

MEETING OF THE PARLIAMENT

Thursday 7 June 2007

Session 3

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Scottish Parliament

Thursday 7 June 2007

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

Sustainable Public Transport

The Presiding Officer (Alex Fergusson):

Good morning. The first item of business is a debate on motion S3M-127, in the name of Des McNulty, on sustainable public transport systems. I intend to keep all speakers strictly to time.

09:15

Des McNulty (Clydebank and Milngavie) (Lab): A mountain of evidence was considered during nearly 200 hours of detailed parliamentary scrutiny of the Edinburgh tram and Edinburgh airport rail link schemes. The process of approval involved a vote of the whole Parliament. Both schemes also went through a full pre-expenditure appraisal process and will have been subject to gateway assessments prior to the commitment of funds.

Even if the minister believes that Parliament's previous decisions were incorrect, he cannot overturn decisions without parliamentary approval. To persuade us, he needs to demonstrate that his alternative proposals would deliver significantly better outcomes in meeting the key objectives of transport policies that have not shifted markedly under the new Administration. In the case of the tram scheme, which is well advanced, delay or cancellation would result in the waste of more than £100 million of public money. The minister needs to show that the wasted expenditure that would result from cancellation would be outweighed by the benefits of his preferred alternative.

We have had little detail from the Scottish National Party about its alternative to trams. In response to a question from Malcolm Chisholm, the First Minister mentioned

"guided busways on much of the tram alignment between Edinburgh airport and Haymarket; incentives for the use of hybrid fuel buses ... incentives to improve through-ticketing; real-time information at all Edinburgh bus stops; completion of the planned park-and-ride sites around the city ... and further bus-priority measures on the routes that are to be served by those park-and-ride facilities."—[*Official Report*, 31 May 2007; c 320-1.]

We have seen no costings, no business case and no evaluation. From the evidence that was taken previously, we know that we could expect longer journey times and more buses clogging up Princes Street.

Back in 2001, Kenny MacAskill slated guided busways as the technology not of the 21st century but of the latter part of the 20th century. In his earlier, visionary incarnation, Mr MacAskill argued:

"the route ahead for the City of Edinburgh is a light rail network ... It will be the basis upon which Edinburgh can grow and flourish."

How disappointing that the new Mr MacAskill—the sad, unambitious Mr MacAskill—no longer wants Edinburgh to have the public transport networks that are taken for granted in other European capitals such as Copenhagen, Helsinki and Dublin.

That is the SNP's view of trams. What does it think about EARL? In 2002, the same Mr MacAskill said:

"We need a commitment to build the rail link, which would be a fundamental factor not just in growing Edinburgh airport and the economy of the city of Edinburgh, but in boosting the economy of the whole of Scotland in the 21st century."—[*Official Report*, 28 February 2002; c 9887.]

However, what do we have from the SNP? Instead of a central Scotland rail interchange that would connect Fife to Glasgow and connect 62 different stations to the airport, ministers now favour a limited loop that would necessitate passengers on the main line from Glasgow disembarking a distance away from the airport and travelling to it on a coach or shuttle.

We have heard from Mr Swinney and Mr Stevenson that their primary interest is in preventing cost overruns and ensuring value for money. However, the detailed option appraisal exercise that was carried out for EARL by transport specialists Sinclair Knight Merz, which informed the parliamentary scrutiny process, recommended as offering best value for money the scheme that was subsequently approved by Parliament. As our motion makes clear, the responsibility for delivery of that best value for money scheme lies with ministers.

Ministers have under their control Transport Scotland, which was set up as a body with the engineering and other specialist skills that are needed to ensure effective procurement and delivery of major infrastructure projects. If ministers genuinely wanted further assurances about value for money and potential cost overruns, they could have asked Transport Scotland, as the body with the relevant expertise, to publish the benefit cost ratio for each project or to re-examine costings across the full range of current transport projects and to compile a prioritised list. They could have done that, but they did not. Audit Scotland has been asked to examine only the approach to financial and risk management of the two projects that Mr Salmond and Mr MacAskill want cancelled.

Last week, John Swinney took great offence at any suggestion that an SNP Administration would take arbitrary decisions. As we have seen, there are various definitions of the word arbitrary. However, let us be clear about the fact that the selection of the two projects that we are debating is bluntly and blatantly party political. Presumably, ministers hope that Audit Scotland will provide some evidence or finding that will help to justify the decisions that the SNP desperately wants to make. However, the cloak of Audit Scotland involvement cannot mask the fact that, for now, the SNP is defying not just previous decisions of Parliament but the majority view of members of Parliament in the current session.

I want to be clear about what our motion and the amendments would do. The Conservative amendment would require a debate to take place in the Government's own time—under the terms of the amendment, that could be delayed beyond the summer. The SNP amendment would require only a statement—not a debate—before the recess. Each week without a decision that is ratified by the Parliament means that costs—especially of the tram scheme—rack up and momentum is lost. The collapse of the tram scheme—for which contracts have already been let, but which has been put on hold this week as a result of the review—would have a devastating impact on the construction industry's confidence in public projects in Scotland. It would also have significant broader influence on confidence in the Parliament's commitment to deliver sustainable public transport in Scotland.

The Government should be made to act consistently by the Parliament, and should act on the basis of the outcomes of proper benefit cost analysis, not political prejudice. Those who want to prevent ministers from reversing parliamentary decisions without recourse to Parliament, those who take seriously the arguments for sustainable public transport and, above all, those who are concerned about the effects of further delays on the Edinburgh tram project, in particular, should support the motion that I am pleased to have lodged.

I move,

That the Parliament believes that Scottish Executive ministers should respect decisions of this Parliament and, in keeping with that key principle, believes that ministers should not delay, substantially alter or cancel strategic transport projects, such as the Edinburgh Tram and Edinburgh Airport Rail Link schemes that have already been subject to parliamentary scrutiny and approval; further believes that any proposed departure from those agreed parliamentary consents should also be subject to parliamentary approval; notes the urgency given that considerable expenditure has already been committed on these schemes, and re-affirms that ministers bear the responsibility for the effective procurement and delivery of major infrastructure projects.

09:22

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): Accountability lies at the heart of this debate, and Government must be accountable to the people of Scotland for the decisions that it makes.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): It must be accountable to Parliament.

Stewart Stevenson: We are accountable to Parliament and, of course, to the people of Scotland. The only way in which we can maintain the trust of the electorate is by ensuring that Parliament is answerable to the people of Scotland.

Government is responsible and accountable for the value of the money that it spends. Scottish taxpayers expect us to take that seriously and to take a hard look at the major spending programmes that we have inherited.

Patrick Harvie (Glasgow) (Green): I note the minister's comments about taxpayers' money. Mr Swinney is quoted as saying that his priority

"is to protect the Scottish taxpayer and ensure that any major transport project is value for money".

Can the minister confirm that that statement is a true reflection of the Executive's priorities and that the intention to review the finances of transport projects is not limited to public transport? For example, will he give a commitment to review the finances of the M74 northern extension in Glasgow, which is already experiencing delays and cost increases, and of other road projects, such as the Aberdeen western peripheral route?

Stewart Stevenson: I trust that I will not damage Mr Patrick Harvie's prospects of becoming convener of the transport, infrastructure and climate change committee if I indicate that I look forward to working with him. I note that he has said today that

"Transport and infrastructure decisions will determine whether Scotland succeeds in tackling climate change."

It is important that we have a balanced approach. We are determined that overall we will make decisions that tackle climate change. We are examining all the commitments that we have inherited. Our priority is to protect the Scottish taxpayer by ensuring that all major transport projects deliver value for money. It is quite simple: we must build on solid foundations.

Tavish Scott (Shetland) (LD): Will the minister take an intervention?

Stewart Stevenson: I will do so a wee bit later.

It is normal, natural and necessary to review projects. It is normal practice for all good clients to

review projects regularly. Who would not want to be sure that they were getting the benefits that they expected at the price that had been promised? It is completely natural for the new Scottish Government to want to consider what we have inherited and to check whether it is fit for purpose—just as Sarah Boyack did, as she said in her statement to the Parliament in November 1999.

Tavish Scott: If the minister wants to review projects, why is he reviewing only two? Why does he not review all projects?

Sarah Boyack (Edinburgh Central) (Lab): Exactly. Will the minister give way?

Stewart Stevenson: The important points about the two projects have been made: they are the biggest projects, they are running and we need to make decisions about them quickly. It is necessary to review projects. There are good examples of project delivery in Scotland but, sadly, not every project runs well. In March 2006, the Parliament heard that the Stirling-Alloa-Kincardine railway would open in summer 2007 and would cost between £65 million and £70 million.

Ms Wendy Alexander (Paisley North) (Lab): Will the minister give way?

Stewart Stevenson: I have only six minutes. I have taken two interventions and I will take no more.

Within days of taking office, we were told that the cost of the Stirling-Alloa-Kincardine railway had risen to £83 million. Against the background of the rising costs of that project, we needed to check the rest of the major public transport projects, starting with the two largest: the tram project and EARL.

Ms Alexander: Will the minister give way?

The Presiding Officer: The minister has made it quite clear that he will take no more interventions.

Stewart Stevenson: We are pleased that the Auditor General for Scotland has accepted our invitation—I stress “invitation”, because he is independent and we cannot instruct him—to review the procedures that were used to forecast costs for the proposed Edinburgh tram and airport rail link projects.

Ms Alexander: Will the minister take an intervention?

Stewart Stevenson: We issued that invitation precisely so that the necessary objectivity would be brought to the projects. Audit Scotland will report by 20 June and the findings shall be published. The report will form part of the review of major public transport projects that the Cabinet Secretary for Finance and Sustainable Growth

announced last week. We will consider the report swiftly and return to the Parliament before the summer recess, to set out our position clearly and concisely. We therefore accept the Conservative amendment to my amendment.

We are not in the business of taking arbitrary decisions. It is normal, natural and necessary to review projects at key stages in their development. It is even more normal, natural and necessary to review projects that have been inherited from a previous Administration—as the previous Administration did. Last week, we accepted an amendment that called on us not to make decisions arbitrarily, but this week the Opposition has called on us to make decisions in precisely that way—[*Interruption.*] We are acting responsibly, which is why we invited the Auditor General for Scotland to report on EARL and the trams. We are considering value for money objectively. We will take decisions in the interests of the Scottish taxpayer and involve the Parliament in the process.

I move amendment S3M-127.3, to leave out from first “believes” to end and insert:

“recognises the different policy positions of various political parties; notes that the Scottish Government has invited the Auditor General to consider the approach to financial and risk management taken in the preparation of the Edinburgh Tram and Edinburgh Airport Rail Link proposals, and welcomes the fact that ministers will report to the Parliament on this matter before the summer recess.”

The Presiding Officer: Too many comments are being made from a sedentary position. I would like fewer, please.

09:29

Alex Johnstone (North East Scotland) (Con): The Conservative party supports the concept of sustainable public transport and the two projects that are mentioned in the Labour motion. We understand the importance of public transport to structured, long-term transport policy. However, as we have said many times, there can be no blank cheques. The Conservatives will always be concerned about the cost of projects, the danger that they might overrun and the potentially huge impact on other priorities of the Government and the Parliament. Therefore, the Conservatives will always be fiscally responsible.

Robert Brown (Glasgow) (LD): Will the member give way?

Alex Johnstone: I am sorry, but I have only four minutes and I have a lot to get through.

Much has been said about the process of parliamentary democracy. The suggestion that it should not be possible for a Government to review the decisions of previous Governments was contained in the amendment that we debated

during last week's debate on bridge tolls, and perhaps it reappears in the motion that we are debating today. That suggestion is a bit raw, coming as it does from the party whose Minister for Transport and the Environment, Sarah Boyack, arbitrarily froze all the Conservatives' road-building projects.

Sarah Boyack: Will the member take an intervention on that point?

Alex Johnstone: I am sorry, but I simply do not have time—[*Interruption.*] I have only four minutes and I need to get through my speech.

It is important that the Parliament takes decisions on such matters, but it is also important that the decisions are properly informed, therefore the Conservatives welcome the fact that Audit Scotland has been asked to consider the projects and report back to the Parliament before the summer recess. I am pleased that that concession has been made, but I hope that in his closing speech the minister will confirm that there will be a debate on the projects before the summer recess.

In last Thursday's debate on bridge tolls, we heard a great deal about the need to prioritise spending, and potentially we will hear more about that in this debate. I was pleased that in last week's debate the Parliament united around an amended motion that asked for transport projects to be prioritised and evaluated in the long term. The process that has been set out today satisfies that demand.

We agree with the Executive amendment and will support it at decision time, but it would be much easier for us to do so if the Executive fully explained the extent to which it concedes the point that we make in our amendment and if it accepted my additional request that the debate must take place before the summer recess. It is important that clarification is given.

Conservatives are fiscally responsible and think that the Parliament should have the opportunity to make decisions practically, properly and from a basis of being fully informed. We will not accept the principle that all Governments are tied by the decisions of previous Governments. We support sustainable public transport and believe in the projects, but there should be no blank cheques. We want to see the facts and make decisions constructively and positively. This debate is therefore somewhat premature.

I move, as an amendment to amendment S3M-127.3, amendment S3M-127.3.1, to insert at end:

"and calls on the Scottish Executive to bring forward a motion for parliamentary debate within its own time on these issues."

09:33

Tavish Scott (Shetland) (LD): Of course no Government is tied by the previous Government—Mr Johnstone is right to say so. That is why Mr Stevenson should review all the transport projects and not just two of them, as he would do if the amendment in his name or his position on transport were in any way credible.

As for Mr Stevenson's roads policy, he had better look at the answer that he has signed off to a recent parliamentary question on roads, which I suspect contradicts his response to Patrick Harvie's intervention. Mr Stevenson said that he will review every roads project. Charlie Gordon, who I cannot see in the chamber, asked a parliamentary question about the M74. The minister has just said that he will review that project. I hope that he will confirm that in his closing speech. I hope that Mr Gordon and other members for Glasgow, including my colleague Robert Brown, have heard that.

The Tories will prop up the Government today, so let us be clear about what the Tories are doing. They appear to be a bit lukewarm about the trams and EARL. They do not really support them. However, they believe that the Government should tell the Auditor General for Scotland what to do. That is the Tory position.

Derek Brownlee (South of Scotland) (Con): Will the member give way?

Tavish Scott: No. Sit down, Mr Brownlee—the Conservative party's speaker would not give way to anyone.

The Tories' position shows Mr David Cameron's green credentials for what they are: fraudulent and opportunistic. The Parliament and the public will clearly see what the Tories are truly like. In last week's debate, the Tories did not mention trams or EARL, because they do not care about those projects at all. My party cares about those projects, as does the Labour Party. The Greens used to care about them, but goodness knows what the Greens believe now. I saw Stewart Stevenson cuddling up to Patrick Harvie. Mr Stevenson might come to rue the day.

Mr Stevenson and the First Minister, Mr Salmond, are here, as is Mr Swinney. In the past week, each of them has stated—on the record and as ministers, with everything that that entails and everything that goes with their positions of office—that the Edinburgh trams and EARL projects have cost overruns. Last week, I challenged Mr Swinney to come up with any evidence for that whatever, and not one jot of evidence has been published.

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): Mr Scott knows full well that the cost estimates that I have in front of me represent a difference from where the two projects started out. I have other evidence, which Mr Stevenson has mentioned, relating to the Stirling-Alloa-Kincardine line. I would be utterly irresponsible if I did not reflect on the costs of those projects, to protect the taxpayers of Scotland.

Tavish Scott: I would have considerable sympathy for the views of the cabinet secretary, Mr Swinney, and of the First Minister, Mr Salmond, who is speaking from a sedentary position, if they published all the information, not just the information on the Edinburgh trams and EARL projects. The decision that is being made is a political one, and the Government is trying to find the evidence to support it.

Ms Alexander: Does the member agree that it is utterly irresponsible of the minister to claim, as he has done today, that the Auditor General is examining value for money? The Government knows that the Auditor General will confirm that value for money is not part of his remit. It is dishonest to pretend that it is. It is an attempt to politicise the Auditor General, which is wrong—

Members: No.

Ms Alexander: Ask the Auditor General. Value for money is not part of his study, and we wish that to be confirmed by the Government in the winding-up speech.

Tavish Scott: Indeed. Another important point about the Auditor General relates to what the SNP spin doctor said in *The Scotsman* yesterday. It reported that

“A spokesman for Alex Salmond”

stated

“we want to bring order, rigour and robustness to the decision-making process.”

The spokesman said that it would therefore be important to introduce the Auditor General. The report continued:

“However, when asked about whether there was any evidence of cost overruns, he”—

that is, the SNP spin doctor, whom we are told is now on £100,000 a year—

“said this was for the review to investigate.”

As for Mr Swinney’s line that the information is all available, it appears that the Government is using the forthcoming review to cover up for the fact that it has no information whatever to justify its decisions.

There appears to be a new definition of consensus in the Parliament. If the Tories agree

with the SNP, that is consensus. If the other parties back the SNP, preferably after a highly charged subject debate, that is consensus. However, if the Opposition parties agree with one another but not with the SNP, that is apparently not consensus, and Mr Salmond opposes it. He clearly said on the record last Thursday that the SNP is going to ignore votes that it loses. The SNP does not care about Parliament’s view unless Parliament is consensual and agrees with it. Well, we do not agree.

I move amendment S3M-127.2, to insert at end:

“and notes with concern the decision to involve Audit Scotland in reviewing the Edinburgh Trams and Edinburgh Airport Rail Link projects, particularly given the short timescale in which Audit Scotland is to undertake the review, the lack of detail provided to the Parliament on the terms of reference for the review and the possible implications for the independence of Audit Scotland.”

09:38

George Foulkes (Lothians) (Lab): I must be a real masochist—this is my third maiden speech. I made my first about 28 years ago, and there are a lot of striking parallels. Then, I was a surprising victor. Then, a Labour Government lost office. It had better stop there—I spent 18 years in Opposition, and I do not think that I could stand that again.

John Swinney: Hooray!

George Foulkes: Wait for it. I am coming to his lot later.

I am really proud to be a member of the Scottish Parliament, for which I campaigned for more than three decades. I would have stood in 1999, but I was busy helping to set up the new Department for International Development. I am proud that, under a Labour Government, that department has doubled aid to the third world. I am also proud to represent this city and this region, which I love so much. I served this city on the old Edinburgh Corporation, as a councillor and a bailie, and I also chaired Lothian Regional Council education committee. It is great to be back.

I recognise that the Scottish Parliament is very different from the House of Commons and the House of Lords. I am going through a conversion. I hope that it is not too immodest to say that I think that I am doing so rather more effectively than Alex Salmond—for all his rhetoric about consensus. Someone told me that, at the Muslim community dinner in Renfrew last Sunday, Alex Salmond spent almost all his speech making an intemperate attack on the Labour Government. It is about time that our First Minister recognised that he is now leading a devolved Government, not a protest movement. In relation to his answer at First Minister’s question time last week, Alex Salmond

should also recognise that, unlike Donald Dewar, he is leading a minority Government.

There has been talk of parliamentary arrangements called confidence and supply. Although it would be unwise of Opposition parties to seek an early vote of no confidence, it is perfectly proper for us to deny supply if we disagree with the purpose of it, and I hope that we will do so.

That brings me to the Edinburgh trams and EARL schemes. My strong predisposition is to support the trams, for the environmental and other reasons that were outlined so well by Des McNulty, although I am ready to listen to the other side of the argument—I am converted to the spirit of Holyrood. However, it is a pity that the Executive has embarked upon such an anti-Edinburgh agenda in transport, led by Edinburgh East and Musselburgh MSP Kenny MacAskill, who is like a kamikaze pilot—kamikaze Kenny. We know what happens to kamikaze pilots.

I was pleased to read that my old friend, Chris Harvie, is sticking to his principles. He will not be dragooned in a Pavlovian way into scrapping the trams. I hope that Ian McKee and other Lothians members will also have the courage to stand up for the area that they represent. The EARL project will benefit not just Lothian, but many towns and cities. It will link 62 stations directly to Edinburgh airport. Many members ought to think carefully before abandoning the project.

I look forward to joining Mary Mulligan, Sarah Boyack, Malcolm Chisholm, Rhona Brankin and, indeed, Margo MacDonald in fighting for our region and our capital city over the next four years and for many more years to come, first in opposition, but then, I hope before long, in government.

09:42

Brian Adam (Aberdeen North) (SNP): I congratulate George Foulkes on making his third maiden speech. He did not tell Parliament about some of his other antecedents in the north-east. Like him, I am a former pupil of Keith grammar school. We are not the only ones—Maureen Watt is also a former pupil.

We might think that the Labour Party, or at least Des McNulty, has an obsession with Edinburgh transportation, given that at his behest we have within less than a week debated trams and EARL. He is more than welcome to that, but perhaps—given his successful amendment last week—Des McNulty ought to be satisfied with the outcome. Last week, we gave him precisely what he asked for but, this week, he has come back to ask for something a little different. Last week, Des McNulty asked us not to do things “arbitrarily”. As

Stewart Stevenson rightly pointed out, he is doing precisely the opposite this week: he is now asking us to do things arbitrarily. Either he is satisfied with what he got last week or he is not satisfied. I point out to Mr Tavish Scott that, having achieved consensus last week, we are now being asked to arrive at a different consensus. I presume that that is because the author of last week’s consensus is not satisfied with it.

Malcolm Chisholm (Edinburgh North and Leith) (Lab): Perhaps Brian Adam should read today’s motion. The key question that it raises is whether or not—after we have read the Audit Scotland report and heard the results of anything else that the Executive wants to do in the next two to three weeks—the SNP will follow the will of Parliament. What does Brian Adam think about that? Will he ask his minister to respond to that key point in his winding-up speech?

Brian Adam: If that is what the member wants, I will leave it to the minister to respond to that in winding up. Although the needs of Edinburgh and its public transport are undoubtedly important, not just to the city but to the surrounding area and to Scotland, the rest of Scotland also has public transport needs.

Dr Richard Simpson (Mid Scotland and Fife) (Lab): Will the member give way?

Brian Adam: I ask the member to let me develop the point. I would be interested to know the views of members who represent Glasgow, who have a particular interest in the crossrail scheme there, as well as those of members who represent North East Scotland. We have here in the chamber the previous chairperson of the north-east Scotland transport partnership—NESTRANS—which has ambitions to set up an Aberdeen crossrail scheme.

There are implications for public transportation across the board. As Mr Stevenson was right to point out, the financial commitment is major and we need to consider the overall budget to ensure that all Scotland’s public transport needs are taken care of.

Sarah Boyack: Will the member take an intervention?

Dr Simpson *rose*—

Brian Adam: I give way to Dr Simpson.

Dr Simpson: The member referred to links for Edinburgh and the Lothians before he developed his point about other transport issues. Am I correct in thinking that if EARL is cancelled, connections to Edinburgh airport from Stirling, Ochil and the rest of Fife will be lost? Does he join me in suggesting that the new members for Stirling, Ochil and Central Fife should think carefully before

voting down the EARL project? Their constituents need an airport connection.

Brian Adam: No one in the SNP wishes to deny people a connection to Edinburgh airport; at issue is the type of connection. As a direct consequence of the EARL project, my constituents in Aberdeen North will be on the slow train to Edinburgh airport. Significant financial constraints also relate directly to the type of project that is under consideration.

I commend the Government's approach. To look closely at finances in the context of a sustainable public transport system is precisely what any responsible Government would do. That is normal and acceptable—I hope that Parliament will agree to it later.

09:46

Robin Harper (Lothians) (Green): The Scottish Green Party believes that we should base transport policy on tackling climate change, ensuring financial prudence and meeting passengers' needs. We note that although the Edinburgh tram project clearly meets all three of those principles, the Edinburgh airport rail link would encourage short-haul flying, be massively expensive for no noticeable return on investment and serve a route that a bus link and the planned trams would cover well.

Given what is happening outside here at the G8 summit and in all the discussions on how to tackle climate change worldwide, it is bizarre that we have a project that is designed to assist in trebling the movement of aircraft into and out of Edinburgh airport in the next 10 to 20 years, whereas on a full-life costing, another project's lifelong contribution to reducing the effects of carbon dioxide on global warming would prove to be incredibly advantageous as we rolled out renewable electricity throughout Scotland and linked that to an electrically driven tram system in Edinburgh. The tram system would be two to three times more efficient than buses on the routes that it would serve—research backs that. It would be popular with older people, young people and disabled people.

