M-4228, in the name of Cathie Craigie, on the muscular dystrophy my life campaign. The debate will be concluded without any question being put.

Motion debated,

That the Parliament notes that there are 3,000 people in Scotland with inherited neuromuscular disorders and muscular dystrophy; is concerned that in Cumbernauld & Kilsyth, whilst some constituents tell of good provision of electric wheelchairs and praise the staff delivering social services care, some have never received a full needs assessment of their home environment and can only experience care services delivered via an inflexible system weighted towards older people that does not accommodate the lifestyle that other young people are able to enjoy; notes that this is an example of the variation in standards and availability of care, service and equipment provision across Scotland; supports the work of the Muscular Dystrophy Campaign in pioneering the search for treatments and cures for over 40 years, whilst also providing practical, professional and emotional support for people affected by neuromuscular conditions; in particular, supports the Muscular Dystrophy "My Life" campaign and its work in Scotland to encourage a co-ordinated approach by local authorities and NHS boards when assessing individuals' needs and requirements, and considers the findings of the "My Life" expert group to be a model for future delivery of services to people affected by neuromuscular conditions.

17:08

Cathie Craigie (Cumbernauld and Kilsyth)

(Lab): I thank members who took the time to consider the motion and offer their support. I also thank representatives of the Muscular Dystrophy Campaign, who have travelled from far and wide to be in the gallery, and the MDC's chief executive, who travelled from London to be here.

The Muscular Dystrophy Campaign is a charity that provides people who have neuromuscular conditions and their families with information and advice about how their lives can be made easier. The organisation provides help and support to members and funds, with contributions from the national health service, care advisers who are based in clinics throughout the United Kingdom and are always on hand to give advice and support to people who are affected by the condition.

All members will have constituents who suffer from some form of muscular dystrophy. I know of 12 people in my constituency who are supported directly by the MDC. I am told that, on the whole, they are pretty happy with the services that they receive from North Lanarkshire Council, NHS Lanarkshire and NHS Greater Glasgow and Clyde. To use one person's term, the services are

satisfactory. However, my constituents, as well as professionals and carers who work in the field, have raised concerns that the services that are provided are not consistent throughout the west of Scotland or throughout the country. Service provision is patchy and unpredictable. Serious concerns exist about the standards of care that people in different age brackets and with different degrees of muscular dystrophy receive.

I have heard that people can be misdiagnosed and live with the condition for a long time without being able to rely on the help and support of expert professionals. Serious concerns have been raised about the provision of wheelchairs that are properly and suitably fitted to meet the needs of users. I know of cases in which people have received wheelchairs that do not meet their needs—for example, they might not have the required seating positions. In some cases, that can cause damage and make the condition more difficult to live with. Some people have to make do with unsuitable chairs that aggravate their condition rather than support them. Often, the correct chair is supplied only after charitable appeal or by a kind benefactor.

Dennis Canavan (Falkirk West) (Ind): Does Cathie Craigie agree that it is anomalous that the state guarantees that someone who suffers from muscular dystrophy will be assessed by an occupational therapist for the most suitable type of wheelchair for their needs, but does not guarantee the provision of that type of wheelchair?

Cathie Craigie: There are anomalies. I will come to that, as Dennis Canavan will find out if he stays to listen to my speech. I do not disagree with his point.

As Dennis Canavan said, people are assessed for wheelchairs. I imagine that a young person going for such an assessment will hope that the wheelchair will make their life better and will allow them to access places that they have never been to before. Their hopes will be built up but, unfortunately, the chair that they get may not be the proper design or may be a standard or basic chair that does not meet their needs. In the past few weeks, a report by Barnardo's Scotland and Whizz-Kidz has highlighted the issue and confirmed that the NHS offers only the most basic wheelchairs to the majority of those who need one. Of the children surveyed, 60 per cent were using unsuitable wheelchairs and many had to wait months or years to receive them. I have personal knowledge of the matter, as I have a young nephew who has cerebral palsy. I know about the difficulties that he and his family have had in trying to ensure that he has a wheelchair that allows him to be all that he can be, to go where he wants and to do what he wants with a

degree of independence. Young people with muscular dystrophy feel the same way.

A constituent of mine, Mr McCafferty—I do not think that he will mind my mentioning his name—has two sons with a form of muscular dystrophy. He is complimentary about the services that his family has received from social services and the NHS, but he raises concerns about his sons' welfare. He has said that they have not received a full assessment of their needs in their personal environments. Too often, local social work departments and professionals in the NHS, for example, do not seem to speak to one another or exchange information that might make their jobs easier, and services are provided to meet a general need rather than the individual needs of the young person—indeed, provision is usually based on the needs of older people, which is very restrictive for young people.

