

MEETING OF THE PARLIAMENT

Thursday 14 September 2006

Session 2

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CONTENTS

Thursday 14 September 2006

Debates

Col.

HEALTH	27571
<i>Motion moved—[Shona Robison].</i>	
<i>Amendment moved—[Lewis Macdonald].</i>	
<i>Amendment moved—[Karen Whitefield].</i>	
Shona Robison (Dundee East) (SNP)	27571
The Deputy Minister for Health and Community Care (Lewis Macdonald)	27573
Karen Whitefield (Airdrie and Shotts) (Lab)	27577
Mrs Nanette Milne (North East Scotland) (Con)	27579
Euan Robson (Roxburgh and Berwickshire) (LD)	27580
Ms Sandra White (Glasgow) (SNP)	27582
Janis Hughes (Glasgow Rutherglen) (Lab)	27584
Dr Jean Turner (Strathkelvin and Bearsden) (Ind)	27585
Margaret Mitchell (Central Scotland) (Con)	27587
Carolyn Leckie (Central Scotland) (SSP)	27588
Elaine Smith (Coatbridge and Chryston) (Lab)	27590
Margaret Smith (Edinburgh West) (LD)	27592
John Scott (Ayr) (Con)	27593
Lewis Macdonald	27595
Alex Neil (Central Scotland) (SNP)	27597
ACCESS TO HIGHER EDUCATION	27600
<i>Motion moved—[Fiona Hyslop].</i>	
<i>Amendment moved—[Allan Wilson].</i>	
<i>Amendment moved—[Murdo Fraser].</i>	
Fiona Hyslop (Lothians) (SNP)	27600
The Deputy Minister for Enterprise and Lifelong Learning (Allan Wilson)	27603
Murdo Fraser (Mid Scotland and Fife) (Con)	27605
Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD)	27607
Mr Adam Ingram (South of Scotland) (SNP)	27609
Ms Wendy Alexander (Paisley North) (Lab)	27610
Mark Ballard (Lothians) (Green)	27612
Brian Adam (Aberdeen North) (SNP)	27613
Mrs Mary Mulligan (Linlithgow) (Lab)	27615
Mike Rumbles (West Aberdeenshire and Kincardine) (LD)	27616
Christine May (Central Fife) (Lab)	27617
Iain Smith (North East Fife) (LD)	27618
David McLetchie (Edinburgh Pentlands) (Con)	27620
Allan Wilson	27621
Jim Mather (Highlands and Islands) (SNP)	27623
QUESTION TIME	27626
FIRST MINISTER'S QUESTION TIME	27634
QUESTION TIME	27646
CRIMINAL PROCEEDINGS ETC (REFORM) (SCOTLAND) BILL: STAGE 1	27663
<i>Motion moved—[Cathy Jamieson].</i>	
The Minister for Justice (Cathy Jamieson)	27663
Stewart Stevenson (Banff and Buchan) (SNP)	27666
Margaret Mitchell (Central Scotland) (Con)	27669
Mike Pringle (Edinburgh South) (LD)	27671
Pauline McNeill (Glasgow Kelvin) (Lab)	27674
Christine Grahame (South of Scotland) (SNP)	27676
Mr David Davidson (North East Scotland) (Con)	27678
Mrs Mary Mulligan (Linlithgow) (Lab)	27680
Donald Gorrie (Central Scotland) (LD)	27682
Patrick Harvie (Glasgow) (Green)	27684

Marlyn Glen (North East Scotland) (Lab)	27686
Colin Fox (Lothians) (SSP)	27688
Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP)	27690
Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD)	27692
Bill Aitken (Glasgow) (Con)	27694
Mr Kenny MacAskill (Lothians) (SNP)	27697
The Deputy Minister for Justice (Hugh Henry)	27700
CRIMINAL PROCEEDINGS ETC (REFORM) (SCOTLAND) BILL: FINANCIAL RESOLUTION	27705
<i>Motion moved—[Hugh Henry.]</i>	
DECISION TIME	27706
LOCAL FOOD IS MILES BETTER CAMPAIGN	27716
<i>Motion debated—[John Scott].</i>	
John Scott (Ayr) (Con)	27716
Ms Maureen Watt (North East Scotland) (SNP)	27718
Ms Rosemary Byrne (South of Scotland) (Sol)	27719
Nora Radcliffe (Gordon) (LD)	27720
Stewart Stevenson (Banff and Buchan) (SNP)	27722
Eleanor Scott (Highlands and Islands) (Green)	27723
Dr Jean Turner (Strathkelvin and Bearsden) (Ind)	27724
Mr Jamie McGrigor (Highlands and Islands) (Con)	27725
Rob Gibson (Highlands and Islands) (SNP)	27726
Mr Andrew Arbuckle (Mid Scotland and Fife) (LD)	27727
Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP)	27728
Mr Mark Ruskell (Mid Scotland and Fife) (Green)	27729
Christine Grahame (South of Scotland) (SNP)	27731
The Minister for Environment and Rural Development (Ross Finnie)	27732

Oral Answers

Col.

QUESTION TIME

SCOTTISH EXECUTIVE	27626
---------------------------------	-------

GENERAL QUESTIONS	27626
--------------------------------	-------

A9 (Safety)	27627
Breastfeeding	27633
Cancer Costs Study (Executive Response)	27628
Care Homes	27626
Concessionary Bus Travel (Monitoring)	27629
Corporate Homicide	27632
Renewable Energy (Support)	27631

FIRST MINISTER'S QUESTION TIME	27634
---	-------

Agricultural Exports (China)	27642
Cabinet (Meetings)	27636
Executive Agency Relocations	27639
General Practitioners (Numbers)	27641
Prime Minister (Meetings)	27634
Social Work (Dumfries and Galloway)	27643

QUESTION TIME

SCOTTISH EXECUTIVE	27646
---------------------------------	-------

EDUCATION AND YOUNG PEOPLE, TOURISM, CULTURE AND SPORT	27646
---	-------

Autism (Applied Behaviour Analysis)	27653
Bilingual Learners (Schools)	27649
Class Sizes	27646
Mountain Biking (Support)	27651
School League Tables	27647
Teachers (Funding)	27648

FINANCE AND PUBLIC SERVICES AND COMMUNITIES	27654
--	-------

Best Value	27655
Central Heating Programme	27658

Local Government Funding	
(Free Personal Care).....	27654
Local Income Tax	27656
West Dunbartonshire Council	
(Community Ownership Programme).....	27661
Youth Projects (Funding).....	27657

Scottish Parliament

Thursday 14 September 2006

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

Health

The Presiding Officer (Mr George Reid): Good morning. The first item of business is a debate on motion S2M-4784, in the name of Shona Robison, on health.

09:15

Shona Robison (Dundee East) (SNP): The debate is not about saying no to any change. It is not about refusing to recognise some of the real challenges that face our health service and it is not about rejecting the Kerr report. The debate is about Parliament sending out a clear message that it believes that the process involved in Lanarkshire Health Board deciding to downgrade accident and emergency services at Monklands hospital was fundamentally flawed and that that has resulted in a deeply flawed decision.

Monklands is one of the best performing A and E units in Scotland. It meets the four-hour waiting target in 94 per cent of cases and it is the most cost-effective unit: it has had the lowest cost per attendance and the lowest increase in cost over the past five years.

Only four years ago, the facility at Monklands received a £4 million investment and it has developed some effective and innovative ways of delivering its accident and emergency services, which is all to the benefit of patients. When I visited the unit I was struck by the dedication and loyalty of its staff. They are a credit to the health service, which makes the decision all the harder to understand.

The hospital serves some of the poorest communities in Scotland, which have some of the lowest levels of car ownership. That makes it difficult for people to jump in their car and travel to the proposed alternative sites, which will have a consequent effect on the ambulance service in the area. More than 17,000 emergency admissions were made to Monklands in 2005. The fact that many of those people will have to be transported across Lanarkshire by ambulance will put the ambulance service under enormous pressure.

The move will have serious knock-on consequences for the other Lanarkshire hospitals, which are already experiencing pressures. Monklands A and E is the busiest unit. Under this

proposal it will join the second busiest unit, at Wishaw, which will result in huge pressure on the service.

In June the Scottish National Party released figures that showed that Wishaw general hospital was running at more than 20 per cent over capacity. It was designed to treat 50,000 people a year, but more than 61,000 patients passed through its doors last year. Furthermore, back in April it emerged that Wishaw's A and E department had clocked up one of the longest delays recorded in Scotland when a patient was held up for almost 20 hours. It is clear to me that further reducing A and E capacity in Lanarkshire will serve only to make the situation worse, which is why we believe that there is a case to be made for the retention of all three A and E departments.

The decision betrays a lack of joined-up thinking and planning and it will lead to added pressures on Glasgow royal infirmary and the new-build hospital at Larbert. Given that NHS Greater Glasgow and Clyde is in the middle of a beds review process, the decision will impact heavily on its estimations of what is required. Furthermore, the new hospital at Larbert, which might be expected to bear the burden of referrals from the Cumbernauld area, would need to expand by 20 per cent to do so effectively. The preferred bidder has already been selected for Larbert, based on the tender needs of NHS Forth Valley alone. Best value can no longer be guaranteed if the proposed A and E services need to expand, as the preferred bidder now has an effective monopoly on any change to the plans.

What about the process? In the new post-Kerr world, the bad practice of health boards consulting on plans when they had already made their mind up was supposed to be a thing of the past; there is a duty on health boards to consult properly. The Minister for Health and Community Care stated during the debate last year:

"I expect people to be consulted about the case for change, and the options for change, long before a preferred solution is reached."—[*Official Report*, 25 May 2005; c 17155.]

However, it seems that the bad old days are as much with us as they ever were. NHS Lanarkshire has had a preferred solution right from the start. The consultation process was a sham that sought to sell a predetermined option to an increasingly sceptical public. The decision is unacceptable to the people who use the hospital and is viewed with concern by many who work in it. It is high time that some democracy was put back into health boards. The SNP will do that by making health boards directly elected bodies.

Why did the set of so-called options put forward by the health board all lead in one direction: to the closure of Monklands A and E? As we all know,

the reasons had little to do with clinical priorities and everything to do with finance. NHS Lanarkshire is running an £8.4 million deficit, which is the worst financial performance of any board in mainland Scotland. It is clear that that deficit has been one of the driving forces behind the decision.

The other key issue concerning finance is the fact that the other two Lanarkshire hospitals were built under the private finance initiative. The fact that managers are tied into the remaining 25 years or so of the PFI contract has grossly distorted the decision-making process. All things have not been equal when the options have been weighed up in this case.

The inherent inflexibility of the PFI contracts means that the hands of policymakers are tied for years to come. The Hairmyres contract alone runs to 350 pages and it governs everything from how many porters will be employed, to getting a light bulb changed. That squeezes out flexibility, abandons common sense and ensures that any proposal to reorder services around PFI facilities becomes from the outset an exercise in financial damage limitation.

All those factors are considered in private well before the issue that matters most: the good of the patient. All are considered before the conjuror's three-card trick that passes for a consultation even sees the light of day.

The decision is a bad one, which the Executive must re-examine and reverse. We have no problem with Karen Whitefield's amendment but, in order to get to vote on it, she and others who support her amendment will have to defeat the Executive amendment. Otherwise, her amendment will be pre-empted. I am sure that Karen Whitefield understands that point and will vote accordingly.

Today is an opportunity for Parliament to make a stand against bad decision making and the erosion of local services. I urge members to put the interests of patients first and foremost by supporting the motion in my name.

I move,

That the Parliament does not accept the case put forward for the downgrading of the accident and emergency unit at Monklands Hospital and calls on the Scottish Executive to re-examine its decision to approve this downgrading.

09:22

The Deputy Minister for Health and Community Care (Lewis Macdonald): The debate is about how to modernise the national health service in Lanarkshire, how best to provide emergency services for patients and the future role of Monklands hospital. Those issues must be

addressed in the context of our national policy for Scotland's NHS, on which, as Shona Robison indicated, members of this Parliament have already had a say.

As Shona Robison indicated, the publication of the Kerr report was broadly welcomed in the chamber last year. In October, members supported the Executive's response to that report, "Delivering for Health", by a substantial majority.

When we debated "Delivering for Health" there was widespread understanding of and agreement on the key principles on which we needed to base future services. Those include the need to shift the balance of care, so that we rely less on acute hospitals and provide more local services geared towards the management of long term conditions; the need to tackle health inequalities by anticipating and preventing problems, rather than waiting until a person is seriously ill; the need to streamline emergency care and provide the majority of such care in community casualty units while developing more specialised A and E departments that can concentrate on the most serious cases; and the need to separate planned from emergency care so that we can make the best use of facilities, cut down on cancellations and reduce waiting times for patients even further.

Donald Gorrie (Central Scotland) (LD): Will the minister give way?

Stewart Stevenson (Banff and Buchan) (SNP): Will the minister give way?

Lewis Macdonald: I will give way to Mr Gorrie.

Donald Gorrie: Can the minister give an assurance on two points, which might help to ease local concern? First, could the Executive ask the audit authorities to examine the various figures that are being quoted about the costs of either keeping Monklands A and E department open or closing it, as compared to the other two hospitals? Secondly, can the Executive guarantee a much improved bus service to help patients and their relatives from the Monklands area who would have to continue to attend Wishaw general hospital and Hairmyres hospital after their initial A and E treatment?

Lewis Macdonald: I understand that Elaine Smith, whose constituency is in the area, has asked the Auditor General to consider the matter. His response is of course a matter for him, but if he chooses to take up her invitation all appropriate figures will be made available to him.

The answer to Mr Gorrie's second point, on transport, is yes; we will ensure transport provision.

Stewart Stevenson: The minister said that we should rely less on acute services and make more of local delivery. Will he comment on that in the

context of maternity services in the NHS Grampian area, where the trend appears to be entirely in the opposite direction?

Lewis Macdonald: I will resist the temptation. No doubt Mr Stevenson will attend Mike Rumbles's members' business debate on maternity services in Aberdeenshire next week, when he will have another opportunity to ask me about the matter. In this debate we are discussing acute services—[*Interruption.*] We are discussing acute services in Lanarkshire, as Mr Stevenson and Mr Swinney know. It is clear that, throughout Scotland, NHS boards must embed the principles of "Delivering for Health" in the design and delivery of local services. As happens when there is any significant change in the way in which public services are delivered, we recognise that turning those principles into reality will involve hard choices that will sometimes be difficult for communities to accept. That is why I wanted to see for myself what was happening in Lanarkshire, so that I could understand the issues and choices.

Cathie Craigie (Cumbernauld and Kilsyth (Lab): Communities would find decisions easier to accept if they thought that they had had meaningful involvement in the consultation process. Why did NHS Lanarkshire and the minister ignore the views of the thousands of people in Cumbernauld, Kilsyth, Coatbridge and Airdrie who signed petitions in support of the retention of A and E services at Monklands hospital?

Lewis Macdonald: I assure Cathie Craigie that I did not ignore those people's views—far from it. As I will explain, I have attempted to strengthen the proposals that relate to those parts of Lanarkshire, to ensure that people's concerns are fully reflected as we go forward.

When I visited hospitals in Lanarkshire in June, what struck me most was the poor quality of primary care in North Lanarkshire, which meant that many people were bypassing primary care and presenting directly to hospital A and E departments. People often presented to A and E very late in the development of a long-term condition, although their conditions would have been far better managed through early intervention by their general practitioners.

Like Mr Stevenson and other members, I use health services in NHS Grampian. On close examination of the services in Lanarkshire it was clear to me that there were areas in which significant improvement and modernisation was required. The test that I applied to NHS Lanarkshire's proposals was whether they would deliver the improvement and modernisation that is needed. I am conscious of NHS Lanarkshire's commitment to use the proposals in its document, "A Picture of Health", as the basis for a better

quality health service than Lanarkshire has ever had before. I will hold the health board accountable for that commitment.

Alex Neil (Central Scotland) (SNP): During his consideration of the issues, why did the minister ignore the views of the tens of thousands of people in Lanarkshire who are utterly opposed to the board's daft proposal? Many of those people attended public meetings and at every meeting, people universally opposed the daft proposal.

Lewis Macdonald: Far from ignoring the views that were expressed at those meetings and elsewhere, I have taken those views into account in my response to the board's proposal. I have imposed a number of additional requirements that NHS Lanarkshire must put in place before it makes any change to A and E provision at Monklands hospital and elsewhere.

First, the necessary investments in primary care must be brought forward. I made it clear to the board that I expect early progress on new primary care premises, in Airdrie and in Coatbridge in particular. I am pleased to report that initial agreement on Airdrie resource centre has been reached, which is a necessary first step. We have brought forward capital funding to facilitate such developments.

I also made it clear that I expect the board to focus on reducing avoidable A and E admissions in the most deprived communities of North Lanarkshire, as part of the prevention 2010 initiative. I agreed to the early deployment of 43 additional paramedics and ambulance technicians by the Scottish Ambulance Service in Lanarkshire. I also required the provision of a shuttle bus service between the three Lanarkshire hospitals.

I made it clear to the board that necessary additional capacity at Hairmyres hospital and Wishaw general hospital, which Shona Robison mentioned, must be in place before any changes are made to the service at Monklands hospital and that the community casualty unit at Monklands should operate 24/7. I also required that community casualty units should be in place in Cumbernauld and Lanark. I also set expectations for regional planning by NHS Lanarkshire and other health boards in the west of Scotland.

Finally, in order to make crystal clear my expectation that Monklands hospital will continue to provide a full range of appropriate services as an integral part of NHS Lanarkshire, I announced that up to £100 million would be provided in the NHS Scotland capital programme, for the regeneration of Monklands hospital.

That programme of action requires NHS Lanarkshire to deliver measures to ensure that necessary improvements are in place before changes are made to A and E provision. The

programme guarantees the future of Monklands hospital and provides the step change in improved health care that the people of Lanarkshire need and deserve.

I move amendment S2M-4784.2, to leave out from “does” to end and insert:

“reaffirms its support for Delivering for Health as the basis for service change in NHS Scotland; commends its commitment to shifting the balance of care to provide more safe and sustainable local services including the separation of scheduled and unscheduled care; notes the commitment of local communities to their health services and natural concerns when long-established services are changed, and remains committed to an NHS Scotland which responds to changes in the demands placed upon it.”

09:31

Karen Whitefield (Airdrie and Shotts) (Lab): I welcome the opportunity to speak to the amendment in my name, not least because I want to speak out against the crass political opportunism of the Scottish National Party.

The SNP's approach to the reconfiguration of hospital services in Lanarkshire and throughout Scotland gives a new, rather desperate meaning to the term, “ambulance chasers”. It saddens me that SNP politicians such as Shona Robison and Alex Neil treat the recent decision by NHS Lanarkshire as nothing more than an opportunity to score cheap political points.

Carolyn Leckie (Central Scotland) (SSP): Will the member give way?

Karen Whitefield: No. Only a year or so ago, the SNP acclaimed the recommendations in the Kerr report, but the party now appears to oppose some of the report's central tenets, such as the separation of planned and emergency surgery and the introduction of casualty units to take the strain away from A and E departments.

Ms Sandra White (Glasgow) (SNP): Will the member give way?

Karen Whitefield: In the debate on “Delivering for Health” on 27 October 2005, Shona Robison said:

“The Scottish National Party welcomes the broad thrust of the Kerr report and the Executive's response to it.”

She went on to say:

“We agree with Professor Kerr that there has to be a separation of scheduled and unscheduled care.”—[*Official Report*, 27 October 2005; c 20035-37.]

Shona Robison: Will the member give way?

Karen Whitefield: Sit down, Shona, you have had your chance and all you did was parrot my words—[*Interruption*.]

The Presiding Officer: Order. Let us get back to the core purpose of the debate.

Karen Whitefield: Alex Neil, in his press release on 28 March, said:

“In no way is ... the complete centralisation of planned care a positive thing.”

Shona Robison shed crocodile tears this morning and she visited Monklands hospital yesterday—she did not even do me the courtesy of telling me that she was in my constituency—but where was she during the consultation? Alex Neil would show up at consultation meetings but he would not stay until the end, because he had other things to do. He did not even bother to make a submission to the consultation. That is what passes for conviction politics in the SNP, but I have another name for it: contradiction politics. It is the politics of hypocrisy—[*Interruption*.] No matter how much SNP members shout, they will have to listen.

I understand and accept the need for change and modernisation in our health service. I welcome the minister's commitment to invest in Monklands hospital and to ensure that a shuttle bus service is put in place between Monklands hospital and the other two hospital sites. I welcome his commitment to have the Airdrie resource centre built as soon as possible and to recruit additional ambulance staff. I will hold the minister to his commitment that no changes will be made to A and E services in Lanarkshire until the necessary additional emergency care capacity is in place at Hairmyres hospital and Wishaw general hospital. Given the continuing capacity problems at the A and E departments at Hairmyres and Wishaw, I am not convinced that the minister's commitment can be delivered.

I make clear this fundamental point: the decision that NHS Lanarkshire took and that the minister endorsed is flawed and wrong. The decision to downgrade Monklands A and E is contrary to the core principles that Professor Kerr set out. The board and the minister have decided to downgrade Lanarkshire's most efficient and effective A and E department and to relocate the service within two hospitals that are struggling to cope with current demand. They have chosen to remove an accident and emergency department from the heart of a large community that has some of the worst health statistics in Scotland and suffers from some of the worst deprivation in the country. They have failed to take into account the serious effect that the decision will have on Wishaw, Hairmyres and Glasgow royal infirmary.

My constituents do not understand the decision and neither do I. That is why, with my colleagues Cathie Craigie, Elaine Smith and Donald Gorrie, I firmly believe that the wrong decision has been made on downgrading and I call on the minister to reverse his decision and maintain full accident and emergency services at Monklands hospital.

I move amendment S2M-4784.3, to leave out from “and calls on” to end and insert:

“supports the need to modernise our National Health Service as outlined in *Delivering for Health*; acknowledges the investment and commitment of the Scottish Executive to improve health services across the country, and calls on the Scottish Executive to reverse its decision to approve the downgrading of accident and emergency services at Monklands.”

09:36

Mrs Nanette Milne (North East Scotland) (Con): The fact that I speak in support of the SNP’s motion is a clear indication of concern across the parties about the continuing reconfiguration of NHS services in Scotland. The debate focuses on the concerns of people in Lanarkshire about the provision of accident and emergency services in their area, but it also opens up the issue of service redesign in the NHS. Communities throughout Scotland face major changes in provision, some of which are welcome and others of which provoke sustained anger and opposition of the kind that we have witnessed on the proposed closure of the accident and emergency unit at Monklands.

As a North East Scotland member, I am not familiar with the detailed geography of Lanarkshire, so I intend to speak in more general terms and leave the detail to my colleagues. Some months ago, I took part briefly in the debate on the Lanarkshire united health for all campaign, which was brought to the chamber by Carolyn Leckie. During that debate, it became clear not only that there was concern about the proposals to close the busiest accident and emergency unit in the most deprived part of Lanarkshire, but that there was fury that the consultation that was under way at the time did not even allow consideration of the status quo.

At that time, there was cross-party support from local members—Elaine Smith, Cathie Craigie, Karen Whitefield, Margaret Mitchell, Carolyn Leckie and Alex Neil—who all made their concerns and opposition to the closure of the Monklands accident and emergency unit clear to the minister. They did not do that lightly and they had significant backing from medical opinion in the area. Then the announcement came that the Monklands unit was to close.

More recently, I sat in on a similar debate about NHS hospital provision in the Borders. Again, there was cross-party support that was backed up by medical opinion and a strong case for the retention of services was put to the minister. The announcement that Coldstream and Jedburgh cottage hospitals face closure came weeks later.

In Grampian, we have a continuing campaign against the health board’s decision to close the

midwife-led maternity units in Fraserburgh and Aboyne and to focus instead on community midwifery. Again, there has been major community involvement and cross-party support and, next week, there will be a debate on the subject in the name of Mike Rumbles. In that case, campaigners felt that the consultation process was merely cosmetic and, in their support, the Scottish health council initiated further consultation. NHS Grampian’s proposals are currently with the minister, and we await the outcome with interest.

There is also massive opposition to proposed changes in the accident and emergency services in Ayrshire. I have no doubt that John Scott will deal with that when he speaks later on.

There clearly have to be changes in NHS provision to meet the demands of modern health care, and health boards throughout the country are having to redefine their services. Some older and cherished hospital buildings may have to go because they are no longer fit for purpose, and people will mourn their loss. However, if there is serious concern about proposed changes, if whole communities genuinely feel that consultation is not meaningful and if responsible elected members across the parties are totally supportive of local opinion, ministers must be wary of taking decisions that go against that opinion.

Consultation is all very well but, if the weight of public opinion is set aside at the end of it, the public will rapidly become even more cynical and disillusioned than they are at present. The public perception of the health service is that it is becoming far too centralised. People are extremely worried about the loss of facilities close to home and, far from feeling that they are involved in service redesign, they feel that they are simply being ignored and brushed aside. Monklands seems to me to be a classic example of that and, to use the terms of the motion, I urge the Scottish Executive to re-examine its decision to approve that closure.

09:40

Euan Robson (Roxburgh and Berwickshire) (LD): As has rightly been said, the debate takes place in the context of the Kerr report. It is helpful to have on record Shona Robison’s opening remarks on that report, which, to be fair, were a repetition of what the SNP said when the Parliament debated it and “*Delivering for Health*”. As the minister said, the Kerr report was accepted by the Parliament.

Shona Robison: I have no problem with repeating what I said about the Kerr report. I understand it as backing the provision of local services. If Euan Robson interprets it somewhat differently, I am afraid that we have different interpretations of what Kerr said.

Euan Robson: I do not dissent from the point that Shona Robison made—that the report is about delivering more services locally. Of course, it is also about service redesign, and Kerr envisages change; we cannot escape that conclusion. In fact, I would go so far as to say that redesign of services would take place even if there had been no Kerr report and the subsequent Executive response. We know full well that there are a number of buildings in the NHS that are no longer fit for purpose. We know full well that there is major population change in some communities, which means that services have to be redesigned, and there are also changes in medical practice. It is right that more local services should be more locally delivered and that there should be an emphasis on anticipatory care. Indeed, as specialism develops, there will be more specialised A and E departments, which will mean that there will have to be fewer of the highly specialised departments than in the past.

The consultation process in Lanarkshire is said to have been flawed. I have experienced in my constituency a consultation process that was said to be flawed. There is a common denominator in some of the consultations: a strong suspicion in the local community that the relevant board has made up its mind beforehand. If a board is minded to decide in one direction or another, it would be far better for it to say so up front. The consultation would then be about what the board wanted to do, the other options that were available and the reasons that the board had chosen one option rather than another. The Scottish health council, which has been set up to monitor such consultations, must make that clear.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): The Grampian consultation has been mentioned. There is nothing wrong with that consultation; it has been really good and effective and has engaged the local community. The point is not that the consultation process is wrong, but that the board pays no attention to the results of the consultation. That is the problem.

Euan Robson: That is precisely the point that I am trying to get at. There have been exhaustive consultations, endless meetings and endless documents but—let us come to the point—the board has made up its mind in advance. However, if it had said at the outset what its proposal was, rather than saying that no conclusion had been drawn and that the consultation was open, consultees would be clear about what they were dealing with. I defer to Mike Rumbles's greater experience of the Grampian consultation.

I would be grateful if the minister would clarify whether the deliberations took account of the Monklands closure's potential knock-on effect on other authorities' accident and emergency units.

We have had a lot of discussion about the Monklands unit being one of three accident and emergency units in Lanarkshire, but Lanarkshire is not an island. There are other, neighbouring health authorities and I would be interested to know precisely what was said in the deliberations about the knock-on effect in Forth Valley, Glasgow and further afield. If it is the case that there will be serious implications elsewhere, there is a duty on the Executive to recognise that and, perhaps, intervene in the form of investment. The minister can deal with that in his summing up.

I welcome the investment that has been made in the community, the transport infrastructure, the shuttle bus service, the additional ambulance staff and the additional capacity that has been put in place. I also welcome the £100 million regeneration money for the hospital. That is a significant sum of money in anyone's language.

I believe that the Auditor General should have a look at these figures. It would be helpful if the minister were to express more enthusiasm for that. If, at the end of the day, the figures are seen to be robust, that is fine and we can proceed on a sound basis. If they are not, there are implications.

09:46

Ms Sandra White (Glasgow) (SNP): I was absolutely appalled by Karen Whitefield's rant. It merits no reply from me. The people of Lanarkshire can reply to her; I have no time to do so today.

With all due respect, I say to the minister that his amendment is one of the most insipid that I have ever seen. It does nothing to alleviate the fears of the people of Lanarkshire about the downgrading and eventual closure of Monklands.

Cathie Craigie: Will the member take an intervention?

Ms White: No; I was not allowed to intervene earlier.

As Euan Robson said, this Government has continually avoided dealing with the impact of the downgrading of Monklands A and E unit on other areas, particularly on Glasgow royal infirmary. The decision to downgrade Monklands was taken without any studies being conducted into the effect that the decision would have on Glasgow. That is worrying, particularly as Glasgow is downgrading to a position in which it will have only two full A and E units. NHS Lanarkshire said that, during the consultation, it was able to tell patients what hospital they would go to in order to avoid overcrowding other hospitals. However, anyone who is in an emergency will go to the nearest hospital, which, for people in the area that we are discussing, is Glasgow royal infirmary. They will

not be guided by lectures from the health board. One of my worries about the proposal with regard to Monklands is the impact that that will have on Glasgow and other areas. We must have a real debate on this issue so that we may re-examine the decisions that have been taken and—I hope—overturn them.

I said that Glasgow was downgrading to a position in which it will have only two full A and E units. It is also downgrading Victoria and Stobhill as well. That will take place in 2009. The redevelopment of Glasgow royal infirmary is not anticipated to take place until 2013. The decisions that are being made will put even more strain on our services in Glasgow and the wider area. The GRI is currently operating at 80 per cent of its capacity and Victoria and Stobhill will also have to cope with an influx of patients if Monklands closes down. Currently, Victoria deals with more cases than the GRI does, and Monklands deals with about the same amount of cases as the GRI. It does not take an expert to work out that a disaster is about to happen. I pointed that out to the minister in a question that I put to him on 4 May this year. Before Monklands hospital was opened, the GRI was running at 150 per cent of its capacity. We cannot possibly go back to that situation.

The “Delivering for Health” document, which has been mentioned, is all very well, but Glasgow royal infirmary cannot cope with the extra influx. I am not scaremongering when I say that lives will be put at risk if something is not done about the situation.

I find it incomprehensible that one of the most major impacts of the downgrading of Monklands—the effect that that will have on surrounding areas—was not mentioned until a week before the consultation closed. That makes me wonder whether there is a legal ground for challenging the health board’s decision.

The minister has to consider the situation seriously. The views of the Scottish health council and the bodies that I would call quangos that this Government has set up are being taken into account. However, surely the public should have the final say. They are the ones who will suffer as a result of a bad decision being made.

The figures for the money that was spent by the health board on the hospitals—£56 a head at Monklands, £70 at Wishaw and £72 at Hairmyres—show that Monklands was the cheapest to run. Why, then, was a decision taken to close it down?

I ask the minister to address, in his summing up, the issue of the admissibility, or inadmissibility, of the consultation, given the fact that the major issue of the impact that the downgrading of

Monklands would have on the rest of Scotland was not mentioned until a week before the end of the consultation.

09:50

Janis Hughes (Glasgow Rutherglen) (Lab): I welcome the opportunity to speak in this debate mainly because I think that it is important to put the record straight with regard to the SNP’s record on health.

As the Deputy Minister for Health and Community Care said, when we debated “Delivering for Health” last year, there was agreement in this chamber on its key principles. Indeed, when we debated the same issue earlier this year, Mr Swinney, speaking on behalf of the SNP, said:

“At the heart of the conclusions of the Kerr report are the aspirations of promoting local access to services and balancing local delivery with the need to have centres of excellence that provide high-quality, modern, specialist care. I do not think that that is a definition that anyone could disagree with if they believe in a health service that respects the desire of individuals to be treated as close to home as possible but which is clinically safe.”—[*Official Report*, 18 May 2006; c 25747.]

Alex Neil: Will the member give way?

Janis Hughes: I do not think that Mr Neil disagrees with his colleague. In any case, he will have a chance to make a speech soon.

I took Mr Swinney’s words to mean that he is not averse to change. Indeed, we have heard from Ms Robison this morning that the SNP’s motion is not about rejecting change. However, funnily enough, when change was proposed in Glasgow, the SNP objected to it as well, as we have heard from Sandra White.

Achieving change often means making difficult decisions. Having been through the acute service review in Glasgow some years ago, I understand only too well how emotive an issue this can be. In general, people like what they are used to and we have not been good at providing information in advance of any proposed change to explain why it is necessary and how it will benefit people.

I believe that the Kerr report helped a great deal with that, as it went a long way towards explaining why change is not always a bad thing. Change is often driven by necessity, and I do not believe that anyone on the Labour benches campaigned for the status quo on health provision in Lanarkshire, as Karen Whitefield said. Unlike some others in this chamber, we understand the serious point that change must happen and do not simply use it for political opportunism.

Month after month, the First Minister is challenged in this chamber on the issue of waiting times. Health spending is at an all-time high and

investment in staff and diagnostic equipment is unprecedented. However, money alone will not deliver the improvement in delivery that the Opposition calls for.

John Swinburne (Central Scotland) (SSCUP): Will the member give way?

Janis Hughes: No, I will carry on.

Changing the way in which we deliver health care to streamline the patient journey, establishing community casualty units where those with minor injuries and ailments will not have to wait for hours before being attended to, separating planned and emergency care so that cancellation of surgery will not cause the distress that it so often causes at present, introducing one-stop shops for care, so that assessment, diagnosis and treatment can be carried out on the same day—these are the things that will improve our health provision and make a difference to people's lives.

If this debate today is important, why are we devoting only half a morning to it? If the SNP is committed to the health of the people of Lanarkshire—and we have heard its members speak a lot about that in recent days—surely the party could have given all its time to the issue this morning. Instead, it has chosen to use a local situation for political gain. People will make up their own minds about that. Labour's record on health shows our commitment to the people of Scotland. Perhaps it would be better if the SNP told us what it would do better, instead of just criticising other people's decisions.

09:53

Dr Jean Turner (Strathkelvin and Bearsden) (Ind): It is clear that all politicians defend hospitals and support campaigners. They all want to keep their hospitals open and we all know that change has to take place. I have worked in the NHS for 35 years and change constantly took place throughout that time, so I am used to it.

We have to be clear about what is best for the patient. We should never close a service or decide to shut something down until there is something better to put in its place. We must ensure that what is being provided is at least as good as what was there before, if not better.

Elaine Smith (Coatbridge and Chryston) (Lab): Will the member give way?

Dr Turner: I am sorry, but I have only four minutes and I have a lot of points to cover.

The service that is provided has to be accessible. Transport is essential. The proposal that we are discussing will have an impact on Glasgow. The Health Committee heard that it is easier for the people who currently go to Monklands to get transport to that hospital than it

is for them to get to other hospitals. I do not know whether a shuttle bus will suffice.

What we have heard confirms my suspicion that overcapacity is a serious problem. No hospital should run at more than 80 to 85 per cent capacity. If they do, they run into difficulties, such as infection. At present, there is not enough capacity in our system—for example, we are putting into general wards people who should not be in those wards. The other day, I heard about somebody who had had a serious plastic surgery operation. They had a problem, were admitted to Glasgow royal infirmary but ended up in an ordinary ward. That is tantamount to disaster. The minister should listen to the people and to the consultants and others who work in the service. It is simply bad practice to run a hospital at over its capacity.

We have had innovative change. Stobhill hospital was cost effective and made lots of innovative changes, but that does not save hospitals. What comes into the equation is money. Health boards have to find the money for public-private partnerships before they find money for services elsewhere. I agree that Hairmyres should increase in size, because the Southern general will be the only general hospital in the south of Glasgow, from which Hairmyres is at the opposite end. There will be no services to the people in Newton Mearns. Lots of people, including people in my constituency, have already decided that they will go to the royal infirmary rather than through the tunnel to the Southern general.

We have managed to keep Stobhill's casualty department open despite the fact that Tim Davidson, who is the chap in charge of the NHS in Lanarkshire, wanted to accelerate the closure of the department. If he had done that, he would have changed the status of the general hospital and left himself without a hospital that he very much needs at the moment.

The minister is right to say that the consultation was okay, but what is the point of consultation if nobody is listening, if nobody takes things on board and if, financially, the only option is to spend the money in one direction? The minister is being dishonest with the people. He should not have consultation at all. The situation was summed up for me at one of the consultation sessions when a health board member in my group said, "It's so good to have you all here to consult. I think our problem has been that we haven't got our message across to you." I say to the minister that many of the people who live in Lanarkshire and greater Glasgow and Clyde may be deprived in some ways—in economic matters—but they are not stupid and they understand what the health boards are doing. They understand the need to have services close to home.