Johann Lamont (Glasgow Pollok) (Lab): Will the member give way?

Robin Harper: I will take no interventions yet.

TIE has no fears about a report on the tram project's financial projections, but on any reasonable carbon costing of EARL, it may fail—as the Green party feels it should.

Sustainable public transport systems that meet the needs of communities and businesses are essential for Scotland's economic development. We acknowledge the case for the Edinburgh tram scheme, which is supported by Scotland's

businesses, by environmental and sustainable transport organisations and by a majority in Parliament. We note, however, that environmental and sustainable transport organisations have heavily criticised the Edinburgh airport rail link and that the report by the consultant Ove Arup & Partners Scotland Ltd suggests that EARL poses a threat to the business case for the trams.

We also acknowledge that significant environmental, technical and financial problems are associated with other transport infrastructure projects, such as the M74 extension, which is why Patrick Harvie intervened on the minister. A short review process would be acceptable to resolve those issues. Consequently, we will support the SNP's amendment—

Members: No.

Johann Lamont *rose*—

Robin Harper: I will take Johann Lamont's intervention, although I am in my last minute.

Johann Lamont: Does the Green party believe that, following the review, the ultimate decision should be taken by a vote in Parliament? As my colleague Malcolm Chisholm said, the decision should be made here. We should have not a ministerial statement but a debate and a vote, by which Parliament's will can be determined. Does the member support that?

Robin Harper: Absolutely—we support the supremacy of Parliament and the idea that the decision should come to Parliament. However, that does not preclude us from backing the SNP's amendment. It is perfectly proper and sensible to consider the two projects' costs. We have said that we would prefer the review to go further, but we will support the SNP amendment at 5 o'clock.

09:51

David McLetchie (Edinburgh Pentlands) (Con): The proposition that Parliament cannot bind its successors is a key principle of our constitution. Although the famous 19th century jurist Professor Albert Dicey enunciated it in relation to Scotland's other Parliament, at Westminster, we should embrace the principle whole-heartedly in this Parliament for the matters for which we are responsible. It is a sound constitutional principle that I thought the Labour Party had embraced, although we would not think so from the dog's breakfast of a motion that that party has lodged, which is more Losealot than Winalot and gives clear evidence of its civil-service withdrawal symptoms.

When incoming Labour Governments have repealed legislation that Conservative Governments passed, we have heard nothing from the Labour Party about the so-called key principle

of respecting previous decisions of Parliament. When an incoming Labour Chancellor of the Exchequer reordered a Conservative predecessor's spending priorities, the Labour Party never suggested that such prior decisions should be honoured. Accordingly, the so-called key principle that is set out in Mr McNulty's motion is constitutional nonsense. For that reason alone, the motion deserves to fail.

Tavish Scott: Will the member give way?

Margo MacDonald (Lothians) (Ind): Will the member give way?

David McLetchie: I give way to Mr Scott.

Tavish Scott: I agree with the principle that Mr McLetchie has outlined to Parliament, but surely the logic of it is that the SNP Government should review every project and not just two.

David McLetchie: I have no objection to a wide-ranging review of projects. It is unfortunate that when Mr Scott was responsible for transport, he failed time and again to prioritise major projects. That major error is coming to light because of the emergent need for a new Forth crossing.

The proposition that the incoming Executive should be able to review its predecessor's spending commitments is perfectly reasonable, particularly given the scale of public expenditure on the trams and EARL. The cost of tramlines 1 and 2 is often quoted at £592 million, but when another £17 million of parliamentary costs are taken into account, the cost is £609 million.

Margo MacDonald: Will the member give way?

David McLetchie: No, thank you.

EARL is likely to have a £700 million price tag. As we said repeatedly in debates on the projects, they were both conceived before the need had emerged for a new Forth crossing, whose cost is likely to dwarf that of the two other projects together.

The Parliament starts its business every week with time for reflection. The Scottish Executive asks us to support the proposition that the independent Auditor General should bring his expertise to bear in examining the robustness of the business cases that were presented to Parliament, which I hope will cover not just the capital costs of construction but operational costs. We are content to await publication of the Auditor General's report in a couple of weeks—we welcome the fact that the matter will be publicised and we would like the report to be debated in Parliament before the summer recess. I hope that a commitment will be made to that.

As the debate and their public statements have shown, Labour and the Liberal Democrats want us to sign a blank cheque for trams and EARL, which

is the height of financial irresponsibility on their part. If I am asked whether, at the end of the day, we are for or against the projects, I can do no better than echo the wise words of that great and inscrutable Scottish philosopher, Kenny Dalglish: maybe yes or maybe no. However, any decision that we make will be better informed as a result of the Auditor General's report. I, for one, think that it is worth the short delay to see what he has to say.

09:55

Rob Gibson (Highlands and Islands) (SNP): The SNP Government has inherited a far-from-strategic public transport strategy for Edinburgh, let alone the rest of Scotland, and we should dig into what we have inherited. The idea of the motion is that we should accept that TIE's approach is the only way to build transport infrastructure around Edinburgh. Perhaps the majority of MSPs voted for the proposals that are in front of us, but there is a lot of logic in reconsidering their value. Given that we could have got an airport link for about a third of the price that we are being asked to pay, without building a tunnel that goes into a canyon underneath a live airport runway, it must make some sense to audit the present proposals.

Jackie Baillie (Dumbarton) (Lab): Will Rob Gibson give way?

Rob Gibson: I am not taking any interventions just now.

EARL was not the only way to provide a link, and Audit Scotland's methodology will be able to dig into that. In the past, ministers have used the Scottish transport appraisal guidance to arrive at a cost benefit ratio. We must be able to apply that approach throughout Scotland, but the problem with the EARL proposal is that people who wanted it to be built sought support throughout Scotland by saying that it would provide a link to the airport for all Scotland but did not say that there were better ways of doing that. As my colleague Brian Adam said, there are better ways of ensuring investment for the many other parts of Scotland that have been denied it by that central-belt approach. It is not anti-Edinburgh to say that we could, while achieving value for money, have developed many more projects throughout the rest of Scotland at the same time. That is what the Government has inherited.

I turn to trams. I was on the Edinburgh Tram (Line One) Bill Committee and I can see that the outcome has failed the less well-off area of Pilton.

Malcolm Chisholm: Will Rob Gibson give way?

Rob Gibson: The tramline 1 plan has failed to integrate Ravelston and to stop it becoming a rat run and it has failed to approach the Western

general hospital. As far as I am concerned, it failed because the Government decided not to proceed with tramline 3, which would have integrated the east of Edinburgh with the centre.

Malcolm Chisholm: Will Rob Gibson give way?

Jackie Baillie: Will Rob Gibson give way?

The Presiding Officer: The member has made it quite clear that he is not giving way.

Rob Gibson: Tramline 3 would have ensured a tram system in which people could believe, but we are left with a system that was cut up into small sections as it became more and more expensive.

The SNP championed the improvement of Waverley station and of access to it. Let us compare the strategy with those in other countries, such as Ireland, under which new routes have been built. Ireland set up anti-congestion measures, freed up routes for commuters and built a link to Shannon airport, but that was done through an integrated programme that did not pick two prestige projects and end up with the rest of the country being left in the cold.

In this parliamentary session, transport must become an all-Scotland issue, so I am delighted that the First Minister has said that this is a Government for the whole of Scotland. Des McNulty's motion harps on about failed prestige projects without looking at the total picture, which the previous Administration also ignored. I am glad to say that John Swinney will be able to bring to us some idea of the value for money that we could get to enable us to start investing money fairly throughout the country. As far as I am concerned, we have never created a proper strategy in Scotland. This is the first chance for us to do so.

09:59

Margaret Smith (Edinburgh West) (LD): I welcome the chance to speak in this important debate. I congratulate Stewart Stevenson on his role, although I am sorely tempted to say that I would rather have Chris Harvie in the post right now, given his background and his view that trams are vital to the central belt.

Rob Gibson has just given us a tirade about failure, but I have to say that he failed the people of west Edinburgh by voting for something with which he clearly did not agree and that he clearly did not scrutinise properly. He had a job to do, as did the other members of Parliament's private bill committees. However, in Rob Gibson's comments, the people of Edinburgh and Scotland can see exactly what is going on: it is about the SNP taking funding away from Edinburgh and supposedly distributing it fairly, as he has just said, throughout the country.

Members who followed the tram scheme's progress through Parliament over the past few years know that I have been a critical friend, rather than an unquestioning supporter, of the project. I have questioned the route of the trams and have had amendments included in the bill. However, I believe that, in the end, the trams and EARL represent the best way forward for Edinburgh. That does not mean that we should approach the project with a blank cheque. The reality is, and always was, that the Executive and the City of Edinburgh Council still have to give the go-ahead for the full business case on the back of the final tenders that are received. That would mean Transport Scotland doing its job and ministers doing theirs—which is to ensure that projects such as the trams continue to come in on budget and on time.

I have some issues with the announcement of a review by Audit Scotland, because to some extent it calls Audit Scotland's independence into question. That is certainly the impression that the Auditor General himself has given me in the past. In response to a question from me on real-time evaluation of the tram and EARL projects, Mr Black said at an Audit Committee meeting in February:

"I would not want to step into it without reaching a well-informed understanding with the Scottish ministers and the Executive, and the Parliament, about an appropriate role for Audit Scotland in such matters."

He went on to say that his consideration of the Parliament building project

"was probably an exceptional case and we are certainly not resourced to carry out such work for other major capital schemes. We must consider carefully the proper accountabilities of the Executive versus those of the audit process."

He then said:

"I am reluctant to get into real-time evaluations. We are not resourced to do so, and doing so would confuse accountabilities."—[*Official Report, Audit Committee*, 13 February 2007; c 2026-2027.]

I also question the Auditor General's acceptance of a remit that allows him only a matter of days to scrutinise such important schemes, which have previously been scrutinised by three parliamentary committees that spent many years considering them in detail.

I do not have time to cover all the reasons why the two Edinburgh projects should be pursued. However, the Dublin experience is that, at weekends, almost 50 per cent of people who previously travelled into the city centre by car choose instead to take the tram. Worldwide, 50 countries operate more than 400 tram and light rail systems and another 120 are under construction. We have spent eight years being given geography lessons by the SNP, usually along the lines of how

well our European competitors are doing compared to us. Now it is my turn: why is it that trams are the way forward for Strasbourg, Dublin, London, Paris and Manchester but not for the capital of Scotland? Is it because it is not in the north-east?

The SNP tells us to get on the bus instead, but that is not what it said in the past. In 2000, Kenny MacAskill said that trams were the basis upon which Edinburgh could grow and flourish. Chris Harvie, writing only last month on the Scottish futures website, said:

"The 'cheap and cheerful' bus isn't in itself a solution ... There are limitations to the bus ..."

and he continued by saying that trams are

"timetabled, fast, segregated, predictable ... Trams last, which justifies their cost."

Alex Salmond told us last week that the Government does not have to be bound by Parliament. He may be right by the rule book, but he is morally wrong. The SNP has no democratic mandate to scrap the tram and airport rail link projects, both of which Parliament scrutinised. If it ignores the voice of the Parliament, it ignores the voice of the people of Scotland.

10:04

Jamie Hepburn (Central Scotland) (SNP): I speak as a representative not of north-east Scotland but of that other great SNP stronghold: central Scotland.

It can hardly come as a surprise to our colleagues—although it seems to—that our new SNP Government has serious concerns about the Edinburgh tram and EARL projects. After all, those concerns were clearly and prominently featured in the SNP campaign message in the recent election. The Labour Party might want to remember that election—it is the one that it lost. It seems more than a little disingenuous for the Labour Party to display such righteous indignation now that our new Government is pursuing the agenda that it put to the country.

Although I speak in support of our new Government, I am also a great supporter of investment in our rail infrastructure. I believe that one of the greatest misfortunes to befall our country was the savage Beeching cuts to our railways in the 1960s—I point out that they occurred way before I was even conceived of—the effects of which are felt to this day. However, that is not to say that I support all projects blindly. For a project to receive my backing, it has to be right and proper for the country and for the area that it is proposed it will serve.

Johann Lamont: Will the member give way?

Jamie Hepburn: No. I will not give way, thanks very much.

I have serious concerns about both the Edinburgh tramlines and EARL in its current guise.

Jackie Baillie: Will the member give way?

Jamie Hepburn: No. I have already said that I will not give way.

Des McNulty's motion seeks to make a virtue of the fact that £100 million of public money has already been spent on the Edinburgh trams project; he turns that into a reason to back it unswervingly. I suggest that such enormous investment without a single piece of track having been laid is a serious cause for concern. Why does the former Administration support such an expensive rail link to Edinburgh airport? We can all accept the benefits to Edinburgh and Scotland of a rail link to the airport, but why are the Labour group and others determined about the need for a tunnel?

Johann Lamont: Will the member give way?

Jamie Hepburn: No, I will not.

Why not support an overground rail link? Is a new type of tunnel fetishism emerging?

I support fully the Government's decision to call on the Auditor General to review the projects. As my colleague Brian Adam did, I note Labour's lack of comment and, perhaps, concern about other vital transport projects for Scotland, many of which would affect central Scotland. Where is its concern for the electrification of the main line between Glasgow and Edinburgh? It is an embarrassment to Scotland that only roughly a quarter of our railways are electrified and it is a scandal that the line between our two main cities is not electrified.

Where has the Labour Party been in relation to the need for an improved car park for Croy train station? Although Wendy Alexander, the then transport minister, promised it in 2002, not a single brick has been laid. I am sure that the Minister for Transport, Infrastructure and Climate Change will join me in welcoming the assurances that I have received from Strathclyde Partnership for Transport that that vital project will—at long last—go ahead.

Where are the calls from Labour for vital road projects in Lanarkshire? We urgently need the Raith interchange. In Falkirk, people are crying out for improvements at Avon Gorge, which have been called for for many years. Nevertheless, today the Labour Party is insisting on the pursuit of projects that cost millions more than is necessary and are of limited benefit and use to us. That might just come back to haunt it—I hope that it does.

10:08

Alison McInnes (North East Scotland) (LD): I thank the Labour Party for using its debating time to explore this issue further. As Brian Adam rightly pointed out, it is about more than Edinburgh, which is why a strategic transport project review would be the objective way forward. To single out two projects is just not fair.

We heard from the Green party that the use of global footprinting to measure our impact on the environment is gaining support. The north-east of Scotland has been taking part in a three-year pilot project with the WWF to measure its footprint, the results of which were announced at an event in my home town of Ellon a few months ago.

We are taking far more than our fair share of the world's resources. If everyone in the world consumed resources at the rate at which we in Scotland do, we would need three planets to support us. However, none of the people who attended that event was down heartened by the results; those people were galvanised by it and are determined to tackle some of the issues that contribute to that big footprint. Local schemes that involve the whole community are now being developed in Ellon and Huntly. It is commendable that the people at the event did not say that the problem is too big for us to do anything about, but I am clear that they expect us here in Parliament also to pay heed to it and to face the fact that a three-planet lifestyle is not sustainable.

We can work on three main areas to shrink our footprint: energy use, food production and transport. Given that around 15 per cent of carbon emissions are land-transport related, we can make a difference: we can reduce the impact of transport. We know what the solutions are: faster trains, second-generation park and rides, new railways, trams and demand-responsive transport. There are lots of sustainable transport solutions, but they need consistent support and some certainty to make them a reality.

For decades, Scotland suffered because of a lack of vision, co-ordination and investment in transport, which the previous Government took bold steps to counter. During the previous session, there were radical changes to transport delivery, a step-change in how transport was planned for and a new optimism and growing ambition throughout Scotland as local authorities worked with other stakeholders to plan ahead. I thought that the SNP shared that ambition, given that its manifesto said, "let us build a more successful Scotland", "Let Scotland Flourish" and that it is time to move Scotland forward. However, we are not moving forward; the SNP is taking us backward to the old stop-start, will-we-won't-we school of transport planning, which I thought was a thing of the past.

The Liberal Democrats recognise that planning for a sustainable Scotland needs us all to work together. The Government, local councils, communities and the business sector should all have a voice. That is why I set such great store by the finalised national and regional strategies and the emerging local transport strategies, on all of which the key stakeholders were consulted less than a year ago.

Building an integrated transport system for Scotland will not happen overnight. Indeed, it cannot happen in one term of government—although, with an SNP Government, it looks like plans can disappear overnight and for no good reason, other than to fund unsustainable promises that were made during the election.

Stewart Stevenson's amendment would lead to more cost, and to delay and uncertainty. He talked about accountability and balance, but there is nothing balanced about his approach. He said that he would start with the two biggest projects, so we can expect even more uncertainty.

The Tories' amendment is no better. They should be big enough to admit that they do not want the projects. "Mibbes aye, mibbes no"—where have the Tories been during all the hundreds of hours of committee scrutiny and debate in the previous session of Parliament?

We can have ambitious but costed and deliverable projects throughout Scotland that join up the country, make us competitive in Europe, create new jobs and support tourism, or we can ditch them for uncoded, undeliverable daydreams of bullet trains and road-building schemes. It is clear what the majority view in the chamber is: the SNP must stop prevaricating and let the projects go ahead as planned.

10:12

Derek Brownlee (South of Scotland) (Con): We should congratulate the Labour Party on using its first debate in opposition to discuss this important subject. I hope that it has the opportunity to bring forward many more debates in opposition.

It is a pleasure to take part in the debate and it was a pleasure to listen to the remarks of Tavish Scott. During the election campaign, he was running round the country telling anybody who would listen that there was no point in supporting the Conservatives because we were not going to be in government and would have no influence; now his criticism seems to be that we have too much influence. Given that he said one thing before the election and now believes the complete opposite, we can conclude only that it is a fine apprenticeship for the leadership of the Liberal Democrats.

Alex Johnstone has spoken to our amendment and David McLetchie took to pieces the Labour motion. Let me have a look at the Liberal Democrat amendment. We are asked to note with concern the decision to involve Audit Scotland. Tavish Scott was quoted by the BBC as suggesting that it was “unprecedented” for ministers to ask Audit Scotland to carry out an inquiry

“purely to fix a political problem of their own making”.

That did not concern him last year when he said that he would

“welcome an Audit Scotland investigation”

into the tendering of ferry services between Gourock and Dunoon. He also said that last year’s Audit Scotland report on transport, which, among other things, looked at the tram project and the Edinburgh airport rail link, was “very fair”. What exactly is the problem?

Tavish Scott: Will the member give way?

Derek Brownlee: Unlike Mr Scott, I will give way.

Tavish Scott: The difference between me and the SNP is that I did not instruct Audit Scotland to carry out such an inquiry.

Derek Brownlee: If Mr Scott is suggesting that ministers instructed the Auditor General, that is a serious allegation, because they do not have the power to do so. How can the SNP have instructed him?

I have some sympathy with the part of the Liberal Democrat amendment that says that the timescale that has been given to Audit Scotland to undertake the review is too short. However, only last week—and again today—the Liberal Democrats said that there should not be a delay. Given that the tram project is already behind schedule, it is a bit rich for them to be so concerned about a two-week delay, particularly one that arises because ministers are doing what the Liberal Democrats demanded last week and are bringing forward evidence on the costs of the two projects.

Tavish Scott: Is it “maybe yes” or “maybe no”?

Derek Brownlee: I have given way to Mr Scott already, but if he has something to say, he should stand up and say it.

Tavish Scott: Following Mr McLetchie’s point, will the Conservatives tell us whether their position today is “maybe yes” or “maybe no”?

Derek Brownlee: Is it not sensible to look at what the Auditor General says rather than pre-empt that? Maybe the reason why the projects have gone so over budget and been so delayed is that ministers did not look at the costs and

timescales and did not take the care that they should have taken.

If everything is fine with the tram and EARL projects, what do their supporters have to fear? Last year, the former Minister for Transport was challenged, in relation to the tram project,

“to convince us that budgets are being managed effectively and that projects are being considered effectively.”

Who issued that challenge? It was Des McNulty. What did the minister say in response? He said:

“quarterly reviews of project progress against cost and time targets have been established”.—[*Official Report*, 16 March 2006; c 24058-59.]

If the process was as robust as Mr Scott seems to think, what is the problem with Audit Scotland looking at it? What problems are going to emerge? There is nothing to fear from a review of the projects if they are fine. That is the key point.

Tavish Scott: More delay.

Derek Brownlee: A two-week delay is hardly the end of the world.

We are happy to support an independent look at the process. If Mr Scott had any confidence in the decisions that he took as a minister, he would not be scared of that.

10:16

Stewart Stevenson: I will address one or two issues that arose in the debate. I will start by quoting the letter from Robert Black to Mr Swinney. It says:

“In response to your request”.

Next, I will read from the terms of reference that the Auditor General issued yesterday. They say:

“The Auditor General has already made a commitment that Audit Scotland will undertake a review of major capital projects in Scotland in its current work programme. This project was strongly supported by the Parliament’s Audit Committee when the Auditor General presented the forward work programme to them in February 2007. That project is currently being scoped and we expect to publish a report in spring 2008. The Auditor General has agreed to bring forward a more focused review of Edinburgh trams and EARL as part of the planned work, and that is the subject of this brief.”

The issue of value for money arose a number of times during the debate. It is important that we understand what value for money means. It is not just about cost. It is about securing value for the expenditure. We cannot achieve that without the robust management of projects. It is precisely an investigation into the management of the projects—and the risk management in particular—that Audit Scotland will focus on.

Much has been made of the risks to the tram project. Let me gently point something out to

Labour members. In 2004, tram projects were scrapped in Liverpool, Leeds and Portsmouth with no consultation of any kind. Who scrapped those projects? We may well ask. The answer is, of course, Alistair Darling—a Labour minister at Westminster.

Some remarks have been made about buses clogging up Princes Street. There are no cars on Princes Street, but there are buses. Interestingly, in 1960, twice as many passengers were carried on buses in Edinburgh compared with today, yet Princes Street was not clogged with buses. Some of the symptoms that we require to address might have causes that are more complex than the simple-minded approach that has been taken so far.

I thank Tavish Scott for acknowledging that Governments are not tied by the decisions of previous Administrations. That is clear. Wendy Alexander suggested that we were looking at costs, but I have said “process and management”. I welcome the fact that George Foulkes is prepared to listen.

Ms Alexander: Will the minister take an intervention?

Stewart Stevenson: I have very little time in this very short debate, for which the Labour Party is responsible.

Margaret Smith identified that we have further steps to take in the tram project. That is important. However, I simply come back to what the Government is doing. Our priority is to protect the Scottish taxpayer and ensure that major transport projects deliver value for money, real benefit to the travelling public and real benefit to the Scottish economy. I repeat—I have not yet heard anyone convincingly suggest that it should be otherwise—that it is normal, natural and necessary to review projects at key points. One such point is when an Administration has come into office and has to look at what it is faced with. We have to be absolutely sure about the calculation of costs of projects and to assess the risks before they progress further.

Audit Scotland will report by 20 June and we will make time available for a debate on what emerges from that. It would be arbitrary indeed to pre-empt the outcome of that process. The debate has been useful, but I hope that members will recognise that the Government has to take stock and involve the Parliament and wider Scotland in important decisions that will be made.

10:22

Ms Wendy Alexander (Paisley North) (Lab): I do not know the precise origin of the saying, “You can run, but you can’t hide,” but it seems

particularly apt in relation to the SNP’s position on a new transport infrastructure for Scotland’s capital. Sooner or later, the SNP will have to decide whether it is going to back the schemes. On the Labour side, we will keep on demanding a decision in favour of Edinburgh because, as the business community in Edinburgh said, if we do not see the projects through, we will be the laughing stock of Europe.

So, where do we stand? The Auditor General is not going to make up the SNP’s mind for it. Will the wishes of Parliament or those of the SNP’s manifesto prevail? We are witnessing an unedifying power struggle within the SNP about the schemes. On one side, we have Alex “deep misgivings” Salmond, Kenny “trash the trams” MacAskill, and Stewart “costs out of control” Stevenson. On the other side, we have a public transport professor and his allies, who dare not speak out in the chamber. So much for the new politics.

Where is Mr Swinney? He is hoping that Mr Black will offer him deliverance so that he can come back to the Parliament and say, “Sorry—we just couldn’t manage to deliver it on time or on budget.” Mr Swinney is asking Transport Scotland to deliver a tunnel a mile long under the Forth but he cannot deliver a tunnel less than one twentieth of that length under the runway at Edinburgh airport. So much for an advert for leadership.