Members might have experience of 18-year-olds or have family members who are 18. It is not unreasonable for an 18-year-old to want to stay up late in the evening to watch a film or to want to go to a friend's house, a pub or whatever, but there is no flexibility for people who live with muscular dystrophy and therefore rely on somebody to assist them to get to bed at night. Such people cannot stay out late—they must be at home so that the carer or care staff can get them to bed. That is wrong because, as a result, those young people cannot play a full part in the community in which they live. The same applies at the other end of the day. We all know what trying to get teenagers out of bed is like. The time that the young people we are discussing get out of bed is dictated by when the carer turns up. We must consider such matters and recognise that care services and provision should be not only for the elderly, but also for young people. We should recognise that those young people want to be part of society too and that they should have packages that are designed to meet their needs rather than the convenience of the care provider.

How long do I have left, Presiding Officer?

The Deputy Presiding Officer: You are over your time, but I will give you another minute if you want to draw things together.

Cathie Craigie: Okay. I am sorry for going over my time.

The message that I want to get across is that we must pull together the services that work, encourage different departments and organisations to speak to one another and ensure that services for all people with muscular dystrophy—including young people—are joined up. The length of time that people have to wait for diagnosis must be reduced. General practitioners and community health centres must receive

information and advice on how to look out for people who might have muscular dystrophy so that there can be an early diagnosis and so that those people can have early access to services. Such access will help them to plan in order that they can lead fulfilling lives, be included in society as a whole and can access, when and where they want to, the things that people without disabilities can access.

17:18

Stewart Stevenson (Banff and Buchan) (SNP): I congratulate the member on securing the debate. More to the point, I congratulate the Muscular Dystrophy Campaign—as I am sure other members will—on articulating the needs of people with muscular dystrophy, as exemplified in the my life campaign. That articulation makes muscular dystrophy accessible and understandable to people who have perhaps only remotely been touched by the condition—perhaps I should more properly refer to a range of conditions.

We have heard a fair bit about mobility. In my constituency work, the first thank you letter that I received after I was elected as a member of the Scottish Parliament was from a person for whom I had expedited the getting of an appropriate wheelchair. It is clear that there have been difficulties with the provision of wheelchairs for people with muscular dystrophy, as there have been for people with a range of other conditions. The wheelchair in question was for an old person. Cathie Craigie spoke movingly and relevantly about the real difficulties that young people experience—there is the disconnection from their peer group, their inability to participate and, of course, things no longer fitting when they turn up following delays. Mobility is a key strand of the campaign.

Many of us will have met in our constituencies people who have difficulties obtaining appropriate and timely adaptations to the houses in which they live. The Muscular Dystrophy Campaign has provided numbers that suggest that Scottish councils keep applicants waiting for 93 days if they live in council accommodation and for 226 days if they live in private accommodation. I am sure that that is not deliberate discrimination—I do not wish to suggest that it is—but the figures suggest that we need better policies to ensure that we deal with people's needs equitably.

In my experience, the waiting times for adaptations that cause the most distress are those relating to washing and toilet. Of course, you cannae wait for either of those. That is not to say that it is going to be much fun for a person not to be able to go out of their own front door because a ramp has not been put in; and it is not to say that it

is going to be much fun for a person to be denied access to their own back garden—especially on a day like today when the sun is out—because a ramp has not been put in. It is just that washing and toilet are absolutely central to life. Washing and toilet are the third strand of independence for people who suffer from this condition.

I have had experience of the condition in my close family; I have watched the progressive degeneration of a person who was older but who would reasonably—without the condition—have expected to live for another 20 or 30 years. It is distressing to see someone in the fullness of their life struck down by a condition and then slowly, with full awareness, deteriorate into someone who has to be cared for all the time. A progressive illness is a cruel illness, whatever it is. Muscular dystrophy is one of them.

I will end by returning to a theme that I have raised a couple of times before. Scotland has a good understanding of its genetic mix. Of all the countries in the world, we are perhaps best placed to do research that might help muscular dystrophy sufferers across the world as well as here at home. It may be that we can do something.