We cannot do everything in primary care. It is cheaper and better to do things in primary care, but we need to put in the services so that those things can be done. It is not safe to prevent staff from admitting people to hospital to cut down on accident and emergency admissions because that puts pressure on clinicians. The minister must rethink. We should not close anything until we have provided something better.

The Presiding Officer: I call Margaret Mitchell, to be followed by Carolyn Leckie.

09:58

Margaret Mitchell (Central Scotland) (Con): At the MSP briefing prior to the launch of the consultation "A Picture of Health", NHS Lanarkshire included as one of the options to be consulted upon the retention of all three accident and emergency departments, although it was made clear that that was not the board's favoured configuration. Subsequently, retention of the status quo was not included as an option when the consultation was launched, because it was becoming obvious, even at that early stage, that the status quo was the favoured option of the vast majority of people—and, crucially, users of the service in Lanarkshire.

Rather than keeping the option and persuading people by the power of its arguments, the board dropped the option and, in so doing, rendered the consultation nothing more than a marketing exercise and an attempt to sell a pre-determined option. For that reason alone, the minister should re-examine the decision to approve closure. The option to retain all three accident and emergency departments was not included in the formal consultation, yet the fact of the matter is that, at every public meeting, the public wanted to discuss that option.

The board's arguments for closure do not stack up. The assertion that it would not be financially viable to retain the departments fails to take into consideration the fact that a fully equipped, modern accident and emergency department at Monklands hospital would attract patients from Glasgow, where, as has already been stated, the five departments are to be reduced to two. I am disappointed that the board has failed to be proactive in that regard.

The claim that it would not be possible to attract appropriate clinicians to staff the three departments is simply not true. The necessary training could be put in place now to ensure that clinicians are available, and they would most certainly be attracted to a modern and well-equipped department.

Mr Duncan McNeil (Greenock and Inverclyde) (Lab): Does the member believe that consultants should be forced to work every weekend?

Margaret Mitchell: That is, frankly, a pathetic excuse. I believe that we can put through enough consultants now if there is the political will to do it.

The assertion that a better standard of care would be delivered by retaining two accident and emergency departments and one elective department is irresponsible, for the following reasons. In the event of closure of the accident and emergency department at Monklands, there are no direct public transport links from communities such as those in Cumbernauld, Chryston, Stepps, Moodiesburn, Gartcosh, Kirkintilloch and Lenzie to the nearest accident and emergency department, which would be in Wishaw. It is not certain that the required public transport improvements can be delivered and the board acknowledges that, hence its fallback position to provide inter-hospital shuttle buses. That would be expensive and the board admits that it would take funding away from patient care.

Furthermore, anyone, from BBC camera crews to individual commuters, who has tried to negotiate the Shawhead flyover or the East Kilbride expressway an hour either side of peak travel times in the morning or evening knows that they will have a lengthy wait in the traffic, which is almost certain to be gridlocked. Despite that, a full traffic impact assessment has still not been carried out, yet it seems that the minister has unquestioningly accepted the health board's assurances about projected travel times for blue-light ambulance services.

Time constraints do not permit me to go into more detail, but it is already glaringly obvious that the case for closure has most definitely not been made and that closure should not be approved. Even at this eleventh hour, it is not too late for common sense to prevail and for Labour and Liberal Democrat coalition members to reject the closure decision. All that is required is the political will.

10:02

Carolyn Leckie (Central Scotland) (SSP): There has been a lot of competition during the summer for the title of the biggest villain in the Parliament, but I think that Lewis Macdonald pipped it at the end of the summer with his decision to endorse NHS Lanarkshire's decision to downgrade services in Lanarkshire. We should remember that this is not just about accident and emergency services—I will come back to that.

The minister would have been far more inclined to support the public—who are well-informed, by the way—if his Labour Party colleagues had managed to unite themselves across Lanarkshire, never mind uniting with other parties to defend services for everybody in Lanarkshire. We have

the farcical situation of Labour Party members in East Kilbride defending Hairmyres hospital and Labour Party members in the Monklands area defending Monklands hospital. They are not honest enough to say that they support the NHS's proposals and it could not be made public that they accept that there should be only two accident and emergency departments in Lanarkshire. They have a completely dishonest position.

Cathie Craigie: Will the member give way?

Carolyn Leckie: No, I will not. Speak to your pal.

Cathie Craigie: On a point of order, Presiding Officer, the member has accused members of being dishonest. It is right that those members whom she is accusing have the opportunity to put her right and to show her dishonesty in the chamber this morning.

The Deputy Presiding Officer (Murray Tosh): Your means of doing so is to offer to intervene, which you did, and that was declined. I am sorry. That is the end of it.

Carolyn Leckie: I think that everybody knows the facts about the Labour Party positions in various constituencies. The public know the facts and they will remind Labour members of that in May 2007.

The debate is not just about accident and emergency services. There are a lot of issues. I met the minister and I have been involved in the Lanarkshire health united campaign, whose position is the status quo plus.

The issues are about the geographical separation of elective and emergency services, which does not have clinical research support. I am worried about the impact of that on the education and experience levels and the skill mix and so on of hospital staff over several years. As the minister knows, evidence is coming out from England about geographical separation and the impact that it has on the quality of care.

From the beginning of the consultation, the main issue has been about PFI and the constraints that it places on the health board and the flexibility of its budget. We know that Monklands is the only public hospital with enough land left for flexibility. It could be sold—no doubt for housing development.

John Swinburne: Will the member give way?

Carolyn Leckie: I cannot; I am sorry.

The Deputy Presiding Officer: The member is in her final minute.

Carolyn Leckie: When we look to the future, I predict that, unless the minister reverses the decision, the trends of PFI will show that the decrease in capacity that we have already

suffered in Lanarkshire will get worse, the decrease in the proportion of the budget spent on staffing will get worse and the ability of hospitals in Lanarkshire to cater for the demands placed on them will lessen. The people of Lanarkshire, particularly those who are most vulnerable, will have decreased—not increased—access to services.

The democratic deficit in this process is worrying and should send a warning to all the parties in the chamber: do not patronise the public by saying that they do not understand. A well-informed public is completely at odds with the health board, Government bodies and political parties. The public will vote with their feet. They have to be given democratic input into the decision on how their health service is configured. If that is not done, the current MSPs will be booted out.

The Deputy Presiding Officer: Given that the Presiding Officer called Ms Leckie, I honoured that commitment, but I am unable to call anyone else in the open part of the debate. I express my regrets for that, but I must now go to the closing speeches.

10:07

Elaine Smith (Coatbridge and Chryston) (Lab): It has been an interesting—if short—debate. To answer Sandra White's point, we would have had a better chance of a real debate if it had been a wee bit longer. Perhaps the SNP should have participated properly in NHS Lanarkshire's consultation process.

Unfortunately, there has been a lot of brinksmanship and political posturing this morning. Carolyn Leckie demonstrated some of that. Calling members of the Labour Party dishonest was utterly disgraceful. She then showed political opportunism by mentioning elections, because that is really what it is all about for her; for members on our benches, it is about health in Lanarkshire.

A key theme in the chamber is that all members are in favour of talking about change, but they are not in favour of any change at all when it comes down to it. Last October, when we voted on the Scottish Executive's action plan, "Delivering for Health", which has been widely mentioned, our vote was based on the service change proposals of the Kerr report. According to the motion, we were attempting

"to provide more safe and sustainable local services,"

for our constituents,

"to tackle health inequalities ... in our most deprived communities ... to benefit people wherever they live"

and to pursue "greater quality and productivity" in the NHS in Scotland. That is what we voted on,

and Janis Hughes outlined some of the positive changes that came after we voted on the Kerr report.

However, we did not sanction the potentially fatal blow that has recently been dealt to Monklands general hospital, which is the busiest, most efficient and most effective hospital in Lanarkshire, serving areas that have some of the worst health and deprivation records in Europe. I was interested to hear that a lot of Shona Robison's speech was comprised of what Karen Whitefield, Cathie Craigie and I have said in the past. She could have said something new, but she said nothing new at all.

I agree with Carolyn Leckie on one point. We did not agree to the blatant asset stripping of the only NHS-owned hospital in Lanarkshire by a health board that is intent on justifying the exorbitant guaranteed incomes that it pays to its PFI partners. We did not vote on that.

Last October, we would almost certainly have rejected such a fundamental change to service provision, the result of which could mean that the most deprived communities in Lanarkshire become further isolated and socially excluded in relation to access to local emergency care. That shift of provision has been decided without proper access to detailed service planning, outline or full business cases, comprehensive research or costings. The minister's amendment says that the Executive wants an

"NHS Scotland which responds to changes in the demands placed upon it."

We have to be clear that downgrading Monklands hospital does not do that. The fact that Monklands faces that downgrading is a disgrace. It undermines the very principles of the Kerr report and "Delivering for Health". We have said that since the beginning.

This is fundamentally the wrong decision for the people of Lanarkshire. The overarching aims of "Delivering for Health" are right, and I acknowledge the commitment to invest in the area. However, the minister's decision to support NHS Lanarkshire's plans to downgrade Monklands is based on biased, flawed and insufficient information provided to him by the board. Further, NHS Lanarkshire has utterly failed in its responsibility to consult service users, because it presided over a lavish public relations exercise in which it told the people of Lanarkshire what it was going to do; it did not ask them. Even more shameful, the exercise was distilled into a six-month period, so a critical decision that will impact on Lanarkshire and, as Euan Robson said, on Forth Valley, Glasgow and wider areas for generations to come has been rushed through without adequate scrutiny and planning and in the absence of a rational evidence base.

As mentioned, the minister knows that I have asked the Auditor General for Scotland to review the decision. The minister also knows that Karen Whitefield, Cathie Craigie and I have asked for an independent review, in the absence of which we have little choice but to call for a reversal of the decision. It should never have been made and we want the minister to reverse the decision and to take decisive action to guarantee the long-term future of Monklands hospital.

10:11

Margaret Smith (Edinburgh West) (LD): From the contributions made in the chamber today, it is quite clear that this is a very difficult issue, particularly for local members. I feel their pain and difficulty. It is more than a decade since the closure of the accident and emergency department at the Western general hospital in my constituency and people still write to me trying to get it reopened, but the world has moved on.

It is worth remembering many of the issues and drivers behind the need to redesign services. Workforce issues have evolved over time, such as the training required by junior doctors, the critical mass of patients that is needed for clinicians to build up levels of expertise and for risk to be assessed, the introduction of the working time directive and changes in demographics. There are a number of drivers behind the decisions that are being taken, not only in Lanarkshire but across the country.

There is also the policy background of the Kerr report, which many speakers have discussed today. The Kerr report is a fundamental document but it takes a broad-brush approach and is open to interpretation, which is always important. Each individual case should be considered on its own merits and set of circumstances. From what the minister said, it is quite clear that he has taken on board many of the issues in Lanarkshire. I note the comments that he made about the need to invest in primary care. Janis Hughes was right. Change is always difficult. It is not always wrong and it is not always right, but it is always difficult.

The minister has been given lots of advice during this interesting debate. I particularly enjoyed the advice that he got from Carolyn Leckie, who gave him and Labour MSPs a bit of a lecture about unity and speaking with one voice. That was quite interesting.

The important comment in the minister's speech was the assurance that he gave about making no changes to accident and emergency provision until there is extra capacity at Wishaw and Hairmyres. Jean Turner made the point that people would feel much happier about change if they felt that changes were already happening on the ground

before the old services were done away with. We really have to take that on board as we take Kerr forward.

Elaine Smith: Is it Margaret Smith's interpretation of what the minister said that no change will take place at Monklands hospital until such times as those provisions are firmly in place?

Margaret Smith: We will be able to hear that from the minister himself, but that is a question on which we would like clarification.

There has been a substantial investment of £100 million in Monklands, but one of the most important points that the minister made was about additional paramedics, which Margaret Mitchell talked about. Because of the centralisation of services at the new Edinburgh royal infirmary on the other side of Edinburgh, I have talked to NHS Lothian about the length of time that it takes people to get to a hospital. An important issue now is the length of time that it takes a paramedic to get to a patient. That is when health care starts. We need to ensure not only that there are enough paramedics but that they have the equipment that they need.

Margaret Mitchell: Will the member give way?

Margaret Smith: I cannot.

Transport has been mentioned by several members. I appreciate the point that the minister made about the provision of shuttle buses, but transport issues are important and cannot be lost sight of.

I end on the need for proper consultation and proper information. As local members, we are often bombarded with lots of information from clinicians who tell us lots of different things about these situations. We are lay people, not clinicians, so we always find it difficult to get to the bottom of the issue. I agree that further consideration needs to be given to the financial matters that Elaine Smith, Donald Gorrie and others mentioned. Perhaps the minister in his summing up can address those points about PFI. A more general point about which the Health Committee has had concerns for many years is that, going forward, we need to reform the way in which we consult on these matters. Otherwise, the public will lose faith completely in the NHS.

10:16

John Scott (Ayr) (Con): In today's debate on the proposed closure of the accident and emergency unit at Monklands, we have seen the Parliament operating at its best by holding the Government to account. We have seen members from all parties and all political views unite to express their concerns to the Liberal-Labour coalition about what they regard as flawed Government policy.

Entertainingly, we have heard Karen Whitefield both support and condemn her Government's policy in one paragraph of her speech. I suppose that we must reflect on Churchill's comment that consistency is the hobgoblin of small minds.

No one disputes the need to develop specialist services and centres of excellence in the west of Scotland, such as we have with cancer treatment at the Beatson, head injuries at the Southern general and heart surgery at Clydebank. That is accepted in the debate, as Shona Robison said in her opening remarks. However, where most people separate from Labour-Liberal coalition policy is in applying the concept of centralisation to A and E units. Nanette Milne, Sandra White and Jean Turner all made that point.

Health care professionals, including ambulancemen, paramedics, nurses and consultant staff all over the country, are telling planners that the policy will cost lives. That is what planners are being told in Lanarkshire, Glasgow, Ayrshire and elsewhere, as Sandra White also mentioned.

Regrettably, the people who will suffer most come from the areas of greatest deprivation. It is not a pretty sight to see a Labour-Liberal coalition Government disadvantaging most the communities that elected it to look after their health care needs. Shona Robison, Cathie Craigie, Margaret Mitchell, Carolyn Leckie and Elaine Smith all made that point in their remarks.

Consultation processes in Lanarkshire and Ayrshire have been a meaningless sham. The clearly expressed views of the public have been ignored and it is apparent that decisions were taken before the consultation process even began. Nowhere did that happen more than in Ayrshire and Lanarkshire, as Nanette Milne, Euan Robson and Jean Turner all highlighted.

John Swinburne: Will the member give way?

John Scott: No.

The Government is in danger of dogmatically following an inappropriate policy of centralisation of A and E services and ignoring the views of patients, medical staff and many of its erstwhile political colleagues. Politicians of all parties—including, most tellingly of the Government's own—have opposed the minister's view. Among those with the highest profile who have opposed the plans are John Reid, Robin Cook, Sandra Osborne and Brian Donohoe. Carolyn Leckie was correct to point that out.

Almost all the proposed closures of A and E units across the country are claimed to be justified in part by the fear that sufficient consultants may not be found to staff our hospitals in future. However, that is not a sustainable argument. Quite

simply, if we trained more junior doctors in Scotland—and did so in our hospitals rather than just in universities—we would have more consultants available when we need them. The recent failure to address what is a workforce planning issue should not be used to close A and E units across the country today. I tell the minister that this is a solvable problem and it needs to be addressed forthwith.

Finding the key people to run any enterprise is always a business risk, but our Government is throwing in the towel long before a significant problem even exists. The can-do attitude that is so evident in Scots elsewhere in the world needs to be instilled into our Liberal-Labour coalition Government and its NHS planners. They need to deliver the health care services that people across Scotland rightly demand.

I hope that the minister will reflect on views that have been expressed in the chamber today before it is too late for our A and E units in Monklands and Ayr. He must reconsider whether the path that he is pursuing is in the best interests of patients throughout Scotland.

10:19

Lewis Macdonald: At the heart of the debate is the critical question of what members believed that the Parliament voted for when it supported “Delivering for Health”.

Shona Robison said that the SNP supports the principles of the Kerr report, but the Kerr report is very clear about the fact that the way in which unscheduled care is currently delivered is unsustainable without reform. To maintain local services, we must

“develop ... community casualty units ... staffed by multidisciplinary teams to provide much of our urgent care needs 24 hours a day”

and create new centralised specialised emergency services.

Shona Robison: In our submission to the Kerr committee, we were very clear that we regarded A and E not as a specialist service but as a core service that must be delivered locally. For minor injuries units, the best model is the one that currently operates at Monklands hospital, where the minor injuries unit works alongside the A and E unit to reduce pressure on the A and E services.

Lewis Macdonald: I am glad that Shona Robison has seen the operation of the separation of scheduled and unscheduled care at Monklands hospital. We want to build on the effectiveness of that separation and take it forward. Indeed, the Kerr report states that, for the delivery of emergency care,

“A potentially generalisable model already exists in NHS Grampian”,

where Aberdeen royal infirmary is linked to local hospitals but provides focused A and E services for some 500,000 people. The Kerr report does not support the SNP position that such changes are okay in theory but that Lanarkshire does not need to change the way in which it provides emergency services.

Cathie Craigie: In correspondence, the minister has told my colleagues and me that no changes will be made to A and E services in Lanarkshire until all necessary additional emergency care capacity is in place. Today, he said that no change “should” be made. That is a big difference. Will he clarify what he means?

Lewis Macdonald: I understand the point that Cathie Craigie makes, which was also made by Jean Turner. The commitment that I have given, which I give again today, is that the new services that I have instructed the board to deliver will be in place before there are changes to the provision of A and E services. Clearly, all of that is subject, as it always must be, to issues of clinical safety but, with that proviso, I make that clear commitment, which I have imposed on the board. I give the commitment to Parliament today that we will bring forward the additional primary care investments. We will bring forward the investment to improve capacity at Hairmyres and Wishaw and we will bring forward that £100 million of investment in future provision at Monklands before we get to the point at which the configuration of A and E services at Monklands and the other hospitals is changed. Those are important and clear commitments.

We recognise the central significance of deprivation and the clear connections between social and economic deprivation and poor health.

John Swinburne *rose—*

Lewis Macdonald: I give way to Mr Swinburne.

John Swinburne: After about nine attempts, I am glad that my intervention has been accepted. Basically, Lanarkshire NHS Board is bankrupt. It has £818 million hanging round its neck like a millstone. Hairmyres hospital cost £67 million and Wishaw hospital cost £100 million, but the repayments will cost £1,080 million under this beautiful, pie-in-the-sky PFI/PPP deal.

The Deputy Presiding Officer: Minister, you must watch your time.

Lewis Macdonald: Mr Swinburne gives me the opportunity to respond to points that were made in the debate about the financial figures, which are an important issue. I am satisfied that the financial issues have been properly addressed in the process and I am satisfied that the sums add up.

The Deputy Presiding Officer: You have one minute.

Lewis Macdonald: It is fundamentally wrong to say that the changes are driven by cost; they are driven by the interests and needs of patients. I am happy to address the specific concerns that have been raised by local members, but it is critical to recognise that the purpose of the proposals, which ministers have endorsed with additional requirements, is to improve the quality of patient care. That alone is the driver of the changes and that alone was the deciding consideration for ministers' approval of the proposals.

Elaine Smith: Will the minister give way?

Lewis Macdonald: I am afraid that time does not allow me to accept a further intervention.

Elaine Smith: I wanted to ask about those future commitments—

The Deputy Presiding Officer: No, the minister does not have time to accept an intervention.

Lewis Macdonald: I am happy to re-emphasise the point that I made in response to Cathie Craigie's intervention about my commitment to ensure that the services are in place to deliver the quality of care that people in Lanarkshire are entitled to expect and that these proposals, with our additional requirements, will deliver for the people of Lanarkshire.

The Deputy Presiding Officer: I call Alex Neil to wind up the debate. You have the luxury of seven minutes, Mr Neil.

10:25

Alex Neil (Central Scotland) (SNP): Thank you, Presiding Officer. It is probably the chamber that has the luxury of my seven minutes.

I will deal first with the Kerr report. It is consistent to be generally in favour of the principles of the Kerr report and—to quote Karen Whitefield—to say that this decision on Monklands flies in the face of the Kerr report. To hide behind the Kerr report, as the minister is trying to do, as justification for this dangerous and daft decision is nonsense. This is not about the implementation of the Kerr report; this is about the implications of PFI at Hairmyres and Wishaw. PFI is coming back to bite the Labour Party where it hurts.

Lewis Macdonald: I would be interested to hear how Mr Neil believes that the Kerr report should be applied in relation to emergency services in Lanarkshire.

Alex Neil: I have always made it clear, in my submission and at every meeting that I have had with the health board and others—*[Interruption.]*

The Deputy Presiding Officer: Order.

Alex Neil: Unlike Karen Whitefield and others, I did not sell the pass on day one; I argued that

Lanarkshire needs three accident and emergency units. Every Labour politician argued against that, with the honourable exception of Tom Clarke MP, who agrees publicly with me, Margaret Mitchell, Carolyn Leckie and others that somewhere with Lanarkshire's population and deprivation requires three A and E units. Those who immediately caved in and said that the number should be reduced to two sold the pass at that point, as it was then a case of divide and rule.

In East Kilbride, the Labour folk came to the meetings saying, "We've got to have Hairmyres." Then, the next night, in Airdrie, Karen Whitefield would be there with John Reid saying, "We've got to keep Monklands open." In Wishaw, although we did not see the First Minister, he sent his troops to say, "We've got to keep Wishaw open." The reality is that A and E is a core service. If the unit at Monklands is closed, that will endanger life and limb.

At the moment, in the health service in Lanarkshire on a typical Saturday night, there are so many people at the A and E units in Wishaw and Hairmyres that they have to be referred to Monklands. If the A and E unit at Monklands is not there, where will those people go? Will they go into Glasgow and make another journey to another A and E unit? Will they go to Stirling or Falkirk—or, eventually, to Larbert—even given the distance that that would involve? In a recent maternity case, a woman was sent from Wishaw to Dundee because Wishaw did not have sufficient capacity.

Christine May (Central Fife) (Lab): Can Alex Neil tell us the basis for his assertion that the loss of an accident and emergency unit would cost lives—not in minor accident or trauma cases but in serious medical cases? I believe that the evidence shows that paramedic and ambulance support is more important.

Alex Neil: That is not the evidence. I am sure that even Karen Whitefield would accept that if someone in Airdrie had a heart attack, a stroke, an asthmatic attack or an attack of meningitis, by the time that they got to Hairmyres or Wishaw—especially at certain times of the day—at best, their position would be severely worse and, at worst, their life could be in danger. The transport infrastructure in Lanarkshire is such that, if the A and E unit at Monklands closed, the time that it would take for someone in Airdrie or Coatbridge to get to another accident and emergency unit would mean that, in some cases, lives would be in danger. That is what we are dealing with. That is why the debate is far too important for members to be scoring petty points about the timing of debates. There are substantive issues that need to be addressed.

Margaret Smith: Does Alex Neil welcome the minister's assurances about the number of

paramedics? Does he agree that, as I said in my speech, we should ensure that paramedics have the tools that they need and linkages back to A and E departments so that the necessary care can be given eight or 10 minutes after someone has suffered a heart attack, not half an hour later, when they get to a hospital?

Alex Neil: There are two issues. First, we received an assurance four years ago that there would be no threat to the A and E unit at Monklands. Any assurances from the Executive or NHS Lanarkshire are not worth the paper that they are written on. Secondly, the support that Margaret Smith says should be provided to paramedics should be provided irrespective of what happens to the A and E unit at Monklands. Those facilities should be in place anyway.

When the debate started, we were told that the driving force behind the proposed closure was the shortage of consultants in Lanarkshire and the inability of NHS Lanarkshire to attract consultants. It is ironic that around £100,000 of health board money was spent on hiring outside public relations consultants to try to sell the case to the people of Lanarkshire. Had that £100,000 been spent on recruiting NHS consultants, we might not be in the current position.

When it came to the final decision, contrary to what the minister said, the key factor at the board meeting was not the shortage of consultants nor the clinical reasons that have been given; it was all to do with finance. Because two of the hospitals are PFI hospitals, even if they do not have any patients, the health board still has to pay up the money for them to the private contractor. That is the real reason why Monklands A and E unit is closing.

The litmus test of whether members are genuine or just playing politics will come when the matter is put to the vote tonight. If they vote for the Executive amendment to the SNP motion, nobody in Lanarkshire will believe them in May next year.

Access to Higher Education

The Deputy Presiding Officer (Murray Tosh):

The next item of business is a debate on motion S2M-4788, in the name of Fiona Hyslop, on access to higher education.

10:32

Fiona Hyslop (Lothians) (SNP): All of us in the chamber will recognise the opportunities that access to higher education can bring. Many of us will have been the first in our families to go to university. Since I went to university in the 1980s, at the age of 17, there has been an expansion in the number of young people who go to university. However, the Government wants to claim as its own successes in the expansion of access to higher education that were achieved before it came to power.

Today, the Scottish National Party can reveal figures that show that, despite there being 2,000 more 17-year-old Scots in the population than there were in 2001, 2,000 fewer of them are going to university now than were five years ago. When Labour came to power, 46.6 per cent of young people in Scotland were going into higher education. Now, marginally fewer—46.4 per cent—are doing so according to the Executive's latest figures in its "Age Participation Index for Scotland 2004-05". We can debate whether the figure is too high or whether it is sustainable, but we cannot argue—as the Government tries to—that the figure has gone up.

The Deputy Minister for Enterprise and Lifelong Learning (Allan Wilson): Does Fiona Hyslop dispute the simple fact that university access has increased by 12 per cent since 1990?

Fiona Hyslop: If the minister had listened to the start of my speech, he would have heard me say that there was an increase in student numbers in the 1990s. However, the increase began in 1990, not when Labour came to power. The Executive claims, in its glossy documents, that the increase was down to the Labour Government, but it was not.

Just as the school performance of the bottom 25 per cent of pupils is flatlining, and just as pupils' attainment below higher level is flatlining, so the Government's performance in higher education is flatlining. The fact that a Labour document claims that student numbers have gone up and that access to higher education has increased under Labour from 40 per cent to 50 per cent, although it has not, shows us that the Government does not have a grasp of the fact that it is flatlining in its education performance. It is no wonder that Jack McConnell wants to introduce another arithmetic examination—he must want to check dodgy

Labour claims. If he is responsible for this matter, we will be left with the bizarre sight of a mathematics teacher who cannot count.

The SNP believes that those from deprived backgrounds should have wider access to higher education. The Government says that it believes the same but, since 2002, it has managed to increase the number of students from deprived backgrounds in higher education only from 1,630 to 1,665. That grand total of 30 people is hardly anything to write home about—or even enough to put in an amendment. After nine years of Labour and seven years of Labour and Liberal Democrat rule, we should be seeing some results.

There is a debate to be had about participation levels in higher education. I think that the target of about 50 per cent is about right, given that other countries are competing for knowledge economy jobs in a fast-changing world where one's ability to learn tomorrow is as important as what one knows today. I should point out that the current 46 per cent participation rate includes people taking higher national certificate and higher national diploma college courses, which is probably why the rate was so high when Labour came to power after the Tories. Anyone who attacks such levels should consider that point.

Christine May (Central Fife) (Lab): Will the member give way?

Fiona Hyslop: No—I want to carry on.

The 50 per cent participation rate is made up primarily of people from the middle class. Perhaps many of those people might find more personal fulfilment if they pursued other opportunities instead of automatically drifting to universities. If everyone is to fulfil their potential, we need the brightest people in deprived communities to form more of that 50 per cent.

If the Government has increased neither the absolute numbers at universities nor the number of people from deprived areas going to universities, what has it done? Well, the state has created a mountain of debt that hangs like a millstone round the neck of students and graduates in their 20s and 30s and is a drag on the economy. In 1999, the average student debt was £2,500. Since then, that amount has been ratcheted up to an average £11,000 today, and it is rising even further as a result of back-end endowment fees that are added on at graduation.

Debt and the fear of debt put off exactly the sort of students from deprived backgrounds whom we want to get into university. Although the United Kingdom figure for university applications has risen, there has been a dip in the number of applications from Scots, particularly from over-25-year-olds with financial and family commitments. As a result, there are compelling education and

social justice reasons to tackle the student loans situation, although the public finance and economic arguments, which my colleagues will set out during the debate, are just as important. The point is that the student loans and graduate debt system in this country is inefficient, expensive and a drain on the public purse.

Murdo Fraser (Mid Scotland and Fife) (Con): What would be the annual cost of replacing the current student loans scheme with grants for all?

Fiona Hyslop: I am about to discuss that. It would cost £100 million.

The Conservatives have published figures showing that across the UK the public purse is shelling out £1 billion a year to subsidise the interest on loans, even though it has been estimated that 30 per cent of them will never be repaid. In Scotland alone, the cost of interest subsidies is £100 million. That figure does not even take into account the loans that Labour sold off in 1997. Scots have paid out more than £25 million—and indeed are still paying—to subsidise loans that have been sold off to banks in America and from which they will see no income. Even though they were based on a seven-year repayment model, loans are taking 13 years to repay.

The situation is so bad that, according to the Government's accounts, it has already written off £500 million of the debt. Indeed, the difference between the book value of the debt and its fair value shows that the Government itself expects not to get back a third of it. The Government says that the debt amounts to £1.4 billion, but it needs to look at its own accounts.

There is a serious concern about the growing debt culture in this country and whether individuals or the economy can sustain such debt. The Bank of England has warned that student fees in England will increase inflation. The SNP wants an education system based on the ability to learn, not the ability to pay. As a result, we want to stop the fundamentally flawed, expensive and unsustainable rip-off of the public purse that is the student loans system. It is clear that, in that respect, the public finance arguments are as compelling as the access to education arguments.

Parents and grandparents want their children and grandchildren to have the life chances that they never had, but they are horrified by the level of debt in which those children and grandchildren find themselves. Scotland in the 21st century needs a Government that is bold and imaginative, not tired and flatlining. It is time for a change to get the Parliament and the country moving. I say to the Labour and Liberal Democrat Government: move over, so that Scotland can move on.

I move,

That the Parliament recognises the opportunities made available to young people accessing higher education in Scotland and the importance to the Scottish economy of having a highly educated workforce; notes with concern, however, that debt and the fear of debt are having an adverse affect on Scots applying to universities; believes that access to university should be based on the ability to learn, not the ability to pay, and calls for replacement of the current expensive and inefficient student loans system by a fairer grant system and for the problem of student loan graduate debt, which is a drag on the economy, to be addressed.

10:39

The Deputy Minister for Enterprise and Lifelong Learning (Allan Wilson): I notice that we are still waiting for an answer to Murdo Fraser's question, but no doubt that will come during the debate.

I am happy to speak on behalf of the Executive in this debate on higher education. If I had to choose an area in which the Executive's record is indisputably strong, I would find it difficult to come up with a better example than higher education. I can at least thank the nats for that.

We have achieved something that many thought was impossible. We have helped our universities to preserve their international competitiveness while maintaining our policy of protecting the interests of Scottish students by not introducing top-up fees—or indeed any other fee.

The Executive has proven its commitment to further and higher education by investing strategically in our colleges and universities. Over the period of the current spending review, our investment will have increased in real terms by 23 per cent to more than £1.6 billion in the next financial year. That money goes directly into our institutions to cover the costs of maintaining our internationally renowned higher education sector and world-class colleges. We have allocated significant investment in research and teaching and, for the first time in decades, estates have been improved. Indeed, no one can enter a university campus without seeing the benefits of our capital expenditure programme.

Ms Hyslop's speech contained so many foxes that I find it difficult to decide which one to shoot first.

Murdo Fraser: But the Executive has banned fox hunting.

Allan Wilson: I think that Mr Fraser will find that we are still allowed to shoot them.

That investment has funded significant growth in the sectors. In the 1960s, when opportunities to participate in higher education were limited, the participation rate in higher education was about one in six. That figure is now closer to one in two. Since devolution alone, the number of Scots

entering degree-level studies has increased by 12 per cent.

At the same time, our institutions are becoming more and more accessible. It is an undeniable fact that more people from disadvantaged backgrounds now have the opportunity to enter higher education and are reaping the benefits of it. Since 2001-02, the number of students from low-participation neighbourhoods entering degree level study has increased by 18 per cent.

None of that suggests that students are being put off higher education by the prospect of student loans. In fact, it is clear that most young people recognise higher education's economic and social benefits, which is why they are prepared to invest in their future.

Continuing that growth and maintaining those opportunities are essential if Scotland is to meet the undoubted pressures of globalisation. Education and lifelong learning will contribute hugely to our future by providing a flexible, highly skilled workforce as well as the social benefits that accrue from wider participation in higher education.

However, such an objective does not come cheaply. By the final year of the current spending review period, our annual combined investment in our universities, colleges and students will stand at £2 billion.

Not that we have heard anything about them so far this morning, but I must say that the SNP proposals on student funding are fundamentally flawed. For a start, they are flawed financially. Far from costing £100 million, the full package floated by Nicola Sturgeon, who I notice has not been able to stay for the rest of the debate, would cost in the region of £1.7 billion.

Fiona Hyslop: The Executive has already written off a third of the debt and the current annual repayment income on the existing debt is only £29 million. Does the minister consider that to be a satisfactory state of affairs for public finance?

Allan Wilson: I do not deny that writing off student loan debt, replacing loans with grants and abolishing the graduate endowment—

Jim Mather (Highlands and Islands) (SNP): So the Executive has written the debt off.

Allan Wilson: Of course we will write off bad debt.

In addition to writing off the existing debt, the SNP would have to write off the payments that previous graduates have already made to the cost of their loans. That amounts to £300 million. The total cost of the SNP proposal is not £100 million but £1.7 billion.

However, the proposals are flawed not only financially, but in principle. Student loans have been in existence for almost two decades, in which time participation has doubled. As I have said, there have never been more people from the most disadvantaged groups in higher education. The SNP proposal would not increase our already high participation rates, extend the benefits of higher education to those from the most disadvantaged backgrounds, support world-class teaching in our universities or help our institutions to provide students and staff with world-class facilities.

I will leave it at that, Presiding Officer, and return to the other issues in winding up.

I move amendment S2M-4788.2, to leave out from “recognises” to end and insert:

“applauds the substantial growth of investment and participation in the higher education sector in Scotland in the last seven years, the growing opportunities made available to young people and others wishing to access higher education in Scotland, the increase in participation rates in higher education of those from disadvantaged backgrounds over the same period and the vital importance of having a skilled and highly educated workforce to the Scottish economy; welcomes the facts that 72,000 students have benefited from young student bursaries since the reintroduction of student grants in 2001, that Scottish students have had their fees abolished by the Scottish Executive and that the Executive continues to oppose top-up fees, but notes with concern that the £1.7 billion costs of replacing all student loans with grants and writing off student debt threatens the continued success and expansion of higher education institutions and diverts effort and resources from encouraging wider participation from under-represented groups.”

10:45

Murdo Fraser (Mid Scotland and Fife) (Con): I have two thank yous to say to the SNP this morning. The first thank you is to Fiona Hyslop for giving us the opportunity to discuss the important issue of student debt. In so doing, I draw attention to my entry in the register of members' interests, which states that I am a member of the board of management of Dundee University Students Association.

The SNP is right to say that we have a difficulty with growing levels of student debt. I do not intend, in the short time available, to rehearse all the statistics, but we just need to look at the level of bankruptcies to see the extent of the problem. In 1997, only 31 graduates declared themselves bankrupt. In 2004, that figure was 1,541—a huge increase—despite the fact that student loans are exempt from bankruptcy, so those students must have acquired debts in other ways. No one would sensibly advise students to go down the bankruptcy road, but the sad fact is that some see it as the easiest way out of their problems.

It is clear that the current arrangements are not working. Our party has previously set out

proposals to address the situation. We have to realise that the problem is not students borrowing under the student loans scheme, but rather students borrowing in more expensive ways by using, for example, unsecured bank overdrafts or, worse still, credit cards. Our solution is to extend the current student loans scheme and allow much larger sums to be borrowed, but at commercial rates of interest. That would still be cheaper for students than unsecured bank overdrafts and credit card borrowing, which are the areas of real concern as far as student debt is concerned.

Allan Wilson: As Murdo Fraser is probably aware, there is no evidence that significant numbers are running up commercial debts. We have evidence that 84 per cent of higher education students' borrowings are through the Student Loans Company, so how could they borrow commercially at a lower rate than they do from the Student Loans Company? Is not what Murdo Fraser proposes that they should pay more to commercial lenders?

Murdo Fraser: The problem is that there are many students for whom the student loan is insufficient, so they have to borrow money elsewhere. Under such a scheme as we propose, they would pay a lower rate of interest than the rate that they pay to those other lenders.