David McLetchie: Will Wendy Alexander clarify the position? As I understand it, the tram project is at the stage of a draft final business case. My understanding of what the former Minister for Transport said in the Parliament is that final approval of the Scottish Executive’s financial commitment depended on the content of the final business case. Is it still Labour’s position that the project might not have been approved if the terms of the final business case were not satisfactory, or is Labour so in favour of the project that it would approve it irrespective of what the business case said?

Ms Alexander: Our position is that the Parliament decides and it is the Government’s job to deliver on time and on budget. It is crazy to ask for a mile-long tunnel in one place but say that it is impossible to deliver one a twentieth of its length somewhere else.

Bob Black will doubtless suggest some management changes, as he always does, but he will not change the fundamentals of the scheme and he will not tell the SNP to cancel the projects, so the Government will have to decide what to do. Rhetoric is fine for opposition, but government is about responsibility. The SNP’s internal power struggle is now costing the nation millions. It is racking up the bills—the costs of delay, dithering and indecision. If the SNP had the slightest

interest in transparency, it would have at least admitted today that it has now instructed, via Transport Scotland, that there should be no further expenditure. In short, TIE has had its hands firmly tied.

John Swinney: Will Wendy Alexander explain why it is unreasonable for this Government, which came into office just three weeks ago, to test the fundamentals of the projects to determine whether there is a need for change? Will she also explain what was unreasonable about the Labour Government dumping lots of things that the Conservative Government did because it did not agree with them and they did not represent good value for money?

Ms Alexander: I return to the point that the SNP is not telling us whether it wants to proceed with the schemes. It has to decide—it will either deliver them or not.

As I say, we have had “trash the trams” and “deep misgivings”, but the SNP has provided not a shred of supporting evidence. A minister who promised efficiency savings is now racking up the bills of his prevarication. The Government owes us an explanation for the cash-burn rate of the delay. We estimate that the delays are now costing at least £3.5 million per month on trams and at least £1.5 million per month on EARL. That is £5 million a month down the drain of delay, but we have not had even a commitment to a debate and decision before the Parliament rises for the summer. Without a decision, we will be looking at £15 million of additional cost through delay from a Government that said that it was interested in efficiency savings.

That all speaks to the wider pattern that the SNP is good at the easy decisions and playing to the populist gallery but baulks at the tough decisions. It is racking up the bills of delay, dithering and indecision. It can run, but it can't hide. Decision time is fast approaching, and the Labour Party is determined to come back week after week until the SNP is forced to recognise the will of Parliament, accept the need for the projects and deliver them in the interests of the nation.

Skills and Vocational Education

The Deputy Presiding Officer (Trish Godman): The next item of business is a debate on motion S3M-126, in the name of Hugh Henry, on skills and vocational education.

10:29

Hugh Henry (Paisley South) (Lab): I congratulate Fiona Hyslop, Maureen Watt and Adam Ingram and wish them well in a portfolio that is critical to Scotland's future.

I am disappointed that Labour has had to use its parliamentary time to facilitate a debate on education. I suppose that that reflects the relative priorities of Labour and the Scottish National Party.

When Gordon Brown unveiled his budget in March, he delivered nearly £2 billion for Scotland in the next three years. Jack McConnell committed Labour to investing all of that in education. By contrast, the SNP pledged only that the money would be spent on front-line services, with no special commitment to education. During the election campaign, Jack McConnell spelled out Labour's commitment to education. He promised additional resources for education, even if that meant squeezing other budgets. By contrast, the SNP has refused to say whether it will give education that priority. Labour promised an education bill within 100 days if re-elected. By contrast, all that we have had from the SNP is a series of press releases and statements, many of which had no substance—such as that on ship-to-ship oil transfer—or were simply a regurgitation of what was started by the previous Executive. At least today, we have forced the SNP to say something about education.

I believe that there is a consensus in the Parliament and beyond that 21st century Scotland needs a highly motivated and highly skilled workforce if it is to compete in the global market. There is general agreement that we cannot afford to compete on the basis of low wages and low skills. There is also general agreement that, although many of our young people are achieving to high levels, still too many are failing, for a variety of reasons, to develop to their full potential. They lose interest in school, they lack personal ambition or they end up in a depressing environment of bad behaviour and alcohol and/or drug abuse, and they are often lost to society.

I am glad that there is now general recognition that more has to be done to prevent young people from reaching that critical point of failure. I acknowledge that, at least in its rhetoric, the new Administration is committed to early intervention, but it needs to recognise that that will require

significant additional investment for the areas that need to be addressed, rather than the application of universality throughout Scotland.

If we consider our motion and each amendment, we see that there is probably more that unites us than divides us. There is a broad understanding of the concerns of business and an acknowledgement that there is much that is good in our schools and further education colleges. However, there is also a recognition that the present situation cannot be allowed to continue and that more needs to be done to address the challenge that confronts us.

I do not disagree with the amendment in the name of Fiona Hyslop. I accept that we need a strategy. However, we also need action—and early action at that. The scale and severity of the problem have been well documented, so there is no need to dwell on the details.

In its manifesto, Labour proposed radical, imaginative and challenging ideas to tackle the problems. For us, more of the same is unacceptable. There are some who bridled at the idea of skills academies, but we wanted better motivation and more relevance for young people who are disengaged from school and for whom academic development holds little interest. We wanted to engage with them to develop the skills that they need to be employable. Frankly, we also wanted to give those young people some interest in life, which would allow them to develop their potential and personality.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Will the member explain how the establishment of skills academies and science centres of excellence could help people in my constituency and the great swathes of rural north Scotland where people currently have to travel many miles to go to normal comprehensive schools? Would skills academies not be a complete irrelevance to them?

Hugh Henry: We have not been prescriptive about where the centres would develop. There are further education colleges in north-east Scotland and the FE skills and talents that are already available in the member's area could be extended.

We wanted to widen young people's choice and study options. We wanted to add significant status and prestige to vocational learning options for pupils and to expand significantly skills for work courses. We wanted to build on the work being done to improve the links between schools and colleges, and we pledged in our manifesto to increase the number of modern apprenticeships to 50,000 per year by the end of the parliamentary session. Our skills academies are intended to deliver that.

The Cabinet Secretary for Education and Lifelong Learning (Fiona Hyslop): There is a genuine shared concern to improve skills opportunities. What the rest of us would like to hear about is where the skills academies would be sited. If they involve enhanced technical departments in schools and better use of links between schools and colleges, we can agree, but if they involve 100 separate and segregated institutions, we cannot.

Hugh Henry: The plans were never designed nor stated to involve 100 separate institutions. Had the minister read our proposals in more detail, she would have seen that we were talking about developing much of the infrastructure that already existed.

Our proposals should not be dismissed out of hand. We envisage skills academies widening pupils' options. Academies would be located in either schools or colleges, depending on local opportunities and needs. Indeed, as Fiona Hyslop accepted in January's debate on skills academies, if the schools of ambition programme were extended as a means of extending skills academies,

"perhaps that would be something else that we could agree on."—[*Official Report*, 11 January 2007; c 30937.]

So let us not concentrate on our differences; rather, let us build on what we can achieve together. We should build on our different ideas for a common purpose.

The same applies to our proposals for science centres of excellence. We already have centres of excellence to encourage those with special talents in sport, music or dance. We want the same opportunities to exist for those with special talents in science. We want Scotland to lead the world in invention and innovation, so why should we not nurture the special talents that are needed to do so? The centres would concentrate on excellence in science without ignoring broader educational development. They would be within the comprehensive context but would deliver breadth and balance, as our current centres of excellence do.

Labour promised a stimulating, radical and challenging agenda. I accept that we are not in government and that it therefore falls to others to progress the skills agenda. I offer our support to Fiona Hyslop in confronting the decisions that must be taken to challenge the depressing reality for too many of our children, but I make it clear that we will challenge the new Administration at every turn if it fails to take the early and difficult decisions that need to be taken to start to make a real difference.

I move,

That the Parliament recognises the concerns in the business community about the shortage of school leavers

proficient in science and technical subjects; believes that there is a role for academic institutions concentrating on vocational skills and science, and calls for the introduction of skills academies and science centres of excellence as a contribution to improving both the skills needed for 21st Century Scotland and the life opportunities for our young people.

10:36

The Cabinet Secretary for Education and Lifelong Learning (Fiona Hyslop): I welcome the opportunity that the Labour Party has provided to discuss skills and vocational education, following the many speeches—including my own—that have been made on education as part of the Government's debate on the objective of a wealthier and fairer Scotland. I also welcome the support for the terms of our amendment, if not necessarily for the amendment itself.

The Government will support learning for life and learning throughout life—from early education to supporting children, families and communities; improving learning in schools; developing skills for and in work; and promoting excellence, innovation, science and research. We know that our teaching and learning are world class and that people can and do take advantage of them to improve their life chances, but there are key challenges that we must address. We must make it clear that learning truly is for everyone. We must demonstrate how it can have a lasting and positive impact on many areas of life and we must develop policies and processes that make things easy for everyone to understand and make use of Scotland's learning systems to improve their contribution to people's work, lives and communities.

We intend to start the process by developing a Scottish skills strategy that covers early years provision, schools, further and higher education, work-related learning and informal learning opportunities. The new strategy will outline our aims, ambitions and plans for making Scotland's skills base truly world class. I hope that it will be warmly received not only in the chamber but outside it.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): We will, of course, be interested in seeing the proposals that are made as the strategy progresses, but the strategy will be effective only if it is funded. Will the cabinet secretary give a guarantee that, in the spending review period, funding for the tertiary education sector in Scotland will increase in real terms under the SNP Administration?

Fiona Hyslop: I recognise that the Liberal Democrats have spent the money in the comprehensive spending review before it has taken place, but responsible government means that we must have processes. This morning, I will

invite the Scottish Further and Higher Education Funding Council to provide more detailed proposals from the universities for the comprehensive spending review bid.

We have started work on the Scottish skills strategy. We intend to have a draft strategy available to take forward by the end of our Administration's first 100 days. It is important to us that we develop the strategy co-operatively, using structures such as the skills committee of the Scottish funding council and working with employers and trade unions so that the strategy becomes a vision that we can all champion for the benefit of Scotland.

The review of skills that was led by Lord Leitch was published in December 2006. That review sought to make the United Kingdom a world leader in skills by 2020. The Scottish skills strategy will be our response to that review. Scotland has distinct institutions, qualifications and experience and how we achieve our vision for skills will necessarily reflect that. With the exception of London, Scotland has fewer lower-skilled people and more higher-skilled people than anywhere else in the UK. However, there are productivity challenges that we must address. We will focus on Scottish approaches to Scottish issues—that will drive our strategy.

The modern Scottish workforce must be dynamic, responsive, creative and innovative. A wider learning culture is the foundation on which our future prosperity and success must be built. All learning must be relevant, exciting and inspirational. Learning is about more than teaching content and subjects. We must ensure that it develops young people who are excited by it to be creative, ambitious and conscious of their own health and well-being, and that it equips them with the core skills that they need—not only literacy and numeracy but team-working, communication and adaptability skills.

All our young people should have the opportunity to develop awareness of the world of work and the practical skills that they may need to succeed in it. I do not agree that there should be a segregated approach to skills for work, as presented in the motion.

Murdo Fraser (Mid Scotland and Fife) (Con): Will the minister take an intervention?

Fiona Hyslop: I am conscious of the time and must move on.

We will place science, modern languages and technology at the heart of education. We must enthuse young people about science from the earliest ages and not deal with the matter post-16, as the motion suggests. It is not a matter of making structural changes through creating skills academies or science centres of excellence—it is

about challenging the perception that vocational qualifications are for the less able or that there should be only a post-16 focus on science.

I do not want a two-tier education system. I believe in vocational opportunities and active choices for all, based on individual aspirations and abilities. Everyone needs vocational skills, regardless of the industry in which they work or their occupation. There should be parity of esteem for all qualifications.

Learning does not stop when we leave school; every stage of life brings opportunities to participate in it. College learning opportunities in particular can help to tackle the biggest challenge that we face in education, which is improving the experience and performance of the lowest-attaining young people in our society.

We must harness the energies of our learning and education partners better so that we can become more adept at providing effective and relevant opportunities. That is why improved school-college links are the way forward. The Opposition parties must not underrate the ability of colleges or sideline them in the skills agenda.

In conclusion, our vision of a smarter Scotland is one in which educational and academic achievements throughout life make a real and measurable difference to the lives of all our people. We believe that skills are the key to unlocking the potential of all our people. The Scottish skills strategy that the Government has announced today will help us to do that. We look forward to developing the strategy with the Parliament.

I move amendment S3M-126.3, to leave out from "recognises" to end and insert:

"notes the concerns raised by the business community about the shortage of school leavers proficient in science and technical subjects; believes that there is a need for more vocational skills experience for 14 to 18-year-olds, including improvements in school/college links and increased focus on the teaching of science in schools, and notes the Scottish Government's decision to develop a Scottish skills strategy to help deliver the skills needed for 21st century Scotland."

10:42

Murdo Fraser (Mid Scotland and Fife) (Con): I welcome Fiona Hyslop to her new position as the Cabinet Secretary for Education and Lifelong Learning and her team of Maureen Watt and Adam Ingram. We look forward to engaging energetically with them in the years ahead.

The Conservatives welcome the opportunity to discuss skills and vocational education in the first education debate of the new session. We have long championed the cause of greater vocational education. As far back as 2002, a Conservative

amendment was agreed to in the Parliament that urged the Executive to extend access to further education courses to school pupils from the age of 14. That position has often been restated in the Parliament, with support from all sides.

The Conservative party does not believe in a one-size-fits-all approach to education. We believe that a system that means that all children must concentrate fully on academic subjects after the age of 14 is increasingly out of date. Such an approach is failing to meet the needs of our economy, as the Labour motion recognises. The current system also fails too many youngsters, who are simply turned off by academic subjects but might welcome the opportunity for more vocational learning. Such learning might help to motivate them to engage more fully within the school environment, with all the benefits that that would bring.

Mike Rumbles: Will the member answer the question that I asked Hugh Henry? What possible advantage would vocational schools have for my constituents in West Aberdeenshire and Kincardine, who must currently travel many miles to schools?

Murdo Fraser: I will address that point later, if I may, but will make two brief comments now. As Mr Henry said, existing units in schools could be used. We must also recognise that urban areas have a higher concentration of schools and that those schools will have greater opportunities to develop specialisations than will schools in rural and remote areas—that is inevitable.

I am pleased that the Labour Party's motion recognises the business community's concern about

"the shortage of school leavers proficient in science and technical subjects".

I am sorry that it has taken the transition to opposition for Labour to become aware of it, but its concern is welcome.

I am pleased that Labour is again talking about the creation of skills academies. In January, the Conservatives lodged a motion supporting the principle of skills academies and we were rather disappointed that Labour members did not support us on that occasion. The idea is attractive in principle, but we are still waiting for further detail from Labour about how skills academies might operate in practice.

Jeremy Purvis: Will the member give way?

Ken Macintosh (Eastwood) (Lab): Will the member take an intervention?

Murdo Fraser: Given that I was talking about Labour, it is only fair to allow Mr Macintosh to intervene.

Ken Macintosh: We welcomed in spirit the debate in January, but we are still concerned that ideas, such as that in the Conservative amendment, on

“the introduction of specialist vocational schools”,

would mean a return to selection. Will Murdo Fraser reassure us that that is not implied?

Mike Rumbles: That would be English Labour.

Murdo Fraser: I have no wish to intrude on a debate on this subject that is taking place in my party south of the border. I reassure Mr Macintosh that it is not the policy of the Scottish Conservatives to support selection.

Labour’s new approach, which I commend, recognises the realities of modern Scotland and stands in stark contrast to the antediluvian approach of the SNP. As a party, the SNP has set its face against specialist schools and skills academies. SNP members must recognise the realities of 21st century Scotland. As a nation, we must be more ambitious and must set about creating an education system that meets the needs of modern Scotland, rather than, for purely ideological reasons, clinging to a system that is past its sell-by date.

Our amendment says that we should recognise the need for new specialist vocational schools—such as the skills academies that Labour is talking about—as well as the need to develop links between schools and colleges, which is what Miss Hyslop referred to in her remarks. Every Scottish youngster from the age of 14 should have the opportunity to access vocational education. That might not necessarily be done at a specialist school, which might answer Mr Rumbles’s point. We do not support a two-tier system because every child should have the opportunity. A lot of good work has already been done in developing links between schools and local further education colleges, and much more could be done in that field.

I am aware that I am already over my time. Scottish education has reached a consensus that we should encourage more vocational courses. I believe that many in this chamber want to go further than that and encourage more specialist schools such as skills academies or science centres of excellence, although I have not had time to talk about those this morning. Scottish education should be going that way and we look forward to working with other parties to bring about those changes.

I move amendment S3M-126.1, to insert at end:

“but also appreciates the excellent facilities and expertise in further education colleges and believes that more use must be made of these for educating school-age pupils so that, taken together with the introduction of specialist

vocational schools, this ensures that every young person can readily access vocational education courses from the age of 14, and further believes that each local authority should work with head teachers and local further education institutions to produce a strategy for teaching science and technology.”

10:48

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): I welcome the chance to outline Liberal Democrat views on secondary education, skills and learning.

I commend Mr Macintosh for calling on the Conservatives not to promote in Scotland Labour’s policy in England. If this is the new politics in Scotland, I want to return to the old.

In last week’s debate on Scotland’s economy, the Liberal Democrats took the opportunity to outline our disappointment that the SNP had not placed education, skills and training at the heart of its economic future. I wish the new Cabinet Secretary for Education and Lifelong Learning well. She is starting from the strong base of the statistics that have just been sent to all members, and which make for encouraging reading, showing 1,400 more teachers this year than last year and the lowest teacher to pupil ratio in primary schools since 1990. That is the strong record of the Liberal Democrats and Labour in Government. The cabinet secretary has received a dowry of success and I hope that she will carry on building up the quality of education in Scotland.

This is a good time for education in Scotland. We already have strong university, college and school links. As Mr Henry said, there is much that unites the parties. We have heard considerable agreement about developing those links and developing science in schools. I doubt that any MSP would argue against stronger relationships between colleges and schools. However, we are tasked with debating and voting on a motion that proposes skills academies—and it is welcome that it is not an SNP motion. We look forward to the new Government deciding at some stage—in the near future—on its spending and funding proposals and on the priorities that it will be setting. The mebbes-aye-mebbes-no approach that we heard in the earlier debate is not good enough to give direction to further and higher education in Scotland with the spending review coming up.

The Liberal Democrats do not share Labour’s view that skills academies should be introduced in Scotland. Our view is shared by the two local education authorities that I represent. Scottish Borders Council and Midlothian Council have rejected the policy and, interestingly, one week after the former First Minister outlined his policy for developing skills academies in Scotland, Labour-

controlled Midlothian Council rejected it, and for good reason.

I understand that there is a need for learning centres that create excellence, but we should be ambitious for every college and school in Scotland to be a centre of excellence. I do not agree that the way forward is through the essentially private sector academies that are being developed in England. We need only look at the prospectus for the third round of the skills academies in England, which says that the role of the sponsors, the employers or the leaders of those academies will be to

“shape all aspects of the design of National Skills Academies and the delivery of the training they will provide”.

Although Mr Henry said that there might be flexibility in how the academies are put together and where they are placed, we can look to what Labour has done south of the border. Paragraph 3.2 of the prospectus says about the relationship between the academies and the public sector in setting educational standards:

“We would normally expect the formal support of the relevant SSC”

—sector skills council—

“but there may be exceptions.”

Private sector sponsors accepting support from the local sector skills council in not only paying for the academies but potentially setting fees and academic standards is not the appropriate approach for Scotland.

Ken Macintosh: Does Mr Purvis accept that the English education system is quite radically different from ours and that it faces a range of different problems? Scotland has an almost entirely comprehensive system and the private sector is very small, although we have specialist schools in Scotland such as St Mary’s music school.

Jeremy Purvis: I am most grateful to Mr Macintosh for illustrating my point. We do not wish to import an English model.

Mr Rumbles’s earlier point was absolutely appropriate. We want all colleges to have incubator units for business and to be able to develop skills training for their local areas. We do not want the specialism that will exacerbate a situation such as that in my constituency, where someone wanting to get training to introduce a renewables technology has to travel to Caithness College to get it. Developing separate skills academies could cost up to £1 billion and will detract. We do not want separate, specialist institutions; we want all colleges in all parts of Scotland to be centres of excellence. We do not want a situation such as that in England, where

fees are back on the agenda. We want to move away from that.

Our amendment is clear and specific. It is precisely because we want all parts of Scotland to develop, because we want a comprehensive secondary, tertiary and skills system, and because we want all learners, young and old, to benefit, that we do not want private sector, fee-paying academies, following the English model. That is why we have proposed the positive alternatives that I hope Parliament will support this afternoon.

I move amendment S3M-126.2, to leave out from “about the shortage” to end and insert:

“that opportunities should exist for school pupils to gain vocational and educational skills from the age of 14 through both school and college; believes that there should be closer links between schools, colleges and local businesses building on the highly successful school and college partnerships and the Skills for Work and Determined to Succeed initiatives; reaffirms its support for comprehensive secondary education; rejects the establishment of skills academies, and rather believes that Scotland’s colleges should receive an annual 3% real terms increase in funding to help support partnerships with schools, that there should be a new target of 50,000 Modern Apprenticeships by 2011 to widen training opportunities for young people, that secondary schools and colleges should have business incubators to develop entrepreneurial skills and to ensure that Scotland remains competitive in delivering high-level skills and research and that the Scottish Executive should meet the funding bid from Universities Scotland for an additional £168 million funding over the next spending review period.”

10:54

Bob Doris (Glasgow) (SNP): I am sure that each of John Paul academy in Glasgow’s Maryhill, Oban high school and Greenfaulds high in Cumbernauld deliver a vital service to students, parents and the wider community. Those schools are but three of 381 publicly funded secondary schools in Scotland. I am confident that every one of those schools is an asset to its community. Indeed, I am happy to describe them all as skills academies.

The Labour Party manifesto had a commitment to provide 100 skills academies. That is roughly a quarter of the overall number of secondary schools in Scotland—a significant proportion. It is important that the new Labour Opposition tells us whether the 100 schools that would have made the cut would have been the lucky ones at the expense of the others, or whether 281 schools would have been lucky to escape untouched. Who are the lucky ones, and who are the losers?

There is a sneaking suspicion that what is really being served up by new Labour in its motion is an end to the comprehensive education system. If so, the Labour Party should be deeply ashamed.

Hugh Henry: Will the member give way?

Bob Doris: No thank you.

Hugh Henry: Do you not want a dialogue?

Bob Doris: If Mr Henry does not mind, I would like to continue without being shouted down.

Only recently, the Conservatives in England got their cravats in a twist over grammar schools, and now new Labour in Scotland may be offering us the converse—ghetto grammars by stealth in some of our most vulnerable communities. Labour's ghetto grammars would not be about selection but about deselection by social class.

Bill Butler (Glasgow Anniesland) (Lab): Will the member take an intervention?

Bob Doris: No thank you.

New Labour's motion could even be a TARDIS to take us back to the dreaded days of junior secondaries and the quali.

If the Labour Opposition wishes to work constructively with our new SNP Government, I am sure that it will want to engage with the Scottish skills strategy. If so, I am sure that we will see an expansion of the school-college partnerships and links, and that we will ensure that an increased number of suitable courses are brought on line for 14 to 16-year-olds to address the skills gap and best meet the needs of our youngsters.

There is a real need to tackle the issue of the number of youngsters in the group that is now described as NEET—youngsters who are not in education, employment or training. The Labour Opposition needs to be careful that it does not confuse the acronym NEET with another demonised acronym—ned. I was alarmed during the election campaign by Labour's idea of compulsion—keeping 16 and 17-year-olds in schools unless they were in employment or training. Why is that not mentioned in the new Labour motion today? May I suggest that a few Labour MSPs pop into a few random staff rooms across the country and run the idea past the teaching staff? Indeed, they should gauge the opinions of the pupils who make a positive choice to stay on beyond 16. The MSPs would quickly learn that their idea is not popular. It is not reasonable, it is unworkable and, more important, it completely admits Labour's defeat.

Jeremy Purvis: Will the member give way?

Bob Doris: Yes.

Jeremy Purvis: I am grateful. The chamber has noticed that the one member who has not followed the cabinet secretary's mode and tone happens to be an SNP member.