17:22

Mrs Nanette Milne (North East Scotland) (Con): I, too, congratulate Cathie Craigie on bringing this motion to the Parliament. It highlights the difficulties faced by a small but nonetheless important minority of people in Scotland. In an age in which inclusiveness is the norm, and in which it is the intention of the Scottish Parliament to treat all sections of society equally, it is right that we should know about the inequalities that still exist. We should put pressure on the Executive to deal with those inequalities.

As members of this Parliament, we are lobbied regularly by minority groups with diverse physical and chronic health problems. Today we are hearing about muscular dystrophy; yesterday it was mental illness and deafblindness; and previously we have heard about multiple sclerosis, cerebral palsy, and autism, to name but a few. The common thread linking all those conditions is the variable provision that patients experience when seeking the help that they need to lead as normal a life as possible within their physical limitations.

The problems faced by many of the groups are similar; the solutions often do not cost a lot of money, but they make a huge difference to the quality of life of those affected and their families and carers.

I received an e-mail the other day from a constituent in Aberdeen. He is a senior academic who suffers from a mild form of muscular dystrophy, and he said:

“I have found that quite simple and basic changes have allowed me to continue a full and productive life. There is no doubt in my mind that elimination of the current variation in services and provision of specialist support, such as optimal wheelchair allocation, would make a huge difference to the quality of life of an important population group within Scotland.”

Wheelchair provision is probably one of the commonest concerns among the disability groups we hear from. Although there are many positive aspects to the wheelchair service, there are undoubtedly challenges too. A recent review of the service—at the end of 2005—found general agreement among users about the nature of those challenges. Waiting times for assessment are often too long; provision of equipment and repairs is delayed because of staffing problems; there is insufficient funding; and there is a failure to integrate facilities. All those problems are causing concern.

Some centres have very reasonable waiting times but others do not—especially for particularly dependent people who need specialised power chairs with special seating. I have seen quoted and know of a case in Aberdeenshire in which a child was assessed and measured for a wheelchair but, by the time it had arrived, he had outgrown it. That is not good enough. Such delays are not only a major blow for the service user, but wasteful of the valuable time of experienced staff, technical expertise and highly specialised equipment.

Patients feel that they are assessed according to what equipment is available rather than on the basis of what their requirements are, that there is limited choice of equipment and that when it is provided, it is generally of basic quality. The provision of follow-up services such as maintenance is often lacking—there are no routine follow-up, assessment or maintenance programmes. The location of service centres can result in people whose mobility is severely restricted repeatedly having to make long journeys, which they find extremely difficult. Moreover, there is no out-of-hours cover for repairs.

The time has come to bring together representatives from all the groups that seek our help to get them the aids and adaptations that they need to allow them to have the best quality of life that they can achieve. We must build up a detailed inventory of their common needs and try to co-ordinate the assessment of those needs and the provision and maintenance of the required equipment.

At a time when unprecedented sums of money are being poured into the health service, it is not acceptable that minority groups of citizens such as those with muscular dystrophy must lobby Parliament constantly simply to get the national

health service provision that they need and to which they are entitled. In NHS budgetary terms, we are not talking big money. Co-ordination, integration and some joined-up thinking could make an enormous difference to the lives of many people in Scotland who are living with disability.

I am more than happy to support Cathie Craigie's motion and the my life campaign, but I would like to extend my support to all the disability groups who seek our help.

17:26

Eleanor Scott (Highlands and Islands (Green)): I, too, congratulate Cathie Craigie on securing the debate, and express my support for the Muscular Dystrophy Campaign and the my life campaign that it runs, which focuses on home, mobility and independence.

I will talk primarily about mobility and independence because—as I am sure other members do—I have a particular case in mind. Some people will know that I used to be a community paediatrician before I was elected. I first saw the boy of whom I am thinking, who is now a young man, when he was in nursery school, before he was diagnosed. By the time I left my job to become an MSP, he was about to leave school. We often use individual cases to illustrate how services have not worked, but I will not do that, because the services that were provided worked for the boy about whom I am talking. I will instead use his case to show what services are necessary and to show how labour-intensive, time-intensive and resource-intensive handling of the condition can be.

Duchenne muscular dystrophy is the condition that many people think of when they think of muscular dystrophy. It occurs in boys and is a relentlessly progressive condition. I first saw the young lad in question when he was about four years old. Until then, he had been an apparently healthy young boy, but he was starting to show signs of deterioration in his motor skills. To cut a long story short, he was diagnosed as having Duchenne muscular dystrophy. It is easy to imagine the devastating effect that that had on a family who thought that they had a perfectly healthy young boy. They were faced with having to make significant adaptations, but they coped amazingly well. I admired, in particular, how they managed to preserve the boy's independence—as I have said, independence is the crux of the my life campaign. Once he was no longer able to walk, his independence depended on the provision of an appropriate wheelchair. On the whole, his independence was preserved, although sometimes there were delays or a lack of occupational therapy or physiotherapy input.