I want to say a second thank you to Fiona Hyslop and her party for their extraordinary generosity this morning. The SNP proposes to scrap the student loans scheme and replace it with a scheme of grants, which it claims would cost £100 million a year, but we have not yet heard justification for those figures. Have we heard from the SNP where the extra £100 million—or however much it will be—will come from? No, we have not. However, Fiona Hyslop's generosity does not end there, because the SNP proposes to go further than that and write off the existing debt to the Student Loans Company of all Scottish-domiciled students, of whom there are 300,000. The latest figures from the Student Loans Company, which are for 2004, show the value of those outstanding loans as £1.47 billion. Even what is called the fair value—what the company thinks it can recover—has been assessed at £990 million, and that is going up year on year. So there we have another spending commitment, another splendid act of generosity, on the part of the SNP on behalf of the Scottish taxpayer, requiring a cool £1 billion-plus to write off all student debt.

The Deputy Presiding Officer: You have one minute left, Mr Fraser.

Murdo Fraser: I could say that such generosity is unprecedented but, given some of the other spending commitments that we have had from the SNP over the past three weeks, that would not be a fair comment. I am surprised that Mr Mather has

not fallen off his chair at the thought of all the tax increases he will have to put through to fund that largesse.

Fiona Hyslop's generosity does not stop even there, because she proposes to go still further. The SNP is also going to pay the fees of all English students studying in Scotland. Has the SNP even costed that pledge? Has it thought about the implications of a flood of English students coming north to Scotland to study here, displacing Scottish students? Has it thought of the millions that that would cost? No.

The issue of student debt and the future of higher education is serious, and the questions about it require serious answers. Our party has put forward a serious package of proposals to help to address the problems. What is on offer from the SNP is not serious, credible or affordable.

The Deputy Presiding Officer: You must close now.

Murdo Fraser: It is an attempt to play to the student gallery, with no prospect of delivery. From a party that aspired to—

The Deputy Presiding Officer: No. You must take my word for it. You must close.

Amendment S2M-4788.3 moved:

"leave out from 'with concern' to end and insert 'the growing levels of student debt and bankruptcies among graduates; believes that an extension to the current student loans scheme with larger non-means-tested loans available at low commercial rates of interest would reduce student reliance on unsecured bank overdrafts and credit card borrowings and provide additional funds for higher education, and calls on the Scottish Executive to introduce such a scheme in preference to the current unsatisfactory arrangements and unrealistic and unaffordable proposals to replace loans with grants.'"—[Murdo Fraser.]

10:50

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): Fiona Hyslop insinuates—indeed, she tells us—that tuition fees have not been abolished but have simply been deferred in the form of the graduate endowment, but she should listen to the hundreds of thousands of Scottish university students who have not had to pay a single penny of tuition fees over the past six years.

David McLetchie (Edinburgh Pentlands) (Con): Not yet.

Mr Stone: That is a fair point, but I think that the students would disagree strongly with Fiona Hyslop. My own three children have been to university and would be the first to agree with what I say.

The Parliament legislated for the graduate endowment to increase the amount of money that

is available to support the most disadvantaged students in Scotland in meeting their living costs. However, Fiona Hyslop and other members are content to mislead anyone who bothers to listen by telling them that the graduate endowment is a tuition fee. The endowment would not cover even a third of the cost of an average Scottish degree, so that claim simply does not add up. It has been implied that there are no grants, but there evidently are, because more than 50,000 Scottish students were awarded a grant or bursary in 2004-05. The deal for Scottish students is superior to the deal for students in the rest of the UK for those reasons, and the English and Welsh are the first to tell us so.

I turn to the SNP's latest student finance policy. Fiona Hyslop hopes to pay off the full cumulative debt of Scottish graduates who have student loans, replace borrowed loans with free grants and abolish the student endowment, the cost of which we have heard will be only £100 million. It has been amply demonstrated by Allan Wilson and Murdo Fraser that that is absolute nonsense and that the question must be revisited. Conjuring with money does not work. Jim Mather is great at presenting us with his fiscal fairy, but this one ain't gonna wash. I issue a third challenge to the SNP to put flesh on the bones, because what has been said so far will not do.

Which other budget will the money come from? Will it come from the universities budget? Will our institutions face a spending cut? Could there be a cut in their competitiveness, as Murdo Fraser has suggested? To tell the truth, I am not aware what the SNP has pledged to our universities at all.

Murdo Fraser: Nothing.

Mr Stone: That may well be the case.

What of the proposal for grants, not loans? Is Fiona Hyslop aware that the poorest students currently have grants, not loans? Whom does her policy ultimately benefit? A key question is whether the grants that she proposes are to be means tested and, if they are, what will be left for those students who do not qualify for them but who want a little extra support if they cannot get a low-interest loan. Will they have to turn to the commercial providers, to which Murdo Fraser referred?

We are talking about paying off the debts of current and former students in Scotland. The nationalists' £100 million would not cover even 5 per cent of that debt. How long would the process really take? Where would the money come from? Would there be job losses at the Glasgow-based Student Loans Company? Those questions need to be answered.

The SNP has also said that it wants to make all education in Scotland free to all students. Here is

the killer question: will the SNP pay the fees of English students? Will English students get grants, not loans? What about people who study part time? Students want to hear more than sound bites and conjecture from the SNP. They want no more of Jim Mather's "Jim'll Fix It" fiscal fairy. They want proper answers. I warn the SNP not to place a bid when it cannot pay up. That would be a cruel joke on our young people.

10:53

Mr Adam Ingram (South of Scotland) (SNP): The Executive parties show little sign of having grasped the strength of the SNP's arguments in favour of reforming student support and widening access to higher education. The minister was at it again this morning, claiming that the SNP policy to abolish student loans and restore maintenance grants would cost the public purse billions of pounds extra.

I shall try to keep things simple for the minister, Jamie Stone and other members. Let us look at the relative costs of paying out loans rather than grants. The average grant level that the SNP proposes will be equal to the average loan currently paid out to students. There is no difference there, but surely foregoing loan repayments will mean that expenditure on student support will rocket? Well, no actually. That is because we will no longer need to pay out the current subsidy to keep loan interest down to no more than the rate of inflation. Last year, the Executive ingathered £29 million in loan repayments, but paid out exactly the same in interest subsidy.

If we take into account the £5 million that it cost last year to run the Student Loans Company, which we will abolish, a grant system will cost the public purse £5 million less than the existing loan system.

Christine May: Will the member take an intervention?

Mr Ingram: No, I do not have time.

Those figures are robust and stand up to scrutiny. Indeed, our Conservative friends across the chamber have also twigged that the self-sustaining loan system that they envisaged back in the early 1990s, when it was introduced by Ken Clarke, has not come to pass.

Mr Stone *rose*—

Mr Ingram: Sit down, please.

Rather than remove the burden of loan debt from students, the Conservatives propose to cut public spending by privatising loans and removing the interest subsidy. We reject that approach because it would compound the difficulties that

modern students face in getting rid of the debt that they incur in procuring a degree education.

Allan Wilson: Will the member give way?

Mr Ingram: I am sorry, minister, but I have only two minutes left.

We believe that society as a whole benefits from an educated citizenry and that higher education should be paid for through general taxation. If, indeed, graduates reap the reward of having higher incomes than non-graduates, they will pay back much more in higher taxes, providing that we maintain a progressive tax system.

When Ken Clarke abolished grants and introduced loans, he posed the famous question: why should the bus driver have to pay for the lawyer's education? I find that an illuminating question, in the sense that it clearly betrayed the mindset of the British elite. It clearly had not crossed Mr Clarke's mind that the lawyer in question could be the bus driver's son or daughter. The seamless transition from Tory to new Labour preserved that mindset and we have subsequently seen the imposition of tuition fees and top-up fees, which have heaped the costs of acquiring a degree on to students and their families.

Our Liberal Democrat friends across the chamber will claim that they have mitigated the worst excesses of the policy developments by insisting that the Executive goes down the graduate endowment route instead. However, they cannot deny that such a policy still increases the burden of student debt and acts as a disincentive to students from poorer backgrounds entering higher education at all.

The Liberal Democrats' colleagues down south share our concerns. I could not have put it better than did the Lib Dems' English education spokesperson, Sarah Teather, who said:

"It's extremely sad to think that there are intelligent young people out there who achieved good grades yesterday but won't be applying to university because of the cost."

She also said that when school leavers choose whether to go to university they are now more concerned about their ability to manage their debt than their ability to study.

I appeal to our Liberal Democrat colleagues that it is surely time to ditch that unholy alliance with Labour that so discomforts their principles. They should be looking forward to making common cause with like-minded people.

10:57

Ms Wendy Alexander (Paisley North) (Lab): It is refreshing to have the chance to debate SNP policy. I wanted to do the party justice, so I had a look at its website. It has a promise today by the SNP's deputy leader under the headline:

"SNP makes 'free education' pledge".

The article states:

"graduates will not start their working lives ... burdened by debt."

So, what is that level of debt? Well, the SNP website tells us that it is £18,700 for each graduate. I have to say that both Ms Sturgeon and Ms Hyslop used a rather more conservative figure on television and in the chamber when they stated that the average graduate debt is £11,000.

Let us stick with the conservative figure of £11,000, forget all the past students and the historic debt, and just focus on the pledge of free education for today's students. What would it cost? There are 271,000 students in higher education. For some reason, the SNP is not concerned about further education students. Let us start with higher education.

Fiona Hyslop: I have particular concerns about the further education figures, which is why I am concerned that the numbers going into higher education—which includes universities and further education colleges—have flatlined under this Government, despite its claim that the numbers have increased.

Ms Alexander: Well, let us stick with higher education. The average debt of £11,000 for 271,000 students comes to a total of around £3 billion. Therefore, to meet the pledge of free education, the SNP proposes either to divert half the national health service budget in Scotland to those destined already to be the richest half of Scottish society, or it does not really mean to meet the pledge at all.

Actually, if we look at the small print that goes beyond the dishonest political posturing, we find that the promise is not for £3 billion and free education but for £100 million. That would be enough to clear the £11,000 debt of one in 25 Scottish students. Is the SNP suggesting that student unions should run a lucky dip to find the one in 25 who will have a free education? If we include further education students, one in 50 would benefit from the lucky dip.

What we have here is a piece of gesture politics, but it does tell us something about the SNP's political priorities. For the SNP, it is tough luck for the one in two students who do not go to university and for those whose modern apprenticeships are financed by Scottish Enterprise, the budget of which the SNP wants to halve. It is also tough luck for all council tenants, who are surely a more deserving case for the writing-off of historical debt in order to build affordable homes. They are surely more deserving than people such as Ms Sturgeon, who might herself have historical student debt imprudently left around. It is also tough luck for all those Scots who believe that our future depends

on the strength of our universities, because most of the funding for universities in Scotland comes not from the Executive's core grants but from United Kingdom research councils, UK foundations such as the Wellcome Trust, and UK companies, many of which would be jeopardised under the SNP.

I said last week that I thought "Big Spender" was the SNP's recurring theme tune. There certainly seems to have been no change over the past week. If the SNP wants to be taken seriously, it must stop trying to buy votes, stop peddling free education for all when it means nothing of the kind and start engaging in a serious debate about how we widen access to Scottish universities.

11:02

Mark Ballard (Lothians) (Green): I draw members' attention to my entry in the register of members' interests about my role as the rector of the University of Edinburgh.

I think that everybody in the chamber agrees that higher education is vital to the future of Scotland and that we need more young Scots to fulfil their maximum educational potential and go into higher education. I think that we all recognise the need for a smart, successful and sustainable Scotland. This debate is welcome, because it addresses one of the fundamental issues in the debate about higher education—who will pay for it?

Over the past 20 years, the burden of debt for students has increased and it has distorted access to higher education for young people. It has changed how people access higher education and how they approach it. When I graduated from the University of Edinburgh in 1994, I had £2,100 of student loan debt, which I found easy to repay over the following three years. However, according to figures from the National Union of Students, students leave higher education today with more than £20,000 of debt. We must recognise that that has a huge impact on students' approach to higher education. As Fiona Hyslop said, that burden affects not only the ability of the most debt-averse students to go into tertiary education but their choices when they do go into tertiary education, because they recognise that a huge burden of debt will hang over their heads.

Allan Wilson: Can Mr Ballard quantify exactly what that impact has been, given that the number of students gaining access to universities has doubled since 1990? In Scotland, access has increased by 12 per cent since 2000 and access by students from disadvantaged backgrounds has increased by 18 per cent over the same period.

Mark Ballard: I think that Fiona Hyslop answered the minister's question in her opening speech.

We have also seen a massive increase in the number of students who drop out of university. Debt is one of the key reasons why students decide not to continue their tertiary education.

We must be realistic about the amount of support that we offer students in the current system. At the moment, a student will get just over £4,000 in loan or in loan plus the young students bursary. For the average student in Edinburgh, rent and bills come to about £95 a week, which completely wipes out their loan and their young students bursary. We must recognise that we do not give students enough support.

Edinburgh University Students Association has just produced its education manifesto for the 2007 elections. Jamie Stone talked about listening to students. If members want to listen to students, they should read what students and student associations are saying, which is that students are not getting enough support and should be provided with better support. Students are not receiving enough help through concessionary fares, there is a lack of support for mature students and the cost of visas for international students has doubled. That is all part of the Executive's policy of heaping more debt and greater financial burdens on students.

If we want higher education to be the pride of Scotland and we want people to make the right choices in higher education, we as a society must support students rather than expect them to bear an ever greater burden of debt. That is why I will be supporting the SNP motion tonight.

11:06

Brian Adam (Aberdeen North) (SNP): I want to raise an issue that affects a specific group of students—part-time students. Not only is debt mounting for students in general—partly because of the graduate endowment, which is nothing short of a back-end tuition fee, and partly because of loans—but part-time students are being positively discriminated against. There is no enforcement of the Executive's policy that part-time students ought to pay pro rata, in spite of the fact that the issue has been raised regularly in the Parliament. As far as I am aware, the review of the present arrangements has not yet reported back.

Earlier this year, my colleague Alasdair Morgan asked the First Minister about funding for part-time students. Mr McConnell acknowledged that it was up to universities to set their own rates for such students, but said that a review was under way. In his concluding remarks, perhaps the minister could tell us how far that review has got and whether the existing, grossly unfair arrangements for part-time students will be rectified before this session of Parliament concludes.

In response to a letter from me about fee levels for part-time students, the university at which one of my constituents is enrolled as a part-time student said:

"we also take into consideration market forces."

That might be the kind of policy that members of new Labour, as worthy successors to the Tories, favour, but I thought that such a proposal would be anathema across the board in the Scottish Parliament. I do not want to find out that that is not the case.

Christine May: Is the member able to confirm whether part-time students are covered by the SNP's pledge on free education? If they are, where is that costed in the figure of £100 million?

Brian Adam: Along with a number of her colleagues—especially those in the Executive—Christine May is obsessed with the £100 million. She should give some thought to the loans situation. There is a major difference between repayment of a capital sum and repayment of a capital sum plus the interest on it. There is confusion even in the mind of a former Minister for Enterprise and Lifelong Learning about how long it will take to pay off the capital and the interest, how that will be done and how often payments will be made. The Deputy Minister for Enterprise and Lifelong Learning has implied that we have promised to repay the total sum in one year, which would mean that the £100 million would not be adequate.

Allan Wilson: Will the member give way?

The Deputy Presiding Officer (Trish Godman): Mr Adam, you are in your final minute.

Brian Adam: No, thank you. I am responding to a specific point and I am in my final minute.

I am deeply disappointed that ministers and former ministers are unable to grasp the fundamental economic issues that are at stake or, as I suspect is the case, are being deliberately misleading. To service debt, one must pay it off, and one can do that over a period of time.

Ms Alexander: Will the member give way?

Brian Adam: No, thank you.

Originally, the Executive might well have wanted students to pay off their debt within seven years—it looks as if that period could now be 13 years—but if a Government decides to consolidate that debt, it can choose over what period to make that repayment.

Allan Wilson: Will the member give way?

Brian Adam: No, thank you.

We have made a commitment to provide £100 million a year, which will service that debt and the

capital repayment. All students who are domiciled in Scotland will be covered by the £100 million.

11:10

Mrs Mary Mulligan (Linlithgow) (Lab): I am always pleased to debate education issues. I agree with the SNP motion's recognition of the opportunities that education provides for a more fulfilling life, but that is where I part company with its sentiments.

I admit that, as a student, I would have argued that to ask students to contribute financially to their time at university was wrong because it would deter young people—particularly those from less affluent backgrounds—from taking up places at university. I am sure that many other members are in the same position. However, I must now accept—as must today's students—the reality of the situation.

When loans were introduced in 1990, there were around 138,000 students, but by 2004-05 that figure had doubled to 276,000. I admit that the increase in the number of students from low-income families has been less. I will come back to that.

Fiona Hyslop: Will the member give way?

Mrs Mulligan: In a minute.

I cannot give all the reasons why my original feelings on the matter have been shown to be wrong. One reason is perhaps that, as the SNP's deputy leader Nicola Sturgeon has admitted, parents and young people now recognise that a university education benefits the individual concerned. The increase in the number of students is a fact and it flies in the face of the SNP's assertion.

Along with many other members, I would like to hear more about how the SNP thinks that it could pay for the promises it has made. It seems to me that the SNP's absent leader Alex Salmond has decided that next May's elections are crucial to his future, so the SNP has spent the summer making promises that it does not know how to fund.

Let us consider how much it would cost to replace student loans by a fairer grant system and to address graduate debt. It would cost at least £1.7 billion to write off student loans. Who would pay for that? Would it be hard-working families, who would have to pay higher taxes, or would it be young people who have chosen to go to work? The SNP motion ignores the 360,000 people who go on to further education, although I know that my colleague Christine May will not.

Let us compare those uncoded promises with what Labour has delivered. We have abolished tuition fees, reintroduced student grants for the

poorest students—there is sensible targeting for those who are most in need—and increased funding to Scotland's world-class universities. Almost 50 per cent of young people in Scotland are now in higher education, which is the highest figure in the UK.

What really distresses me about the SNP's position is that in trying to grab a headline on student grants, it has failed to look at the bigger picture. The fact that fewer young people from poorer backgrounds go on to higher education is not just to do with money. We must consider how we can help them. Is there a lack of confidence? Can we do more to encourage those young people while they are at school? Can we work with their parents to explain the benefits that higher education can bring? We must address the issue in another way. The SNP is shirking that task.

I look forward to many more debates on the huge subject of education, which offers great opportunities to everyone who becomes involved in it. I hope that the SNP will get in touch with the real issues, such as future investment in our universities, which face the challenge of variable fees elsewhere. We must think about how universities can continue to progress their research abilities and their links with industry. We need to consider drop-out rates and the additional pressures—including financial—that are being placed on young people as a result of the need to obtain further qualifications once they have obtained their first degrees. Education is crucial, and we should be taking it seriously, not just grabbing at soundbites.

11:14

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): There is no doubt that rising student debt is a real and important issue. There is also a moral obligation on us as legislators, in that we should not be saddling our future taxpayers with such levels of debt. I do not agree with Wendy Alexander when she says that we should not subsidise the richest people in society—that is not the issue. We have a system in our society called income tax: the more money one earns, the more one pays back to society. We are investing in our future—we should not be saddling people with huge amounts of debt.

Bristow Muldoon (Livingston) (Lab): Will the member give way?

Mike Rumbles: No—unfortunately, I have only three minutes.

That said, we should congratulate the Scottish Executive on its measures so far. Over the years it has, in real terms, helped to alleviate the problems of student debt.

Fiona Hyslop: Will the member give way?

Mike Rumbles: I cannot. I have only three minutes.

We have restored grants to the poorest students through the graduate endowment scheme. That is the point of the scheme; we have a better system than that in England.

I have two sons, one of whom is at university in Scotland and another who is looking to go to university next year, also in Scotland. Why do both of them want to study in Scotland? It is not because of any pressure from me. They know that when they leave university, their graduate endowment debt will be £2,000 and that, if they went south of the border, it would be at least £9,000. That is because of what we have done in the Scottish Parliament. I make the partisan point that, had it been left to the Labour Party, we would not have the graduate endowment. One has only to look south of the border: they have fees, they are sticking with fees and they are going to have top-up fees. That is wrong. There has been a real Lib-Dem input to what the Executive has done in Scotland.

That said, there remains a large measure of unfinished business. I would like us to tackle student debt even more than we have done. I was pleased to hear my party leader make it clear last year that he would prefer to see the Scottish Executive, and not our students, pay the graduate endowment in full. There is nothing wrong with the graduate endowment; it is a good scheme. The legislation makes it clear that it is designed to give grants to our poorest students. However, the problem with the scheme is that current students are expected to pay into it. In the first session of Parliament, we made the compromise that led to the scheme. By the time we reach the third session, I hope that we can do something to put that right.

11:17

Christine May (Central Fife) (Lab): I am surprised that there are not more members in the room rolling up for the great SNP giveaway. Not only would the SNP give away money from Scottish funds, it would deny Scotland the student loans funding that currently comes to us from the Treasury.

We have created a post-18 education system that allows people to learn. We have increased participation not only among school leavers, but by increasing the numbers of mature students and returners to learning in postgraduate and diploma courses, thereby upskilling our workforce.

I am disappointed that the SNP made so little reference to the important role that the college

sector plays in higher education courses and in offering courses that lead to further qualifications. Is the SNP seriously saying that a higher national certificate that a single mum from Methil achieves is less important or relevant than a degree that someone else achieves from the University of St Andrews, the University of Edinburgh or any other university? That is exactly what it is saying.

Our colleges are flexible and cost-efficient providers of higher education. They do that for increasing numbers of students from disadvantaged backgrounds, thereby increasing the participation rate of students from those backgrounds in higher education. Our colleges are locally based, which means that travel—which is a significant cost for many students—is not the issue that it can be in respect of participation in university education.

Of course, post-18 funding for education is not only about supporting students; it is about supporting our institutions to be the best and about supporting their record of leading the UK in gaining research funding. That is what helps to increase the numbers of international students who come to study in Scotland. A recent British Council report showed that over 80 per cent of international students cited the quality of education, the quality of teaching staff, the facilities in Scotland and Scotland itself as major factors in attracting them here and in what they enjoy.

I have some questions for the SNP in my last seconds. They are questions that the SNP has not addressed and which turn the SNP's policy on its head. Why should the funding that we are putting in place for those who are not in education, employment or training be jeopardised in order to write off the debt of those who will be the highest earners in the country? Why is the SNP not saying that it will not write off all student debt, just some of it? The SNP plans to write off only the student loan debt—indeed, the Conservatives have a point when they talk in their amendment about the other expensive debt that students come out of education with. What about apprentices? What about the situation in countries that we aspire to emulate and whose economies are doing better than ours? Those countries have a mixed system of loan and grant. Their systems work; ours will work, too.

11:21

Iain Smith (North East Fife) (LD): I apologise for not being able to stay for the rest of the debate. I have to attend a visit by Bell Baxter high school in the education centre.

Sadly, the debate has been less about student debt than it has been about arithmetic. I will come

on to that later. First, I want to stress the positives. Scottish students have benefited from devolution. Thanks to the Liberal Democrats, they pay no fees and those from the poorest backgrounds have gained access to substantial grants. Scottish students graduate with significantly less debt than do their English counterparts. At the University of St Andrews, which is now one of the 10 top universities in the UK and number one in Scotland, 10 per cent of applicants now receive bursaries. That shows that students from disadvantaged backgrounds are accessing that institution. There has also been an increase in the number of Scottish applicants to the university. All of those things are positive gains that are thanks to the Liberal Democrats in the partnership Government in Scotland.

I turn to the Opposition. We have not heard much about the Tories' amendment this morning. Let us look at their proposal. The Tories propose to solve the problem of student debt first by allowing students to borrow more and, secondly, by charging them higher interest. That seems to be it.

What about the SNP? I turn to its arithmetic. The problem for the SNP is that its sums do not add up. In effect, the SNP is saying that it can write off existing debt at no cost.

In "Grants Not Loans: Supporting Students—Fair, Just and Enterprising", which Fiona Hyslop published in August 2004, she said:

"Perhaps the simplest way of thinking about this would be to consider how it would work if this was a person-to-person loan. If you lend £10 to a friend with the implicit expectation that this will be repaid but later decide not to accept the repayment, you are not having to pay out another £10 to cover the money already loaned, but you have to forgo your 'asset'."

So, that is it—nice and simple. I will go to my bank tomorrow and say that I do not have to pay off my mortgage because the bank has already given me the money and it does not need it back. It is another example of Mather maginomics—more of the fiscal fairy dust that we get from the SNP. The debt will just fall down the SNP's funding gap.

Let me just talk a little about the SNP funding gap. In "Scotland In Surplus", which the SNP published in July, the SNP indicated that Scotland would have £4.3 billion surplus. On 7 August, Alex Salmond said that the SNP had, of course, based its figures on a world oil price of \$65 and that, as the price had increased to \$70 since April, the surplus had risen to £5.3 billion. I checked the world oil price this morning, and it is now down to \$63 a barrel. In less than a month, the SNP has lost £1.4 billion of its alleged surplus. That is hardly a way to run an economy. It is Mather maginomics and it does not add up—[*Interruption.*]

The Deputy Presiding Officer: Order.

Iain Smith: The only thing that is bigger than the SNP's funding gap is its credibility gap.

However, members should not worry if the SNP's student funding policy does not add up; there will be another one along in a minute. The SNP has had nine policies in the past nine years. In 1997, the SNP was calling to replace student loans with 100 per cent grants. In 1998, it accepted that it could not fund that commitment and dropped the proposal. In its election manifesto in 1999, it pledged to make a grant of £500 to the poorest 20,000 students. By 2000, the amount pledged had gone up to £1,500 for 66 per cent of the student population. By 2001, it was Cubie plus, whatever that was—nobody could really work out what it meant, including the SNP.

By 2003, the SNP did not really have any policy at all. There were no costings, no specifics and no ideas in the SNP's 2003 election manifesto. In 2004, the SNP made up for that with all sorts of bizarre ideas. To cap it all, it supported the proposal of higher fees for English students studying medicine in Scotland. There was, of course, a U-turn on that policy in 2005. Now, in 2006, the SNP is going to pay off all graduate debt, abolish graduate endowments, give out loans for free and fund all English students to come here and study in Scotland for free—all for £100 million. Parliament is not fooled, and the students of Scotland will not be fooled either.

11:25

David McLetchie (Edinburgh Pentlands)
(Con): Today's SNP-sponsored debate allows us to reflect in nostalgic fashion on the way things were: a world in which there were no tuition fees; a world in which there were student grants; a world in which there was a massive and sustained increase in the number of young people going into higher education, from 70,000 to 240,000; a world in which the number of universities in Scotland increased from eight to 13. In short, we can reflect on the halcyon days of Conservative Government.

Can it be that it was all so simple then? Yes. If we had the chance, would we do it all again? Yes, we would. But could we? Could we do it in relation to student support? It would probably be very difficult to replicate the way things were in 1997. Even at that time, the financial strains within higher education were beginning to show, and the Conservative Government established the Dearing and Garrick committees to review higher education funding and student support.

Sadly, we do not know what a Conservative Government would have done with those committees' recommendations, but we certainly know what happened when the Labour

Government received their reports: out went grants and in came fees. Although, in a classic piece of Liberal Democrat duplicity and sophistry, it is now called a "graduate endowment", we still in truth have a form of fees in an accumulated debt, which is repayable on graduation at a marginal tax rate of 9p in the pound.

The Scottish National Party wants to take us back to the way we were. In principle, and if it is affordable, that is not a bad thing. I was the beneficiary of such a system—I paid no fees during my four years of studying law at the University of Edinburgh. My father was not one of Adam Ingram's bus drivers, but I qualified for a grant that enabled me, when it was supplemented by income from vacation jobs, to graduate without the burden of debt that weighs heavily on so many young people today, a fact that we must accept.

The plain fact is that the SNP's policy is simply not affordable. Its members say that they can take us back to a world in which there are generous grants, no fees, no loans, no graduate endowment and a massive £1 billion accumulated debt write-off. They expect us to believe not only that that is one of their priorities, but that it can be financed out of the Scottish block grant. Having promised the earth to students and graduates, the SNP then trots out Mr Mather—a cross between a bank manager and a business guru—to tell us that, at one and the same time, the SNP will cut business taxes. Its policy simply does not add up and it is simply not credible. I congratulate Wendy Alexander and Iain Smith on their contributions to the debate—they should go into business as demolition contractors.

The SNP's policy would divert valuable resources from the task of educating our young people to that of maintaining them. It ignores the fact that, notwithstanding the changes that were made to student support in 1998, the number of people in higher education has continued to increase. The policies that the SNP has outlined today are the sort of policies that Labour politicians used to advocate before they got into Government and learned to count. The SNP has never learned to count. Today, it has shown that it never will. It remains a party of incorrigible spendthrifts.

11:29

Allan Wilson: I suppose that I should declare an interest. I have a son who is at university. Interestingly, he is the first in his family to attend a higher education institution.

I wish to address what David McLetchie had to say and address a question that was posed by Mark Ballard, Wendy Alexander, Mary Mulligan, Mike Rumbles and other members about who

would pay for this latest SNP folly. The grim truth of the SNP's position is that it would mean that Scotland's modest-earning and hard-working families would pay to send Scotland's better-off teenagers to university. As David McLetchie said, that was the case back in the halcyon days of so-called free education. It was only the numbers that were involved then that made that a comparatively good thing. The reason why the SNP has no numbers in its motion is that the numbers are now the moral issue.

If we go back 40 years—I am perhaps doing David McLetchie a disservice—to the grants system, one in six Scots youngsters left school and went on to higher education in the 1960s. If we strip out the better-off people, who were then dominating higher education, only one in 12 ordinary working families sent their youngsters to uni at that time. In the 1960s, for every one ordinary working family whose offspring went through a university gate, another 11 working families were paying the taxes that paid the grant. Even then, it was probably the middle classes who were the true beneficiaries of the system. It was clear, however, that those 11 families were relatively content to pay the taxes because they knew that, one day, their kid might also go to university, as mine does now. Today, the figure is one in two or thereabouts. The universities are now full of ordinary working families' offspring.

Everyone has the ability to learn, whether they go to university or not, but university access is not universal.

Fiona Hyslop: Does the minister agree that, when Labour came to power, only 8 per cent of university entrants came from deprived backgrounds and that the figure has gone up only to 8.6 per cent? There is a huge challenge left unmet.

Allan Wilson: Of course there is a challenge to meet—I am telling the SNP how to do it. We have increased access for young people from disadvantaged backgrounds by 18 per cent in five years. That is why it would not be fair to heap all the cost of higher education on the half of the population—or thereabouts—whose sons and daughters will never see the inside of a university but who nevertheless make an equally valuable contribution to our economy by learning vocational skills, going into employment and creating the wealth that enables us to run world-class institutions, as well as running our service industries.

There has been a lot of hype about the SNP's first 100 days and what it would do in the unlikely event that it ever had the opportunity to manipulate the levers of power. We now know what it would do: it would abandon the policies that would have got it there in the first place. Fifty

days ago, Nicola Sturgeon told the Scottish people—by news release—that she would reinstate so-called free education: she would get rid of the graduate endowment, and abolish student loans and replace them with grants. She would also write off existing graduate debt from student loans. That suggests a number of questions today, only 50 days on. If those commitments are good enough for the SNP's press releases, why are they not good enough for its parliamentary motion? If the SNP is promising free education for all, why on earth does it not say so in its motion? If the SNP is not promising free education for all, why did it issue a press release saying that it was?

SNP members seem to work on the principle that if they can fool enough of the people for a few more months, they might get away with it. They seem to have fooled the Greens, but trying to deceive young people into believing that they are going to get or be offered something that they are not in fact going to be offered is, dare I say it, a pretty low trick.

Let us get this on the record once and for all. Does the SNP stand by the promises in its press release? If it does, the rest of us could get on with the serious business of costing those promises. I can tell the SNP now that they would cost £1.7 billion. We currently pay grants, bursaries and fees. The Treasury in effect pays the loans. The SNP might save £80 million in write-off subsidy, but it would have to pay the additional £150 million that it would cost to transfer loans into grants and write off the historic debt.

Has the SNP cynically sought to mislead the young people of Scotland and their parents with its hype and spin or with sleight of hand? It has to answer those questions today—I now give the SNP the floor to do so.

11:34

Jim Mather (Highlands and Islands) (SNP): This has been a useful debate. It has flushed out the scare tactics of unionism and has proved that unionism weds people to the idiots' guide to the free market. It makes them fail to see education in the full context of our economic well being and limits them to a zero-sum mentality. On top of that, unionism seems to make people unable to tell the difference between debit and credit and between capital and revenue—everything is conflated into a scare scenario.

In seeking to bring clarity and common sense to the debate, I look to Ian Bell who, in *The Herald* on 17 June, asked since when education was ever free. His contention, like ours, is that if we had an efficient and fair tax system, our education could be paid through taxes. That would go really well. Mr Bell, unlike Jamie Stone, knows that one can

change the term “fee” to “endowment” and still end up with a debt that further inhibits participation in university education for deprived kids.

Mr Stone: Will the member take an intervention?

Jim Mather: Mr Stone should sit down. The canards are about to be shot. Like us, Ian Bell argues that loading youngsters with debt in the prime of their lives offers them a perverse incentive. Like us, he knows that skilled graduates in a properly run and vibrant economy will more than pay their way in the tax system and will start businesses and generate effervescence and vibrancy in our economy.

Where are we today? This week the chairmen of Scottish Enterprise and the Confederation of British Industry Scotland called for higher levels of economic growth, telling us implicitly that the current rate is not good enough and that we have to do something different. Is this Executive of ours so wedded to loans and inefficient management of financial and human resources that it now acknowledges that it cannot run efficient systems or generate economic growth? The Executive is retaining the current system because it no longer believes that it can retain our best and brightest people.

Allan Wilson: Will the member take an intervention?

Jim Mather: The minister has laid enough canards for me to shoot down. I will just crack on.

Let us consider the unintended consequences of the loans policy. The doubts that have been cast on the SNP's probity come from the idiots' guide to the free market. Adam Ingram defended our probity wonderfully and robustly. On top of the unintended consequences of the loans policy, we face the cost of fewer capable youngsters from lower-income backgrounds getting into university. There has been a marked increase in part-time work and bankruptcy among those young people: Murdo Fraser's solution is to bring in the free market, to let them borrow more and then to unleash higher rates of interest on them. That means that home ownership, marriage, families and business start-ups will be delayed and migration will accelerate, all of which will depress our economy. Wendy Alexander's speech was another argument that does not withstand audit.

Murdo Fraser: Throughout the debate, various costings of the SNP policy have been postulated: £1 billion, £1.7 billion and £3 billion from Wendy Alexander. How much does the SNP think the policy will cost and where will the money come from?

Jim Mather: It will cost £100 million per annum. Murdo Fraser should look at our website and our

aspiration to move this country off 1.6 or 1.7 per cent to 3.5 per cent economic growth, which is now subscribed to by Melfort Campbell and John Ward, both of whom are putting themselves on the right side of history, unlike the Tories.

Allan Wilson *rose—*

Ms Alexander *rose—*

Mr Stone *rose—*

Jim Mather: Members can all sit down. They have flown their canards—now let us see them shot down. Jamie Stone should be ashamed of himself because, in essence, the policy that is in place has a perverse and duplicating effect on his constituency and the rest of the Highlands and Islands. More and more people who are further away from universities and are on lower incomes are caught in the trap.

Christine May *rose—*

Jim Mather: Members can sit down. I am listening to none of them.

We contend that Scotland should reinstate free education, recognise that educated people pay more taxes and not slavishly follow America. America is not right about everything. We are in danger of making education totally commercial. That is confirmed when we see how, in the classless United States of America, potential wealth increasingly dictates life chances and educational choices. We do not want that in our Scotland.

The reality is that we can build economic muscle and we should all be looking to challenge the retention statistics of Scottish graduates. I talked to representatives of Scottish Financial Enterprise—two chief executives ago—who told me that they reckoned that at least 40 per cent of our graduates leave Scotland. That figure increases in respect of the better universities and the more advanced courses.

When I asked Professor Jim Love of the University of Strathclyde what percentage of his economics graduates leave to follow their long-term careers outside Scotland, he said 70 to 80 per cent of them do, which is a shocking statistic.

The case has been made. Scotland's economy needs its graduates: they have to stay here. The SNP policy will provide for that. I support the motion.

Question Time

SCOTTISH EXECUTIVE

General Questions

11:40

Care Homes

1. Irene Oldfather (Cunninghame South) (Lab): To ask the Scottish Executive what importance it places on maintaining nutrition and hygiene standards in care homes. (S2O-10505)

The Deputy Minister for Health and Community Care (Lewis Macdonald): The Scottish Executive places the highest importance on maintaining nutrition and hygiene standards in care homes. The national care standards for care homes specifically address the issues of nutrition, hygiene and infection control and are taken into account in the inspection and regulation of care homes by the Scottish Commission for the Regulation of Care.

Irene Oldfather: I acknowledge the progress that has been made. However, does the minister agree that an information campaign to heighten awareness of the importance of good hygiene and nutrition in nursing and residential homes would ensure that residents and their families know what standards to expect? Will he give me an assurance that he will work with the care commission to ensure that there is appropriate staff training in those areas and rigorous audit, so that our elderly people can receive and their families can be assured of the highest standards of care?