When in opposition, the SNP said before every spending round that further and higher education

had to be a clear priority for funding. The SNP has now made funding commitments for road tolls and for accident and emergency centres. Why is it not prepared to make commitments for education?

Bob Doris: I am sure that Mr Purvis will put his views forward strongly during the spending review that is about to take place. Of course, we would all like more funding for schools; indeed, some funding might be available if we do not go ahead with the tram system in Edinburgh.

If, right now, youngsters had access to a worthwhile training course or job, they would be accessing that training course or job; and if any youngsters refused to do so, I could not think of a worse thing to do than to shoehorn them back into a classroom. We need imaginative and innovative plans to improve, expand or indeed replace existing training schemes—whether it is skillseekers, the modern apprenticeship scheme or the get ready for work initiative.

Let us work in an improved and more effective fashion with schools, local authorities, further education colleges, private companies and Government agencies, and let us improve the lot of our students and our business community. However, in doing so, we must ensure that no two-tier system is created whereby our most vulnerable, poor and disaffected youngsters are told, "You're off to the skills academy," while others from more affluent backgrounds can head off to the universities and be the professionals of tomorrow. Our Parliament must raise the aspirations of our youngsters, not stifle them. I fear that that would be the result of letting the Labour Party loose on our schools.

Let us reject the new Labour motion at decision time, and let us back our new Government's skills strategy, which is based on the needs of youngsters and businesses, and is based on fairness for all.

11:00

Richard Baker (North East Scotland) (Lab): We will engage with the skills strategy—but, yet again, for the SNP the idea of engagement seems to be one-sided. It is already rejecting Scottish Labour's proposals and, indeed, misrepresenting them.

It is fitting that Parliament's first debate on education in this session has been brought forward by Scottish Labour, because our party has put education and skills at the heart of the success of devolution. It is also a pleasure to make my first speech in this session. It hardly seems four years since I made my maiden speech as the Parliament's youngest member, but now I look around me and see that I appear to be one of the

older members. The last four years have clearly taken a very heavy toll.

I would like to welcome the new ministers to their positions. There is much on which Fiona Hyslop and I disagree, but I wish her every success in her new role. We have worked constructively together on keeping open rural schools that are sustainable; I hope that we will see progress on that issue.

As a fellow MSP for North East Scotland, I would like in particular to welcome Maureen Watt to her new role and to wish her every success in it. She will be acutely aware of the great concern in Aberdeen at the council's £2 million cuts in schools' budgets, despite extra funding for schools from the previous Executive. The SNP is now part of the administration in Aberdeen, implementing that decision. I hope that that will also be an issue that ministers can address.

There is much to do. When we consider national issues such as creating a knowledge economy and fostering excellence in education and skills, Labour's record in the coalition Executive is one of which we are proud. The SNP will have to live up to it. However, we want even more progress in key areas. We need more school leavers who are proficient in science and technology, and more opportunities for young people to gain vocational skills. That is why we want more science teaching in schools—which has never been simply a post-16 agenda—and it is why we created modern apprenticeships and wanted 50,000 people to benefit from them every year.

A skills agenda is crucial. It can give young people better life opportunities and enable them to contribute to a successful Scotland. Our motion is not about denying opportunities; it is about creating more of them. The link between lifelong learning and economic success in the previous Executive worked, and it is regrettable that this Executive has broken that link. However, adopting some of our proposals today would go at least some way in mitigation.

Our proposals for skills academies have been widely welcomed by people who are concerned about the skills gaps in our workforce, which represent an opportunity cost for thousands of people who could take up those skilled jobs.

Robin Harper (Lothians) (Green): Does Richard Baker agree that a principle behind funding for education should be that it should go where it is needed? In other words, funding should be provided school by school and area by area. As has already been said, a danger is inherent in Labour's proposals: they would undermine the comprehensive system of education that we are all so dedicated to.

Richard Baker: Mr Harper is rector of the University of Aberdeen and I know about his interest in these issues. We are certainly not seeking to undermine the comprehensive system, but extra funding is needed to give more people more skills and to encourage them to take up education and training.

In Aberdeen, employers, educators and trade unions are backing the proposal for a skills academy for energy and for oil and gas. Public agencies are taking those plans forward, and I agree with much of what Mr Purvis said, particularly the important points about higher and tertiary education funding. Some of the spectres raised about our proposals for skills academies do not apply. The skills academy proposed for Aberdeen will help to ensure that the city has a knowledge and skills base so that it can continue to be the energy capital of Europe. I would like to hear how this Executive will make progress with that initiative, as well as with proposals for skills academies in other areas.

I am proud that in the previous Executive, Labour and the Liberals hugely increased the funding for our universities and colleges, giving them a £1 billion budget for the first time. When will we hear about this Executive's budget for tertiary education?

I am proud that we put teaching and quality first. That must continue, because education is the key. Giving young Scots the skills to succeed, thus enabling Scotland to succeed, was the right priority for the previous Executive. We will do all that we can to ensure that it is a priority in this session of Parliament.

11:04

Christopher Harvie (Mid Scotland and Fife) (SNP): I imagine that our whips are relieved that my maiden speech is on education. Although I have been a teacher all my life, I am a frustrated engineer. I was brought up in and around mines, coal cutter works, shipyards and steel works, and although there was not much chance of that continuing after the 1960s, the mark of the skilled man remains. For a decade after 1969, I was technologising learning in the Open University. People such as Jennie Lee, Walter Perry, Arthur Marwick and a very young me put together the world's first distance-learning institute from planning group to taught students in 18 months—think of that. It was substantially a Scots achievement.

Latterly, I have lived by teaching regional studies to young German economists who, in the words of that notorious Scottish teacher, Miss Jean Brodie, are the *crème de la crème* from the best economics faculty in Germany. That does and

does not make us nostalgic for the Scots past. My students' fathers work for Bosch and Daimler-Benz and are much the same men—wee men wi a micrometer in one pocket an a file in the other—as those who ran the Clyde, and colonised the North Sea in the 1970s and 1980s, which was best described then as outer space with bad weather. I wrote about that incredible achievement in my book, "Fool's Gold", on North Sea oil.

When thinking about the future of technologised manpower, we must bear it in mind that we have a 30,000-strong engineering workforce out there in oil fields worldwide. They have gone offshore, but they are still skilled Scots. One of our objects must be to bring them back to teach our people here. It is only by using ecological high tech and combining knowledge systems with skilled metal bashing that we will survive—hence my repeated stress on the need to get high technology from Europe back into Scotland. What are the educational implications of that?

Two summers ago I was in the Tübingen clinic for a minor operation. I shared a room with Joachim, a skilled worker from a huge plant called Schwörers on the Swabian Alb. His job might have been right out of the Grimm brothers' tales—he was a woodcutter. However, he was a woodcutter in charge of a sophisticated laser cutter and his work was concerned with programming and adapting an enormously expensive box of tricks to do different jobs every day. He was a grandfather at 49 was well educated. He cycled 14 km to work every day, voted for the Greens, got *Der Spiegel* every week and was well read.

Something about Joachim struck me and gave me my argument for this morning. What language did that German skilled worker speak? He spoke German. The fachsprache, or shop language, of sophisticated engineering in Europe is not English; it is German. English is probably spoken less in that context than previously because Britain and America are no longer industrial nations in the same sense—we do not do the metal bashing that gives Germany its industrial culture. Our universal English is much more restricted than we think—it does not reach the wee man in the overalls. On the red Clyde before 1914, that man's equivalents would have had a good knowledge of French and German. They might have had an unorthodox knowledge of conventional English, but they knew those languages.

We do not get anywhere with the mentality of "shout louder and they will understand"—although that tends to be a southern English mentality. Nor do we adapt by having a purely specialised education that does not extend to understanding and learning from other systems. Joachim benefited from the German dual system of education, which provided from the ages of 14 to

18, half by a firm and half by the education authority, a combination of technical and humanistic education. His wages were low during that period because the surplus was spent on his technical training. That was the best that Europe could provide. At the beginning of this decade, only 9 per cent of young Germans reached 18 without such training. In Scotland, the figure was nearer 25 per cent.

If people want a programme for such education and training, I recommend that they look in a little-known book called "Where There's Greed: Margaret Thatcher and the Betrayal of Britain's Future". I wonder how many people in the chamber have read it. It is a sensible book about how manufacturing creates productivity and social gains. Its theme is that we must manufacture or die and we must have appropriate investment and training. Thank you, Gordon Brown. He wrote that book in 1989, but "Where There's Greed" seems to have long vanished from the chancellor's memory. Under Gordon Brown, United Kingdom manufacturing declined from being 21 per cent of gross domestic product in 1997 to 15 per cent in 2003. Manufacturing in unfashionable, metal-bashing Germany contributed 24 per cent of GDP in 2004. The numbers of people employed in metal bashing in Britain fell by 30 per cent between 1997 and 2005. Hot money sloshing into the City and takeovers have been the compensation. What results do we see? Think who owns the Clyde shipyards. Think of this morning's headline about the billion-pound bribes.

It gets more exciting. The intelligent German worker who reads *Der Spiegel* will tell us that we are on the edge of peak oil when world reserves will not match demand. Oil was sold at \$10 a barrel during the 1999 elections and we are at \$65 a barrel now. Peak oil will take us to \$182 for the barrel. Although we can expect great changes in what we have to teach, it will not be so great if we do not have the industry, transportation and, above all, the training to do it.

We have a weather window, as the oil men would say, but only just. That is what has brought me back to Scotland and that is why I am speaking to members today.

11:11

Ian McKee (Lothians) (SNP): The last time that I spoke in the chamber, in the wealthier and fairer debate, I made the case that the people of Scotland are potentially our most valuable asset, but that if we do not help them to reach their full potential, we will lessen everybody's chances of becoming wealthier. I used the word "potential" deliberately. Today, we are not using that asset efficiently; indeed, in many cases, we are not using it at all. Scotland has the highest proportion

in the developed world of teenagers not in education or employment. There are several reasons for that sad and shameful state of affairs, but first among them is the way in which our education system has not catered for the needs of those children.

We have spent so much time pressing the advantages of university education and opening the experience to as many people as possible that we have, by default, denigrated the career ambitions of those who neither want nor need the university experience. There have been two unfortunate consequences. Those who fall into the latter category often feel second rate. Many become demotivated and drop out of education and their job prospects suffer accordingly. Many of those who go to university also suffer. Pushed into degree courses that are sometimes inappropriate, although they end up with a degree, they have little chance of relevant employment. The car hire employee who recently drove me from my garage had a degree in media studies, but no hope of getting related employment. Her current job was her permanent job and she felt frustrated and let down by her experience.

In the widespread spirit of concord and co-operation that seems to permeate the Scottish Parliament these days, I welcome the intention behind new Labour's motion even if I cannot agree entirely with its content. By removing a cohort of children from mainstream general education and segregating them from others, as is implied in the motion, we would risk doing two things. We may give their schools a posh-sounding name such as skills academies, but the chances are that in a year or two they would gain the unfair and degrading reputation of being academic dustbins for those who are not university material. When I was a young pupil in England, the old secondary moderns had just that reputation. We do not want to take that risk and neither do the relevant trade organisations that are fed up with having their trades categorised as suitable only for those who are not bright enough to do anything else.

Bright, young would-be scientists, creamed off into science centres of excellence, would also suffer from not rubbing educational shoulders with their peers, whose abilities lie in other directions.

Hugh Henry: Would the member apply the same logic to the existing centres of excellence that do exactly that, such as those in Plockton and Knightswood, but which still retain a good comprehensive education? Does he favour their abolition?

Ian McKee: I am not in favour of abolishing any institution that is working. I cannot comment specifically on the institutions that the member has mentioned. My point is that if we had a major policy that involved the creation of 100 centres of

excellence or skills academies, we would alter the course of education in Scotland so radically that the consequences could not easily be foreseen.

To enter medicine, I studied science at school, but a parallel course in English literature certainly enhanced my educational experience. I doubt that that would have been possible if I had been transferred into one of new Labour's institutions. We do not need such educational apartheid. It is far better to keep all pupils in mainstream education, but to enhance the importance of vocational education by expanding school-college partnerships and emphasising the parity of esteem of vocational and academic qualifications. Anyone who wants to find a good plumber, electrician or joiner in Edinburgh knows that to be the case.

Such is the importance of science and technology to the future of all of us that we need a much higher standard of teaching of those subjects in all our schools. Far from segregating potential scientists, we need to ensure that every child is enthused by science. How to attract and keep suitable science and technology teachers in our mainstream schools is the main challenge, and it will not be solved by the proposals that new Labour has put forward today.

11:16

Hugh O'Donnell (Central Scotland) (LD): The debate has been excellent and it is clear from all the speeches that we have heard that everyone recognises—albeit from slightly differing perspectives—the importance of skills training and education. There is undoubtedly a skills shortage in Scotland and the latest report from the Scottish technology survey reinforces the fact that work still needs to be done in that sector if it is to succeed. However, the same issue is faced elsewhere in industry and commerce.

No one would argue against the essential role that education plays in the success of our economy, the social development of our communities and the personal development of arguably the most valuable asset that our country has—our children and our young people. Sadly, in recent years there has been a tendency for some politicians and sections of the media to demonise our young people and portray them as a problem and, oftentimes, to offer solutions that are just a step away from house arrest for everyone until they are 21.

I am pleased to say that Liberal Democrats have not been party to that knee-jerk reaction and have been at the forefront of supporting the reality that our progress as a nation can be no faster than our progress in education. Nothing else has the power of education to inspire and enable people and to equip them to reach their potential. Liberal

Democrats reject the English model of reform that the Labour Party seems to be offering. In England, excellence is trumpeted, but the city academies involve just 0.1 per cent of English schools. Like the Association of Scotland's Colleges, we are unsure how skills academies would differ from the academies of the English model. As members have said, schools already have the ability to become specialists in specific subject areas—St Maurice's high school in Cumbernauld, which has chosen to focus on sport, is a fine example. In my view, skills academies would add little value and might exclude many.

That said, in focusing on skills, the debate undoubtedly addresses, at least in part, one of the most challenging areas in education.

Robin Harper: Does the member agree that there is another set of skills that is just as important as the technical skills that have been mentioned? Does he agree that self-confidence, social awareness, adaptability, empathy and the ability to communicate and to perform risk assessment should be treated with equal importance in our education system?

Hugh O'Donnell: As a member who is making only his second speech in the Parliament, I am slightly disturbed that Robin Harper has pinched some of my next lines; I will address his point.

Fiona Hyslop: He must be a clairvoyant.

Hugh O'Donnell: He may well be.

We must ensure that the prospect of learning enthuses our young people and that everyone who is involved in educational provision offers a curriculum that not only enthuses our young people, but equips them with skills for work and life. Around 14 per cent of the young people in Scotland between the ages of 16 and 18 face significant obstacles in education, employment and training, and many of them have been deprived of encouragement and positive role models throughout their lives. They might have been brought up not to expect too much and might think that the prospect of going to college or university, or even that of getting a decent job, is well beyond them.

Much of that disaffection is born during their time at school, which is why, in our 2003 manifesto, Liberal Democrats explored the idea of expanding and formalising school-college partnerships for 14 to 16-year-olds. Indeed, the Scottish Qualifications Authority supported that approach through the development of new courses to enable young people to understand the needs of prospective employers. The employability skills that they acquire help candidates to become successful learners, confident individuals, responsible citizens and effective contributors.

A number of issues remain to be addressed, but unfortunately I do not have time to consider them all. However, as my colleague Jeremy Purvis said, much of the progress that was made by the previous Administration was made in the context of a clear strategic framework. I was pleased to hear what the cabinet secretary said and look forward to reading the strategy that will be produced.

Education must go beyond being just the provision of a production line of drones suitably equipped to provide employees for sectors of industry and commerce, regardless of their value to the economy. The aim of education should be to teach us how to think rather than what to think. It must encompass, from cradle to grave, support for the development of the individual as a participating, functioning person whose value to Scotland and sense of self-worth go beyond a decimal point on a balance sheet.

11:22

Elizabeth Smith (Mid Scotland and Fife) (Con): The Scottish Conservatives are delighted

to have had an early opportunity to debate what is undoubtedly one of the most important policy issues that will determine the future progress of Scotland. In the Parliament's third session, it is important that we focus less on the ideology of education and far more on the practicalities that schools, colleges and universities face, of which there are many.

As Murdo Fraser said, the Scottish Conservatives have long been concerned about the need to develop a more consistent and coherent strategy on training in vocational skills, and we welcome Fiona Hyslop's recognition that the present situation is unsatisfactory.

In our view, future policy should be driven by three key themes. First, the overriding objective must be to provide a workforce that is fit for the challenges of the 21st century and which will allow Scotland to develop its full economic potential and its ability to compete successfully in the international community. We cannot ignore the concern of around a third of employers in Scotland—including many members of the Confederation of British Industry—that many school leavers are poorly prepared for work.

Secondly, the education system must be as flexible as possible so that it is better suited to the individual needs of youngsters whose aspirations may differ considerably. That means ensuring that youngsters at the age of 14 will have the opportunity to enter vocational training if they feel that pursuing full-time academic courses is not relevant to their abilities.

Jeremy Purvis: Last night I attended a sixth formers leaving ceremony at Beeslack high school, at which the catering was provided by third-year students who are doing a vocational catering course. Tomorrow, students will be operating at the community school's creche. Does the member acknowledge that instead of separating out such training, which I think would divert funds away from what she is arguing for, we can provide it in our schools?

Elizabeth Smith: I agree that the practices to which Mr Purvis refers are important, but I do not think that what we suggest would divert resources from them—that would not be appropriate at all.

A vocational approach to Scotland's education system would provide our young people with a career-focused programme that was designed to give secondary pupils a head start in their post-secondary careers. The Conservatives support the introduction of skills academies and science centres of excellence, although we acknowledge that there must be much more discussion of them. We regard such schools as an important milestone on the path away from a one-size-fits-all system towards having a much more diverse range of schools that would operate with much lighter state direction.

As well as specialising in vocational education and science, it is only logical that schools should be encouraged to specialise in music, drama, art, sports and other areas for which there is demand, such as technology. However, the idea that our young people should, in effect, be forced to stay on at school until they are 18 is, at best, reactionary. The notion that we can solve the problems of those many young people who want to escape from an educational environment in which they do not perform well by making them, through law, stay on at school is, in our opinion, ill thought out. It will do nothing to help solve the educational issues that many pupils face.

Ken Macintosh: Will the member take an intervention?

Elizabeth Smith: Not on this one, thank you.

We must look at the practice in other European countries such as the Netherlands, Germany and Ireland, in which vocational training is incorporated in the education system. That removes the possible stigma of vocational skills being thought of as low-level skills, which they are not. Apprenticeships in such systems have a positive effect on youngsters' self-discipline. In that regard, I agree with Mr Harper's point about developing well-rounded individuals.

We should support much of the blue-skies thinking that is emerging from the curriculum for excellence programme. Much work remains to be done to put flesh on the bones, but there is a

welcome recognition that more focus is needed on the teaching of life skills.

Thirdly, a coherent national framework that involves all levels of a youngster's educational experience must be developed. Many good initiatives exist throughout the country, but there is not always a national framework in which to fit them together, especially for the teaching of basic skills in reading, writing and arithmetic.

I restate my party's commitment to putting skills and vocational training at the top of the political agenda. We welcome much of what the minister said.

11:27

The Minister for Schools and Skills (Maureen Watt): I thank Hugh Henry for bringing the debate to Parliament. I also thank members from around the chamber who expressed their good wishes to Fiona Hyslop, Adam Ingram and me.

I support the points that were made by my colleague the Cabinet Secretary for Education and Lifelong Learning, Fiona Hyslop. I look forward to the work ahead in developing the skills strategy for Scotland. We are committed to building on the existing strengths of the Scottish education system and to making changes only when they will enhance the learning experience of individuals, regardless of their stage of life. As members have said, to grow our economy we must strengthen our skills. Scotland is below the UK level in GDP per head and output per hour—that must be remedied. The conundrum is that although our workforce is better educated than that in many other countries, the strength of our economy does not reflect that. The Government is determined to remedy that situation, which is why we must develop a skills strategy to release the workforce's potential, for the benefit of all.

I agree with Elizabeth Smith that the job-for-life era is long gone. We need a workforce with a high level of general education that is capable and flexible and which can meet the demand for multiskilled workers, whether in the offshore industries or the medical profession. We must develop a culture in Scotland in which learning and continuous professional development are an integral part of a person's career. Training courses should result in universally recognised qualifications and develop transferable skills.

On my first visit to Germany as a 15-year-old, I was mightily impressed that a hairdresser whom I met had many qualifications that showed what she had done in her training. On later visits, I worked in hotels and restaurants and saw how everyone, from waiters to cleaning staff, had their skills recognised. In that context, I welcome the contribution that was made by Christopher Harvie

in his maiden speech. We would all do well to remember its content.

People must be so equipped that they do not fear changing jobs, but accept that as a challenge with which they can cope. We must rekindle in people the excitement of learning, whether that means someone becoming competent in a new language as their company expands its markets overseas or a joiner adding wood-turning to his list of skills. We must ensure that those who re-enter the job market, full time or part time, after leaving their main employment feel that they have access to relevant training courses.

I come from the same constituency area as Mike Rumbles and I agree that we must be mindful of the needs of rural Scotland. Members will be aware that, in the previous parliamentary session, Stewart Stevenson and his Westminster colleague at the time, Alex Salmond, had to ensure that courses for the fishing industry were retained at Banff and Buchan College of Further Education in Fraserburgh. We must not get into a situation in which rural industries are at a disadvantage because local colleges do not run certain courses.

As Mike Rumbles knows, there are many educational opportunities in his constituency. For example, the secondary schools there access the skills of professionals from Aberdeen colleges, who go out to the schools. Such initiatives must be enhanced to ensure that education in urban and rural areas does not develop into a two-tier system.

Murdo Fraser: What is the SNP Government's position now on specialist schools? Does it favour the creation of more such schools, or does it just want to keep the ones we have?

Maureen Watt: Perhaps there has been a mix-up in the debate about what skills academies and centres of excellence are. Their different aspects will be taken into account when we put together our skills strategy.

We must ensure that we do not return to the old secondary modern model. However, such a system is exactly what many Labour members have suggested is about to happen. They want to return to having secondary moderns, but the last thing that we should do is to pigeonhole and categorise children at a young age.

I remind members that the SNP does not reject Labour's proposals. However, I feel that the electorate rejected them at the election. We will look at the proposals and take them on board when we develop our skills strategy.

We believe that we must increase the opportunities for work-related education and strengthen links between schools and colleges, universities and businesses. We must create new

chances for everyone to flourish personally in education and employment. We will involve the trade unions, because we recognise their vital role in driving the development of the workforce's skills and encouraging employers to utilise the potential of their workforce. We want better management of the workforce, in industry and the public sector, to ensure that job satisfaction is increased.

The stakeholders to whom we have spoken would be appalled at the prospect of the SNP amendment being voted down, because that would mean a vote against a skills strategy for Scotland. Is that really the message that the Parliament wants to send out?

11:33

Ken Macintosh (Eastwood) (Lab): I welcome the opportunity to wind up the debate. I also welcome what Christopher Harvie said in his opening speech, although I think that there are questions over the German education system—perhaps we will return to that another time. I warmly welcome the new ministerial team and I wish them well for the coming session.

I do not mind admitting that, many times over the past eight years, I dreamed of opening or closing a debate from the front benches; I also do not mind admitting that in none of those dreams was I standing on this side of the chamber. I intend no offence to the new ministerial team, but my dream was not to be the Parliament's next Adam Ingram—no offence to Adam. However, this morning, as I have done for the past five weeks, I woke up, looked at myself in the mirror and said, "Embrace the new politics." That mantra is repeated every day by my Labour colleagues, particularly my friend Hugh Henry, as members would have been able to tell from his opening remarks. In that spirit, I welcome all the speeches that have been made. Indeed, we probably could not have picked a better debate to allow us to embrace the new politics and reach agreement across party lines.

To echo a comment that my colleague Richard Baker made, my one disappointment—sorry, I am slipping into the old ways again; I mean my one surprise—is that, one month into the new Administration, it is the Labour Party that has introduced the first debate on education. I am genuinely perplexed by that. It was extraordinary that the First Minister did not mention education at all in his priorities for government speech. On growing the economy, two of the biggest weapons in the Parliament's armoury are the devolved control over transport infrastructure and the control over the key supply-side measure of developing skills through education, which we are debating. If I had been waiting all my life for the opportunity to govern Scotland, I would be a man in a hurry and

would be desperate to put my policies in place. However, this morning we have had an announcement that we are going to develop a strategy. That is welcome, but I thought that we would have more dynamism.