His school environment needed extensive adaptation. While he was still able to walk, handrails had to be put in, then ramps had to be installed and toilets adapted. An auxiliary had to do exercises with him under the guidance of a physiotherapist. A great deal of intensive input was necessary. When he transferred to secondary school, a lift had to be installed. All through that time, he remained part of his peer group. He lived about a mile and a half from the school, but although he was offered transport by the local authority, as any child with such a condition would be, he did not always take it up. If it was not raining, he would go with his friends in his electric wheelchair. If I had been his parent, my heart would have been in my mouth, but that was the right thing to do because it allowed him to remain independent and to be one of the crowd until he left school.

Cathie Craigie's point about the need to put services together is crucial. The child about whom I am talking depended on the provision of a huge amount of services, without which his quality of life would not have been the same. He would not have been part of his peer group, and if the education authority had not agreed to install a lift in his local secondary school, he might not have been able to go there. Another school about 4 miles away had a lift. Until then, it had been the policy of the education authority to send children who had physical disabilities and who required wheelchairs to that school. However, it was agreed that the boy should go to the same school as his peer group, so the necessary adaptations were made. I take my hat off to the education authority for making the adaptations, and to the boy's parents for pushing for them—they were clear about what they wanted for their child.

There is recognition that a person who has a devastating condition that is absolutely shattering for their family can have a childhood that is as similar as possible to the childhoods of people in their peer group. They can be part of the group and can continue to participate fully in the life of their school and community. However, there are no short cuts to that. Time, resources, labour and supports are needed. It cannot be done on the cheap and without putting in the necessary supports.

I congratulate the my life campaign and all those who are coping with the condition. I also congratulate the family to whom I referred—I will not name them, because I have not asked for their permission to do that, although if they ever read my speech they will know that I am talking about them—for providing their son with the fulfilling childhood and school days that should be possible for all disabled youngsters.

17:31

Michael McMahon (Hamilton North and Bellshill) (Lab): I add my congratulations to those that have already been conveyed to Cathie Craigie for securing this evening's debate, and to the Muscular Dystrophy Campaign for the well co-ordinated way in which it has highlighted the practical problems that are experienced by people who have muscular dystrophy, and their carers.

I doubt that there is an MSP who has not discovered in their case load an appeal for help from someone with MD in obtaining necessary aids and adaptations. I first encountered such a situation more than four years ago, when I was contacted by a family whose twin sons required an extension to be built on to their home to provide the space that was required for wheelchairs and other equipment that the boys would need. The fact that the extension was not built until only a few months ago is nothing short of a scandal. I hope that by highlighting such problems in today's debate we may avoid similar situations in the future. To put it bluntly, no one should have to endure the prevarication and red tape that my constituents endured. It was totally unnecessary and completely unacceptable, but I regret that it appears to be all too frequent.

Members have highlighted many aspects of the problems that underline the need for the my life campaign. In doing so, they have made the picture very clear. In my brief speech, I will urge the minister to focus on ensuring that positive work that is being done in research into MD can be progressed.

Although there is no cure for muscular dystrophy, there are ways of managing the condition that can add greatly to a sufferer's quality of life. Treatments are additive, so they should be used together to look after all areas of a person's life. Recently I was in correspondence with Cecilia Keaveney TD, the member for Donegal in the Irish Dáil, who was seeking interparliamentary support for increased funding for neuromuscular disorders, especially MD. She recently attended a presentation by Professor Kate Bushby on advances in research into MD and heard the positive message that, given the right amount of resources and the required degree of political impetus, the idea that nothing can be done for people with muscular dystrophy could eventually be consigned to history.

There has been testing on animals of treatments such as—I must just stun this rather than kill it—antisense oligonucleotides. Apparently such testing has been very successful, even if my attempt to pronounce the term was not. We now need to move on to clinical trials, to ensure that potential treatments will work in people, as they have in animal models. The treatments that are

being tested are theoretically attractive, can be administered and would be available in the long term, as companies already make them for other conditions. They are ready for clinical trials and have been registered.