Lewis Macdonald: I completely accept the important points that Irene Oldfather makes. I am pleased to report that in recent months the care commission has worked in collaboration with NHS Education for Scotland to assist providers to understand their obligations in relation to care homes. Work has also been done with the Royal College of Nursing, which has a number of members working in the sector. Further such work is planned with providers.

I accept Irene Oldfather's point that it is important that residents and their families are aware of these matters and I will consider carefully whether there is anything that we ought to be doing, or encouraging the care commission to do, in that regard. The national care standards require that providers have a staff development strategy and effective annual training in place for all staff, which is the right way to proceed in that area.

John Swinburne (Central Scotland) (SSCUP):

What solution does the minister suggest to the problem of the pensioner in care who faces a bill of £1,174 per annum for heating and cooking her food?

Lewis Macdonald: Mr Swinburne will be aware that the Regulation of Care (Scotland) Act 2001 does not relate to that directly, but the provisions of the Community Care and Health (Scotland) Act 2002 on personal and nursing care do. The 2002 act makes it clear that the hotel costs that residents face are legitimate. However, one of the things that any family will want to consider before making a decision about placement in a care home is the fees regime that is in place.

A9 (Safety)**2. Mr John Swinney (North Tayside) (SNP):**

To ask the Scottish Executive what progress is being made on improving road safety on the A9 north of Perth. (S2O-10472)

The Minister for Transport (Tavish Scott): A wide range of improvements are being progressed for the A9 north of Perth including: grade separation at Ballinluig and Bankfoot; a dual-carriageway extension at Crubenmore; provision of a three-lane section at Kincaig; junction improvements at Kindallachan and Inveralmond; an alignment improvement at Helmsdale; and overtaking opportunities at Moy, Slochd and Carrbridge. A number of safety-related studies are also under way.

Mr Swinney: I welcome the various measures that are being taken to improve safety. When in 2007 will work on site commence on the upgrades of the Bankfoot and Ballinluig junctions? What is the minister's response to my calls and the calls of, among others, the Confederation of British Industry Scotland and the Scottish Council for Development and Industry for consideration to be given—as part of the strategic projects review and the national transport strategy—to making the A9 into a dual carriageway to improve road safety?

Tavish Scott: I am happy to write to Mr Swinney in the next few days to give him the dates on which we expect work on the junctions at Bankfoot and Ballinluig to start.

I understand the points that have been made about the entire route, which is why the strategic projects review will provide an objective analysis of it. That is in addition to the current study of the route between Perth and Pitlochry. We will ensure that that work is done timeously so that appropriate decisions can be taken as quickly as possible on that important route between the capital of the Highlands and Perth.

Cancer Costs Study (Executive Response)**3. Janis Hughes (Glasgow Rutherglen) (Lab):**

To ask the Scottish Executive how it will respond to the cancer costs study carried out by Macmillan Cancer Support. (S2O-10489)

The Deputy Minister for Health and Community Care (Lewis Macdonald): We recognise the additional anxieties and difficulties that are faced by people with serious illnesses such as cancer, and we take seriously the points that the report has made.

We have circulated guidance to national health service boards to ensure that patients are made aware of the two existing national schemes that allow for the reimbursement of travelling expenses for patients who are attending hospital for treatment and of escort expenses, where an escort is medically necessary. In 2004, we issued revised guidance to NHS boards that made it clear that they should make available sufficient car parking spaces and concessionary rates for patients who attend hospital regularly, for example for dialysis or radiotherapy.

Janis Hughes: I am pleased that the minister has issued guidance on the schemes that are in existence. As he may be aware, patients in Scotland who travel to hospital for cancer care endure an average of 37 trips and costs of £395 during the course of their treatment. Will he consider extending the current schemes to assist those patients?

Lewis Macdonald: In addition to the statutory position under those schemes, boards currently have discretion to consider on a case-by-case basis whether a patient should receive further reimbursement or travelling expenses. That is the right approach. It is important that boards are aware, and make patients aware, of the support that can be accessed. I am happy to consider any alternative suggestions for promoting the schemes that could improve eligible patients' access to them.

Ms Sandra White (Glasgow) (SNP): The minister mentioned guidance to NHS boards, but that is simply guidance. Does he agree that many hospitals have blatantly ignored it? Will the Executive introduce statutory powers to enforce its guidelines and thereby end the anomaly that exists and the disgraceful situation in which cancer patients have to pay parking and transport fees?

Lewis Macdonald: No.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): I thank the minister for his willingness to discuss the matter and am sure that he will agree that there are many hidden costs for cancer patients. For families, there are not only the emotional costs, but the worry and cost that result

from having to travel to hospital. Many day-care patients stay there for a long time—indeed, they can stay for the whole day—but finding parking close to hospitals can be impossible. People have other things on their mind than claiming expenses. Will the minister meet me and some of my colleagues to discuss the Macmillan campaign, which seeks to raise the profile of the issue?

Lewis Macdonald: As I said in response to Janis Hughes's question, I am certainly prepared to consider other ways of promoting the schemes. I do not accept Sandra White's point that hospitals are blatantly ignoring the guidance. I have no evidence that they are doing so. If such evidence exists, I want to know about it. *[Interruption.]*

I hear members making additional suggestions from sedentary positions. If those members have anything coherent to say, they should make the appropriate information available to me.

We want to ensure that hospitals and health boards throughout the country follow the guidance, but we must also recognise the reality. The ability of patients to park close to large general hospitals in urban areas in particular must be protected, and that is often best done by a charging scheme that will deter fly parkers and those who ought not to be there. However, I would be happy to discuss the matter further, as Cathie Craigie has requested, because we want to ensure that whatever schemes are in place, the interests of patients who require access to hospitals come first.

Concessionary Bus Travel (Monitoring)

4. Karen Whitefield (Airdrie and Shotts) (Lab): To ask the Scottish Executive what monitoring has been carried out of the implementation of the free concessionary bus travel scheme. (S2O-10507)

The Minister for Transport (Tavish Scott): Transport Scotland carries out various forms of monitoring, ranging from monitoring of the number of cards that have been issued, their category of eligibility and the accuracy of the records that are held.

Karen Whitefield: Is the minister aware of the concerns of my elderly constituents? When some of them have used their bus passes, they have been told that they must go to the end of the queue until paying passengers are seated. Does he agree that such behaviour and the charging of booking fees is unacceptable, especially as fares have been paid by the Scottish Executive? Will he take steps to ensure that such practice ceases immediately?

Tavish Scott: I would be happy to look into the cases that Karen Whitefield has mentioned and to ensure that Transport Scotland contacts her so

that they are properly considered. It would certainly be unacceptable for elderly people with concessionary passes to be bumped to the end of the queue in the circumstances that Karen Whitefield has described. Of course, she will be aware of the difference between elderly passengers who have the card and other fare-paying passengers who have pre-booked seats, but I will certainly take up the matter and ensure that Transport Scotland looks into matters that are causing considerable and understandable concern.

Roseanna Cunningham (Perth) (SNP): I associate myself with Karen Whitefield's concerns and suspect that her constituents' problems are being replicated throughout Scotland.

Is the minister aware that there are still serious difficulties with people getting their bus passes in the first place? As recently as this week, I spoke to an 80-year-old constituent of mine who has still failed to get a concessionary bus pass after four attempts. On at least two occasions, her pass was returned with a picture of a man on it, despite the fact that she sent in her own picture. Will the minister take serious steps to ensure that the card agency that issues the cards does its job properly?

Tavish Scott: I would be happy to take up the case that Roseanna Cunningham has mentioned, which I hope she has brought to the attention of Transport Scotland. After question time, I will check whether she has done so. We have said time and time again that Transport Scotland is available to sort out problems. If she has raised the matter with it and the issue has not been solved, that is not good enough. I will check whether she has raised the matter with that body at all.

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): The elderly have widely applauded the implementation of the free concessionary bus travel scheme, but in Caithness, in my constituency, the necessary work has not been done to buses to make them easier for disabled people to access—in fact, many disabled people simply cannot access them. Therefore, they are missing out on this laudable scheme. Will the minister assure me that the issue will be looked into as a matter of urgency? *[Interruption.]*

Tavish Scott: Scottish National Party members are an excitable lot today. I hope that they support the scheme, although it is clear that there are questions about the SNP's support for any policy that would help the elderly.

I would be happy to consider the serious issues that Mr Stone has raised, which I can see are of no importance to the SNP whatever. We are discussing with the bus companies significant

matters to do with bus design and disabled access, particularly in relation to coaches that go on longer journeys. We will continue that work and see that the bus operators provide the types of bus that are needed to provide a better service for the constituents whom Mr Stone represents.

Renewable Energy (Support)

5. Christine May (Central Fife) (Lab): To ask the Scottish Executive what support is being given to the renewable energy sector. (S2O-10494)

The Deputy First Minister and Minister for Enterprise and Lifelong Learning (Nicol Stephen): Earlier this year, I announced more than £20 million of extra support for the development of renewable energy. We have also committed around £16 million to the Scottish community and householder renewables initiative, more than £3 million for the European Marine Energy Centre in Orkney and £3 million to Talisman Energy for the development of the Beatrice offshore wind farm. That money is in addition to the significant support for renewable energy through the renewables obligation system.

Christine May: The use of the Sigma sustainable energies fund for renewable energy projects in the east of Scotland to support the Pelamis marine energy project has brought great benefits to my constituency, which I welcome. The minister referred to support for other forms of renewable energy. Is he aware of the proposal by Tullis Russell Papermakers in Markinch, in my constituency, to replace its coal-fired power plant with a 100 per cent biomass fuel plant? Will he confirm that there is Executive support for biomass renewable energy projects? Will he agree to meet me to discuss the Tullis Russell proposal and perhaps accept an invitation to visit the plant?

Nicol Stephen: Yes, I would be pleased to take up the invitation to visit the plant. I know that the Tullis Russell scheme is an ambitious one to replace its current means of energy production and convert to a biomass combined heat and power scheme. A significant funding gap currently exists, but the Executive is prepared to look at that and through either the £20 million fund that I mentioned or other means of support, such as regional selective assistance, we would like to work with the company to develop its proposals.

Christine May is right that the Sigma fund is important for the whole of the east of Scotland. The opportunity to get further direct venture capital investment through a combination of Scottish and Southern Energy investment and Scottish Executive investment is also significant.

Alex Johnstone (North East Scotland) (Con): What priority is being given and what resources is the minister devoting to the development of the biofuel industry in Scotland?

Nicol Stephen: Scotland will be significant in biofuel in the future and Alex Johnstone will be aware that a significant plant is being developed in Scotland. I believe that over the next few years the proportion of biofuel that is part of mainstream fuel will increase: biofuel will become an element in the fuel that all cars will burn. That is a better future for the biofuel industry than having separate biofuel pumps. A big shift towards biofuel could take place if we can get the right tax regime and the right United Kingdom Government incentives to make it happen. I know that the UK Government and the Scottish Executive have been working on that together.

Corporate Homicide

6. Karen Gillon (Clydesdale) (Lab): To ask the Scottish Executive what steps it will take to close a loophole in Scots law in respect of corporate homicide as highlighted by the Transco case. (S2O-10485)

The Minister for Justice (Cathy Jamieson): The Scottish Executive remains committed to closing the gap in the law identified by the Transco case. A Corporate Manslaughter and Corporate Homicide Bill has been introduced at Westminster, but we will continue to consider whether the law in Scotland needs further strengthening.

Karen Gillon: I have lodged a final proposal for a member's bill to introduce offences of culpable homicide by recklessness and culpable homicide by gross negligence. The proposal was lodged this morning and has gained support from 37 members of the Parliament across all political parties except the Conservatives, although I am sure that they will want to join in with everyone else shortly. The Executive's own legislative proposals will be a key factor in the progress of the bill. Therefore, will the minister agree to meet me to discuss how progress can best be made to ensure that the Transco loophole is closed once and for all?

Cathy Jamieson: I am aware that Karen Gillon's proposal has been lodged. I acknowledge her commitment in pursuing the matter vigorously in conjunction with the trade union movement on behalf of her constituents. A number of complex issues require to be resolved and I would be happy to meet her to discuss how we might make progress.

Mr Kenny MacAskill (Lothians) (SNP): Does the minister not accept that culpable homicide and manslaughter are not simply different names north and south of the border but are fundamentally different in many ways? In those circumstances, while it may be better than nothing for the matter to be addressed through Westminster, it would be far better to support Ms Gillon. Will the minister not commit to supporting Ms Gillon's bill, particularly in the light of Ms Gillon's remark about the cross-

party support for a specific Scottish act, which is long overdue, to deal with the matter?

Cathy Jamieson: I am sure that Mr MacAskill recognises the complexity of the law in this area and acknowledges that whatever legislation is passed—at Westminster or in the Scottish Parliament—must be fit for purpose and must be robust enough to withstand any possible future legal challenge. I have always made it clear that that is one of my aims. It would be wrong of us to suggest a course of action that would not deliver what it promised.

Breastfeeding

7. Shiona Baird (North East Scotland) (Green): To ask the Scottish Executive what action it is taking to promote breastfeeding, particularly in Grampian. (S2O-10538)

The Deputy Minister for Health and Community Care (Lewis Macdonald): We work closely with NHS Health Scotland and national health service boards to support a range of activity to promote breastfeeding across Scotland.

Some 40 midwives and health visitors have completed United Nations Children's Fund—UNICEF—training in Grampian in the past year and are now key workers in promoting breastfeeding and supporting mothers. Aberdeen maternity hospital and Dr Gray's Hospital in Elgin are working actively to achieve UNICEF baby-friendly status, which includes a range of training and education opportunities for staff and ensures consistent practice and a positive breastfeeding culture.

Shiona Baird: We all know that breastfed babies benefit throughout their lives. The benefits include fewer infections and a reduced incidence of type 2 diabetes, gastrointestinal problems and obesity. Does the minister share my concern that breastfeeding rates are declining, particularly in Aboyne? Will he ensure that NHS boards are given strong guidance to ensure that there is proper funding for the necessary early support for mothers to encourage them to continue breastfeeding, which would benefit everyone, including the NHS?

Lewis Macdonald: The overall picture in Scotland is that breastfeeding rates are increasing. We support that trend and will continue to do so.

First Minister's Question Time

12:01

Prime Minister (Meetings)

1. Nicola Sturgeon (Glasgow) (SNP): To ask the First Minister when he will next meet the Prime Minister and what issues they will discuss. (S2F-2422)

The First Minister (Mr Jack McConnell): I have no immediate plans to meet the Prime Minister.

Nicola Sturgeon: Is the First Minister aware that today the churches in Scotland, led by Cardinal Keith O'Brien and the Moderator of the General Assembly of the Church of Scotland, are uniting with the trade unions and many ordinary people in opposition to the replacement of Trident nuclear weapons? The First Minister has said that he will take a stance on the issue. Has he decided what that stance will be? Is he for or against the replacement of Trident?

The First Minister: As I said earlier in the summer, the matter requires serious debate and not a knee-jerk reaction from the nationalists. I respect the position that the churches in Scotland have taken—indeed, I discussed the matter with them early last month. I understand the strength of feeling that exists in the church hierarchies and among many church members, who will be involved in the representations that are made today and into next week.

Of course senior politicians should listen to those representations. They should also consider carefully the international climate in which we live and base their decision on that consideration. I intend to come to a view on the matter and make that view very clear indeed.

Nicola Sturgeon: While the First Minister sits on the fence, the debate in the real world is moving on. Does the First Minister agree with me that nuclear weapons offer no solution to any of the challenges that the world faces or will face in the foreseeable future? Nuclear weapons cannot fight international terrorism. Surely even Mr McConnell can see that it will be infinitely harder to prevent proliferation in countries such as Iran and North Korea while countries such as the United Kingdom are building up and modernising their nuclear arsenals. Is it not the case that there is no rational argument for spending £25 billion of taxpayers' money on new nuclear weapons? Is it not time that the First Minister of Scotland had the courage to stand up and say so?

The Presiding Officer (Mr George Reid): Those matters are all reserved, of course.

The First Minister: I believed strongly in unilateral nuclear disarmament 25 years ago, because of the nature of the cold war at the time, when there were no movements from any of the major superpowers to reduce their nuclear arsenals. In due course, the superpowers started to make reductions. As a result, many of us changed our approach to the issue and supported the multilateral reductions that took place. We also supported the unilateral reductions that have taken place under the British Labour Government, which since 1997 has reduced the stockpile associated with the UK.

I agree with Ms Sturgeon that we live in a dangerous world. There are other factors at play. There are two options: to replace Trident; or to include Trident in some form of international discussion. It would be wrong to take the Scottish National Party's option, which is to give up something for nothing. A genuine debate needs to take place during the winter here in the UK and elsewhere about whether we replace Trident unilaterally or include Trident in international discussions in order to secure safeguards and guarantees from Iran and elsewhere. That would be the responsible approach; the SNP's approach would be irresponsible and pre-emptive.

Nicola Sturgeon: I am not asking the First Minister about negotiation on existing Trident nuclear weapons; I am asking him for his view on the replacement of those weapons. Is it not the case that the issue will be decided not in the distant future but in the next few months? The First Minister says that it is too early to take a stance, but the problem is that Tony Blair and Gordon Brown do not think so. They have already said that they support the replacement of Trident nuclear weapons, so the question for the First Minister is simple: does he think that Tony Blair and Gordon Brown are right or does he agree with the vast majority of people in Scotland, including the one third of his back benchers who have signed up in support of today's march against nuclear weapons? Does he agree that replacing Trident would simply be wrong and that it would not make a dangerous world one bit safer?

The First Minister: Unlike Ms Sturgeon, I do not take my orders from a leader in London. *[Laughter.]* I have wanted to say that for two years and I have finally had the chance.

I completely understand and respect the passion with which those who are demonstrating today and through into next week hold their convictions. I respect those in the hierarchies of the churches in Scotland who have campaigned on the issue for many years. However, I ask Ms Sturgeon to consider for a moment the fact that we live in a world in which there are countries that could be extremely dangerous and which could develop

nuclear weapons systems in the coming years. What would be more effective: to include Britain's system in discussions with those countries to secure guarantees from them, or for Britain to make a unilateral decision regardless of what happens in Iran or anywhere else? There is a case to be made for that course of action—for serious international discussions—but I also want to ensure that, in the UK, we have a genuine and open debate about the way forward that is based on international reality.

Nicola Sturgeon: Mr McConnell has not answered the central question: how can we effectively preach non-proliferation while building up a new nuclear arsenal here in the United Kingdom? Does he understand that people want a First Minister who will stand up and be counted on the big issues that affect Scotland, not one who will constantly hedge his bets in case he offends not the current leader of the Labour Party but its next London leader? Might his repeated failure to state a position on the big issues that people in Scotland care about have something to do with the fact that, as we saw on Sunday, 70 per cent of people in Scotland simply do not trust him to stand up for Scotland?

The First Minister: There is an approach to leadership in the Parliament that Ms Sturgeon will perhaps never understand. It is vital that, when we speak on behalf of Scotland, we do so responsibly and consider the medium-term and long-term implications of what we say, not only its short-term popularity. I agree absolutely that there must be a debate on the matter. I have not taken a view on it and I have certainly not accepted anybody else's view on it. I will take my own view based on the facts and evidence as the months move on.

However, I will be clear that the one wrong option would be to decide on the matter in advance of any discussions in the international arena in which it would perhaps be possible—as a result of decisions on Britain's nuclear weapons—to influence those other nations that could develop such systems in the future. That course of action merits serious consideration from those in Scotland who have traditionally supported nuclear weapons systems and those who have not.

Cabinet (Meetings)

2. Miss Annabel Goldie (West of Scotland) (Con): To ask the First Minister what issues will be discussed at the next meeting of the Scottish Executive's Cabinet. (S2F-2423)

The First Minister (Mr Jack McConnell): The next meeting of the Cabinet will discuss issues that are important to Scotland.

Miss Goldie: Yesterday, the Executive released new figures that showed that the proportion of

people who are employed in the public sector has rocketed again, including an 18.4 per cent increase in Scottish Executive staff since 1999. Does the First Minister agree with Richard Lambert, the new director general of the Confederation of British Industry, who, at the annual CBI Scotland dinner last week, spoke of

“a public sector which has not been as focused as it should have been on growth-enhancing projects”?

The First Minister: First, it is important to be clear about what has happened in recent years in Scotland. The growth in private sector employment in Scotland has outstripped the growth in public sector employment and the growth in public sector employment has been concentrated in our schools, hospitals and health service and on tackling crime. If the Conservatives are against that, they should be honest and say so.

In the three years since the previous Scottish Parliament elections, the investment of the devolved Government and our clear priority of growing the Scottish economy have been reflected in increased resources in higher and further education, transport and the other infrastructure that supports growth in Scotland's economy. Those have been the right decisions for us to take and are precisely why the employment level in Scotland is the highest out of the United Kingdom nations and why employment in Scotland is up on what it was last year.

Miss Goldie: Business leaders and the Scottish Conservatives are not the only people to express concern about the potential impact of our growing public sector. Interestingly, another authoritative comment has been made recently on the problem. In the *Edinburgh Evening News*, the First Minister said that removing public sector jobs allowed the private sector to flourish. Specifically, he said:

“if we can take some of those public sector jobs out of Edinburgh and allow the private sector to grow more, we are doing a good thing for the Edinburgh economy, not a bad thing.”

Whatever I might think of the literary style of that quotation, following the First Minister's logic, does he agree that reducing the proportion of public sector jobs across Scotland would be “a good thing” for the Scottish economy?

The First Minister: If the Conservatives' policy is to reduce the number of teachers, staff in care homes for elderly people and people in our police force and related services who are helping to tackle crime, I do not agree with it. I believe that the nearly 4,000 additional teachers, the thousands of additional care home staff—particularly for elderly people—the almost 4,000 additional police and related services staff and additional members of staff in many other areas

are on the front line, tackling Scotland's problems and ensuring that future generations in Scotland are healthier, better educated and live in a safer society. Alongside that, private sector employment has grown at a faster rate in Scotland because of the policies of the United Kingdom Government and this devolved Government, which have created a stable macro-economy and ensured good investment in those areas for which we have responsibility and which can give Scotland a competitive edge. That has been the right thing for us to do. I am absolutely certain that that is more in tune with the views of the people of Scotland than is the Conservatives' view, which is to cut those jobs.

Miss Goldie: The burgeoning public sector and the Executive's obsession with controlling everything from the centre is threatening Scotland's fragile private sector economy. The public sector is now estimated at well over 50 per cent of gross domestic product. There is virtual unanimity among experts that that level of public sector activity is stifling economic growth, which is a fact that the First Minister now appears to agree with.

What is the First Minister going to do about the ever-increasing legions of desk pilots, pen pushers and paper shufflers who spend their time reporting back to Executive ministers rather than delivering front-line services?

The First Minister: I might be dismayed by the fact that Ms Sturgeon has to take her orders from London, but I wish that Miss Goldie was taking her orders from a leader in London, where at least some consideration seems to be given, at the top of the Conservative party in public, to public services; that is shown in some of the reports that the party has produced.

The position has to be made absolutely clear. Miss Goldie totally misrepresents the investment in public sector staff in Scotland in recent years.

Phil Gallie (South of Scotland) (Con): Eighteen per cent.

The First Minister: She misrepresents—

Phil Gallie: Eighteen per cent.

The Presiding Officer: Yes, we heard you, Mr Gallie.

The First Minister: She misrepresents the fact that we have more than 20,000 additional staff working in Scotland's schools with Scotland's schoolchildren; that we have nearly 10,000 additional people looking after our elderly people and children in the vital care services that were poorly invested in during the years of Conservative Government; and that we have nearly 4,000 additional people in the police force and elsewhere

working to make our streets safer for people in Scotland.

Those are vital investments and they should not be cut by the Conservatives. They are paired with an increase in private sector employment—in jobs in businesses and companies in Scotland—that far outstrips the growth in public sector jobs. That is the right course for Scotland—investment in public services at the same time as investment, support and growth in the public sector.

The Presiding Officer: There is one back-bench supplementary question.

Maureen Macmillan (Highlands and Islands) (Lab): Is the First Minister aware of an information note from the European Commission that has been received by some people in the Highlands and Islands? The note asserts that the Commission auditors propose a financial clawback of about £20 million from the 1994 to 1999 European regional development fund because of what they consider to be management weaknesses and ineligible expenditure. Will the First Minister assure me that he will contest the proposals at the highest level in Europe so that we are not faced with picking up the tab for something that pre-dates this Parliament?

The First Minister: I have seen the correspondence from Mr Meadows; I received it last night. I make it clear to the Parliament that we contest the findings of the audit report on the 1994 to 1999 European programme in the Highlands. The investment in structural projects in the Highlands, then and now, has underpinned the growth of the economy and the strength of the Highland communities that we see today.

We see no justification for the conclusion that Scotland should be fined today for actions that the auditors claim took place in the 1990s; our devolved Government needs money to invest in schools and hospitals, in tackling crime and in growing our economy. We will contest the European Commission's finding. We will ask for the United Kingdom Government's support in doing so, and we will do so vigorously, starting next Thursday, when the commissioner visits the Parliament and I meet her in my office.

Executive Agency Relocations

3. Margo MacDonald (Lothians) (Ind): To ask the First Minister what the next agency to be relocated from Edinburgh will be and what the Scottish Executive considers will be the benefits for Edinburgh citizens and the capital's economy of such a move. (S2F-2434)

The First Minister (Mr Jack McConnell): Ministers continually review the location of public bodies. We review locations from Edinburgh and from elsewhere in Scotland, including from

Inverness to the islands. We do so with care and we take each case on its merits. We consider the impact on the individual organisations and the impact on the location where the jobs are currently placed. We also consider the beneficial impact that there could be in another location. We do so for two reasons. First, we are increasing the number of public service jobs in education, social work, tackling crime and other areas. Secondly, throughout Scotland there are economies that are weaker than some of our cities and areas that have prospered more in recent years and they need to feel the benefit of public sector jobs.

In Edinburgh, during the years of devolution, about 1,500 jobs have been transferred out of the capital city as offices have moved to elsewhere in Scotland. At the same time, the number of public sector jobs in Edinburgh has risen from 41,000 to 48,000. That increase is far more significant than any decrease that has been caused by the removal of offices. That is a record from which Edinburgh's economy has benefited and one of which we can all be proud.

Margo MacDonald: The First Minister is entitled to show me his figures and I will show him mine. Is he aware that the percentage of people in public sector jobs in Edinburgh is 27.9 per cent? In Dundee, 37 per cent of the city's workforce is employed in the public sector and in Glasgow the figure is 31.2 per cent. Now that he knows those facts and figures, does he understand the non-partisan, across-the-board opposition that was provoked by his statement that losing public sector jobs was a jolly good idea for Edinburgh? Does he now agree with the City of Edinburgh Council, the Edinburgh Chamber of Commerce and the people of Edinburgh that it would be perverse to move the Registers of Scotland out of the capital and to move the Scottish Arts Council out of the city that hosts the world's biggest arts festival, to say nothing of the turmoil that would be caused in at least 1,500 households in the city? I am heartened to hear that he will consider every case on its merits.

The First Minister: There are no current plans to relocate jobs out of Edinburgh or anywhere else in Scotland that are not already in the public domain. I hope that any concerns that there might be about that are alleviated by that statement.

However, we continue to consider those matters because there is an issue about the impact of public sector jobs on the economy of Scotland as a whole and a responsible Parliament and devolved Government has to consider that case on its merits. Margo MacDonald mentioned Edinburgh and Dundee. Edinburgh city has one of the highest employment rates in Scotland and the United Kingdom. Edinburgh city employers came to me four years ago to say that they were having

problems with recruiting people because of the size of the public sector in the city. As First Minister, I had a duty to take on board that concern and use it as one factor in our decisions. In the same way, we moved jobs from Inverness to the islands to support fragile island communities when Inverness was booming.

Such decisions have to be taken carefully, with principles at their core instead of populism. I intend to keep to the principles that I held when I started in this Parliament in 1999, even if others in some of the other parties are running away from them.

Margo MacDonald: Does the First Minister agree that we can get too much of a good thing? It might have seemed like a good idea in 1999, but it is not such a good idea now. I would like an assurance from the First Minister that the two agencies that I mentioned are not in danger of being moved out of what should be their home in the capital of Scotland.

The First Minister: We treat every case on its merits.

General Practitioners (Numbers)

4. Dr Elaine Murray (Dumfries) (Lab): To ask the First Minister whether there will be sufficient GPs to meet future health needs. (S2F-2433)

The First Minister (Mr Jack McConnell): NHS boards have a duty to ensure that all Scotland's residents have access to a general practitioner, and the Executive will continue to provide resources to support that.

Dr Murray: I appreciate that the Executive has plans to increase the number of GPs in training, but the British Medical Association and the Royal College of General Practitioners have this week expressed concerns that there might be a shortfall in the number of GPs in Scotland in six years. After the Tory Government closed the Edinburgh Dental School in the 1980s, there was an increasing shortage of dentists that resulted in a dental crisis in many parts of Scotland; fortunately, that crisis has been alleviated in Dumfries and Galloway by the employment of a number of eastern European dentists.

The Presiding Officer: Question, please.

Dr Murray: Will the First Minister assure the chamber and Scotland that action to increase GP numbers will be taken in sufficient time to prevent similar problems arising in general practice?

The First Minister: A report was published in August 2003 that recommended that we increase the number of training posts to fill the gap that might exist by 2012. We accepted that recommendation and have increased the number of training posts from 250 to 280. We believe that

that number puts us on course to deal with the future workforce demands, but we will keep the position under review as part of the annual workforce surveys in the health service.

Shona Robison (Dundee East) (SNP): Is the First Minister aware that there might well have been a major underestimation of the number of people who will complete the GP training scheme? The figure could be as many as 250 more than the 500 by which it was estimated we would be short in 2012, which would leave a shortfall of 750 GPs. In light of that, can the First Minister tell us by how many the Executive will increase the number of GP places, and when will that happen?

The First Minister: We should be very careful about predicting the health service workforce on the basis of headlines. It is important that we examine the evidence that we have. That is why we have a proper workforce survey and when the reports that are commissioned by that survey make recommendations to us, we either accept them or consider them very carefully and adjust them. In this case, we accepted the recommendation and we will keep the position under review.

Mrs Nanette Milne (North East Scotland) (Con): Will the First Minister's plans take account of the coming introduction of the reform of postgraduate medical training, which will require general practice experience for trainees in many specialties, not just GPs?

The First Minister: I do not have the detail about what the figure contains in its entirety, but I would be very happy to supply that information to Nanette Milne.

Agricultural Exports (China)

5. Mr Andrew Welsh (Angus) (SNP): To ask the First Minister what steps the Scottish Executive is taking to increase Scottish agricultural exports to China. (S2F-2426)

The First Minister (Mr Jack McConnell): Scottish Development International is helping Scottish food companies to investigate and develop export opportunities. In addition, the Scottish Executive is actively involved in negotiations aimed at opening up the Chinese market to Scottish seed potatoes.

Mr Welsh: Is the First Minister aware that China is the largest potato-producing country in the world but low yields make it a perfect export market for field-grown high-quality Scottish seed potatoes? Such exports could benefit 300 producers in Scotland and create a massive multimillion pound industry if present restrictions were to be lifted. Given the present on-going inter-Government talks, what assurances can the First Minister give that Scotland's interests will be upheld in any

settlement? What steps is he taking to ensure that that happens?

The First Minister: I thank Andrew Welsh for his question. I know that he has a genuine interest in the issue and I treat his questions seriously.

First, the Executive, at official level, was represented on 30 August when representations on that very issue were made in China. Scotland's interests are being represented at the very highest level inside China. Secondly, over the past two years we have considerably expanded our operations in China to promote Scottish businesses generally. That has a direct impact on the support that we can give to the agricultural industry as well as other industries. The SDI's offices in Beijing and Shanghai are available to, and are being used by, Scottish agricultural interests as well as by other companies.

Chris Ballance (South of Scotland) (Green): "Scotland's strategy for stronger engagement with China" is silent on the lack of freedom of speech and democracy in China. It is silent on the enforced abortions, the enforced sterilisations, the Amnesty prisoners of conscience, torture in prisons and summary executions. Why are the First Minister and his Government silent on human rights abuses?

The Presiding Officer: The question is about agriculture.

The First Minister: We are not silent. On each of my visits to Beijing over the past two years, I have specifically raised those issues. I have also raised them here in Scotland with representatives of the Chinese Government. Other ministers have done the same. We are not silent on those issues.

However, I have to say to Chris Ballance that this is a Government, not a campaigning voluntary organisation. We do not take up issues with other Governments elsewhere as a central part of our economic strategy. However, our strategy for engaging with China is not just about Scottish businesses in China creating jobs in Scotland, but about engaging with the people of China. Just this week, I met representatives of a group of 100 students who, having studied for the first two years of their degree in China, have come to the University of Stirling to complete their final year. They will learn more about our country through that process than through us shouting from the rafters with Chris Ballance.

Social Work (Dumfries and Galloway)

6. Alex Fergusson (Galloway and Upper Nithsdale) (Con): To ask the First Minister what steps the Scottish Executive will take to ensure that the performance inspection report by the Social Work Inspection Agency into the social work services provided by Dumfries and Galloway

Council is acted upon as a matter of urgency. (S2F-2429)

The First Minister (Mr Jack McConnell): We take the report very seriously. The Minister for Education and Young People met representatives of Dumfries and Galloway Council on 28 August and wrote to its convener and chief executive on 4 September. He reinforced his concerns at the findings and welcomed the council's clear commitment to take the action necessary to bring about improvement. The inspection agency will keep ministers informed of the council's progress and conduct a follow-up inspection in a year's time.

Alex Fergusson: I am grateful to the First Minister for his recognition that the report requires some serious attention. Is he aware that the SWIA report states:

"We are of the opinion that the capacity for improvement is weak ... We had concerns about the limited capacity to deliver necessary change within the present structure and staffing"?

How can my constituents have any faith that the report's 24 major recommendations will be implemented efficiently, effectively and urgently when the people who are tasked with overseeing those improvements are the very same people who allowed this catastrophic situation to develop in the first place? Will the First Minister commit the Executive to intervene directly, if it proves necessary to do so, to ensure a timeous resolution to this very serious matter?

The First Minister: The Minister for Education and Young People, Peter Peacock, understands those concerns and has agreed with the council's chief executive that the council will bring in experts from elsewhere to assist with the implementation of the recommendations. Given that some of the key recommendations and criticisms in the report are about the capacity of Dumfries and Galloway Council to deal with change, bringing in those experts from elsewhere is an important step to ensure that changes take place.

The Presiding Officer: As we started a minute late, I will allow a final supplementary question.

Alasdair Morgan (South of Scotland) (SNP): One of the issues that the report addresses is the difficulty in recruiting professional staff in Dumfries and Galloway. That issue applies not just to social work, but to dentistry, medicine and teaching. Could any special measures be implemented that would attract professionals of the right calibre to Dumfries and Galloway in sufficient numbers to enjoy the quality of life there, to which the report also refers?

The First Minister: Many local authorities in Scotland are taking specific measures to attract staff to their areas—both urban and rural—in

social work and in other professions. I would encourage Dumfries and Galloway Council to look at that matter.

12:30

Meeting suspended until 14:15.

14:15

On resuming—

Question Time

SCOTTISH EXECUTIVE

Education and Young People, Tourism, Culture and Sport

Class Sizes

1. Shona Robison (Dundee East) (SNP): To ask the Scottish Executive how it will report to the Parliament this year on any progress made in cutting class sizes. (S2O-10522)

The Minister for Education and Young People (Peter Peacock): We have already published details of primary class sizes this year and the next publication will be in February 2007.

Details of teacher numbers are also collected annually. They were published earlier this year and will again be published in the first quarter of next year.

Shona Robison: We accept that the Government is training new teachers, but does the minister know how many of those teachers are actually being recruited into classrooms? Is not it the case that because of delays in the recruitment of teachers, the Government is relying on falling school rolls to meet its targets?

I ask the minister again what progress has been made in cutting class sizes towards the 2007 target. Will he publish a report for Parliament on that subject?

Peter Peacock: As I said, we published a report in February this year on primary class sizes. We did—there is no point in Shona Robison shaking her head. The report is in the public domain. Another report will, following the annual pattern, be published at that time next year. We will also publish the details of the census that will be taken this month. We will publish the figures next year, as we did last year.

The Scottish National Party is mathematically challenged—we know that from its economic policies—but if members look at the figures that are in the public domain, they will find that more than 890 extra teachers are teaching in Scottish schools, compared with the figure for the most recent year for which figures are available.

Shona Robison rightly pointed out that pupil numbers are falling. In Scotland between 2004 and 2005 the numbers fell so that 10,000 fewer pupils were in the system. At the same time, we have nearly 1,000 extra teachers, which gives us this historic opportunity to cut class sizes

significantly and improve pupil to teacher ratios. That is exactly what is happening and the figures are there to prove it.