Fiona Hyslop: I do not know whether the member was in the chamber when we debated the Government's wealthier and fairer objective, but if he was he would know that every speech in the open debate, and my closing speech, addressed exactly the points that he raises. We have put the education and lifelong learning portfolios together because we want a lifelong learning approach to skills, which, unfortunately, we have not had in the past. We want to build on the previous Executive's work. If we believe genuinely in the new politics, let us embrace it and have the Labour Party's contribution to the Scottish skills strategy.

Ken Macintosh: On a positive note, there is little in the SNP's amendment with which we disagree, so we have an opportunity for consensus. I reassure Fiona Hyslop, Bob Doris, Ian McKee and others that our proposals are not about segregation or separation. There is a difficult argument to be had about choice, but our proposals are not about selection.

Bob Doris: Will the member give way?

Ken Macintosh: In a second.

I reassure the SNP that we have no intention of sidelining colleges, as they are one of Scotland's success stories and are at the heart of the skills agenda. However, from all the speeches that we have heard in the debate and from the views that we have heard from throughout Scotland, there is no doubt that we have a pressing skills shortage in Scotland, although there is also no doubt that we can address it. Of course, there will be pitfalls in any approach that we take. Many members, including Jeremy Purvis and Hugh O'Donnell, have flagged up pitfalls in our approach. I do not accept the comparisons with the situation in England, but I accept the fear, which Fiona Hyslop and Maureen Watt expressed, about creating a two-tier system. We must not promote one agenda—the needs of employers—over another agenda, which is the need to enthuse and motivate pupils and to engage those who are not engaged.

I have even been reassured that the Tories are making the right noises on the issue. Grammar schools, of course, are the flip-side of secondary modern schools, but we know from the debate of the past few weeks that there is absolutely, totally, finally no intention to return to grammar schools—unless, of course, they already exist or local parents want them. So that is absolutely clear. However, in the spirit of the new politics, I assure Murdo Fraser that we will support his amendment.

Another pitfall is that employers and tradespeople do not want the vocational option to be second best or to be used to provide schools for the disruptive, for academic rejects or for any other rejects. They want young people to choose the vocational route as a proper option and they want equity. I believe that skills academies and science centres of excellence address that. All sides have agreed for many years that the key to making the policy a success lies in driving up the status of vocational education. Young people must grasp such education as a genuine opportunity—to use the popular expression, they must have buy-in—and they must see the option as truly equitable.

The beauty of skills academies is that they achieve just that. They attract extra resources and build on the success of the skills for work programme. Labour has a range of policies to address the issue and the needs of the age group that we are talking about, such as the policies on skills academies and science centres of excellence and a full employment agency. We also have what has been called the policy of raising the school leaving age to 18, although it is actually about ensuring that all 16 and 17-year-olds are not allowed to drift, but are given a job, voluntary work, education or training. Those policies address young people's individual needs and the skills shortage that is being experienced throughout the economy. In the spirit of the new politics, I ask the new Administration to embrace Labour's manifesto.

Question Time

SCOTTISH EXECUTIVE

General Questions

11:40

Culture

1. Patricia Ferguson (Glasgow Maryhill)

(Lab): To ask the Scottish Executive what its priorities are for culture in Scotland. (S3O-123)

The Minister for Europe, External Affairs and Culture (Linda Fabiani): Our priority is to do whatever we can to help Scotland's varied and vibrant culture continue to flourish. I plan to meet a wide range of interested people soon to gather ideas about exactly how we make progress on that.

Patricia Ferguson: I wish the minister all the very best in what I know is an enjoyable but challenging portfolio.

Investment in culture in Scotland has doubled since devolution and the previous Administration agreed a £20 million increase in funding. Will the minister assure me that her Administration will continue that record funding of the arts in Scotland? If she cannot assure me of that, will she tell the Parliament what she intends to cut?

Linda Fabiani: I have inherited many good things from the previous Executive, for which I thank Patricia Ferguson. However, a new and fresh Administration obviously wants to look anew at how it progresses. I intend to do that in the next few weeks, after which I will happily come back to the Parliament with ideas and plans. I hope that, on many issues, we can make progress together for the benefit of the arts and culture in Scotland.

Alasdair Allan (Western Isles) (SNP): In the Government's cultural policy, what place will be given to the future of Gaelic? Given the worrying situation in which tiny numbers of children in Scotland use Gaelic in everyday life, will an element of urgency on the issue now enter Government policy?

Linda Fabiani: I understand Mr Allan's concerns. At present, we provide local authorities with Gaelic-specific grant funding toward the cost of providing Gaelic education in their areas. Gaelic may be studied by learners in primary school through the Gaelic language in the primary school programme. Bòrd na Gàidhlig recently published its education strategy as part of the national plan for Gaelic. Among other things, the strategy seeks to expand the availability of Gaelic language in primary schools and the availability of suitably

qualified teachers throughout Scotland. I look forward to further discussions with Bòrd na Gàidhlig, as soon as I can have them, about how the Government can best support the implementation of the national plan. I intend to consider a range of options for improving access to Gaelic for learners and to Gaelic-medium education, including the creation of a right to Gaelic-medium education where reasonable demand exists. I also intend to consider how we might increase support for Gaelic in the home and in communities.

Ted Brocklebank (Mid Scotland and Fife)

(Con): I welcome Linda Fabiani to her first question time and look forward to hearing her develop her views on the arts in Scotland.

Will the minister get involved personally in helping to further Scotland's cultural heritage, in line with the Scottish National Party's manifesto? I ask the question in the light of a letter, which I have here, dated 19 October 2005, from one Alex Salmond, a distinguished graduate of the University of St Andrews, in which he offers his personal support for the campaign to achieve world heritage site status for the ancient city of St Andrews. Will the minister meet me to discuss how she and, I hope, the First Minister might help to advance the St Andrews bid?

Linda Fabiani: I admire the perseverance with which Ted Brocklebank has for some time pursued that admirable aim of his. I am always happy to meet my opposite numbers to advance Scotland's culture and heritage. I look forward to meeting him to discuss the issue further.

Karen Whitefield (Airdrie and Shotts) (Lab):

I congratulate the minister on her appointment.

Will the minister acknowledge the success of the previous Government's youth music initiative, which allows local authorities such as mine—North Lanarkshire—to invest in free specialist music tuition for children? Will she confirm that the initiative will continue? Does she agree that the initiative is important, not only in nurturing our young people's talents, but in building their confidence and self-esteem, as can be seen vividly each year at North Lanarkshire's schools concert, when approximately 1,000 young people play the Glasgow royal concert hall?

Linda Fabiani: I agree with Karen Whitefield, with whom I have attended those concerts many times. North Lanarkshire Council has an extremely vibrant and forward-looking way of dealing with music tuition in schools, which is summed up every year in the concert.

I am considering the youth music initiative, which was supported by the SNP when it was introduced. I would be happy for access to be widened even further in schools so that all children

can have the opportunity to learn to play musical instruments. Cathy Peattie, who is sitting beside Karen Whitefield, had a bugbear about the importance of the voice as a musical instrument. I am looking forward to learning much more about the initiative and how we can use it to best advantage.

Tavish Scott (Shetland) (LD): I, too, welcome Linda Fabiani to her new role. It was not that many years ago that we sat together on the Holyrood progress group, which I thought took considerable bravery on her part. I am pleased to see her in her new job.

Is Linda Fabiani aware of the importance of commercial film and television production in Scotland, which has the potential to be a great economic activity? Does she acknowledge the particularly important part played by the Scottish Highlands and Islands Film Commission in attracting new films and television productions to Scotland? Will she undertake to ensure that Highlands and Islands Enterprise and the other agencies involved with the commission work together constructively to achieve more in this important area of work for the country?

Linda Fabiani: Tavish Scott is absolutely right. Scotland has a potentially great film industry, which is why the Executive will examine how well the United Kingdom tax incentive works in attracting films to Scotland. Depending on the outcome, and after examining similar schemes in other countries, we will proceed with our plans to develop a new scheme, to ensure that Scotland can compete on equal terms to attract and produce high-quality items.

Local Income Tax

2. Jackson Carlaw (West of Scotland) (Con): To ask the Scottish Executive what progress is being made with the proposal to implement a local income tax. (S3O-94)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): The Government is committed to abolishing the unfair council tax as part of our agenda to create a wealthier and fairer Scotland. We will announce in due course detailed proposals to introduce a local income tax.

Jackson Carlaw: Does the cabinet secretary recognise that there is no inherent, popular public support for that dangerous policy? If there were, surely the former junior partners in the previous coalition would be standing where he is standing, instead of withering on the vine and contemplating some judicious summer pruning. Does he recall that last week, in response to a question from Annabel Goldie, the First Minister said merely that he saw a "difficulty" with our proposal to give

pensioner households a 50 per cent council tax rebate? A difficulty is not an objection in principle. Surely the cabinet secretary will not let a little difficulty stand in the way. Will he commit now to work with the Conservatives to secure that vital relief for Scotland's pensioners, whatever the torrid fate of his local income tax plans?

John Swinney: Mr Carlaw misjudges the situation. On my left and my right, I am surrounded by the former junior partners in the coalition, who enthusiastically support the local income tax and the abolition of the council tax. He should explore the new politics a tad further before he jumps to such conclusions.

To reinforce what the First Minister said last week, we do not support the Conservatives' proposal to discount the council tax for all pensioners, because it does not take into account the ability to pay. One of the fundamental points in the Government's approach to local taxation is that we want to make it affordable for everyone in Scotland and to relate it to the ability to pay. In the short term, we will concentrate minds on freezing the council tax and on moving to the abolition of the council tax and the introduction of a fair system of local income tax, which of course will require support for legislation from Parliament. I look forward to enthusiastic support for that legislation from those sitting on my left and my right.

British Sign Language (Training)

3. Marilyn Livingstone (Kirkcaldy) (Lab): To ask the Scottish Executive what plans it has to increase the number of students training as British Sign Language interpreters. (S3O-135)

The Minister for Communities and Sport (Stewart Maxwell): The Scottish Government is committed to increasing the number of British Sign Language interpreters in Scotland. Our approach is focused on developing and supporting the infrastructure to deliver long-term change, including supporting a graduate diploma in teaching British Sign Language tutors at Heriot-Watt University. However, we recognise that we also need to encourage students to come forward to undertake training as interpreters and have provided funding to the Scottish Association of Sign Language Interpreters to explore additional and innovative routes for the training of BSL/English interpreters, such as apprentice schemes and work-based learning.

The Government's BSL and linguistic access working group is also specifically looking at how to increase the number of BSL interpreters working in Scotland. The working group will deliver its recommendations early next year.

Marilyn Livingstone: I have recently held public consultations in the Fife sensory impairment centre, at which the shortage of BSL interpreters, which the minister mentioned, was raised continually. Does the Executive have any plans to address the issue by including BSL as part of the secondary school curriculum?

Stewart Maxwell: The Government accepts the need to explore additional ways in which it can further increase the number of registered BSL/English interpreters. In the previous session of Parliament, the previous First Minister promised to double the number of BSL interpreters, but there has been an increase of only about 20 per cent. Clearly, there is much further to go on the issue. The Scottish Executive's equality unit has recruited a BSL and linguistic access project manager with expertise in BSL to develop a detailed plan for improving linguistic access for deaf, deaf-blind and hard of hearing people.

The member mentioned the curriculum, which, in Scotland, is not prescribed by statute. However, it is important that we help children in school who have such difficulties to communicate effectively. I will certainly encourage as much as possible the ability of children to use BSL in and outwith school.

Renewable Energy

4. Claire Baker (Mid Scotland and Fife) (Lab): To ask the Scottish Executive what progress is being made on the development of new renewable energy schemes. (S3O-115)

The Minister for Enterprise, Energy and Tourism (Jim Mather): Support is provided to renewable energy projects through the renewables obligation Scotland and through grant support. Grant offers have been made to a range of companies to help them develop wave, tidal, biomass and hydrogen projects throughout Scotland, and I will consider what further support is necessary.

In addition, we recognise the importance of grid access and suitable transmission charging and will raise those issues with the Office of Gas and Electricity Markets, National Grid and the Department of Trade and Industry. In all that work, I will listen carefully to the views of the energy sector and other stakeholders. Those views will inform our energy strategy for Scotland.

Claire Baker: How will the minister encourage the use of renewable power sources—including on-site generation—in new public buildings, such as schools? How will he ensure that local Scottish renewables companies—such as Burntisland Fabrications Ltd in Fife, whose Methil facility produces wind turbines—will benefit?

Jim Mather: We will build on the success of the Scottish community and household renewables initiative, which I am told has played a significant role in transforming the small-scale market. We will make it clear that we will push more local community microgeneration. That will help the majority of smaller Scottish businesses; encourage more investment; contribute to the sustainable economic growth that we seek; and increase not only competitiveness in Scotland but competitiveness in exporting those technologies. That will mean that more wealth is retained in Scotland, ensure a cleaner, safer environment and put more people in compelling, rewarding and sustainable work.

Roseanna Cunningham (Perth) (SNP): The minister will be aware of the Scottish biomass support scheme, which is now closed, with all the money having been committed. Many companies with excellent schemes were disappointed, not least one or two in my constituency. Is he aware that there is concern in parts of the industry that a number of the schemes to which money was already awarded will not go ahead? If that turns out to be the case, will he explain what will happen if there is an underspend on that SBSS funding? Will the funding go back into biomass schemes?

Jim Mather: I am considerably less worried about an underspend, given the recent DTI proposals on renewables obligation certificate banding and the potential for those proposals to be implemented. The prospect of double ROCs for combined heat and power biomass projects will make an enormous difference to the bankability of such projects. Early modelling indicates that they will be very much more viable, very much more bankable and very much more likely to attract further investment.

Foster Carers (Remuneration)

5. Christine Grahame (South of Scotland) (SNP): To ask the Scottish Executive whether the remuneration of foster carers will be included in its fostering strategy. (S3O-167)

The Minister for Children and Early Years (Adam Ingram): A fostering and kinship care strategy will be published later in 2007 and a range of measures to support children in foster care and their carers will be addressed. Those will include remuneration.

Christine Grahame: I refer the minister to motion S3M-80 in my name, which addresses the fact that 37 per cent of foster carers receive no remuneration and that two thirds of them receive less than the minimum wage. I advise him that, although full-time foster carers receive a lump sum of up to £500 for replacement of appliances, such as washing machines, as a result of wear and tear, respite carers receive nothing. Will he

consider introducing a sliding scale of payment, so that respite carers, who provide vital support to full-time foster carers, are not disadvantaged?

Adam Ingram: Christine Grahame is right to identify an anomaly affecting respite carers in the current allowances scheme for carers. That example highlights the general lack of a level playing field for carers in respect of the support that they are currently able to access from local authorities. Respite carers, who look after children who need to live apart from their birth families temporarily, deserve to be supported properly. I assure the member that the strategy that I will bring forward later this year will address the issues of allowances and other support for all carers, whatever their official designation.

The Presiding Officer (Alex Fergusson): I call Margo MacDonald.

Margo MacDonald (Lothians) (Ind): I do not need to ask my question because, happily, the minister has already answered it.

The Presiding Officer: Feel free not to ask it.

Rhoda Grant (Highlands and Islands) (Lab): Because people who foster their grandchildren, often in difficult circumstances, are classed as kinship carers, rather than foster carers, many of them receive little or no support, which leads to hardship. What steps will the Executive take to ensure that local authorities provide grandparents with the same level of support that they provide to other foster carers?

Adam Ingram: We fully intend that the national fostering and kinship strategy will live up to its name in a meaningful way. I am examining ways of developing support for kinship carers, including grandparents. There are two fundamental problems that we need to address in the fostering strategy. First, as more and more children come into the system for care and protection, demand is running ahead of supply. We need to attack that problem both by increasing the number of carers and by developing early interventions to reduce the number of children entering the system. Secondly, we must improve the quality of provision for looked-after children, whose outcomes remain poor: we can and must do better. Training for carers will be a key aspect of the strategy.

Protests (Roads)

6. Jackie Baillie (Dumbarton) (Lab): To ask the Scottish Executive how it will ensure that peaceful protest does not hinder access to roadways. (S3O-113)

The Cabinet Secretary for Justice (Kenny MacAskill): Police forces and local authorities, working with other agencies, as appropriate, are responsible for ensuring that protest events result

in the minimum level of disruption to the local community. Issues such as maintaining public safety and managing access to the road network are key elements of police and local authority activity during such events.

Jackie Baillie: The cabinet secretary will be aware of the significant disruption that is caused to people living on the Rosneath peninsula by the illegal blockades that are being carried out by Faslane 365 protestors. Students are missing examinations, carers are unable to get to older people, and other people are unable to get to work. He will also be aware that the SNP supports Faslane 365, the organisation that is responsible for the blockades. Imagine my surprise when I was told in a letter from Alex Salmond's office that the SNP's support does not extend to blockades of adjacent roads. There is only one road into and out of the peninsula, and supporters of Faslane 365 are blockading it quite deliberately. Will the cabinet secretary therefore encourage the First Minister to withdraw his support for that illegal action?

Kenny MacAskill: The member will be aware from yesterday's debate that this Government believes in rights and responsibilities. There is a right to protest and to march, but, equally, there is a responsibility to take account of the rights of individual citizens and communities. It might be de rigueur or appropriate elsewhere to seek to abandon or abrogate rights that are viewed as sacrosanct, but that is not something that this Government will support. People have rights, but we ask people to acknowledge that they have a responsibility to other citizens and to communities.

First Minister's Question Time

12:00

Engagements

1. Jack McConnell (Motherwell and Wishaw) (Lab): To ask the First Minister what engagements he has planned for the rest of the day. (S3F-27)

The First Minister (Alex Salmond): I have a number of important engagements that I am prepared to speak about, and an important meeting on the Commonwealth games, which I know will have Jack McConnell's support and the support of all parties in the Parliament.

Jack McConnell: The campaign by Glasgow and Scotland to win the 2014 Commonwealth games has the full support of all members on the Labour benches.

Does the First Minister agree that one of the first responsibilities of a Government is to ensure public safety and to protect the innocent and convict the guilty? Does he agree that Governments should take all possible steps to achieve that?

The First Minister: Yes. That is exactly why the Cabinet Secretary for Justice set out our strategy for crime and reoffending, to make Scotland not just a stronger place but a safer place for all in society.

Jack McConnell: I welcome that assurance. Does the First Minister agree that the scientific evidence provided by DNA samples can acquit the innocent and convict the guilty?

The First Minister: DNA science, like many forensic sciences, plays a powerful and increasing role in our justice system.

Jack McConnell: In 2004, the law was changed in England and Wales. As of 2005, individual DNA samples, which in Scotland would have been destroyed, had helped to solve 88 murders, 45 attempted murders, 116 rapes and 62 other sexual offences. Does the First Minister think that it is acceptable for the law in Scotland to offer less protection than there is elsewhere in the United Kingdom?

The First Minister: I will reflect closely on what Jack McConnell said. There must be detailed matters to be considered—if there were not, I presume that the previous Administration would have implemented what Jack McConnell wants. However, in the spirit of the Parliament, I will consider the matter and write to Jack McConnell.

Jack McConnell: I agree with the First Minister that there are details to be considered, such as the case studies in the annual report on the operation

of the law in England and Wales, which is presented to the House of Commons. For example, one study notes that a male was arrested in February 2005 for violent disorder in what was described as a family feud in his home. His DNA was taken for the first time, but he was released without charge because of the nature of the evidence. However, in July 2005, 25 miles away, a stranger rape occurred and there were no clues about who the rapist might be until that man's DNA was found to match the profile of the DNA found under the victim's fingernails.

Does Alex Salmond agree that there are matters on which we can work with a fresh approach across the parties in this new Parliament? Before the election, Scottish Labour respected the views of our coalition partners and the majority in the Parliament on the retention of DNA samples, but we have a different Parliament now. There is evidence that the retention of DNA samples works. It is effective, it protects the public and it convicts the guilty. In the spirit of open debate and consensus that the First Minister promised us, will he join me in urging the new Justice Committee, which the Parliament will establish this afternoon, to consider the evidence and prepare a report on how we can extend the database in Scotland, so that we can learn lessons from elsewhere, help to tackle crime and secure more convictions in serious crimes in Scotland?

The First Minister: The Justice Committee's agenda will of course be a matter for that committee. It would not be in the spirit of consensus politics for the First Minister to start instructing parliamentary committees on what to say. However, if Jack McConnell is looking for a personal point of view—

Members: What about Audit Scotland?

The Presiding Officer (Alex Fergusson): Order.

The First Minister: On the basis that there are evidence and case studies to be properly considered, it appears that I, personally, might have more sympathy for the case that Jack McConnell is making than his former coalition partners did.

Members: What about Kenny MacAskill?

The Presiding Officer: Order.

The First Minister: There are matters that need to be properly considered. It might just be that there are matters that impinge on public safety and public concern on which we can show to the public that we can rise above party politicking and that we can make cases based on evidence. If the case that Jack McConnell is proposing is that there should be a review of the matter based on evidence, bearing in mind the clear concerns on

civil liberties from the Liberal Democrats and the need to consider that carefully, and that the Parliament should come to a united conclusion, that is a useful way to proceed.

Cabinet (Meetings)

2. Annabel Goldie (West of Scotland) (Con):

To ask the First Minister what issues will be discussed at the next meeting of the Cabinet. (S3F-28)

The First Minister (Alex Salmond): A range of vital issues for the future of Scotland.

Annabel Goldie: I hope that those vital issues will include sentencing. The Scottish Executive plans to replace jail sentences of less than six months with community sentences. Is the First Minister really telling us that people who pose a risk to the public, such as muggers, housebreakers and violent individuals who assault and terrify their partners, will not get the punishment that would give their victims justice?

The First Minister: No, that is not what the Cabinet Secretary for Justice is proposing. I take the view that

"There are too many people now in our prisons who shouldn't be. We must ensure they are not full of less serious offenders whose behaviour could be better addressed through tough community sentences.

Reducing this churn of short-term prisoners will ensure time and resources can be better focused on tackling more serious offenders."

Those were the words of the previous Minister for Justice, Cathy Jamieson, on 31 October 2006. For many people across politics, across society and across political parties, that is sound common sense, and this Administration will seek to implement it in a way that the previous Administration failed to do.

Annabel Goldie: As to who should be in our prisons, I prefer to leave that to our judges, not to the opinion of the First Minister. The First Minister cannot ignore the legitimate concerns of victims and their entitlement to justice. They want prisoners in prison, not convicts in the community. The First Minister will be aware that the Scottish Conservatives have consistently appealed for the end of early release. The Custodial Sentences and Weapons (Scotland) Act 2007 replaces the old system of early release with a new system of early release, whereby short-term and long-term prisoners may be released from prison halfway through their sentences. If the First Minister takes steps to end that absurd system for good, the Scottish Conservatives will back him. Will he do that?

The First Minister: We hope to make progress in the direction of sentencing, and I will try to take Annabel Goldie with me for as much of that

argument as possible. Regarding the argument that there are currently people in prison despite there being no public utility in having them in prison, I cannot think of anything more dramatic than the statistics from Barlinnie, which were released by HM prisons inspectorate for Scotland. In August 2006, 10 per cent of the population of Barlinnie, one of our major jails, were fine defaulters for sums of less than £300. Given that it costs £700 a week to keep somebody in prison, I cannot believe that there is public utility in holding within the prison system people who clearly and evidently should not be there.

Chancellor of the Exchequer (Meetings)

3. Nicol Stephen (Aberdeen South) (LD): To ask the First Minister when he will next meet the Chancellor of the Exchequer and what issues they will discuss. (S3F-29)

The First Minister (Alex Salmond): There is no meeting arranged as yet, but I had a friendly and encouraging phone call from the Chancellor of the Exchequer only last Friday. I wish to make it clear that the previous crack about reverse charges was a joke.

Nicol Stephen: That is good, although I still think that it will be a great pity if Gordon Brown is the first Prime Minister to speak to the new Scottish First Minister.

The First Minister recently spoke passionately about consensus. Three parties in the Parliament agree on Edinburgh trams. Last week, the First Minister quoted Donald Dewar. What is the First Minister's view on respect for Parliament's will? Previously, it was expressed by motion S1M-1745, in the first session, which said:

"in keeping with Scotland's democratic tradition ... the Scottish Executive"

should

"implement ... decisions of the Parliament".