My request to the minister today is not just to help to end the delays in providing aids and adaptations, but to work with our colleagues in other Parliaments where support already exists for research that shows positive signs but needs the political will to advance it. In short, I urge the minister to give people with MD the wheels that they are seeking and not just to reinvent the wheels that already exist, in order to take issues forward on their behalf. This is a very positive campaign and much positive work is on-going.

I accept that there are practical problems that must be overcome—the my life campaign highlights them and they must be addressed. In securing the debate, Cathie Craigie has done Parliament a great service in that regard. However, we could do a greater service to those with MD if we could take forward not only the practical issues that have been raised but the research that will give people far greater hope for the future.

17:35

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): I note that no fewer than 41 MSPs have signed the motion, which shows that there is wide, cross-party support for the ideas that it expresses. I congratulate Cathie Craigie on securing this opportunity to debate an issue that has a devastating impact on a large number of people in Scotland.

I am informed that the Muscular Dystrophy Campaign is in touch with around 17 people in my constituency. In general, however, it is in touch with only one third of those who suffer from MD. That, perhaps, gives us cause to worry that a large number of people are not receiving the diagnosis and treatment that they require.

In preparing for the debate, I discussed with a constituent the issues that he thinks should be emphasised with regard to rural areas. One aspect that he raised was the need for joined-up thinking on the part of the various authorities that are involved in providing assessments and treatment, such as the health service and the social work department. For example, if people from the Highlands need to see a specialist who is based in Glasgow or Edinburgh, would it not make sense for that specialist to have an arrangement to see 10 or 15 people in Inverness on one occasion rather than requiring people to make multiple trips from remote Highland locations to places such as Glasgow and Edinburgh?

Michael McMahon mentioned the fact that some premises need to be extended to deal with those who have muscular dystrophy. Often, people with other forms of disability need their houses to be extended. A girl in my constituency suffered an accident and is now a paraplegic. I have learned that, in Scotland, there is no disability fund and that the available finance for an extension has a maximum ceiling of £20,000 as opposed to—I believe—£30,000 in England, Wales and Northern Ireland. Perhaps the minister could consider that issue in particular.

The Muscular Dystrophy Campaign has asked us for change in respect of promoting the importance of having the correct wheelchair—the right chair for the right person—swiftly delivered. It is absolutely right to focus on that. The Inverness access committee has highlighted that issue with the health board and the health board has done a lot of good work. The shopmobility campaign is successful in Inverness and many volunteers give a great deal of time and effort, as they do across Scotland.

However, there is still a lingering feeling that, perhaps, dealing with problems relating to access and wheelchairs is not a core issue for the national health service. I would like to see that mindset changed so that it is seen as a core issue. I, too, have been asked by many constituents to intervene.

We all know that government is about making choices and distinguishing between what is essential and what is merely important. If there is an option to put some more resources—perhaps £1 million or £2 million—into providing the right wheelchairs at the right time and cutting some of the delays that members have referred to, would it not be better to put money into that and take some money off some of the public health advertising campaigns? We could easily cut that budget line by a few million and nobody would notice a blind bit of difference, since there seems to be no evidence that television campaigns that exhort us to behave better in our lives are efficacious. I hope that the minister will consider diverting some of the resources from public health advertising and will, instead, provide wheelchairs that people need.

I commend the many people who have come to listen to the debate. That shows that Cathie Craigie was right to raise the issue. I hope that the cross-party support for the motion will send a clear message to the minister of the priority that the people of Scotland place on this issue.

17:39

The Deputy Minister for Health and Community Care (Lewis Macdonald): I, too, congratulate Cathie Craigie on bringing her motion

to the Parliament for debate. I echo what has just been said about the clear consensus on the importance of the issues that have been highlighted and the importance of responding to them.

Everyone who spoke in the debate recognised that it is important to ensure that people who have inherited muscular disorders have the best possible quality of life in living with them. I acknowledge the central role that carers play in achieving that aim. I also acknowledge the Muscular Dystrophy Campaign's work to raise awareness of people's needs, particularly through its current my life campaign.

Neuromuscular disorders are inherited as single gene disorders and the genetic defects that are responsible for the more common conditions have been identified. Through the Scottish molecular genetics consortium and local genetic counselling services, families have access to the molecular genetic testing that they need. We have been conducting a review of genetic services and looking at improving access to highly specialised expertise. The review is looking at supplementing the support that is provided by voluntary organisations, especially by providing user-friendly information and resources such as family care advisers to support those who live with the conditions.