School League Tables

2. Ms Rosemary Byrne (South of Scotland) (Sol): To ask the Scottish Executive what action is being taken to prevent local authorities from publishing school league tables. (S2O-10475)

The Minister for Education and Young People (Peter Peacock): The Scottish Executive neither publishes nor endorses the publication of school league tables.

Ms Byrne: Is the minister aware that even Labour-run authorities such as the City of Edinburgh Council are handing over league tables of primary and secondary schools to the press for publication? Does the minister agree that the publication of league tables stigmatises schools that serve the poorest urban areas, leads to schools teaching to the test and leads to better-off parents enrolling their children in other schools, thus exacerbating the concentration of the most deprived children in certain schools? That seems to go against the minister's declared intentions. If that is the case, what will the minister do to clarify the guidance?

Peter Peacock: We have to be careful not to be confused, because sometimes newspapers use freedom of information requests to access raw data from schools. Newspapers are entitled to do that under the Freedom of Information (Scotland) Act 2002, so we have to make a distinction. We also have to make a distinction between reports that go to councillors about attainment in their local authority areas, and local authority league tables. I am not aware of any local authority that is producing a league table or that has given such a table to a newspaper, although newspapers can use freedom of information requests to derive base data.

Rosemary Byrne has spoken about the flaws in using simplistic league tables—that is what I have called them many times—to judge the quality of our schools. League tables of exam results are important for knowing about exam results but not for knowing about the ranking of individual schools. Exam results give a one-dimensional view of how a school operates. To know how a school operates, we need to look at the additional support staff, at its behaviour policies, at its ethos and at its rules and how well they are applied. We need to consider sport, music, drama and other things that go on in the school, and we need to consider how the school engages with its community and with environmental questions, the vocational options on offer and curriculum flexibility. The list could go on.

There are lots of things to be considered when we judge the quality of a school. We cannot judge by looking at a league table, which is why we encourage schools to publish handbooks about what they do, and it is why our www.scottishschoolsonline.gov.uk website gives people access to schools data and to links to the schools themselves. I encourage people to take a wide view of schools and not to be fixated on exam results alone—important though they are.

Teachers (Funding)

3. Bruce Crawford (Mid Scotland and Fife) (SNP): To ask the Scottish Executive how it will ensure that money allocated to employ new teachers to reduce class sizes will be used this year for this purpose. (S2O-10519)

The Minister for Education and Young People (Peter Peacock): Local authorities have been given targets for the number of teachers they need to employ to reach our targets and conditions have also been applied to specific use of the additional funding that I have recently given local authorities.

Bruce Crawford: Does the minister accept that funding mechanisms for education are causing councils considerable difficulty in reducing class sizes in areas where populations are growing? Will the minister give a commitment to consider adjusting the mechanism so that councils with growing populations get the resources that they need to reduce class sizes? Pupils and parents expect to hear reduction commitments today and not at some distant time in the future. Is the minister aware that a child who started school aged five in 1997, when Labour came to power, will be 15 next year and will have gone right through school without the benefit of smaller classes?

Peter Peacock: I am glad that the Scottish National Party has got some basic arithmetic right.

Mr John Swinney (North Tayside) (SNP): As always.

Peter Peacock: Bruce Crawford is right: if someone was five in 1997, they would be 15 next year.

Mr Swinney: As always.

Peter Peacock: Calm down, John.

It is entirely wrong to say that those pupils will not have experienced reductions in class sizes; many of them will. We have already cut class sizes significantly in the early years of primary school and there have been reductions in secondary 1 and secondary 2 in maths and English class sizes. I have been in schools recently that are already exactly meeting our targets. I told Shona Robison in an earlier answer that we have increased the number of teachers in

Scottish schools this year by more than 890—they will be teaching in our schools now. All of that is improving Scottish education.

On the point about growing populations, when Bruce Crawford was leader of a council he would have argued about that issue. He will know that clear and well-established formulae are in place that take account of changes in the pupil population, which is the principal determinant of how much money local authorities get to implement our policies, and he will know that those formulae are adjusted over time to ensure that councils with growing populations get the extra cash that they need and that those with reducing populations get less cash as a consequence.

Bilingual Learners (Schools)

4. Nora Radcliffe (Gordon) (LD): To ask the Scottish Executive how it is supporting schools in the teaching and integration of children whose first language is not English. (S2O-10527)

The Deputy Minister for Education and Young People (Robert Brown): The Education (Additional Support for Learning) (Scotland) Act 2004 requires education authorities to identify, meet and keep under review the additional support needs of all pupils for whom English is an additional language. The Executive provides local authorities with substantial resources to ensure that bilingual learners are given full access to the mainstream curriculum and are given the opportunity to learn alongside those for whom English is their first language.

Nora Radcliffe: We welcome immigration and immigrant pupils in our classrooms, but such pupils impose different conditions for teachers. The influx of those children has happened fast and to a large extent. Is the minister satisfied that sufficient resources are being provided to support teachers who are in post now, and who are faced with teaching those children alongside children whose first language is English? Is there any plan to provide, in the curriculum for teacher training, training for teachers in how to deal with classes in which there are different first languages?

Robert Brown: The issue will reflect people's experience throughout Scotland. I echo Nora Radcliffe's comments about the welcome that those people, who come mostly from east and central Europe, should receive in Scotland, because they play a significant part in the economy. Their education is primarily a matter for local authorities throughout Scotland, which are given £4 billion of resource through grant-aided expenditure in particular, including significant amounts for additional support needs provision in their areas. Nora Radcliffe would recognise that.

The Executive commissioned the Scottish English as an additional language co-ordinating council and the centre for education for racial equality in Scotland to produce a document on good practice in teaching pupils for whom English is an additional language. It was published in February. We have also published an education guide for asylum seekers that may be some help in that regard.

It is fair to say that a discrepancy arises in Scotland in that an awful lot of the influx has been to the four bigger cities. It is important that councils take advantage of the expertise that exists among colleagues in other council areas to get guidance on the matter. Councils are considering the issue closely and the situation is moving fast. We stand ready to talk to councils about any difficulties that they may have and to see whether we can be of any help in relation to guidance and the expertise that exists in the system.

Maureen Macmillan (Highlands and Islands) (Lab): The minister will recall the representations that I have made about the situation in the Highland Council area where, this autumn, there were at least 50 new presentations of children who have needs in respect of English being their second language—the figure is probably nearer 90 children. Highland Council is finding it difficult to cope with such huge numbers. Will the minister consider how local authorities are coping? The additional support for learning budget was allocated before all those new presentations occurred. Will he consider how training in delivering support for English as a second language might be given to existing learning support teachers, perhaps through a distance learning programme? We need people in classrooms to help teachers cope with the new arrivals.

Robert Brown: Maureen Macmillan has made some good points. Local authorities are not restricted to particular lines of the GAE for such support—they have discretion, which is the whole point of the way in which we fund local authorities. I am more than happy to have a separate discussion with the member about the detail of the important points that she makes.

However, we have not really had representations from councils about difficulties that they face in that regard. Given the input that Peter Peacock and I, and other members, have had on the matter, I have asked officials to ensure that they are in close touch with local authorities about the situation in their areas and to ensure that we can respond suitably to the problems that the authorities undoubtedly face on the issue. It will take a little time for that work to come to bear on the problem. Local authorities have the lead in the

matter, but we are anxious to do as much as we can to back them in that endeavour.

Ms Sandra White (Glasgow) (SNP): The minister and Maureen Macmillan referred to the Education (Additional Support for Learning) (Scotland) Act 2004. Will the minister confirm that all schools can apply through the additional support for learning scheme for support for children whose first language is not English?

Robert Brown: It is not really a question of applying—the funding has been put out there. An allocation is made under the various headings of the additional support for learning implementation arrangements. The money is spread among local authorities proportionately, using the usual arrangements. Authorities have access to the funding for use in the most appropriate fashion.

More generally on the Education (Additional Support for Learning) (Scotland) Act 2004, as the member is probably aware, we have implementation arrangements and officers to assist local authorities in dealing with the admittedly significant challenges of ensuring that provision throughout Scotland is up to standard. We have also made arrangements for Her Majesty's Inspectorate of Education to report on progress on the implementation of the 2004 act. Its report will be published in due course. We have also asked HMIE to keep a close eye on several particular issues that arise from the 2004 act.

Mountain Biking (Support)

5. Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): To ask the Scottish Executive how it supports mountain biking. (S2O-10533)

The Minister for Tourism, Culture and Sport (Patricia Ferguson): The Executive supports mountain biking through the annual grant aid that is awarded by sportscotland to the sport's governing body. In addition, the Forestry Commission Scotland provides support for the development of mountain biking facilities throughout its estate.

Jeremy Purvis: The minister will be aware of the significance of mountain biking to the Tweed valley in my constituency—she has visited Peebles. Does she appreciate that there is growing concern among members of the community council and local businesses that the Forestry Commission is not making progress on its commitments at Glentress or in its work at Innerleithen with the private and commercial sector? Will she relay those concerns at the highest level in the Forestry Commission and to her ministerial colleagues in the Executive? If the Forestry Commission does not make more progress now, the Borders will not gain from the sport's huge potential.

Patricia Ferguson: I understand Mr Purvis's concern, but I point out that Glentress has to an extent been a victim of its own success. The number of visitors enjoying the trail has grown so significantly that it has outgrown the present site and facilities. I understand that the Forestry Commission has acquired 12 additional acres of land adjacent to the existing entrance and that it intends to relocate the present facilities and to redevelop the new site into a visitor services centre that will serve all of the Tweed valley forest park. I understand that a planning application will be submitted, so it is probably not appropriate for me to comment further.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): Will the minister join me in praising all those who were involved in the international mountain biking competition that was held this year at Aonach Mor. It was such a success that Lochaber was full up—a case of Lochaber no more room at the inn. Is she aware that the world championships will be held there next year, which will mean thousands of extra people to be looked after? Unlike Mr Purvis, I congratulate Forest Enterprise on its work in expanding the facilities for beginners, intermediates and on what I call the kamikaze runs at Wolfrax near Laggan. Does the minister agree that it is excellent news that is very much to be encouraged, and that we want as many people as possible to enjoy the splendid benefits and hospitality that my constituency has to offer?

Patricia Ferguson: I suspect that this is one of those one-off occasions when I can unreservedly agree with Mr Ewing—although I might perhaps have chosen to phrase my support a little differently.

It is good to have Mr Ewing's support for events that have been attracted to Scotland in no small measure by EventScotland, the Government agency that was set up to do just that. I am delighted that he accepts that people are coming to Scotland as a result of those events. Of course, such things also need partnerships on the ground, and we now have the accolade of being one of the world's best mountain biking destinations—that is according to the cycling unions, not us. As part of that accolade, they also recognise that the Government is bike friendly. I am grateful for that, too.

Mr Jamie McGrigor (Highlands and Islands) (Con): I echo Fergus Ewing's sentiments. The world championships will bring in 700 to 800 competitors from 70 different countries, and there will be some 50,000 extra visitors to the Fort William area. Does the minister agree that the Off Beat Bikes downhill course on the Nevis range is fit only for people who are extremely experienced in the sport? Does she therefore agree that at

least one other course should be built in the area to encourage people with less experience to take up the new sport, which promises so much for Scotland, and to take advantage of the gondola transport that facilitates the sport in that area?

Patricia Ferguson: In a way, Mr McGrigor is arguing against himself. The reason why the world championships are coming is the fact that the course is so severe and is one that experts want to use. It is important to take the opportunity to harness the enthusiasm that local people will no doubt build up for the event and to use it to give those people the opportunity to enjoy mountain biking. Many other matters need to be taken into consideration, not least the environmental impact on the area, so I am delighted that partners in the area are working together to work out the best strategy. If that means more routes, that is great, but that has to be balanced against other factors.

Autism (Applied Behaviour Analysis)

6. Cathie Craigie (Cumbernauld and Kilsyth (Lab): To ask the Scottish Executive whether it will encourage local authorities, where necessary, to support and develop applied behaviour analysis programmes at the earliest possible stage in the education of children with autism. (S2O-10483)

The Deputy Minister for Education and Young People (Robert Brown): A wide range of approaches, including applied behaviour analysis programmes, can be used in the education of children with autism. The Scottish Executive encourages local authorities to support and develop whatever learning and teaching programmes best meet the needs of individual children at the earliest possible stage in their education.

Cathie Craigie: Does the minister agree that, in the vast majority of cases, the best judges of whether a programme benefits a young person are their parents or guardians and that, in particular, parents of children with autism must have every chance to make the right choice for their children?

What advice can he give me and constituents of mine who have a four-year-old with autism whose life chances are clearly being advanced by involvement in the ABA programme, the required continuation of which is being hindered by the local education authority's refusal to allow the necessary support and back-up at nursery school?

Robert Brown: Cathie Craigie will understand if I do not comment on the individual case. In general, expenditure on a particular intervention is a matter for the local authority, having taken account of local needs and priorities. We are aware of no conclusive research that recommends one approach or intervention over another. In reality, many schools tend to use an eclectic mix

of approaches to take advantage of the best information. The outcome of any approach will depend on the individual's needs, which vary greatly, and on the intervention's appropriate application. What works for one individual might not work for another.

I appreciate that parents' views are extremely important. Under arrangements in the Education (Additional Support for Learning) (Scotland) Act 2004, when a dispute arises between a parent and a local authority, mediation will be undertaken first, in order to try to sort out the matter by agreement, which is highly desirable. Arrangements also exist for the Scottish ministers to appoint an independent adjudicator and, in more limited circumstances, an appeal may be made to the Additional Support Needs Tribunal for Scotland. Any one of those possibilities may assist Cathie Craigie's constituents.

Finance and Public Services and Communities

Local Government Funding (Free Personal Care)

1. Alex Fergusson (Galloway and Upper Nithsdale) (Con): To ask the Scottish Executive whether the local government financial settlement for 2007-08 will make adequate provision for local authorities to deliver free personal care. (S2O-10477)

The Minister for Finance and Public Service Reform (Mr Tom McCabe): The settlement will do so. By virtue of the agreement that we reached with the Convention of Scottish Local Authorities in the previous spending review, we already provide adequate funds for the policy.

The policy was introduced to provide personal and nursing care services without charge to people who would previously have paid for them. Local authorities have always received funds, which were more than £60 million in 2001-02 and have been uprated in every year since then, to provide the services free to people who could not afford to pay for them. Local authorities should ensure that they use both those funding streams to provide personal and nursing care to people who are assessed as requiring it.

Alex Fergusson: I thank the minister for that comprehensive statement. In my hand is a copy of a letter dated 24 September 2004 from the Health Department's directorate of service policy and planning to all local authority and national health service chief executives and other senior officials. It says explicitly that

"assistance with the preparation of food should be not be charged for"

under schedule 1 to the Community Care and Health (Scotland) Act 2002.

Given what that letter says and the minister's assurance in his reply, will the Executive make funding available to local authorities to allow them to refund fully all those who have been illegally charged for that service as part of a care package?

Mr McCabe: My colleague the Deputy Minister for Health and Community Care is dealing with that. He has explained to the Parliament the approach that the Health Department is taking and members will be well aware of the discussions that are taking place on the subject.

Christine Grahame (South of Scotland) (SNP): Is the minister aware that the Margaret Blackwood Foundation is removing its sheltered housing officers from its complexes in places such as Tweed Bridge Court in Peebles, which is causing great distress and anxiety to vulnerable residents? The foundation claims that that is a direct consequence of the effect on funding of legislation on care in the community. I am sure that the minister shares my concerns. Will he meet me to discuss the foundation's interpretation?

Mr McCabe: It would be more appropriate for my colleagues in the Health Department to deal with that situation. It is impossible for me to comment on individual situations of which we have no prior knowledge.

Best Value

2. Des McNulty (Clydebank and Milngavie) (Lab): To ask the Scottish Executive whether the level of importance given to supporting ministers in policy development within Executive activity makes it inappropriate to compare the Executive's approach to best value with that of local authorities. (S2O-10500)

The Minister for Finance and Public Service Reform (Mr Tom McCabe): The duty to secure best value applies to accountable officers in the Scottish Executive and to local authorities. The Scottish Executive's work in supporting ministers in policy development is clearly different from local authorities' statutory duties in discharging their functions. The differences make it difficult and inappropriate to compare the Executive's approach to best value with that of local authorities.

Des McNulty: I accept that there are differences between the tasks of Executive civil servants on the one hand and local authority officers on the other. Nevertheless, there are many areas in which comparisons can be made. Even in those areas where direct comparisons between local authority officers and Executive civil servants cannot be made, there are other sources of

comparison that might be appropriate. Can the minister reassure me that every opportunity will be taken to ensure that we are getting the best value for money and the highest levels of efficiency from our civil service in carrying out the tasks that it is asked to undertake?

Mr McCabe: As the permanent secretary has explained, we have engaged in a taking-stock review that should allow us broadly to compare performance in the Executive with performance in other Government organisations. That is an important benchmark to which we will always have reference.

Jim Mather (Highlands and Islands) (SNP): Will the minister try to repair the damaged credibility of the best-value and efficient government initiatives and prove claimed performances by producing robust baseline data and objective statistics that will provide the people of Scotland with some basis for discovering the extent to which efficiency, value, growing the economy, closing the opportunity gap and sustainable development have or have not been achieved?

Mr McCabe: I am shocked and surprised that Mr Mather has obviously missed the best-value monitoring report that was published just last week and showed that we exceeded the targets in the first year. That reflects the poor ability of the Scottish National Party to make policy. However, in an attempt to abide by the consensual nature of the Parliament, I will ensure that Mr Mather is acquainted with the details of the report.

Local Income Tax

3. Bristow Muldoon (Livingston) (Lab): To ask the Scottish Executive what impact a local income tax would have on working families. (S2O-10502)

The Minister for Finance and Public Service Reform (Mr Tom McCabe): The examination of local income tax, along with other models of local taxation, is within the remit of the independent local government finance review committee. However, I acknowledge that there seems to be a growing weight of opinion that hard-working Scottish families would be worse off under that system.

Bristow Muldoon: On that basis, does the minister welcome the campaign that was launched recently by the trade union Unison, highlighting the cost to working families of the local income tax plans of the SNP and the Liberals? Does the minister agree that, if introduced, the local income tax that the SNP and the Liberals propose would be the most unpopular reform of taxation since the poll tax?

Mr McCabe: Both Unison and the trade union movement in general have an honourable tradition

of passing on useful information to the general public. I am pleased that they are continuing that tradition.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): Will the minister accept the growing wave of opinion among my constituents—

Stewart Stevenson (Banff and Buchan) (SNP): Bye!

Jeremy Purvis: Mr Stevenson is taking the mickey out of the majority of my constituents who earn the national average wage or less and who currently suffer under a regressive system of local taxation. Will the minister outline what would be wrong with having a progressive system of local taxation, based on the ability to pay?

Mr McCabe: Nothing whatever. We are all in pursuit of progressive taxation that in some way reflects the ability to pay. However, in order for the debate in the member's constituency to be as fulsome as possible, we will try to ensure that Unison's latest report is made available to his constituents.

Mr John Swinney (North Tayside) (SNP): In order for the debate to be as fulsome as possible, will the minister tell Parliament what financial penalty has been paid by hard-working families in Scotland as a result of their having to pay a larger proportion of their income in council tax payments than those in Scotland who are in a more comfortable financial situation? What financial penalty has the regressive council tax imposed on hard-working families in Scotland? Does the minister not believe that a serious examination of a local income tax would remedy the financial penalty over which he has presided for such a long time?

Mr McCabe: Goodness me, Presiding Officer, I am not sure which version of John Swinney was asking which question. Does he demand, through motions lodged by his party, that we give almost £100 million extra to councils to ease their burden and help them to consider their council tax levels, or was he inspiring stories that any extra money for local government would be a bribe? I ask Mr Swinney which day of the week it is and which Mr Swinney is addressing the chamber this afternoon.

The average increase of council tax in Scotland has been lower than anywhere else in the United Kingdom—much lower than south of the border—and we are confident that through the constructive discussions that the Executive has with local government that progressive trend will continue in the near future.

Youth Projects (Funding)

4. Mike Pringle (Edinburgh South) (LD): To ask the Scottish Executive how much funding was

allocated under the quality of life initiative for youth projects and whether any of this funding has been allocated to warn young people about the dangers of underage drinking. (S2O-10529)

The Minister for Finance and Public Service Reform (Mr Tom McCabe): The quality of life initiative was set up as a broad “light touch” scheme for councils to address local and central government priorities. There are two themes—improving the local environment and improving community well-being. Local authorities are asked to consult with community partners and provide indicative expenditure plans.

Local authorities have allocated just in excess of £16 million on youth projects from a total allocation to the quality of life fund of £375 million. A number of projects encourage young people to make healthy lifestyle choices including highlighting the dangers of underage drinking. For example, Dundee is to spend over £120,000 on a safe drugs-and-alcohol-free environment for young people while South Ayrshire is to spend over £250,000 on support for families with substance misuse problems.

Mike Pringle: I thank my colleague Jeremy Purvis for highlighting the issue about which I will now ask. Does the minister think that a police bottle-marking initiative, whereby police mark a certain code in invisible ink on bottles of alcohol, which has been trialled successfully by Lothian and Borders police, is a good way of trying to discover from where young people are getting alcohol and thus helping to tackle the underage drinking problem? That initiative was highlighted in the media recently.

Mr McCabe: There is no doubt that we live in a complex society. Any method that the police authorities can try to assist both young people who commit some of the behaviours that we see in our society and others who suffer as a result of those behaviours is clearly welcome. It is important that all our statutory agencies trial and pilot as many initiatives as possible to complete the search for the solutions that we all seek.

Central Heating Programme

5. Cathy Peattie (Falkirk East) (Lab): To ask the Scottish Executive how many homes in the FK postcode area and in Scotland have had central heating installed in each year since the introduction of the central heating programme; whether more detailed information and monitoring of the programme will be undertaken, and whether, now that the programme is to be administered by Scottish Gas, any additional safeguards are to be introduced to protect the public. (S2O-10506)

The Deputy Minister for Communities (Johann Lamont): Since 2001, the central heating programme has installed 1,600 systems in the FK postcode area as part of a total Scottish figure of over 51,000 installations. In the interests of brevity and, if the member is content, I shall write to her with the detailed breakdown of the number of installations in each year since 2001 and place a copy of that information in the Scottish Parliament information centre.

As regards the new managing agency contract, performance will be monitored independently with monthly reports to Communities Scotland. The contract also sets improved standards for the level of service provided to applicants.

Cathy Peattie: I would welcome that written report. Will the minister tell me how many applicants will be prioritised to ensure that the greatest need is met first? We know that there is a long waiting list for the service. Will the minister assure me that assessments will cover all needs, and that people will not be subjected to demands for additional money before the work starts, as happened to one of my elderly constituents who was asked for £150 upfront because the contractor felt that she needed another radiator?

Johann Lamont: We should welcome the central heating programme as a good news story; £62.5 million is being spent from October 2006 to March 2008. It is a good example of the partnership working between a Labour Government and a Labour-led Scottish Executive that is committed to addressing fuel poverty.

There have been challenges as the programme has progressed. Written into the contract with Scottish Gas is an expectation of improvement in customer care. We are mindful of that and have drilled into its importance with the support of members from across the chamber who have raised the challenges experienced by vulnerable people. The purpose of the programme is to protect vulnerable people. That is the challenge to Scottish Gas, and I am confident that our targets will be met.

We are looking at targeting those with greater needs but, by definition, the whole group at whom the initiative is aimed is vulnerable. We must be careful that we do not prioritise inappropriately, as we recognise that the group as a whole is in great need.

John Scott (Ayr) (Con): The minister will be aware that funding has not been available to the central heating programme since the spring. Can she assure the chamber that sufficient funding is now in place to allow Scottish Gas to deal with the backlog and waiting lists that have built up since the spring, especially in my constituency, to allow those who are eligible for the scheme to have new

central heating systems in place before the winter sets in?

Johann Lamont: It is entirely reasonable that we should seek to get the best benefit from the huge investment that has been made in the programme. There was not no money from March this year. A target was given to Eaga Group for 6,000 central heating systems to be installed, and the new managing agent is charged with the responsibility of installing an equivalent number in the next period. There has been no break, although we recognise that there is a backlog. We reckon that, when we go into the assessment, that will reduce by 30 per cent. We are on target to meet the overall target that we have set for the year. There have been some challenges in the interim, and we are addressing those. We want to ensure that we get the maximum benefit from this significant investment for the people who need it most.

Stewart Stevenson (Banff and Buchan) (SNP): The minister will be aware that, even at the current high prices, gas is one of the most cost-effective fuels with which people can heat their homes. In the light of the appointment of Scottish Gas as the managing agent, has the Executive encouraged that company to supply gas to the many rural towns and villages that currently have no access to it even though, in my constituency, they are within a few hundred metres of gas mains?

Johann Lamont: The contract that we have with Scottish Gas is to deliver our highly popular, hugely invested-in programme. We know what the challenges are around that, and those are issues that Stewart Stevenson can address with Scottish Gas. The core business between Scottish Gas and the Executive is the central heating programme, not addressing the other issues that exist. It is critical that Scottish Gas take on the responsibility of delivering that huge benefit to people throughout Scotland.

John Swinburne (Central Scotland) (SSCUP): Is the minister aware that there has not been a smooth handover from Eaga Group to Scottish Gas and that the Executive's excellent free central heating scheme has been held back? If a person needs a repair, they are told to wait six months. Six months from now, they could be a statistic in the figures for winter-related deaths.

Johann Lamont: Let me make it clear that the purpose of the programme is to improve the central heating infrastructure of people's homes; it is not intended to be a substitute for measures to assist people in crisis with specific heating needs. Those problems are not addressed through the programme. It is a general programme, and members across the Parliament agreed that it should be a general programme rather than a

targeted one, given the needs of the people whom we are talking about.

We have charged the managing agent to consider the particular issues of people with health needs to determine whether there are ways in which the programme can be accelerated. However, as I have said, there are challenges in that, given the nature of the group that we are discussing. We recognised that the transition would cause some problems, but we will meet our overall target as we have met it in the past. Indeed, in the past year, we overreached our target by 1,000 installations, with 14,000 systems installed. That is clearly a good news story despite the challenges that individual constituents face.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): I agree that it is a great programme. An awful lot of people in my constituency have benefited from it.

I am pleased that the Executive has taken on board some of the management issues that members have raised in the past. I visited a constituent earlier this week, and I was appalled to see the state of the central heating system that a company had installed. Can the minister assure me that, under the new contract, the managing agent will inspect work before it pays the contractors?

Johann Lamont: There is an inspection regime. People in my constituency have raised with me their experiences of central heating installations, which have not been what we would expect. We have to challenge that. The fact that the programme is free to the person who receives the system does not mean that it is free. It is an active political decision by the Executive to deliver funds to the programme, and those who install the systems should show those customers the same respect that they would show anyone else.

The fact is that the programme has given a boost not only to elderly people, but to the people who run businesses installing central heating. They should take this opportunity with both hands and prove that they can carry out quality work. I am glad that many have done so; however, I feel that individuals should not have to suffer the disappointment that Cathie Craigie has described. The critical point is that this is a good programme for individuals and the challenge for those who get the opportunity to carry out such work is to prove that they can deliver work of the highest quality.

West Dunbartonshire Council (Community Ownership Programme)

6. Jackie Baillie (Dumbarton) (Lab): To ask the Scottish Executive what progress is being made with West Dunbartonshire Council's

application to the community ownership programme. (S2O-10478)

The Minister for Communities (Malcolm Chisholm): West Dunbartonshire Council submitted its application to join the community ownership programme on 11 July. The application is being assessed by Communities Scotland and I expect to be in a position to give the council a formal response later this year.

Jackie Baillie: I am delighted with that response. As the minister will be aware, the council has submitted a bid for early action funds as part of the programme to kick-start improvements by demolishing properties and building new homes.

The minister has indicated that he will decide soon on a move that will ensure that the people of Dumbarton and the Vale of Leven see welcome investment in their communities. Does he think that such investment will help to regenerate local communities such as Castlehill, which he has visited?

Malcolm Chisholm: I was certainly pleased to visit Castlehill a few weeks ago, where I found a lot of enthusiasm for the community ownership programme. Indeed, I have seen the same enthusiasm in other parts of Scotland that I visited over the summer. A substantial investment programme is already in place; this year, for example, £10 million has been invested in affordable housing in West Dunbartonshire. However, the programme will significantly accelerate such investment. As I indicated in my answer, I certainly hope to be able to make a formal response in the near future. Of course, when West Dunbartonshire Council is admitted to the programme—I should say “if and when”, but I expect it to be “when”—early action funding will be available.

Criminal Proceedings etc (Reform) (Scotland) Bill: Stage 1

The Presiding Officer (Mr George Reid): The next item of business is a debate on motion S2M-4712, in the name of Cathy Jamieson, on the general principles of the Criminal Proceedings etc (Reform) (Scotland) Bill.

14:57

The Minister for Justice (Cathy Jamieson): As members will recall, in December 2004 we published our criminal justice plan, which detailed the most fundamental reform of our criminal justice system for a generation. The plan was intended to tackle head-on the scourge of offending and reoffending and was designed to deliver safer daily lives, supported by an efficient and effective justice system.

We have already done a great deal to deliver the plan, to improve the operation of the justice system and to set it on a path that will ensure that it tackles offending at every step. For example, we have new powers under the Antisocial Behaviour etc (Scotland) Act 2004, as well as powers to reduce violence, tackle drugs and ensure the effective management of offenders. Moreover, High Court reforms have led to fewer adjournments, thereby sparing thousands of witnesses the stress of unnecessary trips to court. Those changes are increasing people's confidence in the system.

The provisions in the Criminal Proceedings etc (Reform) (Scotland) Bill will build on those achievements by protecting public safety; by ensuring that the interests of the law-abiding majority are put first; and by improving the system's speed and efficiency to ensure that it plays its part in helping to reduce reoffending. Those provisions have, of course, been carefully considered and stem from two expert reports on aspects of the criminal justice system. The independent Sentencing Commission for Scotland's report on bail, which was followed by our bail and remand action plan, called for greater clarity of and consistency in bail and remand decisions. The bill clearly sets out the law on bail and makes it easier for the public to understand.

However, the bill does not stop there. It also makes clear that the court should grant bail only in exceptional circumstances if the accused has been charged with serious violent, sexual or drugs offences and has a previous record of such offending.

Phil Gallie (South of Scotland) (Con): The minister will be aware of a current case in her constituency, where an individual who has been

charged with serious offences—attempted murder, in this instance—has been released on bail, despite having a serious criminal record. Can she assure me that that individual and others like him will not be eligible for release on bail in the future if the bill is passed?

Cathy Jamieson: I am aware of cases in my constituency, but it would be completely inappropriate for me to comment on a matter that the court will have to consider further. I will revert to Mr Gallie on that case, as I indicated when he approached me about it previously, and I can assure him that the bill toughens up the penalties for breach of bail. Accused persons who are given bail will be in no doubt that they are in a position of trust and that action will be taken if they abuse that trust. Judges will be required to make clear the consequences of breaching bail conditions in every case, further underlining the responsibility of an accused who is on bail.

I also make it clear to the Parliament that we will respond to a suggestion that was made by the Justice 1 Committee by lodging a stage 2 amendment to make it explicit in the bill that consideration of public safety implications is always part of the bail decision. Again, I hope that that will reassure the chamber. The bill is all about ensuring that we have increased respect for bail, increased public confidence in the justice system, and safer communities as a result of that.

The majority of the bill relates to reform of the summary justice system. As members know, summary courts deal with around 96 per cent of criminal cases coming to court—more than 130,000 cases each year. That is the entry point to the criminal justice system for most of those who experience it, and we believe that a quick and effective response at that stage offers our best opportunity to stop a first-time offender becoming a persistent offender. It is a chance to stop a life of crime in its tracks.

Members will recall that Sheriff Principal John McInnes and his committee were asked to examine the system. Their view was that the procedures were seen as too slow and bureaucratic and that the system sometimes seemed to focus more on its own needs than on those of the victims, the witnesses and the communities. They found that the structures were not ideal, particularly the way in which the summary courts were administered, and that the disposals that were available could be improved in order to tackle offending quickly and effectively.

I reiterate that I recognise the dedication and professionalism of the people who work in our summary justice system day in, day out. They do a difficult job and I want to equip them with the tools that they need to ensure that our justice system meets the demands of 21st century life in Scotland.

I want a smarter summary justice system and I believe that the bill will deliver that through a number of changes; some of those might seem small on their own, but as a package they will give us the right procedures, structures and interventions and, crucially, the right people.

The bill makes a number of changes to the detailed law of criminal procedure, to allow cases to be handled more flexibly. Each of the changes plays its part in speeding up the system as a whole. For example, there will be greater scope to roll up outstanding multiple cases against an accused where it makes sense to do so.

The bill provides for a unified courts administration, with the Scottish Court Service taking on responsibility for running all Scotland's criminal courts. It has been recognised across the chamber in previous debates that it makes sense for one agency to use its specialist knowledge in running the courts, freeing up local authorities to concentrate on their core priorities.

The Scottish Court Service will also take on responsibility for collecting and enforcing all fines that are imposed in the criminal courts. The newly created role of fines enforcement officer will use smart and effective enforcement measures to tackle those who can pay but do not pay and to offer advice and assistance to those who face real difficulty. We will take steps, using the provisions in the bill, to end the ludicrous business of some people who could pay not paying but instead opting to go into prison, at greater expense to the public purse. That is unacceptable. The bill will allow us to stop people electing to go to jail rather than pay their fines. I hope that that will be welcomed.

The bill will ensure that we deal with offending at the right level. Increased sentencing powers for our sheriff summary courts will ease the pressure on the higher courts and new measures will allow appropriate cases to be dealt with by the offer of a fiscal fine, compensation or unpaid work. The offer will be able to be quickly accepted and robustly enforced. It is important to say that anyone accused of an offence will still have the option of taking their case to court if they want. However, the offer of an alternative is often the smart option. It can resolve a case quickly, ensure that action is taken and give the courts the capacity to deal with more serious cases.

We believe that the long-standing role of lay justices in our courts is essential in ensuring that communities have a direct link with their justice system. However, that has got to be more than just a tradition, so the bill sets out to revitalise the role of lay justices with new provisions on their appointment, training and appraisal. I hope that that will improve the connection between the justice system and local communities so that the

public know that the system is on their side. Comprehensive reform of that crucial level of the justice system will deliver real improvement and help to create the safer daily lives that we all want.

I welcome the Justice 1 Committee's constructive and helpful scrutiny of the bill at stage 1 and its support for the bill's general principles. The committee's scrutiny and its comprehensive report have already led to proposals for a number of amendments that we will lodge at stage 2. I look forward to having further debate with the committee members then.

We must regard the bill as part of our wider work to reform the summary system. A programme of practical work is under way to ensure that we can put the changes into practice. It is worth stressing that those are changes that must help us to realise the bill's key aims of reducing reoffending, improving public safety and ensuring that our criminal justice system builds safer daily lives for all those who come into contact with it.

I move,

That the Parliament agrees to the general principles of the Criminal Proceedings etc. (Reform) (Scotland) Bill.

15:07

Stewart Stevenson (Banff and Buchan) (SNP): It is not for Parliament or MSPs to micromanage the criminal justice system, but it is for us to create the environment in which effective management can operate, and to hold the Government accountable for what happens in the system. The Scottish National Party will support the bill at 5 o'clock because we want to help summary justice to do its business.

The widely welcomed and successful Bonomy reforms of the solemn justice system have delivered, by and large. The McInnes reforms, as moderated by the Government's views and refined by the Justice 1 Committee and the Parliament at the bill's later stages, must deliver similarly beneficial changes for court cases that are dealt with via the summary justice system before a sheriff or a justice of the peace, which are the huge majority of court cases. I expect that we will hear from MSPs who are former JPs—I am not one—at later stages of the debate.

The bail system is the subject that more than anything else in the bill is debated in the pubs, clubs, streets and homes of Scotland, but it is the system's defects rather than its successes—or rather its perceived defects and failures—that form the subject of common debate. The successes are rarely talked about and are not particularly easy to find. However, individual failures or perceptions of failures too often touch on the subject to which the minister referred, which is that of public safety. I welcome the minister's indication that she will

respond to the committee's view that although public interest encompasses public safety, "public safety" is the phrase and the sentiment that we have to bring to the forefront so that the people outside the chamber understand that we are taking things seriously.

Phil Gallie: The member has quite rightly highlighted perceived deficiencies in the bail system, but I can assure him that it has actual deficiencies, too. Does he regret the fact that his party supported the Labour-Liberal Administration's hasty reform of the bail laws, which was supposedly undertaken to ensure compliance with the European convention on human rights? Does he agree that the changes that have now been proposed demonstrate that there was no need for such reform?