Thirty-four SNP MSPs signed that motion. Alex Salmond signed it on the first day of lodging. All the present Cabinet signed it, as did five other ministers. Even one of the First Minister's special advisers signed it. In fairness, I should say that three of the other signatories were expelled from the SNP before the end of that session. Where does the First Minister now stand on respect for Parliament's will on the Edinburgh trams project?

The First Minister: I do not know whether Nicol Stephen was in the chamber to hear the debate that covered the trams project, when David McLetchie summed up the position in the immortal words of Kenny Dalglish—"mibbes aye, mibbes no." Nicol Stephen will find that many people in the Parliament are more concerned with the project's

cost implications and financial rigour than perhaps he and the previous Minister for Transport were.

I remember well the motion to which Nicol Stephen refers. It was about the Scottish fishing community and a tie-up scheme.

Nicol Stephen *indicated disagreement.*

The First Minister: Well, the motion is before me. It asks for all parliamentary resolutions to be implemented and for the will of Parliament to prevail. It is unfortunate that neither the Scottish Liberal Democrats nor the Scottish Labour Party, which were in government, shared that position.

Nicol Stephen: Consistency is at the heart of my question. [*Interruption.*]

The Presiding Officer: Order, please.

Nicol Stephen: What does the First Minister make of the stark contrast at the heart of his Government's transport policies? To the undoubted horror of his partners in the Green party, in a 15-word written answer last Friday, his SNP Government confirmed that the M74 extension will

"be complete and open to traffic in 2011."—[*Official Report, Written Answers, 1 June 2007; S3W-63.*]

My point is that the SNP now treats differently two projects that the previous Scottish Executive agreed. For the SNP on roads, there are no ifs, buts or maybes—the M74 was agreed in 15 words on a wet Friday afternoon—but public transport is different: it faces every impediment, barrier and block. Every organ of government is instructed to backfill a political fix. How does the First Minister explain the difference between how he treats roads and how he treats trams?

The First Minister: I answer as the Minister for Transport, Infrastructure and Climate Change did when he was asked that question in the earlier debate. We will bring to the Parliament as soon as possible as much financial information and as many projects as possible.

I have reached a conclusion in the past few weeks. I now understand why Tavish Scott was anxious not to be in coalition: he did not want to be the transport minister when all the projects come home to roost. I heard—I do not know whether Nicol Stephen did—the appeal for consensus that Tavish Scott made earlier. I would settle for consensus between Tavish Scott and Nicol Stephen.

Free School Meals

4. Pauline McNeill (Glasgow Kelvin) (Lab): To ask the First Minister when the Executive will increase the threshold for free school meals in primary and secondary schools to help Scottish families. (S3F-46)

The First Minister (Alex Salmond): I want Scotland to be healthier and fairer and I want all families and communities to enjoy the benefits of healthier lifestyles. The SNP fully supported the introduction of hungry for success—the initiative to improve school meals. We want more of our poorest children in particular to benefit from free nutritious school meals. The Government is committed to increasing entitlement to free school meals. We will consider when and how to increase the threshold for free school meals as part of the spending review process.

Pauline McNeill: I suggest that the pilot on free school meals that has recently been announced will take too long for the poorest families with older children to be able to benefit from it. The First Minister said that he will work with the Labour Party on issues, and I believe him. Will he consider Labour's proposals to increase the threshold for free school meals to include almost 100,000 children, which would help the most vulnerable working families? Surely, if the SNP is committed to helping families with children and tackling child poverty, it will increase the threshold immediately, because that would help Scottish families. I should add that no legislation is required.

The First Minister: In the interests of consensus, I am sure that Pauline McNeill will accept that the pilot scheme on free school meals from primary 1 to 3 that the Cabinet Secretary for Education and Lifelong Learning announced is an excellent initiative. I hope that it will be supported by all members of the Parliament and, in turn, I will commit to look closely at the measures that the Labour Party proposes. If those measures are so obvious and excellent, it is kind of strange that the previous Administration did not implement them. Perhaps that is another thing Liberal Democrats stopped it doing.

Christine Grahame (South of Scotland) (SNP): I remind the First Minister that when I sought to amend the Schools (Health Promotion and Nutrition) (Scotland) Bill at stages 2 and 3 to extend eligibility for free school meals to families on working tax credit and council tax benefit, for example, the Liberal Democrats and Labour opposed the attempt on both occasions. Does he share my delight that consensus is now coming and that he may consider extending eligibility now that we are in government?

The First Minister: I am delighted that Christine Grahame's famous powers of persuasion, which have so often prevailed upon me, are now prevailing even upon the Labour Party.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): Will the First Minister tell the Parliament how many children will be involved in the pilots that were recently announced by his Cabinet

Secretary for Education and Lifelong Learning? I suspect that they will be a lot fewer than the 100,000 proposed in Labour's manifesto.

The First Minister: That is why it is called a pilot project. I hope that people will enthusiastically support the pilot so that, as we return to the project to roll it out across Scotland, there will be real benefits for real pupils in real schools across the country.

National Health Service General Practitioner Contract

5. Ian McKee (Lothians) (SNP): To ask the First Minister whether the Executive has plans to review the NHS general practitioner contract. (S3F-33)

The First Minister (Alex Salmond): The general medical services contract is, at present, a United Kingdom contract negotiated on a UK basis on behalf of the four health departments. The contract is kept under review annually. The Scottish Government's key objectives for the contract in the future are to deliver more flexible access for patients and to ensure a fair distribution of resources according to need.

Ian McKee: I must first declare an interest, in that my wife is a general practitioner—although I will find out whether she agrees that the question is in her interest only when I return home.

Although general practitioner terms and conditions of service have traditionally been negotiated on a UK basis, I believe that there is a possibility that it can be done on a devolved basis, and I ask that the Government not always take the lead from Westminster. Scottish GPs feel demoralised by having to run their practices more and more according to centrally set targets that ignore important conditions such as chronic skin disease, and their patients are becoming increasingly frustrated because GPs' surgeries now close at 6 pm and it is more difficult to see a GP.

The Presiding Officer: Ask a question, please.

Ian McKee: Will the First Minister consider entering into negotiations with Scottish representatives to produce a better deal for Scotland?

The First Minister: I say to Labour members that if somebody comes to the Parliament with expert knowledge that many of us do not have, we might do well to listen occasionally to what they have to say.

The Administration is keen to work in partnership with doctors and national health service boards to ensure greater flexibility in the provision of GP services to the public across Scotland. As we indicated in the SNP manifesto,

we will work with doctors and other health providers to deliver more flexible access to health services. I am sure that we can achieve that by working co-operatively with doctors organisations. The Cabinet Secretary for Health and Wellbeing is committed to that partnership.

The Presiding Officer: I wish Mr McKee good luck when he gets home tonight.

Ross Finnie (West of Scotland) (LD): In response to the first part of Mr McKee's question, the First Minister appeared to rule out any changes to the contract. Will he confirm that that is a further instalment of his rejection of the Howat report, which was much lauded in the chamber by Mr Swinney, who said that he would give it consideration? It seems to me that the £28 million savings set out in the report that could have been achieved have already been ruled out. Will the First Minister confirm that he has rejected that suggestion?

The First Minister: What I said was that things are being kept under review. I have to say that for a minister in the previous Government to start citing a report that it kept under wraps so that the Parliament could not see it is the most extraordinary development. However, I welcome Ross Finnie's conversion to freedom of information.

Andy Kerr (East Kilbride) (Lab): Does the First Minister agree that GP funding has never been higher? Indeed the income for GPs has increased by some 40 per cent over the past three years. Does he acknowledge, as he will see from the details, that there are specific Scottish initiatives that the Scottish ministers can fund? How does his position fit with the position made clear by the Cabinet Secretary for Health and Wellbeing yesterday in relation to the maintenance of central services in hospitals? How will the funding be moved to GP and local care, given the budget in our national health service?

The First Minister: Be that as it may, people are looking for more flexibility and more access to their general practitioners.

I welcome the fact that Andy Kerr is looking a bit more cheerful today; he had a pretty greeting face yesterday.

Members: Answer the question!

The Presiding Officer: Order.

Margo MacDonald (Lothians) (Ind): Allied to general practitioners' contract, wages and conditions is the out-of-hours service. Although I agree that the review should be of general practitioners first and foremost, does the First Minister agree that it would not be a comprehensive review of primary care services unless it included an up-to-date review of the cost-

effectiveness of and patient satisfaction with the helpline?

The First Minister: That is a constructive point. I accept the points that Margo MacDonald makes. Both matters, and others in terms of primary care, have to be considered and reviewed together.

Primary Schools (Discipline)

6. Elizabeth Smith (Mid Scotland and Fife) (Con): To ask the First Minister what plans the Executive has to improve discipline in primary schools. (S3F-32)

Margo MacDonald (Lothians) (Ind): Skelp them.

The First Minister (Alex Salmond): That is something that I was reserving for the Parliament.

The Scottish Government is committed to helping schools create and maintain a peaceful and positive learning environment, including through reducing class sizes and maximising teacher-pupil contact. We will also produce new guidelines to support schools in dealing with serious disciplinary matters.

Elizabeth Smith: I thank the First Minister for his answer and Mrs MacDonald for her excellent aside.

In light of the SNP's manifesto commitment to produce new guidelines to help schools establish much more peaceful working and learning environments, does the First Minister agree that Scottish headteachers should be given the power to search pupils who are suspected of carrying knives and other dangerous weapons, as is already the case in England?

The First Minister: That is a matter that we will discuss with the headteachers and their representatives, because there is not unanimity on that proposal, as Elizabeth Smith well knows. If we were to propose such a measure we would have to have the assent and support of the people we were asking to carry it forward. Elizabeth Smith expressed concern this week about the provision of statistics on the number of violent incidents in Scottish schools. We will look at that matter closely, because there is an area of dissatisfaction with the quality of current statistics. For what we do in policy terms to be statistically led and led by facts and arguments, there must be statistics that confirm that our policies are commensurate with and appropriate to the situation that we face.

Ken Macintosh (Eastwood) (Lab): As the First Minister mentioned, class sizes are an important aspect of school discipline. Will he make an announcement on whether the new Administration will rigidly enforce the guaranteed maximum of 25 pupils in early primary classes or whether he will allow headteachers flexibility where that suits the needs of pupils and parents in a school?

The First Minister: Unfortunately, the slippage of the previous Administration's promises on class sizes was one of the reasons for the more general disillusionment with its education policies. We will work to fulfil our manifesto commitment to deliver a reduction in class sizes in primary 1 to 3.

The Presiding Officer: That brings us to the end of First Minister's question time.

Points of Order

Elaine Smith (Coatbridge and Chryston) (Lab): On a point of order, Presiding Officer.

Yesterday, I was not called to ask a question on the statement on Monklands hospital—despite the fact that it serves the majority of my constituents—because other members' questions resembled speeches. Will you advise me on what standing orders say about question time and statements? My understanding is that questions should be put with a minimum of preamble. We have had a similar situation today.

The Presiding Officer (Alex Fergusson): I am well aware of the dissatisfaction of several members who wished to ask questions on yesterday's statement. I share their concern. I am actively considering the matter with a view to the future. It was unsatisfactory, and I accept entirely that back benchers were hard done by. We will look at that with a view to future procedure.

Alex Neil (Central Scotland) (SNP): On a point of order, Presiding Officer.

You will notice that we have four minutes left of the time allocated for First Minister's question time, yet during the earlier questions a number of members were not called. I ask you to review the role of the business team in vetting supplementary questions. Its job should be to collect the names, not to act like the Politburo in deciding what can go forward and what cannot. Will you publish the criteria that are used to decide which questions are acceptable supplementaries? From a back-bench point of view, the situation at the moment is entirely unsatisfactory.

The Presiding Officer: So far, I have followed the practice of previous sessions, which seems to have met with members' acceptance.

Members: No.

The Presiding Officer: Well, that is what I have been doing. There is no rule to say that First Minister's question time has to go on until half past 12.

Alex Neil *rose*—

The Presiding Officer: Give me a minute, Mr Neil.

You will understand that, at an early stage in First Minister's question time, one has no idea who will want to ask a supplementary question later on.

Alex Neil: It is only in recent months that the practice of the business team asking for details of supplementary questions has crept into the system. For the first three, four or five years of the Parliament, only members' names were submitted. We are now almost asked for our curriculum vitae before we can get a supplementary question.

The Presiding Officer: I think that there is a degree of exaggeration in Mr Neil's point. I understand that the situation is not as he describes it, but I will reflect on that.

12:28

Meeting suspended until 14:15.

14:15

On resuming—

The Presiding Officer (Alex Fergusson): Before we proceed to themed question time, I advise members that I have received a request from the First Minister to make an urgent statement later today. As I am satisfied that the matter is sufficiently urgent, I have agreed under rule 13.2.2 to allow the statement to be made at approximately 4.45 pm. That will allow time for a short statement from the First Minister and contributions and questions from the four main parties.

Question Time

SCOTTISH EXECUTIVE

Health and Well-being

Prescription Charges

1. Margo MacDonald (Lothians) (Ind): To ask the Scottish Executive whether it plans to abolish prescription charges. (S3O-168)

The Minister for Public Health (Shona Robison): We remain committed to our manifesto pledge to phase out prescription charges and are currently considering options for delivering that goal.

Margo MacDonald: I thank the minister for her response, and I hope that this will be the first of many pleasant exchanges.

Although I appreciate that the Scottish National Party is committed to phasing out these charges, what is its timescale for doing so? I also make a special plea that, when the matter is reviewed, particular attention be paid to the position of people with long-term ailments. Asthma sufferers, for example, have to pay over the long term for essential medication and medicinal equipment. Indeed, I could go through a full list of similar examples with which the minister is no doubt familiar.

Shona Robison: I acknowledge the campaign that the member has carried out on this issue and the work that she has done with groups of people with long-term limiting illnesses. Part of our manifesto commitment was the immediate abolition of charges for people with chronic conditions, and we are currently considering options for how best to take that forward. However, she can be assured that we will be as inclusive as possible. As far as the timescale is concerned, we hope to be in a position to introduce changes around April 2008.

Waiting Times (Hospitals)

2. Alison McInnes (North East Scotland) (LD):

To ask the Scottish Executive how it plans to reduce hospital waiting times across Scotland. (S3O-100)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): We will work closely with national health service boards to ensure that the NHS provides responsive, efficient services that put patients first and ensure that they are treated as quickly as possible. We will announce our plans for the NHS in Scotland, including new waiting times targets, later this year.

Alison McInnes: As far as cutting cancer waiting times is concerned, I understand that the Cabinet Secretary for Health and Wellbeing has requested weekly progress reports from health boards. Will she confirm that she will publish those reports as she receives them?

Nicola Sturgeon: The figures are published quarterly. Last week, I said that I was dissatisfied with progress on meeting cancer waiting times targets. Indeed, the target is 18 months overdue in being met and, across health boards, is 10 per cent short of being fulfilled. That is not good enough, either for cancer patients or for their families. Last week, I said that I would carefully monitor progress on a week-to-week basis. I expect the target to be met by the end of the year; indeed, I am confident that it can be met by then. I also announced additional support for two boards, because past experience shows that where such support has been provided, considerable progress has been made.

Mary Scanlon (Highlands and Islands) (Con):

Will the cabinet secretary confirm that she will increase the use of independent hospitals and the private sector to reduce waiting times and improve the health of patients in Scotland?

Nicola Sturgeon: I welcome Mary Scanlon back to the post of Tory health spokesperson. As I said many times when we were in opposition, the SNP's first priority in government will be to expand NHS capacity, because that is in the interests not only of patients but of taxpayers. Clearly, the private sector is being utilised at the moment, but my priority is to ensure that the NHS delivers for patients—and, indeed, delivers shorter waiting times for them.

Waiting Times (Out-patients)

3. Des McNulty (Clydebank and Milngavie) (Lab):

To ask the Scottish Executive what recognition is being given to the performance of national health service staff in meeting and exceeding the targets set for out-patient waiting times, as recorded in the acute activity waiting

times and waiting list figures to 31 March 2007, published on 29 May 2007. (S3O-144)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): I made it clear last week that the good progress that NHS Scotland is making in reducing waits for patients is due to the dedication and commitment of NHS staff throughout the country.

Des McNulty: A prompt thank you from the minister would be particularly welcome when outstanding figures are achieved.

A significant contribution has been made by the Golden Jubilee hospital in my constituency to bringing down waiting lists and waiting times for people in need of elective surgery. Can the minister confirm that she remains committed to taking forward the use of the Golden Jubilee hospital for an increased number of patients and an increased number of operations, bearing in mind the fact that in recent years it has been so successful in meeting and exceeding its targets?

Nicola Sturgeon: I assure the member that on the day the last waiting times figures were published, I went to the Beatson oncology centre in Glasgow to deliver a prompt thank you directly to NHS staff. I am sorry if he did not hear that, but it was intended not for him but for the staff who work so hard in the NHS. The fact that they heard it is probably the most important matter.

I recognise the contribution that the Golden Jubilee hospital has made to increasing the number of operations and bringing down waiting times for elective surgery. I am committed to ensuring that it continues to make that contribution, and I look forward to visiting it soon.

David Whetton (Strathkelvin and Bearsden) (Lab): Does the minister agree that one good way of bringing down out-patient waiting times is the £100 million investment in the day hospital at Stobhill? I welcome her statement yesterday that she would not interfere with that. I seek reassurance that she will not interfere with the decision to build the new day centre at Stobhill.

Nicola Sturgeon: I certainly will not interfere, as the member puts it, in the decision to build the ambulatory care and diagnostic unit at Stobhill—it is a good development. I look forward to engaging with people in the communities that Stobhill serves to ensure that they have confidence in the range of services that are provided locally. That is the approach that I want to take, as health secretary, in communities throughout Scotland.

Monklands Hospital (Accident and Emergency Department)

4. Karen Whitefield (Airdrie and Shotts) (Lab): This question seems a little late.

To ask the Scottish Executive what action it is taking to reverse the decision to downgrade the accident and emergency department at Monklands hospital. (S3O-154)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): There will be no surprise in this answer. Karen Whitefield will be aware that I made a statement to Parliament on the matter yesterday. I have instructed both NHS Ayrshire and Arran and NHS Lanarkshire to re-examine their original service change plans as they relate to A and E services. The boards are to produce revised proposals that will enable A and E services to continue at Monklands, Wishaw and Hairmyres hospitals in Lanarkshire, and at Ayr and Crosshouse hospitals in Ayrshire.

The revised proposals will be subject to robust independent scrutiny to ensure that they are sound, safe, sustainable and evidence based. I also expect the boards to be able to demonstrate that their proposals are patient centred, have taken into account the views of local people and offer value for money.

Karen Whitefield: I again welcome yesterday's announcement that the decision to downgrade Monklands A and E department has been reversed, but I hope that the minister will provide some assurances about the nature of A and E services that will be provided. I will pursue the matter with NHS Lanarkshire, but if it does not give me those assurances I hope that the minister will support me.

Following yesterday's announcement, I ask the minister whether, in the light of her recent comments about the need for improved cancer services in Lanarkshire, she can confirm that the commitment given by the previous Government to build a new cancer centre at Monklands hospital will be fulfilled by the current Administration.

Nicola Sturgeon: I am sure that Karen Whitefield and I will discuss Monklands hospital and wider health issues in Lanarkshire on many occasions—I look forward to those discussions.

I made my position clear yesterday: I want A and E services to continue at Monklands hospital. It is now for the board to determine how best to achieve that. The proposals will, of course, be subject to independent expert scrutiny, to ensure that they meet the essential requirements of safety and sustainability.

On the other services that were part of NHS Lanarkshire's proposals, including the cancer centre at Monklands, I have made it clear that I want as many of those additional proposals to continue as possible, because they are commendable.

Angela Constance (Livingston) (SNP): Does the cabinet secretary agree that St John's hospital in Livingston should be a fully functioning acute district general hospital? If so, does she agree to examine any decision or issue that threatens its viability as an acute hospital?

Nicola Sturgeon: I assure Angela Constance that the Scottish Government is fully committed to the sustainability of St John's hospital as an acute hospital, and we would question closely any proposal to undermine that status.

The Presiding Officer (Alex Fergusson): To overcome, perhaps, some of the imbalance that arose during yesterday's questions on the minister's statement, I call Elaine Smith.

Elaine Smith (Coatbridge and Chryston) (Lab): I campaigned against the downgrading of Monklands hospital, primarily on the basis that the decision was based on financial considerations rather than health needs, so I, too, welcome the announcement to retain the A and E unit. However, can the minister advise me whether Monklands will also retain its level 3 status, which will ensure that all of the other services that are required to support A and E, such as intensive care, are retained on site, so that my constituents will be able to access the high-quality health services that they need and deserve? Further, can she confirm that the well-informed and considered views of my constituents, which were ignored by NHS Lanarkshire, will now be listened to?

Nicola Sturgeon: I thank Elaine Smith and recognise her contribution in relation to yesterday's decision. I assure her that the views of patients in her constituency, which were ignored not only by NHS Lanarkshire but by the former Labour Government, will be listened to by this SNP Government.

In my answer to Karen Whitefield, I made it clear that yesterday I said that A and E services will continue to be provided at Monklands hospital. It is important for the NHS board to determine how best to achieve that outcome. Because the issue is extremely important, I repeat that any revised proposals will be subject to independent expert scrutiny. That is where the assurance comes from that the services will meet the essential requirements of safety and sustainability that Elaine Smith's constituents are entitled to expect.

Andy Kerr (East Kilbride) (Lab): I begin by welcoming the minister to her role. I did not do that yesterday, and I apologise for the oversight.

The opportunity has arisen on a number of occasions to accept the definition of accident and emergency services that was supplied by David Kerr in his report and by the British Association for Emergency Medicine.

In the minister's letters to and in her discussions with NHS Lanarkshire and NHS Ayrshire and Arran, has she said, "We want A and E services, but they must meet the standards and criteria that were set out by the British Association for Emergency Medicine and David Kerr"? Has she asked the health boards to deliver those services to those standard criteria?

Nicola Sturgeon: I thank Andy Kerr for his welcoming comments.

I have made it clear to NHS Lanarkshire and NHS Ayrshire and Arran that I expect A and E services to be delivered, to meet certain criteria, to be safe and sustainable, and to meet the needs of patients in those health board areas. I now want the NHS boards to revise the proposals, subject them to independent scrutiny and bring them back to me for a final decision. That is the best, reasonable and responsible way in which to proceed.

Health and Well-being (Coatbridge and Chryston)

5. Elaine Smith (Coatbridge and Chryston) (Lab): To ask the Scottish Executive what plans it has to improve the health and well-being of the people of Coatbridge and Chryston. (S3O-152)

The Minister for Public Health (Shona Robison): The keep well programme of health checks plans to provide checks for people aged 45 to 64 who are most at risk of preventable ill health. The programme will make every effort to communicate with people who have not yet had a health check and persuade them to get in touch with their general practitioner practice.

The Scottish Government will also improve the health of people in the Coatbridge area through a range of other programmes, including smoking cessation services and the promotion of positive mental health and well-being.

Elaine Smith: I am pleased that the minister intends to continue with the good initiatives of the previous Labour-led Executive. Given the advantages to health and well-being that are conferred on mothers and babies by breastfeeding, does the minister share my concern that breastfeeding rates remain relatively low in constituencies such as Coatbridge and Chryston, despite the evidence on its benefits? What additional support is available to NHS boards and education authorities in areas of multiple deprivation to continue to change attitudes and improve services? When the breastfeeding adviser post is filled—in the autumn, I believe—will that person receive sufficient resources to support the work that is required to improve breastfeeding rates throughout Scotland?

Shona Robison: I recognise the member's important contribution to breastfeeding. I share her concern about the fact that breastfeeding rates in some of our most deprived communities are far too low.

The Scottish Government is considering how support for breastfeeding can be incorporated into its commitment to improve health. It is committed to the promotion of good eating habits from children's earliest years, which includes providing support for breastfeeding as part of a healthy food policy. I assure the member that the appointment of the adviser is expected to be made in the autumn and that that person will get the necessary resources to enable them to do the job properly.