A number of members, including Michael McMahon and Stewart Stevenson, talked about the opportunities for research. We recognise those, and the chief scientific officer in my department would certainly be willing to consider any soundly based request for funding for research into muscular dystrophy. As with any research, proposals would be subject to peer and committee review before they proceeded, but I encourage anyone who has such soundly based proposals to submit them for consideration in the usual way.

Members will be aware that, a few months ago, we set out in "Delivering for Health" our approach to long-term conditions. We stated that people with long-term conditions should be recognised as equal partners in managing their condition and that the services they need should be provided as locally as possible and should respond to the totality of their needs. That means, among other things, that people with complex and frequently changing needs should have a key person who actively manages and co-ordinates all their needs. People with muscular dystrophy will be among those who will benefit from that approach.

We already have in place the Scottish muscle network, which was set up some seven years ago and recognised as a national managed clinical network in April 2004. On that basis, it receives NHS funding. The network draws together

professionals from health, social work and education and seeks to integrate services. Such integration is a key point that has been mentioned by several members this evening. The network also ensures that there is a consistent quality of service throughout Scotland.

Cathie Craigie and others mentioned the importance of assessment. It is worth emphasising that anyone who has needs that arise from a neuromuscular disorder—or anyone acting on their behalf—can seek an holistic assessment of their needs that will include consideration of the suitability of their home environment. The assessment will be done by a health or local authority professional and recommendations will be provided to housing officers if adjustments to the person's living environment are required. That assessment is clearly an important stage in dealing with neuromuscular conditions.

As has been said, we need co-ordination between local authorities and NHS boards. The importance of joining up services so that they are delivered coherently is the message of "Delivering for Health", but it is also reflected in our review of social work services and in the creation of community health and care partnerships.

Anyone who needs a community care service has the right to have their needs assessed. I am pleased that Cathie Craigie's local authority area, North Lanarkshire, is in some respects leading the way in those assessments, particularly with the sharing of information between agencies and with lead assessors having direct access to other agencies' services. That joint futures approach is one that we want to develop further in the future.

Cathie Craigie: The my life campaign asked an expert group to work on models for the future delivery of service. I do not know whether the minister is aware of that group's report and suggestions. Will he agree to meet representatives of that group to discuss the work that it has undertaken and to consider ways of encouraging local authorities that are not delivering quality services to embrace that group's suggestions? I invite the minister to the reception after the debate to speak to representatives there.

Lewis Macdonald: I am happy to go and say hello to Cathie Craigie's constituents, as she suggests, and to ensure that the views that have been derived from that work are fed into the Health Department's consideration of how to progress.

The single biggest concern about equipment that has been raised tonight involves wheelchairs. Members will be interested to know that the report that we commissioned some time ago on the NHS wheelchair service will become public in the next 24 hours, according to the existing timetable. Like

many members who have spoken, I recognise how needs have changed and that more sophisticated wheelchairs can assist people in a way that they could not do previously. On the basis of the changes in the environment in which decisions are taken, we commissioned NHS Quality Improvement Scotland to undertake an independent review of the service and to make recommendations on how the service might be improved. The report is independent and I cannot prejudge its detail, but I assure members that I will consider carefully the recommendations that NHS QIS makes on the basis of its assessment of the service.

We have established a guidance review group to provide a pathway through the guidance for people who use equipment and adaptations and an advisory group to progress the recommendations from "Equipped for Inclusion: Report of the Strategy Forum: Equipment and Adaptations". The advisory group's purpose is to break down unnecessary barriers to service users.

We have provided funding to reduce waiting lists and to support improvements in the delivery of equipment and adaptations. In the latest financial year, we have provided additional resources to support improvements. Together, local authorities and NHS partnerships are using that funding in a variety of ways in relation to wheelchairs, access to housing and joint delivery initiatives.

Fergus Ewing: Will the minister respond to the issue that I raised? The amount of grant that is available for extensions to houses for people with a disability of whatever type that means that they are immobile and require an extension appears to be substantially less in Scotland than it is in England. Will the minister report to us on why that is and let us know whether he can eliminate that discrepancy?

Lewis Macdonald: I am not familiar with that point, but I am happy to examine the evidence for Mr Ewing's statement. If he is prepared to write to me about that, I will respond as fully as I can.

I emphasise that the Government recognises the points that have been made about the need to join up local authority and NHS services in support of people with neuromuscular disorders, to support the work that is being done on the identification of genetic causes and to deliver services as closely to people's homes as possible and in a way that meets their needs. We are particularly conscious of younger people's needs, which members will find are covered in the wheelchair service review report when they see it.

Meeting closed at 17:49.

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