Stewart Stevenson: I think that the member will know that among SNP members and, I suspect, members of all parties, apart from that to which Mr Gallie and his colleagues belong, there is firm support for the principle of human rights. For everyone who may be subject to the bail system, there must be a rule that allows them to demonstrate before the court and the sheriff that there is a case for bail. The bill will draw much tighter the mesh of the net through which serious criminals or those people who have been accused of serious offences might escape temporary incarceration in advance of their trial. I am sure that that measure will receive a broad welcome; we certainly welcome it.

It is worth returning to the subject of public interest versus public safety. In the 1700s, John Locke said:

"They who would advance in knowledge ... should not take words for real entities."

Although we agonise about the words that appear in legislation, outside the Parliament public safety is what people are thinking about.

We welcome subsection (3) of proposed new section 23D of the Criminal Procedure (Scotland) Act 1995, which clarifies that when the accused has a previous conviction for drug trafficking bail will be granted only in exceptional circumstances. There might be further debate to be had about that because there will be circumstances in which although someone has no previous conviction, orders have been imposed on them that might lead us to conclude that it would be appropriate not to grant bail and to keep them locked up.

The key aspect of the bail proposals that will engage the general public relates to the perception—which is too often the reality—that too many people at the lower tariff end of offences flout bail and fail to adhere to the conditions that the court imposed when it granted bail. When the committee went to Glasgow sheriff court, we found

out about a number of people who had committed a long list of bail breaches. In cases in which someone has a track record of bail breaches, bail should not be granted.

The bill will do something to help people who have genuine difficulties understanding what they have been told. We hope that it will ensure that accused persons receive greater explanation and are given a written record of their bail conditions and of when they must appear in court. We support the proposed increases in the penalty for breaching bail from three months to 12 months in summary cases and from two years to five years in solemn cases. We are in favour of the increased emphasis on ensuring that people who are bailed have a better understanding of the conditions to which they are subject.

The speaking-time clock has just jumped forward by five minutes, but I am sure that the Presiding Officer will ensure that I am on time. We welcome the greater use of liberation on undertaking, although the effect that it will have on police resourcing is not clear. We will monitor that as the bill progresses. More details need to be provided to allow us to understand what will happen.

We welcome the idea that more will be done on intermediate diets, although we do not know exactly how that will work, and we must consider whether consequential reforms of legal aid will be necessary.

Finally, I come to fiscal fines and fiscal compensation orders and the presumption of acceptance. Fiscal fines have a role to play. They are already used, but the bill will extend their use and increase the fine limit. That is probably a good idea because it will mean that many cases can be taken out of court. The minister mentioned that a person who was offered a fiscal fine would have the option of going to court—yes, but no: given the presumption of acceptance, if someone does not go back to the fiscal and say, "I reject your offer," they will not have the opportunity to go to court to clear the issue. Further thinking will have to be done on the matter.

I remain somewhat concerned about fiscal compensation orders. Although I do not come home drunk on a Saturday night and kick in a window, rich gits like me could afford to pay the fiscal compensation order, whereas someone who is financially less well set up could not.

In their contributions, my colleagues will develop our position on other aspects of the bill. The SNP will support the motion at decision time, but—and this is critical to our position—we will also seek to improve it at stage 2.

15:15

Margaret Mitchell (Central Scotland) (Con):

The aim of the bill is to improve the operation of the summary courts that deal with all non-jury criminal prosecutions in Scotland. That constitutes a staggering 130,000 cases a year or 96 per cent of all criminal prosecutions. The bill is wide ranging and contains many of the recommendations of the summary justice review committee, which was chaired by Sheriff Principal John McInnes.

Although Scottish Conservatives warmly welcome the general principles of the bill, we have concerns and reservations about certain provisions; in particular, we are concerned about the distinct lack of detail and guidance on the way in which some provisions will operate. Given that it is simply not possible for me to cover everything in the time that I have been allocated, I will concentrate on the most important areas.

The bill re-emphasises and re-establishes respect for the law and allows for tougher and more consistent handling of bail breaches and failures to appear. Clearly, given that she referred to it in her opening speech, the minister is aware of the recommendation by the Association of Chief Police Officers in Scotland that public safety should be included as a ground for determining whether bail is granted. I hope that the minister's confirmation that specific reference will be made to public safety represents a reversal of her previous rejection of the recommendation.

Cathy Jamieson: I want to ensure absolute clarity on the matter. Previously, our view was that the public interest ground covered public safety considerations. However, I make it clear that the Executive will lodge an amendment to ensure that there is no doubt on the matter. I hope that that gives the member the reassurance that she seeks.

Margaret Mitchell: That is very welcome. It will make bail regulations more easily understood.

Currently, there is some ambiguity about the court's ability to refuse bail applications that are not opposed by the Crown. I welcome the clarification that is contained in proposed new section 23B of the Criminal Procedure (Scotland) Act 1995, which makes it explicit that the stance of the prosecutor towards granting bail is not a restriction on the court's ability to grant or refuse bail. The provision that is contained in proposed new section 23D of the 1995 act will ensure that bail will be granted

"only if there are exceptional circumstances"

for persons accused of

"a violent or sexual offence"

or "a drug trafficking offence".

The provision seeks to rectify the problems that were created by the direct incorporation of the ECHR into Scots law.

Further clarification is required from the minister on what constitutes "exceptional circumstances" and on the Law Society of Scotland's evidence on proposed new section 23C of the 1995 act. Given that the new section sets out the standard criteria for bail—including the requirement to have regard to whether the offence is of a serious nature and whether the accused has an analogous previous conviction—the Law Society queried whether it is necessary to include the exceptional circumstances provision in the bill.

The strengthening of the provision to make clear the reasons for granting or refusing bail should lead to greater transparency and clarity in the process. However, it is important to realise that it is often the case that people who are the subject of bail conditions lead chaotic lives. I hope that the minister will take on board Victim Support Scotland's evidence on the need to ensure that information is communicated more effectively to the person who is given bail. I hope that she also accepts that the detail of bail conditions and consequences of any breaches cannot be communicated within the formal judicial process alone. I particularly hope that she will look favourably on the committee's suggestion that bailed individuals be given a paper containing that information, together with the dates on which they are required to appear in court again.

Furthermore, I hope that the minister will consider a requirement to provide and resource measures to deal with the root cause of certain individuals' failure to appear at court, which is often related to drug and alcohol addiction problems.

The proceedings provisions in part 2 aim to

"improve the speed with which cases can be processed".

That being the case, it is disappointing that there appears to have been no attempt to introduce specific measures to ensure

"greater and more proactive judicial management of intermediate diets"

and encourage the more effective use of intermediate diets.

I appreciate that the volume and diversity of the offences that are prosecuted under summary justice means that it is not possible to introduce the same provisions that have, by all accounts, helped to speed up proceedings in the High Court.

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

Margaret Mitchell: Nonetheless, there requires to be greater dialogue between procurators fiscal

and defence agents to sort out issues before the court sits. That might be done by adopting Sheriff Principal McInnes's suggestion that fiscals should make themselves available to defence agents for that purpose the day before.

The specific requirement for the early disclosure of evidence is welcome, and the deputy Crown Agent's announcement that he intends to disclose a summary of prosecution evidence with the complaint is particularly welcome. It is clearly desirable for the accused to have an indication of the strength of the case at the earliest possible stage in order to encourage an early plea. Current legal aid rules appear to militate against that, as they offer a premium for maintaining a not guilty plea until the last possible moment. It would be sensible for the Executive to consider reforms to the legal aid system to take that into account in the context of the bill.

It is of course not possible to go over everything in the bill but, with your indulgence, Presiding Officer—

The Deputy Presiding Officer: I am afraid that you have to wind up now.

Margaret Mitchell: There are a couple of areas that I wanted to mention. I will do so very briefly, then. We need more information on how the liberation on undertaking provisions will work in practice. On trial in the absence—

The Deputy Presiding Officer: No—I am afraid that you must wind up.

Margaret Mitchell: You did allow quite a lot of latitude to—

The Deputy Presiding Officer: I am telling you that you have to wind up.

Margaret Mitchell: I am sorry that there is no time for me to say anything more, but I warmly welcome the general principles of the bill and I look forward to the discussions at stage 2 on the points that have been raised.

15:23

Mike Pringle (Edinburgh South) (LD): The bill represents a continuation of the extremely good work that the Scottish Executive has been doing to improve the legal system and how it operates. The Family Law (Scotland) Act 2006, the Vulnerable Witnesses (Scotland) Act 2004 and the Criminal Procedure (Amendment) (Scotland) Act 2004, which received royal assent on 4 June of that year, are all acts that have made a huge improvement to the running of the justice system. In particular, the last of those has considerably improved efficiency in the High Court.

I believe that the Criminal Proceedings etc (Reform) (Scotland) Bill will make similar

improvements in the sheriff and district courts—now to be renamed justice of the peace courts—to those that were made under the previous legislation for the High Court. As has been said, 96 per cent of criminal prosecutions—130,000 cases—proceed under summary justice. The bill will therefore have huge consequences for most crime that is carried out in Scotland.

A thread running through the bill that I much approve of is the willingness to show the general public and victims that they have to be treated in a fair way and that they must be able to see that justice is being done by the courts. Much is being done to protect witnesses in the High Court and in some sheriff courts by keeping them apart from the accused, but that must apply right across the court system.

The Justice 1 Committee very much welcomed the work done by Victim Support Scotland and the victim information and advice services but, in the lower courts, there can be a lack of segregation of witnesses and accused, so we urge the Executive to consider more radical proposals so that the same protection is offered in the proposed new JP courts. Other areas in which it is intended to improve perception are in the reform of the bail system, the speeding-up of the judicial process and trial in the absence of the accused, to which I will return in a few moments.

During the committee's scrutiny of the bill, we made a number of visits to various courts. We attended a bail court at Linlithgow sheriff court. At the end of each bail hearing, as the accused left the court he or she—mostly he, I have to say—was given a note detailing when he or she next had to attend and any bail conditions. That is an easy and simple idea, but it has not been adopted universally. One of the problems of bail is getting the accused to take it seriously and return to court when cited. Linlithgow has tried in the way that I have described to address what I think is a serious problem.

We can all agree that the current bail system in Scotland is not operating effectively in terms of crime reduction for those who are granted bail, or in terms of sentencing policy. Under section 2(2), the court will have the responsibility of explaining the implications of being granted bail, the bail conditions and the consequences of a breach of such conditions.

I welcome the proposed increase in penalties for bail offences and in particular the proposal that such penalties will run consecutively. I have never seen the sense in sentencing people and then saying that the terms will run concurrently. However, I welcome the call in the committee's stage 1 report for the Executive to

"take a more radical approach and invest resources into addressing the root causes why individuals do not attend court hearings".

I suggest to the minister that we should adopt the idea from Linlithgow and give the accused dates of when to return to court.

I come to part 2. The idea of liberating an accused on an undertaking that they will attend on a fixed date is fraught with difficulties. The aim is admirable, but how will it work? The Lord Advocate will give guidance, but only after the bill is passed. How will ACPOS or the Crown Office and Procurator Fiscal Service make it work? A lot of work in that area needs to be done during stage 2.

The provisions on trial in the absence of the accused led to considerable discussion in the committee. I think that we all accept that it will happen rarely. I realise that the legal fraternity is not in favour of it, but I cite the example of a case in which I was involved some years ago, in which there were three accused. On the first citing at court, two of the accused turned up; on the second citing, one of the accused who had attended the previous hearing, plus the one who was missing the first time, attended; and on the third occasion, the one who had attended on the first occasion failed to turn up. There were three citings and three occasions on which witnesses had to attend court. It was a complete nonsense. The whole process was frustrated all because one of the accused was not present for the hearing. The accused were just working the system.

We understand that 15 per cent of cases in English magistrates courts proceed in the absence of the accused. However, all our evidence showed that that is rare in Scotland. We would be interested to know why there is such a difference. In cases such as the one that I outlined, where the accused is working the system, we need to send out a stronger message.

On part 3, which deals with penalties, I have time only to mention the proposed introduction of fines enforcement officers, which I believe is one of the most important provisions. It will help the Executive to achieve the aim of keeping fine defaulters out of prison, which is particularly good news for Cornton Vale. As the minister has said, it will also keep those who just do not want to pay out of prison.

I turn to the proposal to replace district courts with justice of the peace courts. As a former JP, I am delighted that the Executive is retaining lay justice, but I acknowledge that some changes are definitely needed. In some of our smaller and less busy district courts it is hard for existing JPs to gain good experience. In view of that, I believe that only the JPs who are currently sitting should be offered the new five-year contract. The non-

court JPs could train to become court justices if they wanted to. We do not have enough training and we need to do more to address the fact that it is extremely patchy throughout Scotland.

With the increase in non-court disposals, we might also see a reduction in the business before JPs. I believe that properly trained justices could take on much of the more minor work that is carried out in the sheriff court, which means that JPs could have an enhanced role. There is a perception that JP courts would be less important, but I do not believe that that is the case.

The bill contains a number of exciting new proposals that take our judicial system forward and, with the reservations that I have set out, I generally welcome it. However, as Stewart Stevenson said, there is much work to be done at stage 2. I support the general principles of the bill.

15:29

Pauline McNeill (Glasgow Kelvin) (Lab): The bill proposes reform of the summary justice system, which is the part of the justice system that the vast majority of people who become involved in the system go through. Unlike the Bonymy High Court reforms, which we debated in the Parliament—it does not seem long ago that we did so—the bill does not have the same obvious big bang approach because the reforms need to fit together in a more detailed way.

The focus of the Justice 1 Committee's report was on trying to identify the various aspects of reform and how they will fit together to result in speed and efficiency that will make a difference. If I could choose one theme on behalf of the committee on which we would push the Executive, it would be reform that speeds up the system and results in reductions in delays—the system is called the summary justice system for a reason.

The committee has many concerns, which we elaborated on in our report, about the bill's lack of detail. I welcome the detailed response to those concerns that we received from the Executive. It has taken time to go through the issues, and I appreciate the work that has been done to address our concerns. However, it would not be good enough for the committee to take things on trust. We do not want the bill to be an enabling bill that enables the police or the Crown to take powers without first knowing how they will use them.

Phil Gallie is not in the chamber at the moment, but he asked the minister whether she would give a specific assurance on something that she cannot give an assurance on. None of us should ever get into that business. We want to create the right framework, and the bail provisions—which we considered for a considerable time—will provide

the appropriate framework. There is still a presumption in favour of bail, except when a sheriff can use their discretion to refuse it. Crucially, to answer to Phil Gallie's question, proposed new section 23D of the Criminal Procedure (Scotland) Act 1995, which will be inserted by section 1 of the bill, will change that presumption, because in cases involving serious violent and sexual offences and drug trafficking offences, bail will be granted only in exceptional circumstances, and previous convictions for offences that are analogous to those offences must be taken into account. The committee wants to be sure that if those are the main provisions that sheriffs are expected to use, they are clear. When the Crown does not oppose bail and the court can consider it, the committee wants to ensure that the court makes an informed decision. In that context, I want to mention the letter that was received from the Sheriffs Association, which I have passed on to the Executive. I am pleased that the sheriffs have engaged in the process, if belatedly. A response from the Executive to that letter would be helpful.

The committee wants the Executive to discuss further the reasons why people fail to appear for their court trial and to consider the underlying reasons for their not appearing. Doing so might go a long way towards finding out why more people do not comply with bail.

The Executive has said a lot about what the committee said about witnesses, which I welcome. Our message is that more attention must be given to witnesses in the process. Obviously, victims have a central role, but witnesses are so crucial to backing up victims that we must continue to consider how we can make the system better for them.

The committee has expressed concern about how the liberation on undertaking proposals will fit together. We support the police having the powers that they already have, but they could attach conditions. We want to know the type of cases to which the new provisions will apply. We did not receive much of a response when we asked the police about the matter, and we received no response from the Crown. We also want to consider the timescales that are involved.

Although I have read the Executive's response and have seen the table that we were sent that detailed how the liberation on undertaking provisions would work, I have a wee concern because it looks to me as though it will take three months to get a person who has given an undertaking to court. We had understood that the point of the exercise was to allow a person to give an undertaking so that they would be returned speedily to court.

We know that disclosure of evidence is the key—we have heard that many times. In fact,

Sheriff McInnes even went as far as to say that a summary of the evidence should be available with the summary complaint. We can see the obvious resource difficulties in such an approach, but the message is clear. We want assurances that the Executive understands that disclosure is already a huge responsibility for the Crown and that the bill will mean that it will have further responsibility for disclosure. We also want assurances that training and resources will be available.

This bill contains a lot of important detail and it is a shame that there is no time to go into it all—for example, the alternatives to prosecution and opting out of, or into, the process. There are differences of opinion on those issues and they require further discussion. If a person receives a notice from the fiscal but does not respond to it, they will be deemed to have accepted it. I think that more discussion is required on that.

The committee is worried that, if a person accepts a fiscal fine, that fact would be presented to a court if, within two years, the person were to break the law or otherwise find themselves up on a summary complaint. We have serious concerns about that fundamental change.

Mike Pringle talked about JP courts, which are fundamental to the bill's effectiveness. It is important that we build on the public's assumptions in relation to district courts. The public must be confident in the system. If we move crime down—I should say “along” rather than “down”—to the district or JP court, the public has to understand that they will get the same type of justice and the same efficiency. Parliament must monitor any increase in the sentencing powers of those courts so that we are sure that we have done the right thing.

In my final seconds I will mention Glasgow. We cannot wait until 2014 for investment in Glasgow sheriff court. However, I welcome the general principles of the bill.

15:36

Christine Grahame (South of Scotland) (SNP): Former solicitors are popping out of the woodwork in vast numbers on this side of the chamber, for which I apologise.

It is trite to say that reform of any criminal justice system requires the treading of a difficult path in order to get the right balance between the accused—and we must remember that people on bail or on remand have not been convicted—and the victim, who is often also the prime witness. There is a balance between justice itself and the protection of the public. It is not an easy path, and that is recognised in the very worthy report by the Justice 1 Committee.

I want to pick up on some particular issues as I try to deal with all the checks and balances. I think that Margaret Mitchell has mentioned the bail provision issues that are covered in paragraph 50 of the committee's report. It is important that parties who get out on bail are given clear details of what that means, when they will have to come back and whether there will be a follow-up. Unfortunately, many people who appear before the courts at this level—like their victims and the witnesses—come from the same areas of social deprivation. They may lead chaotic lives—as the report acknowledges—because of alcohol abuse, drug abuse or just their general lifestyle. I am not excusing breach of bail in any instance, but we have to acknowledge the reality of people's lives.

The liberation on undertaking provisions have been mentioned. I have concerns about those provisions, and I know that the committee does, too. ACPOS's attitude is important, and I feel that senior officers are required to make decisions about this area. To ask a police officer to decide whether someone can be liberated on undertaking will place quite a burden on that police officer. What will happen to a junior police officer if things go wrong? The committee is to be commended for acknowledging that, although liberation on undertaking is a good idea in principle, the police are "in the dark"—I think that those were the exact words—as to how the provisions will work.

I understand that regulations will come into force after the bill has been enacted. Parliament has often picked up on the fact that regulations resulting from an enabling act have not been before the relevant committee when it had to take a position on the general principles of a bill.

I also have concerns about the provisions on proceedings in the absence of the accused. I heard what Mike Pringle said about people using the system, and I have seen that happen. However, I do not think that we should cast away the right to a fair hearing for someone who remains innocent until proven guilty beyond reasonable doubt. That person remains an accused. We have to be terribly careful in our use of language. Sometimes in this chamber, members have spoken about people who are simply the accused as if they have already been tried and convicted.

The kind of people with chaotic lives who might not turn up to a trial diet or an intermediate diet are the very people who might need a solicitor—no wonder the legal profession is concerned about these issues—to give them legal advice and to make representations on their behalf because they are not articulate enough to do that for themselves. There may be something on the summary charge that is brought that the Crown

cannot establish, that is inaccurate and that needs to be corrected. Plea bargaining is sometimes seen as a dirty term, but it can be important to clarify exactly what the accused is being charged with. I have huge problems with the issue, which is not exactly resolved in the bill. The issue—in principle and in process—has been raised by JPs and people in the legal profession, including advocates.

Pauline McNeill: There is not much of a difference of opinion between us, although there may be when it comes to the conclusion. I have a similar case to that which was mentioned by Mike Pringle, in which three accused, who I believe had chaotic lifestyles and did not deliberately fail to appear, had their case eventually abandoned by the Crown. What do we do about such situations?

Christine Grahame: I come with no simple solutions—it is a complex area. However, we should interfere with the principles of justice because of certain cases only with great care. Once we begin to erode the principles of the right to a fair hearing, the right to be represented and the presumption of innocence—that someone is not guilty until proven to be so beyond reasonable doubt—we are creating a frayed edge that will continue to fray and eat into the principles of justice. There will be cases that require to be abandoned, but that may have to be the case in the interests of the greater issue of wider justice.

On alternatives to prosecution, Scottish Women's Aid raised the legitimate concern that those should not apply to serious offences, and the minister has taken that on board. However, there are issues to do with people in deprived areas or who live in poverty, particularly that of the discounting of fines. It was brought to our attention by some of the senior legal profession that a fine to be paid by someone who is on benefits cannot be discounted, which means that we will be offering a discount to people who have the money anyway. The minister must address that issue.

Finally, there is the issue of an investigation into why people breach bail. We are all saying that, anecdotally, that seems to be due to people's chaotic lives. What is behind it? We must ask why people cannot pay their fines, so that we do justice not just to the well-off but to people who are poor.

15:42

Mr David Davidson (North East Scotland) (Con): As has been said by others, the bill is about public confidence in aspects of our summary justice system. At best, that confidence is wobbly. The Parliament has a duty to ensure that it balances the rights of the accused with the rights of communities and—as all of us hear in our surgeries—the rights of the victim. The press have

probably got something to do with the situation, due to the way in which issues are reported.

Mike Pringle talked about people working the system. I am not involved in the court system, but I am told that people can drag cases out, which adds to the delays. People come to our surgeries complaining about justice not being seen to be done. They do not want delays; they want the fairness of a hearing. They do not want guilt to be presumed; they just want to have the case dealt with. If they are witnesses, they can often be quite terrified. It is vital that there is clear understanding throughout society of how the legislation will work, particularly in the light of the fact that bail offences rose from 701 in 1997 to 7,086 in 2004. That is why others have called for absolute clarity and consistency. It cannot be repeated too often that there must be real clarity in any legislation that is put before the chamber.

Like others, I dislike enabling legislation, which leaves ministers and their officials to tidy things up after the event, with no real parliamentary scrutiny. On behalf of the Justice 1 Committee, I repeat the comment that I made last week about there being a need for time to consider ministerial responses to committee reports. I am sure that there are issues in the minister's response that the members of the committee will want to consider as a committee and not just as individual members.

We cannot cover everything in the debate; there are many areas that require clarity, and every member will pick up different points. Others have made the point that, in exceptional circumstances, bail may not be given. That should be clearly stated in the bill. The minister said that the Executive will introduce an amendment, which shows that it has accepted the fact that the bill is already not clear enough. It is important that we have that clarity so that those who look at the Parliament will see us doing our jobs properly.

As members have said, we must ensure that we get across the message about public safety. We must also dispel any possible perception that fixed-penalty offers and disposals are simply a way of achieving targets to cut court workload or delays. Several issues have been raised about that and I am sure that others will be mentioned. For example, one issue is that the acceptance of a fixed-penalty offer will not be perceived as a conviction. That is not a just situation. I hope that when the deputy minister winds up the debate, he will discuss some of the issues that have been raised on that. Procurators fiscal will adopt a quasi-judicial role, which raises questions about how that role is to be managed. The Conservatives have concerns about existing law and compatibility with the ECHR, which must be adhered to.

On the rights of the accused, I welcome the fact that judges will have to detail the reasons behind bail decisions, because, as others have said, that will provide us with case law that will lead to transparency. For the bail system to work, it is vital that those who are subject to bail orders have an absolutely clear explanation in their language of what is expected of them. Members of their families may well need to have that explained to them, too. As members have mentioned, it will be hard to ensure that that happens with people who have drug or alcohol addictions or mental health problems. All those matters must be catered for in the system, but we have no clarity about how that will be done. There must also be clear understanding of the rules on the opt-out and compensation offers.

I am pleased to hear about enforcement officers, but we need more details on how they will work. I am also pleased that the bill takes into account the importance of witness protection. However, as members have said, that must be spelt out clearly, because there is growing evidence of people's unwillingness to give evidence as a result of a fear for their personal safety. I seek comments on that from the minister.

I am concerned that we should have a fair trial system. I believe passionately that accused people have a right to legal support, defence, counsel or whatever is required to ensure that they at least come to terms with the offence with which they are charged. People have a right to a fair defence. In my opinion, several pilot schemes will need to be set up to test measures in the bill, prior to their phased roll-out. We must have clarity about how and when those trials will be reviewed.

On JP courts, I would like more clarity from the Executive on the selection and training of JPs and the support that will be provided for them. We cannot just reinvent a system overnight. Adequate support is needed, which requires resources and skilled people to do the training. We must ensure that we have suitable premises in appropriate places. We must also consider flexibility in the workload, so that JPs can move between sheriffdoms rather than have to stick in one place.

The McInnes report stated that the changes had to be fair, effective and efficient. It is for the Parliament to judge whether the Executive has got the balance correct.

15:48

Mrs Mary Mulligan (Linlithgow) (Lab): I am pleased to express my support for the principles of the Criminal Proceedings etc (Reform) (Scotland) Bill, because it is time that we brought summary justice back to its roots and made it quicker and more effective. Although I support the principles of

the bill, I will highlight some proposals that I feel need to be developed further.

Under changes to proceedings, the bill intends to extend the practice of undertakings. The Justice 1 Committee supports that approach, but has raised concerns about its practical introduction, particularly given that ACPOS seemed less than enthusiastic about it. However, I have an advantage over at least some of my Justice 1 Committee colleagues, in that I have visited the pilot project in West Lothian, which covers my constituency of Linlithgow, to see undertakings in practice. I am not sure whether my colleague Stewart Stevenson has visited the Grampian pilot.

I learned that the scheme did not just happen. The people who are involved spent three to four months examining the reasons why cases take many months before they get to court. Now, through undertakings, accused people are given various pieces of information, including a form telling them the time, place and date of court appearance. They are told to bring proof of earnings or benefits and their driving licence when they come to court. They are given a list of the charges, and the date and time of the court hearing are set in the knowledge of the factors that might affect the hearing, such as holidays, hospital appointments and so on. That might seem logical, but it did not happen in the past.

The accused are also asked about their solicitor, to whom the undertakings form can be faxed, and there is provision for the accused to meet their solicitor on the morning of their court appearance. Finally, on the day of the undertakings court, a roll call is taken and a warrant issued for anyone who is not present. The police then go to the person's home address and, if possible, bring them to court.

All those measures have resulted in cases coming to the undertakings court in three to four weeks, which is how summary justice should work. I have no doubt that the system requires the police, procurator fiscal and court administration to work closely. The people whom I spoke to were clear that an understanding of one another's needs was essential to progress a case, and I saw that happening.

There are challenges. The establishment of a case progression unit is crucial to driving the process. The scheme that I saw is a pilot, so there needs to be a clear plan to mainstream undertakings. Undertakings are not an alternative to custody; they are intended to speed up the process.

Another concern that I have relates to the suggested changes to fiscal fines. In answer to my question in the chamber last week, the First Minister reassured me that the provisions on opting out rather than opting in are compatible with

the ECHR. However, I still have some concerns that raising the limit of fiscal fines to £500 will increase the range of offences to be covered by the disposal. I would therefore like some more detail about what offences the Scottish Executive expects fiscal fines to cover. I recognise that, in its response to the committee's report, it says that every effort will be made to ensure that people understand the opt-out, including lengthening the period for recall. I welcome such assurances.

The integration of district courts into the Scottish Court Service and renaming them JP courts are positive moves. There are people who question the need for JP courts and think that they should be abandoned. I hope that what I see as a positive move can be built on and that the introduction of measures such as the extension of fiscal fines will not result in the death of JP courts by the back door due to a lack of business. I hope that the minister can reassure not just me but the numerous people throughout Scotland who give up their time to serve as JPs that they are safe for the foreseeable future—I appreciate that ministers cannot give time-unlimited commitments.

The introduction of a more prescribed training programme—both introductory and through on-going appraisals—is a positive move that will help people to have confidence in the JP courts. Again, I appreciate the Executive's response to the committee's concern that some JPs who have not had consistent recent experience on the bench could be included in the new list of eligible JPs. I look forward to seeing how the Executive will deal with that concern at stage 2.

As I have said, I support the intentions behind the bill. I believe that it will modernise and improve the summary justice system. It will ensure that people can have more confidence in the summary justice system and, as others have said today, that they will see that community and public safety is being given the priority that it deserves. I hope that members will follow the Justice 1 Committee's example by supporting the general principles of the bill while recognising that there is more to be done at stage 2.

15:55

Donald Gorrie (Central Scotland) (LD): I do not think that any member has so far used the two obvious clichés, so I will take pleasure in using them now. This is a question of justice being seen to be done as well as justice being done, and the fact is that justice delayed is justice not delivered.

Speaking as a complete amateur on the subject, I believe that we are trying to address the public perception that justice is often not done. Sometimes they get bad information, but there is a widespread perception that justice is not done

properly or quickly enough. The bill is welcome, because it aims to tackle those points of justice being seen to be done and being done more quickly.

Some points have been drawn to my attention and must have been drawn to other members' attention, too. One issue that particularly annoys people is plea bargaining, when procurators fiscal make a deal with people who, if they say something, can get away with a minor penalty. When serious road traffic accidents have occurred, for example, people feel strongly about the fact that a crime may be downgraded to secure a quick run-through of a case. Often, the accused does not even have to appear in court. I understand why people make such arrangements if they are heavily pressed to get through business in their court, but the situation must be examined carefully. The inspector of prosecution as proposed in the bill is a good idea. I hope that the inspector will examine carefully whether such bargaining is used improperly.

Many people think that their wicked neighbours get away without paying their fines. One paper that accompanies the bill states that 80 per cent of fines are paid in due course, but that still means that one in five fines is not paid and that the courts are still pursuing them. Ensuring that fines are paid is important, and the bill contains proposals on that.

Moving away from fines to other forms of penalty is a good idea. I welcome the bill's work orders. I understand that under them people will, in effect, do community service for between 10 and 50 hours rather than pay money. Work orders look as if they are to be used mostly with accused people who do not have much money, but it would be salutary for some highly paid insurance official who twisted something, for example, to be seen weeding in Princes Street gardens or wherever—that would be justice being seen to be done. That might be a slightly unchristian attitude—I often display that—but more clearly seeing people paying their debt to society would be welcome. The accompanying documents say that the Executive will consult communities on the work that should be done and that it will try measures before rolling them out.

Those initiatives will be welcome and will help to restore people's confidence in the justice system. The way in which events are reported means that people read only about hiccups, for example when somebody who is on bail commits an offence. People read all about the justice system's downside but not about its ordinary routine successes when it works quite well. We must work hard at improving the public perception of the justice system.

The bill has many good points and I look forward to it being improved by my colleagues who are

dealing with it, so that we will think that it is even better at stage 3. I welcome the bill as a step in the right direction.

15:59

Patrick Harvie (Glasgow) (Green): After Donald Gorrie's speech, members will hear the second speech in a row from a self-confessed amateur. I am a member of a small group in the Parliament that does not have a representative on every committee, so I often find myself coming completely fresh to a bill at the stage 1 debate. I have no doubt that every committee aims to make its reports useful to members who are in my position, to allow them to get to grips with a bill straight away. The stage 1 report on the Criminal Proceedings etc (Reform) (Scotland) Bill achieves that objective better than most, so I thank the Justice 1 Committee's members and clerks for their work.

One issue that the report deals with early in relation to bail provisions is the question of why legislation should be introduced if no substantial changes are to be made. Although I accept the value of the flexibility that exists at the moment, I agree with the Executive's objective of making the law more widely understood. Writing it down seems like a good first step. However, unusually, I find myself siding with the Executive's original position on the issue of public interest versus public safety. Both terms are of value and seem on the surface to say what they mean, but in fact both are subject to wide interpretation. We must, of course, aim to protect public safety, but it would be a mistake for us to follow a line of reasoning that leads to the conclusion that we can protect public safety only by refusing bail. Where other ways of protecting public safety exist, it is in the public interest to grant bail, and it should be considered.

I look forward to seeing the detail of the Executive's proposed stage 2 amendment, which it stated in its response to the committee's report it intends to lodge

"to include a direct reference to 'public safety' in those provisions in a manner that does not prejudice the overall framework".

I worry that that will introduce more complexity into the legislation, which might undermine the objective of increasing widespread public understanding of the law.

I agree with the Executive on the issue of previous convictions for serious offences. A previous conviction may well be an indication of a risk of reoffending, but not in all cases. For example, if someone was convicted of an offence a number of years previously or the offence was committed in different circumstances, taking the

Executive's route would seem to undermine the discretion of the court. Granting bail only in exceptional circumstances is too much. However, I agree that there is a need for greater explanation of the reasons for and implications of bail decisions. The decision to provide that is to be welcomed.

I turn to increased sentences for bail offences. The increases are significant, and if the Executive wants to make the case for them it must do so on the basis that it genuinely believes that they will make bail offences less common. If they do not, they will lead only to an increased prison population. If we can reduce the number of bail offences, that is all well and good, but if we attempt to do so by increasing sentences and that attempt fails, we may be stuck with the policy. It would be very difficult politically to reverse that policy change if it failed on those grounds. The committee is right to examine the wider reasons for people's failure to attend court hearings and to mention issues such as addiction and homelessness. I am glad that the Executive addresses those issues in such detail in its response to the committee's report. However, the criminal justice system as a whole still fails to give offenders who face such problems the best chance of getting their lives together and stopping reoffending. If we want a system that serves the whole of society, the objective must be to change that.

I turn to part 2. The committee expressed significant concerns in a number of areas. Not least, it mentioned the difficulty that it experienced in giving a view when the context of provisions was not known because the Executive had not shared its non-legislative plans ahead of the committee's consideration of the bill. The Executive is right to say that the quicker the criminal justice system deals with cases, the more effective the intervention may be. However, here in Parliament the reverse is often true. We should take the time that is necessary for careful and fully informed consideration.

I am pleased that in her opening speech the minister endorsed the principle of lay justice as part of the system. No doubt there will be on-going debates about precisely what role it should play. On that issue and the issue of alternatives to prosecution, I hope that the Executive's emphasis will be on relevant work in communities that is designed to change behaviour, not merely to send a signal or to have a stream of offenders take part in meaningless activity.

Taken together, meaningful, restorative, practical and reparative work by offenders and the use of lay justice, including scope for examining the possibility of peer justice for young offenders, could offer the prospect of much more radical

reform. However, what we have is the bill that is before us, and the Greens will vote for it this evening, albeit with reservations, some of which have been expressed by Christine Grahame.

16:05

Marlyn Glen (North East Scotland) (Lab): I am pleased to speak in this debate on the bill. I will start by reiterating what many speakers have said, even if only implicitly.

The extent of the reform of the justice system that the Executive proposes is truly remarkable. It is to be congratulated on its proposals, which are in addition to the recent changes to the High Court system, which have already significantly improved the workings of that system.

Now we are considering reforms to the lower courts, where the vast majority of Scotland's criminal cases are heard, therefore it is important that we get the measures right. The key goal is to reduce reoffending while improving the court system, so that it continues to ensure that there is fairness, certainty and efficiency.

The bill is wide ranging so, like others, I will concentrate on only a few issues today, some of which might seem minor, but it is important that we get the detail correct.

Greater transparency in court procedures will be a welcome consequence of the statutory framework for the consideration of bail, which I believe is generally welcomed. Welcome, too, are the proposed changes to cut down on non-appearance at court and the moves to ensure that individuals accept that bail should be regarded extremely seriously.

It is essential that we know for certain that each and every person who attends court understands what is going on and what is expected of them. That goes for witnesses as well as the accused. Should the victim, for example, be consulted on bail issues? Should accused people who are awaiting trial be treated differently from people who have already been sentenced and are awaiting sentencing?

In the Executive response to the stage 1 report, we were told that consideration of the treatment of witnesses and how to improve it continues. However, I underline on-going concerns expressed by organisations such as Scottish Women's Aid and the importance of being clear about the difference between obstructive and genuinely reluctant witnesses who need the support of the system. There needs to be a guarantee that powers to issue warrants for the arrest of witnesses will be used sparingly and as a last measure. Scottish Women's Aid has a list of questions on liberation on undertaking, which I

urge the minister to examine carefully. However, I acknowledge the detailed responses to some of the points that have already been set out.

A few people might deliberately try to flout the law even after being charged but, as other members have commented, the criminal justice system deals with many individuals who have mental health problems, chaotic lifestyles or learning disabilities. For example, statistics on prisoners with literacy problems are well rehearsed, and we need to take them into consideration when we aim to improve the efficiency of the courts. Such people are expected to deal with the intricacies of our court system. It is up to us to ensure that that is a realistic possibility for them. Although I acknowledge how difficult it is, it is essential that it is made the court's responsibility to explain the implications of being granted bail. Contrary to the objections from the Sheriffs Association that we received recently, that could cut down on wasted court time.