Availability Status Codes (Abuse)

6. James Kelly (Glasgow Rutherglen) (Lab): To ask the Scottish Executive whether it will list any proven cases of abuse of the system of availability status codes in the last two years. (S3O-132)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): The current system of availability status codes is not implemented consistently throughout Scotland and has the potential for unfairness and misuse. That is why I have made it clear that I expect health boards to accelerate abolition of the codes and implement a more transparent and fairer system as quickly as possible. I will continue to press for progress on the issue, as it is important to many patients.

James Kelly: I note that the cabinet secretary has not been able to give any specific examples. Does she agree that her failure to be specific about instances of abuse of availability status codes demonstrates an attempt to detract from the record of the previous Executive on reducing waiting times?

Nicola Sturgeon: I know that the member is new to the chamber but, with the greatest respect to him, I think that he misunderstands availability status codes—or hidden waiting lists, as I prefer to call them. It is not just a question of whether the system is being abused, although it is being applied inconsistently; the system itself, even if properly applied, is fundamentally unfair. Someone who cannot attend an appointment—even for a very good reason, such as a family funeral—is stripped for ever of their waiting time guarantee and, in many cases, has to wait an exceptionally long time for treatment. They are then discounted completely in determining whether waiting times targets are met. I make absolutely no apology for doing what the previous Administration did not do—delivering a system that is more open and honest and that puts patients first.

Town Centre Regeneration (Dumfries Constituency)

7. Elaine Murray (Dumfries) (Lab): I congratulate the ministerial team.

To ask the Scottish Executive how it will support the regeneration of town centres in the Dumfries constituency. (S3O-146)

The Minister for Communities and Sport (Stewart Maxwell): The central priority of the Government is to support Scotland's economic growth. We have made it clear that one of the ways in which we will do that is by removing or reducing the burden of business rates for small businesses, many of which are located in traditional town centres throughout Scotland. We will announce further measures in due course.

Elaine Murray: I recognise that the small business rates relief scheme has helped many small businesses—that is one of the reasons why the Labour Party proposed its extension in its election manifesto. Nevertheless, does the minister acknowledge that the extension of the scheme will not tackle the problem of the derelict buildings that blight many town centres, including that of Dumfries? Will the Executive consider proposals to enable local communities and businesses to work together to improve the physical environment of town and village centres?

Stewart Maxwell: We will consider any proposals with an open mind. The issue is important not just in Dumfries but throughout the country, as many small towns are struggling to survive in the current economic climate. As the member knows, business improvement district projects have gone ahead in some areas. We will examine those in the future and consider whether they are the best way in which to make progress. Also, the small business scheme that we are introducing will have a positive impact on small towns. The member will be aware of the local regeneration projects that are going on in Dumfries, particularly in relation to the work of Dumfries and Galloway Council.

Dental School (Aberdeen)

8. Mike Rumbles (West Aberdeenshire and Kincardine) (LD): To ask the Scottish Executive what plans it has to open Scotland's third dental school in Aberdeen. (S3O-102)

The Minister for Public Health (Shona Robison): Our manifesto commitment is to open a third dental school by expanding Aberdeen dental institute. We are currently exploring the options to deliver that commitment.

Mike Rumbles: I thank the minister for her response, but she will forgive me for saying that we had a commitment four years ago from the

previous Administration that it would conduct a consultation on the opening of a dental school in Aberdeen. I was rather hoping that the minister could give me a date for the implementation of that policy. I hope that we will not have to wait another four years.

Shona Robison: Unlike the previous Administration, this Administration will deliver on its manifesto commitments. Officials are working hard on the options at the moment, and I am hopeful that, if all goes well, we will be in a position to move forward to an implementation date of around October 2008.

The Presiding Officer: We move to questions on rural affairs and the environment.

Johann Lamont (Glasgow Pollok) (Lab): On a point of order, Presiding Officer. I seek the guidance of the chair. I have expressed concern in the past about the Cabinet Secretary for Health and Wellbeing's huge portfolio, which of course encompasses all the communities issues—with the exclusion of the voluntary sector and planning—that were, in the past, covered by a minister and deputy minister. That has been reflected in today's question time, in which only one question was anywhere near that critical area. I attempted to come in on two separate questions but was unable to come in on either.

I ask that some consideration be given to separating communities questions, so that we can address the critical issues of equalities, anti-poverty measures, deprivation, community planning and community regeneration. Those matters sit with Nicola Sturgeon, but they have not been addressed and they have not been referred to at any stage by the First Minister in statements in the Parliament.

The Presiding Officer: With respect to the member, the breadth of a ministerial remit is not my affair, although the selection of questions is. I am afraid that I often have difficult decisions to make, and I have made them.

Johann Lamont: On a further point of order, Presiding Officer. Currently we have questions on health and well-being, and afterwards we have questions on rural affairs. I ask you to consider, in deciding the categories for questions, whether it is possible to separate the health and well-being portfolio into two separate question times to ensure that the critical communities issues are addressed.

The Presiding Officer: The allocation of questions is due to be reviewed in about six months' time, but I am willing to take that suggestion away and consider what you have said.

Rural Affairs and the Environment

Fishing Vessels

1. Trish Godman (West Renfrewshire) (Lab): To ask the Scottish Executive what the current number is of Scottish fishing vessels of over 10m overall length and what the comparable figure was in 1993. (S3O-126)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): On 31 December 2006, there were 706 Scottish fishing vessels of more than 10m in length. The comparable figure for 1993 was 1,333.

Trish Godman: If what I hear is true, the minister is considering taking Scottish Fishermen's Federation representatives to the next agriculture and fisheries council in Europe. I wonder why—I am sure that it is not because the minister lacks confidence. I am sure that they will be brilliant negotiators—albeit with a vested interest—but you are the minister, so what are you going to do to arrest or slow down the serious decline in the number of Scottish fishing vessels and fishermen and in our fishing communities?

The Presiding Officer: Before the minister replies, I remind all members to speak through the chair.

Richard Lochhead: The first thing that I have done to arrest the rapid decline in the number of fishing vessels in Scotland is to campaign for a Scottish National Party Government which, thankfully, was elected on 3 May.

The SNP Government intends to work closely with Scotland's fishing communities and fishing organisations on the agriculture and fisheries council next week and in the run-up to the big council in December. We are looking for new ways in which we can have a good relationship in the run-up to those talks to ensure that we have the best advice available in order to secure the best possible deal for Scotland at those important negotiations.

Tavish Scott (Shetland) (LD): I welcome the minister to his position. As a representative of a fishing constituency, like him, I will support him where he can achieve substantial progress on behalf of the fishing interests that I want to represent properly in the Parliament.

I think that the minister described his meeting with Mr Bradshaw as cordial. Does he accept that that relationship is fundamental? Has he been able to build on the relationship that Ross Finnie, his predecessor, had with Mr Bradshaw, under which Mr Finnie was able to lead on behalf of the Scottish Executive in bilateral meetings at the agriculture and fisheries council? Will he tell us

whether that will continue or whether the relationship will be enhanced?

Richard Lochhead: The SNP Government intends to have a cordial and constructive relationship with the United Kingdom Government to help us to secure the best deal for Scotland's fishing communities in UK and European negotiations. We certainly hope to build on that relationship. I was delighted to receive the invitation from the UK minister to visit him in London yesterday as a precursor to next week's agriculture and fisheries council. That invitation was rarely extended to my predecessor, so we are clearly building on that successful relationship.

Land Management

2. Iain Smith (North East Fife) (LD): The minister will appreciate that my question was lodged before his announcement last week.

To ask the Scottish Executive what funding will be provided for the individual elements of the Scottish rural development programme; what level of voluntary modulation will be required, and how it will support land managers so that they achieve the objectives of the European Union water framework directive, identified as a key outcome of the programme. (S3O-103)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): The funding that is available to implement the new programme is set out in a summary document, "Scotland Rural Development Programme 2007-13", which was provided to the Scottish Parliament information centre to coincide with the parliamentary debate on the new Scotland rural development programme on 31 May 2007. The summary document includes details of the voluntary modulation rates to be applied and is available in the reference centre. The programme will include several land management measures related to the water environment. The uptake of those measures will help to achieve the objectives of the water framework directive.

Iain Smith: I welcome the minister's endorsement of the programme that was proposed by his predecessor, Ross Finnie. What specific provision has the minister made to ensure that the Scottish Executive's commitments on water quality under the water framework directive and on climate change can be met?

NFU Scotland has estimated that the virtual doubling of voluntary modulation from the rate that was proposed by Ross Finnie will cut farm incomes by 20 per cent. What impact will that have on farmers' ability to deliver on environmental issues? Given the importance of the rural development programme, why has he failed to persuade the Cabinet Secretary for

Finance and Sustainable Growth to provide the additional funding that is required?

Richard Lochhead: I persuaded the Scottish Cabinet to make funding available for the programme, which members should welcome. On the modulation rates proposed by Ross Finnie, the situation that the Scottish Government has inherited is clear: we had a central Government funding figure and the European funding figure and, in order to fund the £1.6 billion programme that was proposed by the previous Administration and adopted by the new Administration, filling the gap would have required a trebling of the modulation rates that were announced by the SNP Government. Therefore, I do not accept the point that the member is making. Our modulation rates are far less detrimental to Scotland's farming communities.

There are many measures in the £1.6 billion programme that will enhance Scotland's water environment. I hope that Iain Smith's constituents and all our constituents in rural Scotland will apply for them.

Rhona Brankin (Midlothian) (Lab): The minister will be aware that in recent years many farmers and land managers were unable to access agri-environment schemes, which is precisely why Labour, in its manifesto, committed to setting a voluntary modulation rate of 15 per cent. Will the minister give us an assurance that there will be enough funding to meet the demand for agri-environment schemes over the next seven years? Does he know exactly where the extra £70 million is coming from? If it is from the Scottish Executive environment and rural affairs department budget, what funding will be cut in order to keep voluntary modulation down? Can we have an answer this time please?

Richard Lochhead: The funding for the programme that was adopted last week amounts to £1.6 billion, which is exactly the same as the figure that was proposed by the previous Administration. What is different is where the funding is sourced. Therefore, the amount of resources being made available for the agri-environment element of that programme is exactly the same as what has been made available from our programme. The member seems to be criticising her own proposals once again. The £1.6 billion is a record investment for rural Scotland. The funding for agri-environment schemes will be much greater than in the previous rural development programme. I hope that members throughout the chamber welcome that.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): The minister will know that he is implementing the programme that Ross Finnie put forward. Ross Finnie held voluntary modulation at 5 per cent. The minister is nearly

doubling voluntary modulation to 9 per cent, which will hit our farmers' incomes by 20 per cent. Does the minister accept that situation? Will he introduce any other measures to help our rural community in that regard?

Richard Lochhead: If the member considers the comments from the agriculture sector since the programme was announced, he will note that it has been warmly welcomed by all sectors in rural Scotland, including our farmers. Our farmers have warmly welcomed this package, which they recognise is a record package that will provide a huge boost to our rural communities and agriculture sector.

John Scott (Ayr) (Con): Given the rates of voluntary modulation that were established last week, will voluntary modulation decrease proportionally if the European Union establishes increased rates of compulsory modulation?

Richard Lochhead: That is a good question. At the moment, there is no flexibility over the voluntary modulation rates that are set for the next seven years, other than an article in the rural development regulation that allows member states to reduce the voluntary element by any subsequent increase in the compulsory modulation element imposed by the EU. The answer to the question is that Parliament will indeed have that power.

New Parks (Support for Volunteering)

3. Cathie Craigie (Cumbernauld and Kilsyth) (Lab): To ask the Scottish Executive what support is available to volunteer groups working for the development of new parks in existing green spaces. (S3O-120)

The Minister for Environment (Michael Russell): The provision and maintenance of parks are primarily the responsibility of local authorities, and rightly so. It is for local authorities, their community planning partners and any other owners or providers of green spaces to decide whether new parks should be created in their areas, whether volunteers should be invited to participate in the process and, if so, what financial or other support they should receive.

The Scottish Government provides a range of grants for the voluntary sector in general and they are listed on the Executive's website. BTCV Scotland's community local action network system, which is supported by the Government, provides advice on the grants, awards and support services that are available more widely to help voluntary groups to carry out conservation projects. Those would probably apply.

Cathie Craigie: I welcome the minister back to the Parliament and congratulate him on his new post.

I advise the minister that the previous Scottish Executive granted some £200,000 to Cumbernauld community park in an effort to redevelop the area. The minister might become aware of the excellent work that is done by volunteers in support of Cumbernauld glen and Cumbernauld house park. Those groups are backed by North Lanarkshire Council and the Scottish Wildlife Trust. As well as maintaining and improving the environment of the parks, the groups are keen to see the development of Cumbernauld house, which was formerly owned by the Cumbernauld Development Corporation.

The Presiding Officer: Ask a question, please.

Cathie Craigie: How might the Scottish Executive be able to support the community in taking Cumbernauld house, which is an Adam building, back into public ownership?

Michael Russell: I thank Cathie Craigie for her good wishes.

I must not stray into the built environment but must instead comment only on the natural environment. Environmental volunteering and the good work that is taking place both in Cumbernauld and by groups such as the Friends of Kelvin Valley Park will be supported—and are being supported—by the schemes that I mentioned. In addition, an implementation group has been considering ways in which the Government can further assist the environmental volunteering sector. We expect to receive a report from the group shortly and I am sure that we will have good news on that.

Jamie Hepburn (Central Scotland) (SNP): On a slightly more detailed point, how will the new Government support volunteer groups and communities in their efforts to stop asset stripping by local authorities and other organisations at sites that were previously set aside for the development of new parks? The example that Cathie Craigie cited—Cumbernauld community park—is a good one in that regard. In 1993, Cumbernauld and Kilsyth District Council set aside land for the park, but since North Lanarkshire Council took over, no progress has been made. Indeed, much of the land has been sold off.

The Presiding Officer: Please be brief, Mr Hepburn.

Jamie Hepburn: What assistance can the minister give the Friends of Cumbernauld Community Park and other organisations throughout Scotland to protect their parks and prevent them from being sold off bit by bit?

Michael Russell: Green spaces of all types are extremely important, both for the well-being of every member of society and indeed for the well-being of the Government, because green spaces

contribute both to the greening of Scotland and to a healthier Scotland. We will do everything we can to encourage such work throughout the country.

On the specific example of Cumbernauld, all responsible local authorities want to make sure that the green spaces that they have—and their potential—are taken forward in a way that achieves the aim of a healthier and greener society. We will do all that we can to encourage local authorities in general and, I am sure, North Lanarkshire Council in particular.

Domestic Carbon Emissions

4. Ian McKee (Lothians) (SNP): To ask the Scottish Executive whether it intends to introduce measures to reduce the carbon footprint of domestic households. (S3O-156)

The Minister for Environment (Michael Russell): People in Scotland rate climate change, energy and recycling as their top three environmental priorities. A growing number of households recycle paper, glass, plastic or cans and many take action to reduce their energy use. The Scottish Government offers information to households in Scotland at a national level and provides funding for practical support and advice through organisations such as the Energy Saving Trust. Our aim is for households to adopt ever more sustainable ways of living and to reduce their carbon footprint.

We will build on and develop existing work with both national and local delivery programmes in partnership with local authorities, the wider public sector and non-governmental organisations. Our aim will be to reduce waste, improve energy and resource efficiency, and reduce emissions from transport and housing. Those actions will support every domestic household and every individual in reducing their carbon footprint.

Ian McKee: May I draw the minister's attention to the experience of an acquaintance of mine, who has attempted to purchase a domestic wind turbine and eventually gain planning permission? He has had 22 telephone calls and numerous letters, but one and a half years later he is no nearer success.

What can the minister do to speed up the implementation of Government policy so that it becomes much easier for even those less determined than my friend to install wind turbines, solar panels and other carbon-neutral ways of generating power?

Michael Russell: Dr McKee makes an important point. Indeed, the Government made a manifesto commitment to develop much simpler and more accessible planning regulations on the matter. I am pleased to say that we are now actively considering changes to planning controls

so that more microgeneration equipment can be installed in existing buildings without the need to obtain planning permission. Research has been undertaken on the scope for doing so, and public consultation will be undertaken this year on the need to change existing legislative provisions.

In the meantime, we are certain that development plan policies should encourage and support, rather than obstruct, microgeneration proposals in existing buildings that satisfactorily address the broad criteria that apply, including appropriate environmental and amenity safeguards and the requirements of building regulations.

Nanette Milne (North East Scotland) (Con): In the spirit of the new politics, which seems to be the catchphrase of the week, will the minister consider establishing an eco-bonus scheme to help Scottish households, communities and small businesses to install modern energy-saving and energy-creating technology, such as hydroelectric, wind turbines, solar water and space heating, heat pumps and wood-fuel heating, as the Scottish Conservatives proposed in our recent manifesto?

Michael Russell: I am always happy to endorse the consensus approach and new politics—I have lived with them for a long time. In that spirit, I will be delighted to look constructively at a Tory proposal. We are setting up mechanisms so to do, and we will certainly consider from throughout the chamber all positive ideas that can make a difference and ensure that every individual in every household reduces their carbon footprint.

Sarah Boyack (Edinburgh Central) (Lab): I welcome the minister's answer to the previous questions. I look forward to seeing the detail of any proposals that he introduces.

To go back to the original question, will the Scottish Executive commit to continuing support for work on footprinting so that individuals might themselves be able to reduce their household emissions in their daily lives? I particularly commend the work that has been done by WWF and the Energy Saving Trust, which have developed practical ways to calculate people's carbon footprints. Does the minister agree that one of the best ways of raising awareness of our carbon footprints would be through a Scottish Executive-approved process so that there is one way to examine the issue? Will he consider the potential of incorporating that into all our schools' curriculums? That would be one of the best ways of disseminating information and changing household behaviour.

Michael Russell: I am more than delighted that the spirit of the new politics is sweeping like a wave across the chamber and has reached Ms Boyack. I am delighted to welcome that

contribution. We will look favourably on those ideas.

Sarah Boyack raises two extremely important points, the first of which is the work that WWF has done and the simple and comprehensive calculations that it can help individuals to do. We want to encourage that. Even more, however, we want to encourage the role of individuals, starting at the earliest age, so that in the circumstances in which we find ourselves, when there is urgency in changing and encouraging change, we can engage every individual in the process. Just as I am warm and supportive to Nanette Milne, I am warm and supportive to Sarah Boyack.

The Presiding Officer: We now warmly move to Murdo Fraser.

Private Water Supplies

5. Murdo Fraser (Mid Scotland and Fife) (Con): To ask the Scottish Executive whether it has any plans to review the regulations that introduced new tests for private water supplies in Scotland. (S3O-90)

The Minister for Environment (Michael Russell): The Private Water Supplies (Scotland) Regulations 2006 implement the additional measures necessary to comply with the revised drinking water directive. As Mr Fraser knows, the regulations came into force on 3 July 2006.

The Government has no immediate plans to review the duties and powers of local authorities in relation to the regulations, but measures relating to drinking water safety are monitored carefully to take account of medical, scientific and technological advances.

Safe drinking water is essential to a healthier Scotland. The 2006 regulations will help all of us to achieve that objective through the provision of clean and wholesome drinking water for those who are dependent on private supplies, as I am.

Murdo Fraser: I thank the minister for his response which, if warm, was not terribly supportive.

The minister will be aware that there is widespread concern in rural Scotland that, under the new regulations, many small businesses are being clobbered with large bills from the Scottish Environment Protection Agency. Does he agree that, in order to avoid unnecessary damage to the fragile economies of our most rural and remote areas, it is time to review both the implementation of the regulations and the grant scheme that was introduced to help to defray costs?

Michael Russell: I should have declared an interest, as I have a private water supply. Therefore, I am as sensitive as anybody in the

chamber to the issue of ensuring that there is no overregulation or overburdensome regulation.

I am grateful for the advance notice of Mr Fraser's supplementary question, which I received via the pages of the *Aberdeen Press and Journal* yesterday, in which he demanded that the regulations be immediately withdrawn.

The reality of the situation is slightly different from what Mr Fraser has presented. It is, for example, important that the new regulations had the full backing of the Scottish E coli 0157 task force, because there can be a danger to public health from private water supplies in certain circumstances. Mr Fraser may not be aware that research that was commissioned by the Executive confirmed that all of the 33 supplies that were monitored in north-east Scotland throughout 2002 and 2003 suffered from some form of contamination at least once in those years. Health Protection Scotland has estimated that people who are served by private supplies are 10 times more likely to become ill as a result of drinking contaminated water than those who are served by the public supply. I am drinking the bottled stuff at the moment. In those circumstances, a one-off scheme that allows people to improve their water supplies is desirable.

I am always aware of overregulation and regulatory burdens and costs. However, I ask Mr Fraser to consider whether, as the holiday season arrives, it is sensible to pursue a policy that puts holidaymakers at risk. Surely we should pursue a policy that makes them feel safe.

Parliamentary Bureau Motion

The Deputy Presiding Officer (Trish Godman): The next item of business is consideration of a Parliamentary Bureau motion. I ask Bruce Crawford to speak to and move motion S3M-137, on the establishment of committees.

14:57

The Minister for Parliamentary Business (Bruce Crawford): I thank fellow members of the Parliamentary Bureau for conducting the process of establishing new committees in such a positive and constructive manner.

I will clarify the Parliamentary Bureau's view on the Procedures Committee and the Standards and Public Appointments Committee. The business managers' agreed position is that we recommend to the Procedures Committee that, at its first meeting, it should consider lodging a motion to amalgamate the Procedures Committee and the Standards and Public Appointments Committee into one new mandatory committee. Of course, business managers recognise that, in accordance with rule 6.4 of the standing orders, only the Procedures Committee can make that decision. In the meantime, we have agreed that the membership of the Procedures Committee and the Standards and Public Appointments Committee will be the same. The business team has advised us that that proposal involves no conflict of interest.

It is the bureau's intention that details of the membership of all committees will be provided to Parliament for approval next week. The business managers have also been given assurances that, if the timetable is adhered to, committees will be able to start work in the week commencing 18 June. The timetable should enable committees to meet twice before the summer recess.

I move,

That the Parliament shall establish committees of the Parliament as follows:

Name of Committee: Audit

Remit: Set out in Rule 6.7

Number of members: 8

Convenership: The Convener will be a member of the Labour Party and the Deputy Convener will be a member of the Scottish Conservative and Unionist Party.

Name of Committee: Equal Opportunities

Remit: Set out in Rule 6.9

Number of members: 8

Convenership: The Convener will be a member of the Scottish Conservative and Unionist Party and the Deputy Convener will be a member of the Labour Party.

Name of Committee: European and External Relations

Remit: Set out in Rule 6.8

Number of members: 8

Convenership: The Convener will be a member of the Labour Party and the Deputy Convener will be a member of the Scottish National Party.

Name of Committee: Finance

Remit: Set out in Rule 6.6

Number of members: 8

Convenership: The Convener will be a member of the Scottish National Party and the Deputy Convener will be a member of the Labour Party.

Name of Committee: Public Petitions

Remit: Set out in Rule 6.10

Number of members: 9

Convenership: The Convener will be a member of the Labour Party and the Deputy Convener will be a member of the Scottish Liberal Democrat Party.

Name of Committee: Procedures

Remit: Set out in Rule 6.4

Number of members: 7

Convenership: The Convener will be a member of the Scottish National Party and the Deputy Convener will be a member of the Labour Party.

Name of Committee: Standards and Public Appointments

Remit: Set out in Rule 6.5

Number of members: 7

Convenership: The Convener will be a member of the Scottish National Party and the Deputy Convener will be a member of the Labour Party.

Name of Committee: Subordinate Legislation

Remit: Set out in Rule 6.11

Number of members: 7

Convenership: The Convener will be a member of the Scottish Liberal Democrat Party and the Deputy Convener will be a member of the Scottish National Party.

Name of Committee: Justice

Remit: To consider and report on (a) the administration of criminal and civil justice, community safety, and other matters falling within the responsibility of the Cabinet Secretary for Justice and (b) the functions of the Lord Advocate, other than as head of the systems of criminal prosecution and investigation of deaths in Scotland.

Number of members: 8

Convenership: The Convener will be a member of the Scottish Conservative and Unionist Party and the Deputy Convener will be a member of the Labour Party.

Duration: For the whole session of the Parliament

Name of Committee: Economy, Energy and Tourism

Remit: To consider and report on the Scottish economy, enterprise, energy, tourism and all other matters falling within the responsibility of the Cabinet Secretary for

Finance and Sustainable Growth apart from those covered by the remits of the Transport, Infrastructure and Climate Change and the Local Government and Communities Committees.