Extending bail orders to include the next court dates will make an appreciable difference, as many members have agreed. Perhaps it is time to get into modern habits of e-mailing and even texting reminders about court appearances. That can be done speedily by computers nowadays, and it might be much more effective.

I hope that the whole package of changes that is being introduced will work, but it will need to be monitored, as it will be difficult to work out which changes to the system have made a significant difference. There will also be a need to grasp the opportunity to reduce the risk of people reoffending while they are on bail by making full use of projects to address underlying causes, such as properly funded and managed bail supervision. Such schemes have been successful and should be made available throughout Scotland. Providing support alongside legislative measures is essential. The committee will need to have a good overview of the proposed changes, to enable proper consideration of them.

There is, of course, continuing concern about the extension of fixed-penalty schemes and the proposed opt-out system, which some members have examined and which it is hoped we will be able to address at stage 2. They need to be considered carefully. Tayside police, for example, is enthusiastic about using fixed penalties and would like their use to be extended to more offences. Nevertheless, due regard must be given to balancing rights and responsibilities. We must ensure that individuals are not, for example, deemed to have accepted a fixed-penalty notice when they were, in fact, unaware of the notice. It is also essential that we ensure that the balance of justice is not tipped in favour of those who are able to pay and against those who are less well off.

I have talked only about some of the minor adjustments that are included in the bill. In the main, the bill is timely and welcome and will add to the efficiency and fairness of the Scottish justice system. I support the general principles of the bill.

16:12

Colin Fox (Lothians) (SSP): I welcome the opportunity to speak in this important debate on reform of the summary justice system in Scotland, although time restricts me to just a couple of points.

The bill aims to reform the summary justice system and make it more efficient. As the stage 1 report says throughout, the bill attempts to do that without compromising the important right of the accused to a fair trial. As the minister and deputy minister know, I have raised on previous occasions my concerns about that balance and how it is to be achieved. At lunch time, I read the *Official Report* of the debate that we had on the Criminal Procedure (Amendment) (Scotland) Bill in 2004. I felt then that the fundamental right of the accused to a fair trial was being compromised, under the guise of either improving the rights of victims of crime or the need to achieve greater efficiency in the criminal justice system. That is a theme to which I return this afternoon.

I accept—as I am sure do all members who are taking part in the debate—that we must balance the right of the accused to a fair trial with the public interest and public safety, as well as the smooth and efficient running of the criminal justice system. However, as the committee has set out repeatedly, that is easy to say, but the balance is much more difficult to achieve in practice.

Time restricts me—I feel like a tail-end batsman in the debate. I will concentrate on just two aspects of the bill. The first is the balance that the bill strikes on the question of bail reforms; the second is the proposal for trials in the absence of the accused.

The bill provides Parliament with a fresh opportunity to reassess the law on bail and to take a more holistic approach, considering the interests of justice, the needs of the community at large and the circumstances that the accused faces. I read the evidence that was presented to the Justice 1 Committee, which clearly shows that the current bail system is not operating effectively when measured against its effect on crime reduction and its application as part of sentencing policy as a whole.

The bill aims to make the decisions on who gets bail and the terms of that bail much more transparent. I am sure that that is welcomed by us all. In particular, I welcome the proposal that judges should provide us with reasons for their

decisions to grant or deny bail. That should help to ensure greater transparency and clarity in their decision-making process. I accept that no two cases are the same and that there may be good reasons why one is treated differently from the next, but the public should have a right to be told why a different approach has been taken in each instance. I also agree that, as other members have rightly pointed out, the accused should understand what is expected of them when a bail order is granted, and what will happen if they fail to abide by its terms.

However, I am sure that other members have spotted the paradox. The law on breaches of bail conditions is to be toughened up at a time when the Executive is desperately trying to reduce the prison population and the pressure on our prisons. I am generous enough to acknowledge the Executive's efforts to deal with that, but certain political decisions can be undermined by other political decisions. Increasing the maximum sentences for breaching bail orders from three to 12 months in summary cases and from two to five years in solemn cases will inevitably lead to more people being jailed when more than 7,000 people in Scotland are already incarcerated every day.

Cathy Jamieson: Does the member agree that if people can afford to pay their fines, they should not take up spaces in our prisons at taxpayers' expense?

Colin Fox: When I heard the minister make the same remark earlier, I could not help but be struck by the parallel with debates at the time of the poll tax, when it was argued that the only people who were not paying it were those who could afford to. The argument is a complete red herring. I share the concern of the minister—and, no doubt, of the deputy minister—that we have to do a great deal more to reduce the number of men and women who are sent to jail because of their inability to pay fines. I am sure that the three of us—and, indeed, the whole chamber—can agree that it is crass stupidity to spend perhaps £15,000 or £16,000 on incarcerating someone who has not paid a £250 fine. The minister partly mentioned that issue, and I will in due course welcome her initiatives to tackle such nonsense.

I welcome the committee's recommendation that a more radical approach be taken by investing resources in addressing the root causes—including homelessness, drug addiction and alcohol abuse—of why people fail to turn up to hearings.

Finally, I want to address the issue of trials held in the absence of the accused. We are all agreed that no part of a trial shall take place outwith the presence of the accused. Indeed, as the Law Society of Scotland has made clear, that is a centrepiece of Scots law. However, the Criminal

Procedure (Amendment) (Scotland) Act 2004 sold the pass on that principle—it has now been breached and the bill proposes to take us further down that route. The principle in the 2004 act was that trials would be held in the absence of the accused only if they had failed to appear after evidence had been led that substantially implicated them and if the trial judge was satisfied that it was in the interests of justice to do so.

The bill suggests that this course might also be taken with summary cases because they are less serious; because the volume of cases to which the accused does not turn up is greater at summary level; and because, in such cases, the consequences of the accused being found guilty are much less severe. The stage 1 report comment that the decision to proceed to trial in the defendant's absence should be a

"last resort ... used very rarely"

and only after all other avenues have been exhausted, and attempts to secure their attendance have failed, illustrates the nervousness around this issue. As witnesses to the committee pointed out, the measure will give rise to practical problems, particularly with regard to identification and how instructions are given to defence agents as cases develop. I fear that the Executive's next step will be to introduce trials in the absence of the defendant in solemn cases. I fail to see how juries will be able to draw a better conclusion about a defendant if he or she is not present.

The Scottish Socialist Party will agree to the bill's general principles at 5 pm this evening. However, I respectfully suggest that we tread carefully here, and I hope that greater protections will be introduced at stage 2.

16:19

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): I am happy to support the bill, which contains many sensible proposals for changes to the law. It relates primarily to the summary justice system, but the preamble also states that it covers solemn proceedings. The two constituency matters that I would like to raise touch more obviously on solemn proceedings.

At a weekend surgery, I met a young lady who was raped some years ago and whose attacker was convicted and sentenced to 10 years' imprisonment. He then lodged an appeal and the young lady was told that the appeal would be heard more than a year later. Unfortunately, the appeal was in fact heard much earlier and she was not informed that the appeal hearing was taking place, so she did not know that her attacker's appeal was being heard. The sentence was reduced on appeal to six years, so the man will be out in two years.

The Crown Office has apologised for the omission, and that has been accepted. However, the point that arises from the case of that young lady, whom I am obviously not going to name, is about the effect on rape victims. I understand from speaking to people who work for Scottish Women's Aid and other organisations, and from conversations about the case with the Solicitor General for Scotland, that once a trial is over the adrenalin that has sustained a victim through to seeing her assailant be brought to justice is lost, and there can then be problems such as depression and other serious consequences. In some cases, female victims may even attempt to take their own lives.

The correspondence that I have had with the Solicitor General about that case informs me that the current law states that the appeal court cannot, after conviction and sentence, hear from the victim or review the sentence in the light of information that is provided by the victim. The consequences to the victim of rape do not, however, stop on the date of the sentence, so surely it should be open to the appeal court to consider hearing from the victim—according to the normal rules of evidence—how she has been affected after the sentence. Surely the criminal should be responsible for all the consequences of a crime, especially serious crime, and surely that responsibility should not be elided at a fixed, arbitrary date when sentence is passed. I hope that if it is within the ambit of the bill, as I believe it is, an appropriate amendment can be lodged at stage 2. I am writing to the Minister for Justice and to the Solicitor General for Scotland about the matter, asking them to consider the arguments in advance. I hope that we can, in a non-partisan way, reform the law to protect people such as the young lady I saw last Saturday.

The second case that I want to mention relates to a man called David Penman. Mr Penman was sentenced to 10 years' imprisonment for savage sexual attacks on two females, one of whom was disabled. The other was a 19-year-old student. I will not go into the details of the attacks—suffice it to say that they were vicious, vile and savage. He was sentenced to 10 years but, under the automatic early release scheme he was released after having served just over six years. That was something about which the prison officers who were responsible for looking after that individual were extremely concerned; I understand that they expressed their concerns behind the scenes. I have raised the case with the Minister for Justice.

I very much hope that we can agree across all the parties in Parliament that there are some individuals, perhaps only 20 or 30 people in Scotland—I certainly hope that it is only a small number—who should not be let out of prison early.

That man was let out under the conditions of a sexual offenders protection order.

Cathy Jamieson: Will Mr Ewing accept my assurance that issues such as those that he has raised today are within the ambit of the bill that we propose to introduce to end the current position in relation to early release? I have made it clear that we want to consider assessing the level of risk that offenders pose before a decision is taken on their early release. That issue is not for this bill, but Parliament will consider it before the end of the session.

Fergus Ewing: I am pleased to accept that statement from the minister and I look forward to receiving the detail of the proposals.

I want to make a couple more points about the fellow to whom I referred. He was released on the basis that he would be supervised for 24 hours a day. He has been let out of prison, but must be accompanied at all times because of the risk that he is adjudged to pose. The cost of that over six months has been £85,000. I understand from Stewart Stevenson—who I am sure is an authority on the matter—that the cost of keeping somebody in prison is £36,500 a year. Therefore, the comparative cost to the public of looking after this man under supervision is five times more than the cost of looking after a prisoner. That is absurd.

The man was also given the best council house in Nairn, ahead of many young families, and was put there without the elderly people in the area being told that a convicted rapist was being placed in their midst. Frankly, that is wrong. There is a small number of people in jail in Scotland who should not be let out. Based on the extensive information that I have received, my view is that the man in question is one of them.

Last Saturday, I met the mother of the disabled woman who was subjected to the sex attack and I am pleased to say that the victim has found the strength to go back to studying and do a course. I am sure that we would all congratulate her for having the strength to come back from that vicious and vile attack. I welcome the minister's undertaking to ensure that we can deal with such obscenities.

The Deputy Presiding Officer (Murray Tosh): We come now to the winding-up speeches. I call Jeremy Purvis to close for the Liberal Democrats.

16:27

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): The importance of the bill was highlighted by Margaret Mitchell when she quoted from the policy memorandum that 130,000 cases per year are summary cases, which represents 96 per cent of all the criminal prosecutions in

Scotland. The bill, together with the proposed reforms on bail, will be a further step in the wide-ranging programme of reform of the criminal justice system in Scotland.

On summary courts, the minister began with Sheriff Principal McInnes's analysis of where the current system is not working as we need it to work. I met JPs in my constituency after the publication of the committee's report and I believe that the measures in the bill, which will strengthen local summary and lay justice and not end it, not only reflect JP's views but will address the needs of communities.

Donald Gorrie helped us in the debate with the cliché that justice must be seen to be done. If it takes a considerable time to bring a prosecution to court, and there is the possibility of abuses of the existing system, communities cannot be blamed for feeling that justice is not being done. It is a positive step that the Executive has reconfirmed through the bill its commitment to lay justice and to modernising the approach to it.

The old system of appointments will be replaced with a far more transparent approach, clearer terms of office and, crucially, a better training system, which will make lay justice better.

We will have greater consistency in different levels of justice in Scotland—for example, in adult justice and in youth justice, which has the children's panel hearings. There will be a more consistent thread in lay justice for children and for adults, a more professional approach and better training, all of which is positive.

I think members enjoyed Stewart Stevenson's introduction of Locke into the debate. Time might have stood still for the chamber's clocks, if not for us, during his speech, but he has the distinction of being the only SNP member to speak in the debate who is not a lawyer.

On bail, members around the chamber reflected the views that were expressed in the Justice 1 Committee's balanced report. The committee's view is that it is important that the accused may be given written notice of their bail and its conditions. That is done in Linlithgow, as Mike Pringle said, but it is not done in all courts. If that practice were followed everywhere, it would complement the bill's provision that people who are bailed should be told in ordinary language about the conditions that apply. Mary Mulligan helpfully outlined to Parliament the benefits of the pilot in Linlithgow in her constituency.

Mike Pringle and others highlighted the measures that are designed to tackle people who work the system. The committee's measured report expertly identified that the system for bail and sentencing in summary courts must not only be able to resist abuse through deliberate non-

attendance by the accused or by their opting to go to jail rather than pay their fines, but must also be fair.

Pauline McNeill highlighted the committee's concern that, in some respects, the bill will be an enabling bill and that we must take on trust the way in which the police and prosecutors will operate some elements of the system.

Another important section of the committee's report deals with cases in which no reply is made to a fiscal compensation order. In such circumstances, the order is deemed to have been accepted. Along with Mary Mulligan and Marlyn Glen—who outlined her concerns not only in today's debate but to the First Minister last week—I am worried about the implications of that for people with learning difficulties or physical disabilities and people whose first language is not English. I am glad that the minister has said that those issues will be examined in detail; I know that the committee will continue to scrutinise the Executive's proposals.

There was only one area of Christine Grahame's speech with which I was uncomfortable. I defend the right of the accused to a fair hearing in our courts and I believe that there should be no diminution of that right, but I disagree that for the greater good it is sometimes necessary to accept that some trials will be abandoned. We may have to accept that some people who are guilty are not convicted because the prosecution could not prove its case beyond reasonable doubt, but I do not accept that we should allow trials to be abandoned as a result of a deliberately cynical act or for bureaucratic reasons. After all, we are supporting the bill because we want a system that is better for communities and fair for the accused and one that will ensure that people who are convicted are given effective sentences and that witnesses receive added protection.

Pauline McNeill ably set out Parliament's ambitions for the part of the criminal justice system that deals with 96 per cent of all cases. We must reduce delays and increase speed and efficiency. It is obvious that at stage 2 there is much work to be done by the committee and the Executive on several delicate areas of concern, and I am confident that the committee will continue to adopt a measured approach to such matters. I am happy that the Liberal Democrats will support the bill's general principles at decision time.

16:32

Bill Aitken (Glasgow) (Con): In politics, you win some and you lose some, so I might be forgiven for taking the opportunity to wallow in some self-congratulation. The Conservatives have been going on about bail for years and, at last, the

minister is doing something about it. It can be argued that she is not doing as much as we would like her to do, although I take some comfort from what she said about the consideration of public safety provision.

I have also been banging on about fines for years and, at last, Cathy Jamieson is doing something about it—not as much as she should, as I will demonstrate shortly, but at least there is progress. We certainly agree with the retention of the lay justice system.

I must have shown unusual prescience on 20 February 2003, when I argued that sentencing powers on summary conviction should be increased. When Hugh Henry told me that the matter should be dealt with by the McInnes committee, my response was that before Parliament was very much older, it would be debating the matter again and he would be agreeing that we should increase sentencing powers, so why did we not do it four years ago?

Although I usually demur from centralisation, in the context of the Scottish Court Service, it is a good idea.

I turn to what is wrong with the bill. The minister is certainly taking action on fines, but she is making the system unnecessarily complicated. Donald Gorrie was simultaneously right and wrong when he said that 80 per cent of fines are paid, because 80 per cent of the quantum is paid. The courts impose some extremely large fines, usually in relation to convictions under health and safety at work, road traffic or industrial legislation. We saw that in the Transco case, in which a fine of millions of pounds was imposed. That fine would be paid, but many of the fines that are imposed day in, day out in sheriff, summary and district courts are not paid.

I turn to what is happening in Glasgow; an issue that was the subject of a series of parliamentary questions I put to ministers a few weeks ago. Surprisingly, I have not yet got the answers. Let us say that a fine of £150 is not paid. After some time, the accused is sent to a supervised attendance centre. Does he go? Does he heck. The order is deemed to be breached, the accused does not turn up in court and a warrant is issued for his arrest. Eventually, the accused is brought to court from custody. The stipendiary magistrate will say to Mr So-and-so, "Are you going to pay the fine?" The accused will say, "Naw," to which the magistrate will respond, "Fine remitted." That is what is happening in Glasgow. Fines are not being paid, but they should be paid.

The minister can have as many fines enforcement officers as she likes and she can set up all sorts of convoluted systems, but until such time as she is prepared to bite the bullet and

deduct the fine in instalments from wages or benefits, she will get nowhere.

Cathy Jamieson: Does Mr Aitken accept that the proposal is for enforcement powers that will include the power to make a request to the court for a deduction to be made from benefits, to arrest earnings and bank accounts, to make a seizure order in respect of a vehicle and to send the case back to court for further consideration? We are doing that.

Bill Aitken: I fully accept that those provisions are in the bill, but I am asking the Executive to cut out the middle man and instead to deal direct. That will save on bureaucracy, ensure that the fine is paid quickly and, if it is not paid, it will further ensure that the case goes back before a means court and a realistic custodial alternative is available. Under that system, the only way someone could avoid paying a fine would be by fraudulent means. The minister will have to think the matter through; the provision will not work.

The retention of lay justice is a good idea, but I wonder what the fully-trained lay justices will do. They will have no work, given that the fiscal fine system is now up to £500. Some years ago, the High Court said quite reasonably that it was not possible to impose a fine that an accused person could not realistically be expected to pay in 12 months. Even I, in high dudgeon and on my high horse, would never have imposed a large fine on somebody who was unemployed. If I was sitting in the district court nowadays, the maximum instalment that I would set would be £6 or £7 a week. The maximum fine that would therefore be imposed in such cases—which account for 95 per cent or 96 per cent of all cases—would be something like a couple of hundred pounds, so no cases would go to the JP courts. Of course, the fiscal fine system has a role to play in the justice system in dealing with minor matters. However, at the end of the day, fiscals are prosecutors; they are not judges. The bill should provide for a much clearer separation of powers than is proposed at present.

Glasgow, I have to confess, has more than its fair share of problems. However, not one mention has been made in the debate of the stipendiary magistrates who deal with the bulk of summary criminal cases in Glasgow. We have a provision whereby they can be retained, but we do not know whether the summary sentencing powers of 12 months will apply to them or whether the existing restriction of six months will continue to apply.

We also have the quite iniquitous proposal to apply a five-year term of office. Judges should be appointed *ad vitam aut culpam*. Frankly, unless we do that, we are interfering with the justice system. What sensible solicitors or advocates will leave their practice for five years if they think that, at the

end of that time, they may be unemployed? We will not get quality people to do the job. [Interruption.]

I cannot hear you, Mr Pringle.

The Deputy Presiding Officer: Let us not have sedentary interventions. If members wish to accept an intervention, the format is that they should invite the member to make an intervention. That is done for the benefit of the public in the gallery, the *Official Report* and, for that matter, me.

Bill Aitken: I heard the member say from a sedentary position, "They don't get paid." Unless I am mistaken, stipendiary magistrates in Glasgow are paid about £55,000 a year. Yet again, Mr Pringle reveals his ignorance of the justice system, which is extremely worrying. It is hardly surprising that Liberal Democrat policy is so confused, when one of their justice spokespersons opines in such a way.

There is a lot in the bill to attract our support, but a great deal of work will have to be done to sort out an awful lot of things at stage 2.

I am unhappy with the provision for trial in the absence of the accused. What happens when the evidence depends on identification? As I have said before, I am all for locking people up—I just require first that they are guilty.

16:40

Mr Kenny MacAskill (Lothians) (SNP): This has been a wide-ranging debate, as is understandable given the breadth of provisions in the bill and the number of different matters that it deals with. That has been demonstrated by the variety in members' speeches.

It is important to remember just what we are debating. After all, stage 1 is about the general principles of the bill. There might be matters on which we have slight disagreements, but they can be addressed with amendments. We need to examine the bill in the round. We are dealing with the Criminal Proceedings etc (Reform) (Scotland) Bill, which seeks not to turn Scottish justice on its head but to fine-tune and improve it. I do not believe that we are undermining any of the fundamental principles or tenets of Scots law, which remain sacrosanct. We often knock the legal system, but the general principles of the law of Scotland have served us well, and continue to do so.

In the 21st century, our society, economy and judiciary have all changed and we must address those changes. That is why, as Stewart Stevenson said, we will be constructively critical. Our view is that the bill is to be supported. It would be to the detriment of the legal system and Scottish society if we were to make the bill a political football. We

should seek to work out the details; the bill's provisions will be important not just for one term of Government, but for the next 10 or 15 years—or probably the next 20 to 25 years—so we should try to get them right.

The minister and other members have mentioned issues concerning bail. Phil Gallie's mention of the ECHR was spurious, because all that the ECHR did was give people the right to make applications for bail; its adoption did not mean that bail would always be granted. Even in the past, when bail was precluded for offences such as murder, there were instances when people who had been charged with murder got bail. I was a lawyer in private practice and I remember appearing for people who had been charged with murder, some of whom had got bail. We are addressing serious concerns among the public that bail is being granted far too easily to people who have committed serious offences. The necessary changes that are provided for in the bill, as well as those that the Minister for Justice said will be contained in amendments, are to be welcomed.

The minister is quite correct about fines. The public are fed up with a fine being imposed only for the individual to cock a snook at society. Bill Aitken's points on that have some justification. If people cannot afford a certain monetary penalty, we must ensure that they do not have that monetary penalty imposed upon them. However, even if people are on benefits or are poor, there are methods by which they can pay at a very low rate. If a fine is imposed upon someone in those circumstances, I would say that they have breached the rules that our society expects, that their behaviour has been unacceptable and that it is simply unacceptable for them to think that they can get away without paying their fine. We therefore fully support the steps that are being taken in that respect. That is not simply to satisfy the public, but because it is frankly barking mad that resources, in terms of police and court time, are taken up in that way.

We have only one caveat. Our view is that the sheriff officer system works well—Tommy Sheridan is not in the chamber, but I know that he takes a different view of that profession. I can understand the concerns that the Minister for Justice might have about costs, but my view is that the matter must be capable of negotiation. Sheriff officers and messengers-at-arms already have a system up and running. We would not always expect them to operate according to the same table of fees that they use for other charges.

Sheriff officers have served Scottish justice well and, whatever Mr Sheridan's view of them is, when they have sought to get children back from a father who has taken them without the mother's

consent, or when they have served interdicts because somebody has been knocking nine bells out of the wife, they have done a good job and should not be vilified. The Executive's position in that regard is to be supported, although I ask ministers to reconsider how we might avoid reinventing the wheel by creating a new institution when one already exists and works—we can take it from there.

We fully support the powers for fiscal fines, fiscal compensation orders and work orders. One member—I think that it was Bill Aitken, although I am not sure whether I am misquoting him—expressed concern about the Procurator Fiscal Service. We must remember that the Crown Office and Procurator Fiscal Service is not simply a prosecution service. That is why it deals with fatal accident inquiries and a variety of other matters. There is certainly a problem in the United States, where the way in which the district attorney operates makes him judge and jury; that can be an abuse of rights. There are circumstances in which that could happen in Scotland, unless we ensure that the Crown Office and Procurator Fiscal Service acts not simply as a prosecutor, but in the public interest. Obviously, there are clear paradoxes, to which Mr Fox alluded, in terms of whether it would act as judge and jury. However, we should accept the Procurator Fiscal Service as it is and maintain its ethos that it is there not simply to prosecute, but to act in the public interest.

My experience of procurators fiscal is that if they are aware that an officer has lied, they immediately move that there be no further proceedings and seek to take steps. If they believe that something untoward has happened, they do not simply take the adversarial approach that they must win at all costs, but acknowledge that they have a duty to the court and the Scottish public. We will have to monitor the situation. My only political point would be that, if we are going to go down this route, the Solicitor General for Scotland and the Lord Advocate should not really be political figures. The Lord Advocate, as Scotland's senior law officer, should not be in the Cabinet, but should be entirely distinct and should represent the legal system.

The issue of intermediate diets has to be dealt with. To some extent, that is not a matter for the Executive. The Parliament is seeking to create the framework for better proceedings and a simplified system. Intermediate diets and the other proposed court changes will not work unless they are implemented properly in practice. The theory and the legislative process that we are laying down are correct, but sheriffs have an obligation to start making intermediate diets and other such things work.

The same point applies in relation to agreeing uncontroversial evidence. There must come a time when a sheriff takes a hands-on approach. They cannot simply ask whether the parties are ready and then proceed to trial, but should ask why parties want to call certain witnesses. Valuable police time is being taken up by officers being cited to appear at court because the defence agent might or might not want to challenge their evidence. The challenge is likely to be, "I put it to you, officer, that what you said is not true." The officer then replies, "No, sir. It is correct." He then sits down and is asked no further questions. The sheriff must be able to work that out by taking a much more hands-on approach at the intermediate diet.

In the bill, as in previous legislation, we are giving sheriffs the power to be a bit more directive. We pay them substantially. We will retain their independence; every member, of whatever political colour, recognises that that is important. Sheriffs must be more hands-on and must start trying to drive cases forward. Earlier this week, Lord Cullen made valid points on that, with which I agree.

There has to be a quid pro quo. If sheriffs want their independence to be preserved, which we accept, they have to start delivering under the new procedure that we are introducing. The new criminal procedure will be there for them; we hope that they will implement it.

16:48

The Deputy Minister for Justice (Hugh Henry): Our desire, which I am sure is shared throughout the Parliament, is to create a justice system that is clearly understood. That is why we are putting the law on bail in statute and making it clear that public safety is a key consideration, which is in the public interest. We want judges to explain to all those who are granted bail the conditions that are placed on them and the effect of breaching them. We believe that we need to place some responsibility on the accused.

We want tough penalties for those who breach bail conditions to be understood. We want the public to have confidence that action will be taken

against those who do not respect the position of trust that bail creates.

We want a system that is flexible, which is why we are proposing changes that will allow the summary system to live up to its name, as Pauline McNeill said. We want it to speed up court processes, help reduce reoffending and help create capacity in the system. We also want a system that is innovative and which will provide the right interventions at the right time at the right level, which are robustly enforced. That is why we believe that alternatives to prosecution are appropriate in some cases. However, we want enforcement—that is a key issue for us.

We want options that involve less process. As I have said, we want the right process at the right time. The bill will mean smarter justice, which will deliver results that—I hope—will lead to a cut in offending and a more efficient system.

We want a community-focused system that responds to the needs and interests of local communities and involves people from those communities. We believe that lay justice is important; indeed, I want to put on the record our commitment to the lay justice system. We are not attempting to let lay justice wither on the vine; the bill clearly shows that we are committed to the development of lay justice. We also want a community-focused system in which people are prepared to stand up for their justice system and to work together to tackle the scourge of low-level offending, which takes place in communities throughout Scotland.

Members have raised many issues in the debate, some of which will be attended to at stage 2. Stewart Stevenson talked about the presumption of innocence and fiscal fines. It is important to understand what will happen if the accused does not receive or is unable to respond to an offer, for whatever good reason. He or she can apply to the court to have an offer withdrawn at any time—not just within 28 days. To avoid any doubt about the matter and ensure that there is complete clarity, we will lodge an appropriate amendment at stage 2.

Stewart Stevenson: I welcome what the minister has said. We should think about the very long term. Perhaps somebody will make an application to Disclosure Scotland 10 years from now and discover that something is sitting on their record. In the light of what the minister has said, he might consider whether there should be a time at which something should expire and simply vanish from the system altogether.

Hugh Henry: That is obviously a slightly separate matter, on which we will have to reflect. No doubt we will have further discussions about it at stage 2.

Mike Pringle talked about only justices who are currently sitting being offered another contract. Complex issues are involved in that matter. The Justice 1 Committee made the point that he made in its report. We are taking legal advice on whether a proposal along those lines would be ECHR compliant, and we will carefully consider the matter and go back to the committee with proposals at stage 2 if that is necessary.

Pauline McNeill mentioned the letter from the Sheriffs Association. I thank her for giving us a copy of that letter; we will carefully consider the issues that it raises. She also mentioned issues relating to undertakings. We have established the outline of a process for recording and sharing information on conditions and ensuring that the information is deleted when conditions have been superseded by bail conditions that a court has imposed.

Pauline McNeill was right to mention concerns about resources. I assure members that resource issues will be fully taken into account when we roll things out.

Christine Grahame mentioned alternatives to prosecution and discounts. We have reflected on what the stage 1 report said and will make proposals to remove provisions from the bill.

David Davidson spoke about the procurator fiscal adopting a quasi-judicial role. It must be emphasised that we are not necessarily talking about a determination, but about an offer that can be rejected. A person can choose to take the matter to court. I am convinced that we are talking about a useful addition to the system that will give an accused the option of having their case heard in court.

Mr Davidson mentioned witness protection. We have paid considerable attention to that issue in previous legislation, and we have considered resources and training. We take the issue seriously. However, as members have said in the debate, two matters have to be addressed. A witness can be genuinely scared and vulnerable, and can need to be protected; we will move heaven and earth to support such witnesses. However, there are also witnesses who are determined to obstruct justice for whatever reason, and it is right that we reflect on what needs to be done to protect the interests of justice from the arbitrary actions of such witnesses.

Mary Mulligan spoke about undertakings and mentioned her visit to Linlithgow. Some of the details that she gave were very useful. It is important to acknowledge that the greater use of undertakings does not necessarily increase the number of cases. However, it should speed up the process by which cases come to court. We accept that undertakings can be only part of the answer to

making cases speedier, but they would make a useful contribution if they were properly managed.

Donald Gorrie spoke about the visibility of work orders and I welcome his support on the issue. I agree that it is important for a community not only to have reparation but to see people making amends by whatever means. I look forward to such measures being implemented.

Patrick Harvie mentioned public interest and public safety. We have sought to clarify our position. The fundamental test is public interest, which goes much wider than public safety. The committee made the point that there might be a lack of understanding and that people might feel that public safety was not being addressed. In this bill, we are ensuring that public safety is encompassed by the broader definition of public interest. Considering the public interest gives us a much wider opportunity to ensure that the public are protected.

Mr Harvie's suggestion of peer justice for young offenders could cut two ways. There could well be cases in which some young people went much further than the courts would go. Mr Harvie's idea might seem superficially attractive, but I would hesitate before introducing some arbitrary justice that might not be pertinent to the level of offence.

Marlyn Glen is right to say that people who attend court need to understand what is going on. We will look closely at comments made by Scottish Women's Aid. Marlyn Glen also made a useful suggestion that could be looked into much more deeply than it has been—the use of e-mail and text messaging to remind people to turn up at court. A number of organisations and systems could use such suggestions to cut down on waste. We will reflect carefully on the idea.

Colin Fox mentioned the debate in 2004 and his concerns about rights being compromised. I have to say that there is no evidence of that happening. The system is working well.

Mr Fox also talked about the "crass stupidity" of allowing those who cannot afford to pay fines to go to jail. I agree with that—but I hope that Colin Fox would also agree that it is crass stupidity to allow those who can afford to pay fines to go to jail. The Minister for Justice is saying clearly today that those who can pay, will pay.

Colin Fox: Will the minister take an intervention?

The Presiding Officer (Mr George Reid): No—the minister is into his final 30 seconds.

Colin Fox: Lucky for him!

Hugh Henry: I am sorry that I cannot take the intervention—perhaps there has been another policy shift in the SSP, I do not know.

A number of useful contributions have been made in today's debate; the Parliament is genuinely together in wanting to ensure that we have a justice system that is fit for purpose. I look forward to the bill being passed and having an impact similar to the changes that the Parliament has made to the High Court system. I look forward to a vigorous and detailed debate at stage 2 and I welcome the breadth of support for the principles of the bill.

Criminal Proceedings etc (Reform) (Scotland) Bill: Financial Resolution

17:00

The Presiding Officer (Mr George Reid): The next item of business is consideration of motion S2M-4717, in the name of Tom McCabe, on the financial resolution in respect of the Criminal Proceedings etc (Reform) (Scotland) Bill.

Motion moved,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Criminal Proceedings etc. (Reform) (Scotland) Bill, agrees to—

(a) any increase in expenditure of a kind referred to in paragraph 3(b)(i) of Rule 9.12 of the Parliament's Standing Orders, and

(b) any expenditure or increase in expenditure of a kind referred to in paragraph 3(b)(ii) or (iii) of that Rule,

arising in consequence of the Act.—[*Hugh Henry.*]

The Presiding Officer: The question on the motion will be taken at decision time.

Decision Time

17:00

The Presiding Officer (Mr George Reid):

There are eight questions to be put as a result of today's business. In relation to this morning's debate on health, if the amendment in the name of Lewis Macdonald is agreed to, the amendment in the name of Karen Whitefield falls. In relation to this morning's debate on access to higher education, if the amendment in the name of Allan Wilson is agreed to, the amendment in the name of Murdo Fraser falls.

The first question is, that amendment S2M-4784.2, in the name of Lewis Macdonald, which seeks to amend motion S2M-4784, in the name of Shona Robison, on health, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Alexander, Ms Wendy (Paisley North) (Lab)
 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)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 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)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)

McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Brownlee, Derek (South of Scotland) (Con)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fox, Colin (Lothians) (SSP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Martin, Campbell (West of Scotland) (Ind)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Petrie, Dave (Highlands and Islands) (Con)
 Robison, Shona (Dundee East) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, John (Ayr) (Con)

Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

ABSTENTIONS

Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)

The Presiding Officer: The result of the division is: For 64, Against 54, Abstentions 3.

Amendment agreed to.

The Presiding Officer: The amendment in the name of Karen Whitefield falls. The next question is, that motion S2M-4784, in the name of Shona Robison, on health, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Alexander, Ms Wendy (Paisley North) (Lab)
 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)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 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)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)

McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fox, Colin (Lothians) (SSP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Martin, Campbell (West of Scotland) (Ind)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Petrie, Dave (Highlands and Islands) (Con)
 Robison, Shona (Dundee East) (SNP)
 Scott, John (Ayr) (Con)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

ABSTENTIONS

Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Fabiani, Linda (Central Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)

The Presiding Officer: The result of the division is: For 65, Against 45, Abstentions 11.

Motion, as amended, agreed to.

Resolved,

That the Parliament reaffirms its support for *Delivering for Health* as the basis for service change in NHS Scotland; commends its commitment to shifting the balance of care to provide more safe and sustainable local services including the separation of scheduled and unscheduled care; notes the commitment of local communities to their health services and natural concerns when long-established services are changed, and remains committed to an NHS Scotland which responds to changes in the demands placed upon it.

The Presiding Officer: The next question is, that amendment S2M-4788.2, in the name of Allan Wilson, which seeks to amend motion S2M-4788, in the name of Fiona Hyslop, on access to higher education, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Alexander, Ms Wendy (Paisley North) (Lab)
 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)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 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)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)

Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Brownlee, Derek (South of Scotland) (Con)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fox, Colin (Lothians) (SSP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Martin, Campbell (West of Scotland) (Ind)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)

Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Petrie, Dave (Highlands and Islands) (Con)
 Robison, Shona (Dundee East) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, John (Ayr) (Con)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 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 67, Against 54, Abstentions 0.

Amendment agreed to.

The Presiding Officer: Amendment S2M-4788.3, in the name of Murdo Fraser, falls. Therefore, the next question is, that motion S2M-4788, in the name of Fiona Hyslop, on access to higher education, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Alexander, Ms Wendy (Paisley North) (Lab)
 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)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 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)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)

Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Brownlee, Derek (South of Scotland) (Con)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fox, Colin (Lothians) (SSP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Martin, Campbell (West of Scotland) (Ind)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)

Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Petrie, Dave (Highlands and Islands) (Con)
 Robison, Shona (Dundee East) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, John (Ayr) (Con)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 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 67, Against 54, Abstentions 0.

Motion, as amended, agreed to.

Resolved,

That the Parliament applauds the substantial growth of investment and participation in the higher education sector in Scotland in the last seven years, the growing opportunities made available to young people and others wishing to access higher education in Scotland, the increase in participation rates in higher education of those from disadvantaged backgrounds over the same period and the vital importance of having a skilled and highly educated workforce to the Scottish economy; welcomes the facts that 72,000 students have benefited from young student bursaries since the reintroduction of student grants in 2001, that Scottish students have had their fees abolished by the Scottish Executive and that the Executive continues to oppose top-up fees, but notes with concern that the £1.7 billion costs of replacing all student loans with grants and writing off student debt threatens the continued success and expansion of higher education institutions and diverts effort and resources from encouraging wider participation from under-represented groups.

The Presiding Officer: The next question is, that motion S2M-4712, in the name of Cathy Jamieson, on the general principles of the Criminal Proceedings etc (Reform) (Scotland) Bill, be agreed to.

Motion agreed to.

That the Parliament agrees to the general principles of the Criminal Proceedings etc. (Reform) (Scotland) Bill.

The Presiding Officer: The next question is, that motion S2M-4717, in the name of Tom McCabe, on the financial resolution in respect of the Criminal Proceedings etc (Reform) (Scotland) Bill, be agreed to.

Motion agreed to.

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Criminal Proceedings etc. (Reform) (Scotland) Bill, agrees to—

(a) any increase in expenditure of a kind referred to in paragraph 3(b)(i) of Rule 9.12 of the Parliament's Standing Orders, and

(b) any expenditure or increase in expenditure of a kind referred to in paragraph 3(b)(ii) or (iii) of that Rule, arising in consequence of the Act.

Local Food is Miles Better Campaign

The Deputy Presiding Officer (Trish Godman): The final item of business is a members' business debate on motion S2M-4590, in the name of John Scott, on the *Farmers Weekly* local food is miles better campaign.

Motion debated,

That the Parliament supports the *Farmers Weekly's* Local Food is Miles Better campaign; believes that buying locally grown food is an excellent way for consumers to reconnect with farmers and develop a better understanding of where their food comes from; recognises that producing and buying food locally from farmers' markets and farm shops can help the environment, boost the local economy and restore trust in food production; further recognises that locally produced food is likely to be fresher, healthier and have higher vitamin levels, and considers that all food retail outlets, in Ayrshire and throughout Scotland, should promote, label and stock more locally produced food to cut food miles and carbon emissions in order to protect our environment and support our farmers.

17:07

John Scott (Ayr) (Con): I declare an interest, as a farmer and the president of the Scottish Association of Farmers Markets. I thank the members who have taken the time to attend the debate and the 38 members who supported the motion on the *Farmers Weekly* local food is miles better campaign. It is appropriate to debate the motion as we approach the end of what has been a hugely successful Scottish food fortnight. The Scottish Countryside Alliance Educational Trust is to be warmly congratulated on its fortnight's work, which has involved a huge number of events in the Parliament and elsewhere, all of which were designed to raise the profile of Scottish food.

The farmers market event in the garden lobby last week brought to the Parliament a flavour of what is possible when local producers combine to take their produce to an event, creating a memorable experience. In conjunction with the farmers market accreditation event that Christine Grahame hosted last night, the event demonstrated that local food production for local people is now a significant and growing market.

The reasons for that are plain to see. First, local food is better because it is fresher and has higher vitamin levels as a result. Local food is often less processed, so it is less likely to have high salt and fat levels and is healthier as a result. Local food is also more sustainable, in that it has travelled less distance from farm gate to plate, which is increasingly important in a world that is becoming more environmentally conscious by the day. Shipping fruit and vegetables halfway round the world does not make environmental sense when they could be grown in Scotland or the rest of the

United Kingdom, if not in the open air, then certainly under polythene. Indeed, the agriculture and rural development directorate-general in Brussels is looking into research that suggests that fruit and vegetables grown under polythene near to metropolitan areas across Europe will be one of the next significant developmental areas, as sophisticated consumers demand fresh, local and sustainably grown fruit and vegetables.

Interestingly, research carried out for WWF by the Stockholm Environment Institute concluded that buying British food could reduce the ecological footprint by up to 54 per cent compared with a diet based on imported food. When one considers that food miles pump approximately 20 million tonnes of CO₂ into the atmosphere annually in the United Kingdom, accounting for 1.8 per cent of the total UK carbon dioxide emissions, one can really see the benefits of buying local food. The more local it is, the better.

Local food sold at farmers markets and farm shops is also providing an enhanced tourist experience for people from all over the world. That is important as we seek to attract more tourists to rural Scotland. EatScotland, ably chaired by David Whiteford, is also helping to develop Scotland as a gourmet eating destination, much of which is based on local food.

Some of the bricks that we can build on are already in place, but we have to march on more quickly. We have to make our healthier local food more available to local children, as has been successfully piloted in East Ayrshire. Local food must also be made more available through the further development of food co-operatives in high-deprivation areas, and the cross-party group on food is already looking into that.

Networks must be put in place and contracts negotiated to make local food more available to help improve our national diet, for example in our hospitals, schools and prisons. Our Parliament must start using and showcasing Scottish food, demonstrating our belief in Scottish food to the many visitors to our building. Local food should also be labelled as such, perhaps with information on the food miles travelled shown on the label.

Scottish food should be marketed as an eating experience. Indeed, Microsoft vice-president, Bob McDowell, highlighted that as a unique Scottish opportunity when he addressed the cross-party group on the Scottish economy earlier this year. Food tourism is already worth more than £900 million to Scotland's tourism industry, a figure that could increase significantly given encouragement. Perhaps that is something that the Minister for Tourism, Culture and Sport, Patricia Ferguson, might want to consider as the homecoming in 2009 approaches.

Local food is perhaps the fastest-growing part of the food retail market, and a huge opportunity exists to develop it further with benefits to our health, environment and economy. We must seize that opportunity with both hands. It is potentially a huge win-win situation for health, the environment and the economy, but Government departments must start talking to one another in a more joined-up way.

The Scottish Food and Health Council appears to have the right idea, but all Government agencies must start acting together to realise the potential of local food, as the total benefit to Scotland could be so much greater than the sum of the parts.

The Deputy Presiding Officer: A considerable number of members want to speak, so speeches will be limited to three minutes.

17:14

Ms Maureen Watt (North East Scotland) (SNP): I welcome the chance to debate the motion, and I thank John Scott for coming on board the *Farmers Weekly* campaign, albeit at least a month after my motion on the subject was lodged. Perhaps we can add the 33 who signed my motion to the 38 who signed his. There is some duplication, but nevertheless 55 members have signed either one motion or the other.

I understand that John Scott was told to lodge the motion, no doubt so that the Tories can attempt to curry favour with rural voters in the run-up to the election next May.

John Scott: Will the member give way?

Ms Watt: Just a minute.

The Tories might be credible if they supported the countryside in the round, which includes public transport, but no Tories were present at this time last Wednesday when we discussed the problems that bus deregulation and the lack of sustainable bus transport in rural and urban areas have caused. The rest of us wonder about the Tories' commitment to the rural economy.

It was deregulation under the Government of John Scott's party that brought dairy farmers into their present state of despair. For 60 years, the milk marketing boards trod a fine line between producer and consumer, whereby none made a fortune but none starved, either. Since Thatcher swept aside the boards under her drive for deregulation, supermarkets have charged over the odds for milk and processors have paid less than the cost of production.

John Scott: Does the member have anything positive to say about the development of local

food? She is two minutes into her speech and has not said one thing about it.

Ms Watt: I was just making the point that milk is part of local food, yet the Conservatives say nothing about it. The margin between the production costs and selling price of milk is so large that processors can afford to haul milk—some of it not even from Scotland—north, south, east and west, while thinking nothing of the amount of diesel that is wasted in doing that. Is any Tory here big enough to stand up tonight and say that Thatcher was wrong? It is funny how milk is not included in the local food campaign.

Of course local food must be given a higher profile. Every time a town gets a supermarket that threatens local businesses—my colleague Fergus Ewing's constituency is to have yet another supermarket—a farmers market should be established in the town centre. That would encourage people into the town and help local businesses to grow rather than put them at risk from the supermarkets. It is all very well for a parliamentary committee to examine the issue, but local authorities are doing a huge amount of work with farmers markets. Once again, the Government at Scottish national level is not meeting local needs. We should help and encourage lots of local initiatives and we are not doing enough of that.

17:17

Ms Rosemary Byrne (South of Scotland) (Sol): I congratulate John Scott on securing the debate, which I very much welcome. Many of us have considered and discussed the issue over a long period. I visited one of the schools in East Ayrshire that is involved in the locally produced foods project and I was impressed not only by the quality of the food—while there, I was given a school meal—but by the education of parents and their involvement in the project. I would love to see locally produced foods in our schools, hospitals, nursing homes and prisons. That is doable and I wish that the Parliament would get on with addressing the issue.

Last week, I thoroughly enjoyed going round the farmers market stalls in the Parliament. I have not tasted tomatoes so nice since I ate my father's home-grown tomatoes years ago—I was reminded of that. The event was terrific.

Food miles harm the environment. Transporting food over large distances uses much fuel, whether it travels by lorry or plane. That means more CO₂ emissions and more global warming. Since 1978, the amount of food that is moved in the United Kingdom by heavy goods vehicles has increased by 23 per cent and the average distance for each trip has jumped by 50 per cent.

Food miles reduce freshness. The further food must travel, the longer it spends in transit. That means that vitamins are lost and, inevitably, nutritional values decline. Imports of indigenous foods rose from 13.5 million tonnes in 1992 to 16.1 million tonnes in 2002.

Food miles make us lose our sense of seasonality. Being able to buy strawberries in January can be appealing, but is it a good idea to ship seasonal fruit and vegetables thousands of miles across the world when, if we waited a few months, we could buy them from a few miles away? Actively giving priority to buying foods that are in season is an easy way of cutting food miles. If all foods were sourced from within 20km of where they are consumed, the country would save £2.1 billion in environmental and congestion costs.

Food miles can hurt the environment in third-world countries. Although much of the farming in the third world is just as sustainable as that here in Europe, some is not. Most consumers would not be comfortable with buying food from countries that routinely fell rain forests to plant crops, for example. An area of rain forest equivalent to 10 football pitches is destroyed every second.

Food miles can hurt third-world farmers. The domination of food production for profit can force those farmers to farm foods for the export market, rather than for use in their countries. Once they are tied into the marketplace and farmers are forced to buy seeds from and to sell the finished product to the same multinationals, they are at risk of sliding further into poverty.

Finally, the welfare of animals is a big issue. The transportation of animals over a long distance is not good, and we do not get good quality at the end of the process.

17:20

Nora Radcliffe (Gordon) (LD): I congratulate John Scott on bringing this debate to the chamber. It is an excellent way of rounding off Scottish food fortnight in the Parliament. We have had two tremendous weeks during which food has dominated Holyrood. There have been loads of events, covering every aspect of food. No one can be left in doubt of the quality of the food that is produced in Scotland. I congratulate the organisers of Scottish food fortnight, which gets bigger and better every year.

Much that has happened in the Scottish food fortnight underpins the *Farmers Weekly* local food is miles better campaign, on which it is to be congratulated. That campaign is resonating with the public. To allow constituents and other members of the public to demonstrate their support for the ethos behind the campaign, I slightly plagiarised its wording for a petition at the

Liberal Democrat stall at my local agricultural shows: New Deer, Turriff, Keith, Lourin fair, Rhynie gala and so on. There was much support and enthusiasm for the campaign and what it is trying to do.

There are many benefits to buying and eating fresh local produce. It is better for health, the economy and the environment. I will elaborate slightly on those points. On health, fresh food is generally high in nutritional value. It also tastes better, so people are more likely to be tempted to eat it. It is particularly important for the health of elderly people and people who are ill. We should also educate the taste buds of our young people. If they find out what good fresh food tastes like, they are more likely to choose it in preference to pre-prepared, bland offerings, which are not nearly so good for them. In the past fortnight—I cannot remember where—someone made the point that if we want to get people to eat fresh food and five daily portions of fruit and vegetables, saying that it is great, that it tastes good and that people will enjoy it is a better selling point than saying that it is good for them.

I turn to the economy. It is especially important to keep money circulating in the local economy in more fragile rural areas, where the viability of schools, shops and services can be very finely balanced. On the environment, I was slightly surprised to find out that food consumption makes up 20 per cent of our ecological footprint.

Local food is an all-round good thing, so what do we need to do about it? We must create markets and educate the consumer. People power works. If people want fresh food and start to demand it, they are more likely to get it. We want to get shares of existing markets. By persuasion, regulation or public demand, we want to get the supermarkets to set aside shelf space for local food. Public bodies feed a large number of people, so let us refine public procurement and make it easier for small businesses to engage. We should be a bit cleverer about specifications and allow more local autonomy.

Tourists and locals eat out—people come to Scotland for the food. Let us meet their expectations by giving them local food and identifying and explaining what they are eating. We must look at infrastructure. How can we do more to help small local producers to co-operate to get the synergies that will enable them to pool resources and share costs?

There is a great deal more that I could say. Other members will make those points. This is a good debate. There is a great deal of potential, which I hope we can harness.

17:24

Stewart Stevenson (Banff and Buchan) (SNP): I draw members' attention to the voluntary entry in my register of interests. That is relevant, because my neighbour, who keeps some sheep in my field, passes me some of the fruits of his labours. That food travels approximately 50m from the field to my plate, and I thoroughly enjoy it.

That is a model for the excellent work that John Scott kicked off very early doors in promoting Scottish farmers markets. Indeed, it is likely that I first met John Scott in person during the Ayr by-election—I was with our candidate, who was Jim Mather—at the farmers market, where John Scott worked with his late wife, who we miss. She was a charming lady.

In my constituency, there are many primary food producers who are required to interact with supermarkets. For example, white fish is landed at Peterhead, the biggest white-fish port in Europe, and pelagic fish is landed at Fraserburgh. It costs £700 for a lorry to take the fish down to the supermarkets' distribution centres in the north of England, only for that fish to be returned to Tesco's store in Fraserburgh. Yes, the fish is transported all the way down to the north of England and back again. That is quite absurd. That money could be invested in supporting quality local producers without in any sense putting a penny on the price of food on the plate.

My face lights up whenever my wife, in discussing the coming week's food consumption, asks, "Would you like mince?" Mince is a staple of the Scottish diet.

Christine Grahame (South of Scotland) (SNP): Mince is also a staple of this Parliament.

Stewart Stevenson: However, mince is under threat from European regulations, which will require that it be produced within a day of slaughter. I hope that the minister can do something about that.

I am gravely concerned about one aspect of the Tories' attitude to this subject. I feel that they have been undermining the food producers. The loss of some 9 stone from the Tory benches is, if translated into steak, equivalent to approximately £1,000 in revenue that Mr Johnstone has taken out of local butchers.

Alex Johnstone (North East Scotland) (Con) rose—

Stewart Stevenson: I do not have time to give way to Mr Johnstone but, in all seriousness, I congratulate him on a spectacular achievement. I hope that he now eats locally produced vegetables, such as lettuce from Kettle Produce in Fife, to sustain his spectacular reduction.

However, the fillet steak was a bigger revenue earner for the local butcher, so you never know.

17:27

Eleanor Scott (Highlands and Islands) (Green): Given the shortness of time and the many things that I could say on the topic, I will have to cut my speech quite short. I join others in thanking John Scott for lodging the motion and congratulate him on securing the debate. I also congratulate everyone involved in the Scottish food fortnight, which was, as others have said, a great success.

As part of the Scottish food fortnight events in the Parliament, the other day I had the honour of chairing a seminar at which a paper was delivered by Michael Gibson. He is a man with many hats: he is a former board member of the Food Standards Agency; he is now chair of the Scottish Salmon Producers Organisation; and he is also a member of the Scottish food and health council. I want to quote extensively what he said about what Government can, and should, be doing.

He argued that we need a Government in which, instead of departments pulling apart and destroying the strategy through interdepartmental non-alignment, the dots are actually joined up. He said:

“Government has a key role to play. It is the only one that can set a food strategy that is truly cross-cutting, fulfilling the health agenda, the agricultural agenda and the consumer and food safety agenda”—

which is very true—

“...and it must be driven at the highest level”.

He also discussed supermarkets and the need to ensure that they discharge their corporate social responsibility. I and my party are—as members can imagine—no fans of supermarkets, but we recognise that, while they exist, we need to deal with them. Michael Gibson suggested that one way of dealing with the supermarkets is to require those with a floor area above a certain size to devote some space to local produce so that small local enterprises can get in. The supermarkets also need to devolve a lot more power to local managers to procure local food that can be sold in the local supermarket.

We also heard about hotels and restaurants and the need for local supply for local consumption. I know of a hotel in Wester Ross where the hotelier has to tell tourists—who have driven along a single-track road avoiding the sheep—that it is difficult for him to get local lamb. It is grown there, but the abattoir is dozens of miles away. There are real issues about joining these things up.

Nora Radcliffe mentioned something that I talked about at the seminar that we attended

about food, health and the Scottish diet action plan. We are going down the wrong route in talking about food as a vehicle for delivering health. Health is a side-effect of eating. We eat food because it is pleasurable and enjoyable. Food is not just fuel that contains a certain number of calories, nutrients, vitamins and whatever; it is a pleasure. One person at the seminar was from Italy. He contrasted the attitude to food that we have here with the attitude in Italy. The Italians do not make a big deal about eating healthily; they make a big deal about eating well.

If we rewrote the food message to say, “Eat local, fresh, seasonal food because it is a good eating experience,” people might eat a bit more butter or double cream than they perhaps should, according to guidelines, but overall they would eat a lot better than they do at the moment. The health message has failed. People have listened to the health message, have been confused and are eating all the wrong things. We need to send out a good food message and local food is the starting point for delivering that message.

17:31

Dr Jean Turner (Strathkelvin and Bearsden) (Ind): I congratulate John Scott. We all agree that

“local food is miles better”

in flavour and nutritional quality. I try to go to farmers markets when I can, but supermarkets are now getting in on the act—trying to increase their already great profits.

I agree with the point about milk. Many farmers in my constituency are in milk. They do not like the idea that they are not getting more for their litre and I agree with them. I would like to see not only Scottish food in schools and hospitals, but free milk back in the hospitals. I grew up on it; there is a meal in milk.

Supermarkets could put back something of what they take out in ripping up our roads and taking our money. They could employ nutritionists and cooks to educate people about how to cook. Over the decades during which I was in general practice, people lost the art of cooking. Even elderly people do not bother cooking because they have no energy—probably because they do not eat well. People go for the microwavable, high-fat, high-salt options. I have spoken to some supermarkets, but I have not seen much evidence that they have taken up the idea of forums for elderly people, young people or people who are on special diets, such as diabetics, to aid and abet our national health service. Everybody should be in there, trying to entice people's palates. It is true that one must go to Europe to find people who love sitting around a table and eating good food.

Venison is also a passion of mine—I love it. It is very low in cholesterol, but many people have perhaps not tasted it. Farmed venison is very tasty—very mild. We used to have it on our menu at the University of Aberdeen, and I think that it would be nice to introduce it in schools. I know that the Deer Commission for Scotland is working on wild venison. I look forward to seeing what it will do for the tourist trade by making wild venison more palatable and easier to cook.

I would like the Executive to promote venison as a good quality meal. I would also like it to force supermarkets to get involved in teaching people about food preparation so that people can keep their money in their pockets. If ordinary people are bored of going around supermarkets, perhaps being able to go inside and listen to somebody telling them how to cook the produce that is on the shelves would give them a reason to go there. Other than that, I would like to see more farmers markets and more local food in our dining rooms.

17:34

Mr Jamie McGrigor (Highlands and Islands) (Con): Yesterday, along with the Minister for Environment and Rural Development, Ross Finnie, and others, I attended a tasting that was put on by Quality Meat Scotland. We tasted the meat from nine different lambs and a six-year-old mutton. It was all delicious. I grew up on a sheep farm and have eaten lamb and mutton all my life. I had never realised the subtle—and sometimes rather glaring—differences in flavour between meat from the same type of animal that has fed on different areas of heather or grass or a combination of the two. Farmers markets can illustrate and exploit differences in the flavour of local meats in the same way that whisky trails, for example, highlight different whiskies from different distilleries for whisky connoisseurs from all over the world.

Local food has a local taste and history that tourists find truly interesting. Many of Scotland's tourists come from England or France. Given that the English eat twice as much lamb per head as the Scots—and the French probably twice as much again—farmers markets are the perfect vehicle for promoting that new kind of food tourism.

I also stress the importance of buying vegetables, especially organic ones, at farmers markets. They can be a dream to eat, and can be used to encourage young children to eat healthily. Indeed, my own young children, who used to hate vegetables, love going on sorties to farmers markets and carrying home healthy local produce that they have bought at enormous expense. They eat every morsel of it. I visit farmers markets in Oban and Cairndow in Argyll and, if I am in

Edinburgh at the weekend, I enjoy visiting the excellent market on Castle Terrace, which sells the most delicious venison pies that I have ever tasted.

I congratulate John Scott on securing this debate on an important motion and on all that he has done for farmers markets, which are, after all, important for farmers, fish farmers, fishermen, shellfish growers and, in particular, deer farmers. They are also important for tourism and health. Mr Finnie has often called for producers to add value in the food chain, and farmers markets play a major role in doing exactly that.

17:37

Rob Gibson (Highlands and Islands) (SNP): I am delighted to support John Scott's motion. I regularly meet local producers in the north, particularly at the monthly farmers market in Dingwall. I have also met members of the north-west Sutherland food link group, which is extending its work across the country, and I recently spoke to east Sutherland producers and many other groups at the Lairg crofters show. I am heartened by the number of people who want their produce: indeed, producers are having a problem keeping up with demand. The message of all these groups is that their food is high in freshness, low in food miles and tastes miles better.

The debate raises bigger questions that Scottish food fortnight prompts every time it is held: can we rely on the Scottish Government to make these food experiences available to the vast majority of Scots? Do the rural development programme and the much-discussed Scottish diet action plan join up? Do the Environment and Rural Development Committee's report on the food chain and its evidence to the Competition Commission in Edinburgh last week show that the Scottish Executive has all the relevant powers, has joined up all the dots and has managed to link healthy food to agricultural production and this country's food and drink industry?

I do not think so. Yesterday at the Parliament, Mike Gibson summed things up rather well in a talk called "The local food supply chain: the myth and the reality" when he said:

"It is imperative that Government strategy is not allowed to pull itself apart due to different departmental priorities; so as not to unravel it must be truly crosscutting."

I was not aware of the Scottish Food and Health Council before this week—I am glad to hear about it—but I am aware of the Government's sustainability directorate. What is this high-ranking body doing to pull these matters together? Is the commitment to healthy food at the heart of "A Forward Strategy for Scottish Agriculture" or the Scottish rural development strategy? This debate

is important; after all, ingredients produced in Scotland can be much cheaper than the processed foods people buy in supermarkets.

We are lauding farmers markets and the like, but the Government is strangling small producers with the bureaucracy surrounding the interim bull hire scheme, which makes it more expensive for crofters to buy bulls and make locally produced beef available. How do we help crofters in that situation?

The Scottish organic action plan was supposed to meet at least 70 per cent by value of overall Scottish consumer demand for organic products with products sourced in Scotland. How does the claim that we support healthy food and willing food producers match the way the Government has handled the Scottish organic action plan? Immediate action is required to bring those essential aims together. Our celebration of the local food is miles better campaign deserves some detailed explanations of how the minister will achieve those aims.

17:40

Mr Andrew Arbuckle (Mid Scotland and Fife) (LD): I thank John Scott for securing this evening's debate, although I blame him for encouraging Stewart Stevenson, once again, to talk mince.

Eleanor Scott bemoans the lack of lamb in the Highlands and Islands. The answer might be to drive straight, rather than avoid the sheep on the road.

Jamie McGrigor and Jean Turner were right to eulogise the benefits of venison. Despite being a welfare-friendly environment, one of Scotland's primary deer farms has twice been targeted by the Animal Liberation Front.

Years ago, I was invited to lunch by a neighbouring farmer. After the meal, he commented that the farm had produced all the food, from the leeks that went into the soup to the chicken that had been sacrificed to provide the main course. As a primary food producer, he was rightly proud of that achievement. He did not mention air miles, because that phrase was not then in currency.

Time has moved on. Because of increased specialisation in the farming industry, there are few who could now make such a claim. Equally, the loss of many processors and food packers in Scotland has led to produce being hauled to a central packaging and distribution point, only to be sent back up the road when it has been cut into small pieces and wrapped in cellophane. That system is used by the major retail chains, and I can give an extreme example of the travel involved in that side of the food industry.

Two years ago, Brussels sprouts grown in Scotland were transported to Poland for trimming before they came back to supermarket shelves in this country. That was made economically possible by the low wages in Poland, but as all members in the chamber will agree it was also economic madness. As we have heard tonight, we now see more and more exotic food on our shelves, and customers can buy vegetables, such as mangetout peas, that are flown in daily from places such as Kenya.

Those are some of the issues that we face in promoting the local food is miles better campaign. I congratulate *Farmers Weekly* on setting up the campaign and its Scottish correspondent, Carol McLaren, in particular. We need a change in attitude by the consumer, who is now used to being able to purchase almost any type of food from anywhere in the world. Watching potential buyers moving along supermarket aisles filling their baskets does not provide much in the way of hope for a radical change. I do not believe that adding an air miles tag to already hefty labelling is the solution.

Although they have carved out a space in the food market, farmers markets will not in themselves provide the whole answer. What is needed is a change in consumer attitudes, which will then be reflected in supermarket purchasing. There is, I fear, still a million miles to go before we dramatically reduce air, sea and road miles for food.

17:43

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): I congratulate John Scott on his personal contribution to establishing farmers markets. That is an accolade that he should be proud of. We have farmers markets in my constituency, and they are extremely welcome. The motion also mentions farm shops, which I think are becoming, if anything, even more significant than markets. There is a farm shop at Wester Hardmuir, between Nairn and Forres, which I can thoroughly recommend to anyone who is willing to risk driving along that goat track called the A96.

Over the summer months, like other members, I had the pleasure of attending various games and shows, including the Grantown show, where I had the political misfortune to be asked to judge the tractor competition. It can be a vote-losing experience, and one is tempted to reject out of hand the entrants who live outwith the constituency. Naturally, I resisted that temptation.

One of the losers was a local wag. He asked me, after he found out my name and called me Fergie, "Why did your mother name you after a

tractor?" I have not passed those bon mots on to my mother—I do not have sufficient courage—but attending the show gave me the opportunity to pick up on some of the concerns, which is the point I am coming to. There are serious concerns, of which I think the minister is well aware.

There are concerns about charges made by the Scottish Environment Protection Agency. I say to the minister that, with respect, SEPA is out of control. The sadly intemperate attack that the chief executive of that organisation made on NFU Scotland in the *Press and Journal* a week ago last Saturday was extremely unfortunate and ill-advised. In Scotland, there is a charge of £700 for a licence to put tar on farm roads, but there is no similar charge in England. That is outrageous—the charge must go.

There is also huge pressure on the dairy sector. Other members have referred to its problems. I inform the minister that farmers in the sector are on the edge, which is just not fair. One thing that we could do to help—my party has not yet adopted this policy—is to give every child in Scotland free school milk. We should not just pass the buck on that to local authorities, which was the Executive's stated position in 2002 and again last week.

Farmers produce food. They may look after the environment, but they have done that anyway. Given the insecurity in the world, the biggest threat now in my view is food terrorism, which is a topic that is being increasingly discussed. What that means is that unless we can produce the food we need to feed ourselves, we may not have enough. One threat or actuality of botulism in the milk process could kill hundreds of thousands of people. People such as my sister-in-law would never enter a supermarket again or buy anything from one.

Unless we produce our own food—we must remember that that is farmers' function—I think that we will regret the day. I am afraid that policies are moving away from recognising that primary purpose of farmers.

The Deputy Presiding Officer: To allow me to call the two remaining members who wish to speak, I invite a member to move a motion, under rule 8.14.3, to extend the debate.

Motion moved,

That, under rule 8.14.3, the debate be extended until 6.01 pm—[*Mr Mark Ruskell.*]

Motion agreed to.

17:47

Mr Mark Ruskell (Mid Scotland and Fife) (Green): I thank John Scott for securing this consensual debate.

I attended the first ever conference on food miles in the United Kingdom in 1993. It has taken 13 years for the issue to get on to the mainstream agenda. As other members said, we must congratulate the many different groups who did the work over the past 13 years, which we now welcome.

I want to talk a bit about food culture. I was honoured last week to launch the new restaurant and farm-shop extension at the Pillars of Hercules organic farm in Fife, which is a fantastic example of what a food culture should be about. Going there is a real live experience. Anyone who goes there just before Christmas will see turkeys being reared on the farm. If they go back and look at the fields in the summer, they will see that they are growing courgettes and other vegetables. Anyone who goes into the café will see that same produce being worked up into beautiful soups and salads. People also buy the produce, take it home and cook it up themselves. The Pillars of Hercules is live, educational, healthy and environmentally sound and, to pick up on Eleanor Scott's point, it is an enjoyable experience for families, which is what we need to create in Scotland.

Contrast that with the supermarket culture. When we enter a supermarket as consumers, we lack knowledge about how the food has been produced and about the crucial relationships in the supply chain. I have spoken to many consumers about the dairy milk issue. Everyone to whom I speak is shocked when they realise that dairy farmers are paid less than the costs of production for milk. That in itself is another example of why we need a transparent food supply chain. Rob Gibson, Sarah Boyack and I made that point last week when we met the Competition Commission in Edinburgh as part of its grocery inquiry. I hope that the minister also raised that point when he gave evidence to that important inquiry last week.

The culture change is about farmers as well as about consumers. The farming community has taken tremendous strides to open up direct marketing, but farmers have historically regarded processors and retailers, not consumers, as their customers. We need to help farmers make a direct link with consumers.

Comments about a joined-up food strategy have been made. The most important thing the Government can do is join up the dots across different departments. Public procurement is vital. I would be delighted to take part in some of the work being done on that by the cross-party group in the Scottish Parliament on food, which John Scott has been leading.

Direct marketing is important, too, and we must support farmers to engage in such activity. I was extremely disappointed that although it would have been easy to include direct marketing as one of

the components of land management contracts, that option was rejected from the consultation. It would have been simple to introduce direct marketing as a way to encourage farmers to develop local food economies. Other countries are benefiting from moulding their common agricultural policy subsidies to support their food economies. The Scottish Executive Environment and Rural Affairs Department must start to think outside the box to deliver healthy local food economies in Scotland. It is only by supporting farmers and consumers to come together that we can begin the re-creation of Scotland's food culture that is so desperately needed.

17:51

Christine Grahame (South of Scotland) (SNP): I congratulate John Scott on securing the debate and express regret at the fact that no Labour members are present.

Maureen Watt was a bit rough on John Scott—I saw that he was upset—so I will be gentle with him. I know that he frequently meets my sister—who is worse than I am—down in Ayr when he is on his stall at the farmers market.

I am sorry that Alex Johnstone, who tells me that he is on the tomato diet, has left. Although he is eating lots of tomatoes, he is starving. I hope that they are the tomatoes from Clydesdale that Rosemary Byrne enjoyed at the farmers market stalls earlier this week. I thank her for mentioning the EatScotland event, which I hosted. Although she was unable to come, I know that she is fully committed to the scheme.

The Scottish Parliament has an opportunity to do more than just hold the Scottish food fortnight. Along with other members, through the Scottish Parliamentary Corporate Body, I have been urging the members' dining room to commit itself to serving Scottish produce and Scottish recipes. I know that there are issues to do with Sodexo and European procurement rules, but those rules can be met. Surely creative contracting could take place. I cannot believe that the French Parliament in Paris bothers its boots about buying produce from other nations. I bet it buys French produce and waits for someone to challenge it. If anyone challenged the Scottish Parliament about serving properly priced Scottish produce in the members' dining room, for once the Scottish people would be on our side for successfully defying the regulations.

I have no idea how much time I have left because the speaking-time clock is not working. There is now a campaign to eat Peebles—not literally, of course. There is a wonderful lady called Val Brunton who runs the Sunflower Restaurant there. Everything she uses is local—the bread is

baked locally, the meat comes from the local butcher's and the fish and vegetables are local, too. I do not have shares in the restaurant, but the food is wonderful. A group of traders in Peebles are getting together to have the town put on a food trail, to promote its many independent shops and the good food that is available there.

I could not agree more that food miles are a waste. Who on earth wants to eat strawberries in January? There are children in Scotland who think that strawberries grow in January and who have no idea how much it costs to bring them over here. Let us eat Scottish strawberries and Scottish raspberries at the right time of year. In the winter, we can have turnips along with our haggis.

17:53

The Minister for Environment and Rural Development (Ross Finnie): I congratulate John Scott on instigating the debate, the timing of which is extremely apposite, given that we are in the middle of Scottish food fortnight.

I was at the launch of Scottish food fortnight in Glamis. The most testing question that I received came from a highly advanced primary 7 pupil at Glamis primary school, whose interrogation on what the Scottish Parliament meant by "local" would have had quite a few members vexed about the precise definition. His definition went way beyond that of a concentric circle around Glamis. He was keen to know what local meant in other towns, cities and countries. We had an earnest conversation.

John Scott is right that the issue of local food and produce has risen right up the agenda. It is important to observe that the entire drive to reconnect the consumer and the primary producer came from some consumers and some primary producers. Therefore, Government is not necessarily required to intervene to make the change to our culture and our approach to food that members referred to in the debate.

Stewart Stevenson: Will the minister give way?

Ross Finnie: I want to make a start.

There are issues for Government, which I will come to, but we make a great mistake in not understanding that we have largely driven the way in which our food culture has been allowed to develop. We have fallen into the trap of assuming that what is superficially cheaper is better. The rise of localism—of farmers markets and local markets—points up the folly of that perception. I entirely agree with John Scott about the East Ayrshire experiment and the whole issue of food co-operatives, co-operation at the local level, local food production, healthy living, the environment and the economy.

I hope that Maureen Watt will accept that her colleagues Stewart Stevenson, Fergus Ewing and Christine Grahame were correct in chiding her for her contribution. In any debate, members are entitled to take different policy positions, but it was a little ungracious of her to make a personal attack on John Scott, who was one of the founders of Scottish farmers markets. Indeed, John Scott's formation of that movement long predated Maureen Watt's motion to the Parliament. However, I think that all of us agree that Maureen Watt's colleagues more than made up for her infelicitous beginning.

Stewart Stevenson: Is the minister minded to take account of the Welsh Assembly Government's stated procurement policy of giving an advantage to local producers in respect of the time constraints that are involved in harvesting local food produce? That is within European Union rules.

Ross Finnie: As the member knows, we have made further amendments to the regulations on local food specifications, particularly in relation to seasonality. I say that with particular reference to the East Ayrshire experiment, which John Scott mentioned in his opening remarks and to which Rosemary Byrne and other members referred.

In moving forward, we have many issues to tackle. Nora Radcliffe addressed fresh food and Fergus Ewing raised farmers' shops, which take the initiative further forward and give a degree of permanence.

Stewart Stevenson pointed out that we are talking not only about farmers but about those who harvest the seed. Indeed, the pelagic and demersal fisheries have an equally important role to play in all of this. Eleanor Scott spoke of the different ways in which we should go about things and outlined her different approach. I say to her and other members that we must be careful in what we say.

On the supermarkets, I say to Mark Ruskell that, when I gave evidence to the Competition Commission, I made clear our belief in the need for transparency throughout the food chain, in particular in relation to the milk industry, as many members mentioned. We are talking not only about the supermarket and the farmer but about the processors in the middle. One needs only to consider the history of margins in the milk industry to see that serious questions need to be asked not only of the supermarkets but of them. That said, supermarkets need to consider transparency and their dominant position in our society, although we should not forget that we, as consumers, have fuelled the huge growth of the supermarkets.

I say to Rob Gibson that, of course, ministers can give a great deal of leadership and direction

and can intervene, but the issue is not all about Government; there is a huge free market in food. It is quite nonsensical of him to suggest that Government can solve all the problems. We can give direction to consumers and talk about education, and Jean Turner made valid points about many people's ignorance of cooking. I agree with her that it is probably a fact that few people under the age of 50 know how to cook a shoulder of lamb. The situation is difficult.

Jamie McGrigor mentioned lamb and managed to make an entire speech without once mentioning nephrops, which was quite remarkable, although I now feel a need to say, "Shush, don't tell anybody," or the *Official Report* will need to be adjusted to record at least one mention. As Jamie McGrigor rightly said, other organisations come into play.

I do not think that SEPA made it into *The Press and Journal* in the way that Fergus Ewing described it. It gave a general press briefing; the matter was handled slightly differently in other newspapers. However, the sort of issue that he described is not helpful.

I have mentioned the dairy sector. I agree with Mark Ruskell that this is a matter of culture—he put his finger on it. However, the issues are broader than those he raised. Government, consumers and education are all involved—it involves all of us.

I will not dwell too long on Christine Grahame's creative contracting, as I might get into trouble. I am sure that it is an interesting legal concept. No doubt she and Fergus Ewing will talk about it later.

Tonight's debate has highlighted an extraordinarily important area: the renaissance of the connection—at the moment, it is a disconnection—between the consumer and the primary producer. As a Government, we have been spending an increasing amount of time considering what Mark Ruskell referred to as the transparency of the food chain, as well as the relationships within the food chain. I believe that, as the substance of the motion suggests, we can place great importance on individual citizens understanding what it means to have better, not cheaper food, where that food can be sourced locally and about the seasonality of local produce. Let us be careful though. We should not say that everything must happen at home. After all, that would make the messages that I give out when promoting Scotch beef abroad sound a little hollow.

Meeting closed at 18:01.

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