Number of members: 8

Convenership: The Convener will be a member of the Scottish Liberal Democrat Party and the Deputy Convener will be a member of the Scottish National Party.

Duration: For the whole session of the Parliament

Name of Committee: Transport, Infrastructure and Climate Change

Remit: To consider and report on matters relating to transport, infrastructure and climate change falling within the remit of the Cabinet Secretary for Finance and Sustainable Growth.

Number of members: 8

Convenership: The Convener will be a member of the Scottish Green Party and the Deputy Convener will be a member of the Labour Party.

Duration: For the whole session of the Parliament

Name of Committee: Health and Sport

Remit: To consider and report on (a) health policy and the NHS in Scotland and other matters falling within the responsibility of the Cabinet Secretary for Health and Wellbeing and (b) matters relating to sport falling within the responsibility of the Minister for Communities and Sport.

Number of members: 8

Convenership: The Convener will be a member of the Scottish National Party and the Deputy Convener will be a member of the Scottish Liberal Democrat Party.

Duration: For the whole session of the Parliament

Name of Committee: Local Government and Communities

Remit: To consider and report on (a) the financing and delivery of local government and local services and planning; and (b) housing, regeneration, anti-poverty measures and other matters (apart from sport) falling within the responsibility of the Minister for Communities and Sport.

Number of members: 8

Convenership: The Convener will be a member of the Labour Party and the Deputy Convener will be a member of the Scottish National Party.

Duration: For the whole session of the Parliament

Name of Committee: Education, Lifelong Learning and Culture

Remit: To consider and report on (a) further and higher education, lifelong learning, schools, pre-school care, skills and other matters falling within the responsibility of the Cabinet Secretary for Education and Lifelong Learning; and (b) matters relating to culture and the arts falling within the responsibility of the Minister for Europe, External Affairs and Culture.

Number of members: 8

Convenership: The Convener will be a member of the Labour Party and the Deputy Convener will be a member of the Scottish National Party.

Duration: For the whole session of the Parliament

Name of Committee: Rural Affairs and Environment

Remit: To consider and report on agriculture, fisheries and rural development and other matters falling within the responsibility of the Cabinet Secretary for Rural Affairs and the Environment.

Number of members: 8

Convenership: The Convener will be a member of the Scottish National Party and the Deputy Convener will be a member of the Scottish Conservative and Unionist Party.

Duration: For the whole session of the Parliament

14:58

Robert Brown (Glasgow) (LD): I will raise what the Liberal Democrat group and, I think, other members regard as a vital issue in the context of setting up the committees, which, obviously, will not meet until the second last week of the parliamentary term. The Scottish National Party Government has announced no legislative programme to the Parliament, there has been no clarity on the budgetary implications of some of its highly populist decisions, and there have been no parliamentary debates on ministerial statements, other than a debate on which the SNP was assured of Opposition support. Furthermore, no committee has had the opportunity to examine ministers' plans or subject ministers to scrutiny. It is right that we should speedily establish committees, but it is also right that committees should have the opportunity to engage with cabinet secretaries and ministers on their policies and plans. Apart from anything else, if the committees do not have information or such engagement, it is difficult to see how they can work out their forward work programme. Therefore, their work might be wasted or irrelevant.

I seek an assurance from the Government's business manager that, if the committees decide at their first meetings that they require it, cabinet secretaries or ministers will be made available to appear before them in the week preceding recess. It is for the individual committees to request that if they want it, but Parliament is entitled to a categorical assurance from the Government. I am sure that the SNP's business manager will feel that it is his duty to Parliament to give such an assurance on a matter on which I have given him prior notice.

15:00

Bruce Crawford: I take Robert Brown's point but, as he said, it is entirely a matter for the committees to decide their business and whether they want ministers to attend. Cabinet secretaries and ministers are aware that they are accountable to Parliament. If they are asked to attend committee meetings, before or after the summer

recess, they will make themselves available to do so if at all possible.

The timetable that I have set out will enable committees to meet twice before the summer recess. I understand that the committees' first meetings tend to have a standard agenda for declarations of interest and choice of convener and deputy convener, but these are matters for the committees to decide in terms of their workload.

Sex Offenders

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

15:01

The Cabinet Secretary for Justice (Kenny MacAskill): It is appropriate that we should debate the subject of sex offending at such an early point in the life of the new parliamentary session. It will send a clear message that protection of the public is of the highest importance to Scotland's Government.

I hope that today's debate will also signal that this is an area on which Parliament can come together, and I hope that we can secure broad support for the way forward. We have an early opportunity to do that by building on the strong foundations that were laid by the previous Administration, by building on the cross-party agreement that was reached by the Justice 2 Sub-Committee on which I served, and by building on the common ground that was agreed at my meeting last week with the First Minister and the Conservatives.

Tackling the dangerous offender in our midst is not the prerogative of one party, but the duty of everyone in Parliament. Solutions do not lie just with Government—they must emanate from society. That said, we wish to travel in a certain direction and our policies and proposals will be subject to full and rigorous scrutiny in the days and months to come.

We acknowledge the work that was done by the Justice 2 Sub-Committee and Professor George Irving. It laid the groundwork and there is no need to replace the strong foundations that are already firmly in place. The context for today's debate is, therefore, that I want to build on those past achievements and drive matters further forward.

I also want us to acknowledge that the problem lies with a small group of highly dangerous offenders. They are few, but they are predatory and devious. More often than not, they operate within a trusting relationship, as a family member or masquerading as a friend, and turning what should be a place of safety into a place of abuse and harm. That is still a greater danger than a random attack by a stranger. Those hard facts emerged from the four major reviews of sex offending that were held in Scotland during the past six years, each of which have led to much the same conclusions, which have fashioned what we have done, what we are doing now and what we will do in the future to protect the public.

As a Parliament, we have legislated to tighten the granting of bail for sex offenders. We have given our courts new powers—through the order for lifelong restriction—to impose a strict lifetime regime of supervision and monitoring on those who pose the highest level of risk to our communities. I will not hesitate to ask Parliament to enhance those powers if needs be.

Tricia Marwick (Central Fife) (SNP): Mr MacAskill will remember the tragic murder of Karen Dewar by Colyn Evans. Colyn Evans had committed many crimes while he was under the age of 16 and was under the supervision of a children's panel. Will the minister consider the case to see whether we should be targeting people who have committed sexual offences even though they are under the age of 16?

Kenny MacAskill: I am aware of Ms Marwick's long-standing interest in that tragedy. We now have multiagency public protection arrangements—MAPPAs—and risk management authorities. I will be more than happy to raise with them the matter that Ms Marwick raises, to ensure that there are adequate powers, and that gaps that may have opened over the years can be closed.

As I said, we have given our courts new powers through the order for lifelong restriction, but we have to move on from that. We have also strengthened the operation of the sex offenders notification scheme, in line with Professor Irving's report. As from 20 April this year, Scotland's eight police forces have incorporated into their standing procedures a new warning system about sex offenders. The system sets decisions about the disclosure of identities into an overall plan for managing the risks that are posed by individual offenders and for protecting children and communities. We will closely monitor how the new system beds in and operates—although notifications there can be, and notifications there must be, in some circumstances. For the future, we will also explore how the warning scheme can be enhanced; for example, there is the traffic-light model, as set out in the SNP manifesto.

From April, the new MAPPAs came into operation. They provide the framework for police, local authorities and the Scottish Prison Service to assess and manage the risks that are posed by sex offenders, and they ensure proper structures and a consistent approach to managing offenders across agencies throughout the country.

Ahead of the rest of the United Kingdom, our national accommodation strategy for sex offenders sets the framework for housing providers and criminal justice agencies collectively to address the very difficult problems that are posed in finding safe accommodation in the community. Already, new technologies such as VISOR—the violent and sex offenders register—allow our police, and now

our criminal justice social workers, to access comprehensive and up-to-date information on sex offenders across the whole UK, which puts the sharing of appropriate information at the very heart of our strategy. The Parole Board for Scotland is using electronic tagging to tighten the licence conditions for some of the highest-risk offenders when they are released from prison.

Detection methods have improved and conviction rates have risen, and we should not forget that most sex offenders comply with registration. However, compliance alone is not a guarantee of non-offending. I will not forget, despite the progress that has been made, that there have been recent and past tragedies—one of which Ms Marwick mentioned. There have been cases that show why we must remain ever-vigilant to protect our communities. We must send a clear message to every sex offender in the land: if they are given the right to be released, they must take responsibility for their own actions. On the few who fail to comply, we will crack down with the full force of the law. Those who are given rights have consequent responsibilities.

The previous Administration and the Justice 2 Sub-Committee had already agreed that it was appropriate to publish photographs of missing sex offenders on the internet and elsewhere. Today I reaffirm that, if a sex offender goes missing and fails to comply, the response will be tough. We will give the police and local procurators fiscal all the support and powers that they need to track those offenders down.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): Will the cabinet secretary outline what powers that do not exist at the moment will allow the police and fiscals to do that? They already have those powers.

Kenny MacAskill: Sometimes the issue is not simply about powers but about working smarter and working together, and about the MAPPAs. Mr Purvis was on the Justice 2 Sub-Committee and is aware of the issues. As in the tragic case of Margaret Ann Cummings, sometimes the issue is not about powers but about ensuring that we have joined-up thinking between the agencies.

However, I say on behalf of the SNP Government that if there is a need for powers, we will ensure that those powers are provided. At the end of the day, we are dealing with a devious and dangerous minority who are highly manipulative—we will not stand on ceremony about whether their rights might be impinged upon. If our police and authorities require powers, they will get them. Where appropriate, and subject to guidance from the police and the Crown, that includes publication of photographs on the internet or elsewhere.

We will review systems and guidelines to ensure that suspects who are alleged to have committed sexual offences are identified effectively and are apprehended as quickly as possible. With our enforcement agencies, we will look at opportunities that are offered by new technology, such as satellite tracking and polygraph testing. Developments to enhance public safety are being trialled and tested elsewhere and although they might offer opportunities, we need to remember that they cannot guarantee absolute security. Only through perpetual vigilance by all individuals, Government and relevant agencies can we seek to offer protection.

I recognise the distress caused by these most dreadful of crimes and I pay tribute to the victims who have borne their burdens with dignity. We owe it to them to work together for the common weal.

Margaret Curran (Glasgow Baillieston) (Lab): Will the minister clarify his view on the use of DNA samples, as proposed by Paul Martin and Labour? I am not sure whether the minister plans to address that in his speech.

Kenny MacAskill: I will be happy to listen to any proposals from Margaret Curran's party. I am aware that the previous Minister for Justice put on record that she felt that the balance on that matter was accommodated in current legislation that was passed by Parliament. If the member wishes to make proposals, I will look at them with interest.

The Government understands that the DNA of those who are charged with serious sexual and violent offences but not convicted is retained for up to three years, which may be extended by application to the sheriff by the police. Our position is that three years seems rather arbitrary. If Margaret Curran wishes to vary that, we are open-minded about considering it. If she suggests that we should look at how to make it simpler for the police to deal with DNA samples without going through the sheriff, we will consider it. However, if Margaret Curran is saying that the DNA of someone who is charged with a minor offence and who has a routine sample taken should be retained, that would overturn the balance.

As we said to other Opposition members, we are happy to meet Labour members to discuss their ideas. I invite them to formulate their proposals.

We reaffirm our absolute determination to do everything that we can in Parliament and elsewhere to make Scotland safer and more secure.

15:13

Paul Martin (Glasgow Springburn) (Lab): I welcome the debate. It is appropriate on this

occasion that there is no motion because that gives us the opportunity to work together. However, there will be healthy differences of opinion on some matters, which we can interrogate carefully.

The Labour Party's position on sex offenders has been consistent: precedent should take over when it comes to the safety of our communities and we are absolutely unequivocal about that. We will leave no stone unturned to make sure that that policy is delivered. I take this opportunity to pay tribute to the Justice 2 Sub-Committee, which was convened by Jackie Baillie. The minister and other members who are in the chamber today played a crucial role in making 33 comprehensive recommendations on managing sex offenders. We ensured that the petition that my constituent Margaret Ann Cummings brought to Parliament under very difficult circumstances was given serious consideration during the sub-committee's proceedings.

As I have said, it is important that we ensure that the recommendations that have been made are implemented and that the previous Government's press releases are not simply recycled. It is more important for the current Government to ensure that those recommendations are advanced. We will hold it to account on that. As we have said consistently—I made this point to Cathy Jamieson, so it is not an issue of political affiliation—we must also ensure that the recommendations are resourced. Looking for offenders who are missing requires resources, so we must ensure that appropriate resources are made available.

Labour members feel that it is extremely important that we work with our United Kingdom colleagues on sex offenders—that is a vital aspect of the work that we must do. When it comes to the management of registered sex offenders, there can be no opportunity for those whom I have described as the most dangerous individuals on the planet to take advantage of the constitutional and legal differences that exist north and south of the border. Given that we must ensure that a consistent system is in place throughout the UK, I ask the minister to advise us when he will next meet his UK counterparts to ensure that we work with our colleagues in dealing with—

Kenny MacAskill: As the member was not privy to the phone call that I took from the Lord Chancellor this morning, I am happy to say that although I and other members of the Government accept that there is a difference in constitutional views on how matters should be progressed in the UK, we acknowledge our shared geography and the requirement to work together to ensure that the islands on which we live are safer and more secure. I have had discussions with the Lord

Chancellor and I look forward to meeting him and other UK Government ministers.

Paul Martin: I genuinely welcome that co-operation; the minister did not have to be defensive. We look forward to hearing the outcome of those discussions. Anecdotal evidence from previous cases shows that offenders such as Peter Tobin have taken advantage of the existence of different systems in different parts of the UK, so it is important to ensure consistency. We look forward to finding out about proposals on how we can work together in the UK.

I turn to some of the Tories' proposals and their recent announcements on three issues in particular—the first of which is satellite tracking of registered sex offenders. We welcome that measure, which was announced by David Blunkett in 2004. Three pilots took place in 2004 and we hope that during the discussions that take place efforts will be made to ensure that pilots are rolled out in other parts of the UK. Of course we welcome the use of satellite tracking systems, although it is important that we ensure that they will be effective.

As regards what has been described in the media as the naming-and-shaming websites, we welcome the introduction of a system to ensure that communities are made aware of the identity of the people whom I have described as the most dangerous individuals on the planet. However, such a system is already in place: Crimestoppers already provides an opportunity for us to expose such individuals. A representative of Crimestoppers to whom I spoke this morning informed me that that organisation would be happy to develop the existing portal and that such a system could be introduced in Scotland very quickly. I understand that discussions took place with the previous Scottish Executive and the Association of Chief Police Officers in Scotland to ensure that that is possible. A system that will ensure that we can expose the relevant individuals when they are at their most dangerous is already being delivered.

Lie detectors are another measure that David Blunkett introduced in 2004. He made it clear that although they would serve a purpose in acting as a deterrent, they could not—understandably—be used during court proceedings. On that basis, Labour members welcome the Tories' proposal.

Another important piece of work by the Justice 2 Sub-Committee was consideration of how best to manage a housing strategy for registered sex offenders. People were concerned that there was no coherent strategy. I know from discussions with the previous Minister for Justice that it was intended that an action plan would deliver a strategy to ensure that we managed sex offenders

rather than their managing us, which was the previous protocol.

Retention of DNA samples was discussed earlier. I appreciate that there is no consensus among members on that issue, but the Labour Party is determined to give our communities added protection—we are motivated by that determination.

We talk often about how best we can minimise the risk from sex offenders. In line with our manifesto commitment, we said that we would revisit the issue of DNA retention. I raised the issue, in fact, during the course of the Police, Public Order and Criminal Justice (Scotland) Bill last year. DNA retention can undoubtedly be a useful tool in detecting sex offenders and in preventing sex offences.

We are willing to develop the use of satellite tracking, lie detectors and naming-and-shaming websites for sex offenders, so I do not believe that DNA retention, which has been carefully tested, is a civil liberties issue. The law lords considered the issue in detail and made it clear that DNA retention does not contravene human rights. We therefore welcome the cabinet secretary's statement that he will revisit the issue of DNA retention.

When I consider civil liberties—I make no apologies for saying this—I also consider the civil liberties of Mark Cummings and Angelika Kluk. We should bear that in mind when we consider whom we represent. The debate has been effective and we hope that it will help to progress the issue.

The Deputy Presiding Officer: Before I call Bill Aitken, I remind members, particularly new members, that all mobile phones must be switched off—that includes BlueBerrys.

Members: BlackBerrys.

The Deputy Presiding Officer: Whatever. You know what I mean.

15:22

Bill Aitken (Glasgow) (Con): It is apparent that this is a consensual debate and it is appropriate to acknowledge and pay tribute to the considerable amount of work that has been done on the issue by previous parliamentary committees and, indeed, by the previous Justice Department.

It is important to stress that the incidence of sexual offending in Scotland is no greater than it is in other countries, so we should not be alarmist, although we must never be complacent. As Paul Martin said, we owe it to the victims to do everything possible to minimise the occurrence of sexual offences. Such offences can ruin lives and traumatised families. The offence does not affect

only the victim; the effects are more widespread, which is why we must apply our minds to dealing with this exceptionally dangerous problem. There may be few incidences of it, but their impact is enormous.

Where do the main dangers lie? Sadly, the cabinet secretary was correct to point out that the majority of incidences of sexual assault on young people arise in the home—sometimes by parents and frequently by a favourite uncle or family friend. That is a depressing prospect and it is difficult to deal with that type of case.

However, we can certainly deal with cases in which people who were previously convicted and jailed for serious sexual assaults are back out on the streets and seeking to reoffend. The incidence of reoffending by that type of criminal is high indeed. As the cabinet secretary said, they are devious and cunning and will stop at nothing in trying to satisfy what they see as their right to interfere with young children. The proposals that I made to the cabinet secretary last week are common sense, so it is pleasing that there appears to be almost unanimous support for them, subject of course to the necessary inquiries being carried out into the effectiveness of the technology. We await with interest the results from the initial pilot scheme down south.

Let us be clear what we are talking about: members, particularly Labour members, will have heard me waxing eloquent about the rights of the individual—I am absolutely a due-process man. However, we are talking not about a presumption of innocence but about dealing with people who have already been convicted and sent to prison for such offences. If they fail to register or to comply with registration requirements, under the law they are guilty of an absolute offence, just as someone who breaches bail is guilty of an absolute offence. There are very few defences for such failures to comply. Obviously, if a person who is released from prison has an accident or suffers from an illness in the three-day period within which they must register, that would be accepted as an explanation, but no other circumstance could reasonably be construed as justification for failure to comply with registration requirements.

Under existing legislation, we allow such people a degree of anonymity, which is perhaps essential if they are to be allowed to rehabilitate. However, once they stray from the terms of the licence under which they have been released, frankly, all deals should be off and their anonymity should be removed. I accept Paul Martin's point that there are certain existing ways in which the naming and shaming, as the press call it, could be achieved—Crimestoppers, which he mentioned, is the obvious example. However, the existing measures are not strong enough. An idea that came

originally from the then Scottish Drug Enforcement Agency is the use of a list of most wanted people. I hate using Americanisms, but I would like to see the use of such a list. The people whom we are talking about are dangerous, so information about them needs to be publicised. Their pictures should be on a website and on television and we should seek the co-operation of the print media in furthering that process.

Paul Martin: For clarification, the Crimestoppers website already has a portal that is headed "Most Wanted", which provides the sort of details that have been mentioned. Would not it be more helpful to embrace that website, rather than form a new one?

Bill Aitken: The member will be aware that I am a complete technophobe and that such matters are not familiar to me. The member is correct that there is an existing system, but it does not provide the proper degree of widespread publicity that a dedicated and perhaps more dramatic website would provide. I accept that inquiries must be carried out, particularly with regard to lie-detector tests. An operation was carried out in Florida in the United States of America, but the outcome there is, at the moment, indeterminate. However, a system to publicise such people can be put in place in time.

I am encouraged by the tenor of today's debate and I congratulate the cabinet secretary for his willingness to listen. I am sure that by working together and building on what has been done, we can genuinely make Scotland a safer place, particularly for our young people.

15:29

Mike Pringle (Edinburgh South) (LD): I will talk about circles of support. A circle of support, sometimes called a circle of friends, is a group of people who meet regularly to help somebody accomplish their personal goals in life. The members of the circle, who are not usually paid, may include family members, friends and other community members. Circles are about seeing as individuals people who feel that they need support to take more control of their lives. A circle, properly facilitated, is empowering to all the individuals involved and, unlike many service systems, does not reinforce dependency.

By working with sex offenders, circles of support and accountability attempt to help sex offenders avoid further offending. The idea, which started in Canada in 1994 and was developed by the Mennonite community, has been extremely successful. In the United Kingdom, the idea has been championed by the Quaker crime and community justice committee; indeed, a group of Quakers whom I meet regularly raised the

question of circles of support about two years ago. Since then, I have continued to pursue the Scottish Executive on the issue and I am delighted that a sub-committee of the Justice 2 Committee highlighted it last year. The sub-committee was set up to investigate and report on the issues surrounding circles of support and sex offending. It reported, and recommended to the Executive that there is considerable potential for circles of support in Scotland.

Angela Constance (Livingston) (SNP): While I have no doubt that there is a role for the voluntary sector and more informal forms of support for all offenders, including sex offenders, there are serious concerns about untrained individuals becoming over-involved with a group of offenders who, as we know, are devious. I am concerned that too much reliance on informal measures of support could provide offenders with countless opportunities to manipulate matters and cause more danger to society.

Mike Pringle: If the member will allow me to continue my speech, she will find that I shall respond to most of her points.

The idea in Canada is that, while they are in custody, offenders who are identified as being at high risk of reoffending and with low levels of support and high levels of need, are matched up with a circle. They become the circle's core member. The initial meeting of the circle is used to draw up a contract of commitment to openness within the circle and confidentiality beyond. All decision making is by consensus. The core member promises that there will be no more victims by his hand and that he will follow the laid-down release plan. A group of people who meet as a circle are trained to deal with such issues. They agree to befriend a released sex offender and offer support and advice, and are encouraged to report signs of inappropriate behaviour.

Circles of support and accountability involving sex offenders were started in Canada about 10 years ago. As it is evident that they have been successful, the Home Office agreed that a pilot project should be carried out by the Hampton Trust in the Thames Valley and by the Lucy Faithful Foundation, which is hosted by the Quakers. The Home Office has now agreed to give a further, and final, fifth, year of funding to the Quaker project, which is based in Didcot. The staff there continue to develop small circles of volunteers, each working with a sex offender after release from prison and supporting them in getting back into life, trying to get a job, and the challenges they face. The risk of offenders slipping back towards any risky behaviour or re-offending is monitored closely. That is a positive aspect of becoming involved in a circle: offenders' behaviour after leaving prison is closely monitored, unlike

what has happened in some recent tragic cases, when sex offenders have disappeared into the ether.

The first conference on the subject, in November 2006, was jointly hosted by Children 1st and Safeguarding Communities-Reducing Offending, or SACRO. The conference's aim was to explore ways of increasing community involvement in the monitoring of released offenders, with the aim of increasing child safety in Scotland. At the conference was Chris Wilson, who had been involved in the Thames Valley pilot study. The conference was a start; it was very successful and there was a great deal of discussion on the way forward. As Maggie Mellon, the director of children and family services at Children 1st, said:

"As a charity committed to children, we believe that we have a duty to investigate any new approaches which promise greater protection, particularly those that ... involve the wider community in keeping children safe. The statutory agencies, with 9-5 services working out of offices, just can't do that."

There can be no doubt that circles of support have worked well in Canada. Conviction rates have been halved and reoffenders committed less serious offences. On 26 May, *The Herald* said:

"An evaluation of the English Circles projects shows that, during a three-year period, out of 28 high-risk offenders"

being monitored,

"only three had been recalled to prison. None of these recalls was for a sexual offence."

Current research indicates that, in Scotland, many more people than that return to prison as a result of reoffending. The Executive should definitely consider the proposal and I hope that the minister will comment on it in his summing up.

Now that the pilots have proven successful, the Executive should consider funding the scheme in Scotland. I am sure that a considerable number of volunteers from the faith communities—the Quakers in particular—would quickly put themselves forward. In fact, some people in the group of Quakers that I know would offer their services immediately.

The Deputy Presiding Officer: Because the Presiding Officer has agreed to take a ministerial statement later this afternoon, I propose to reduce back benchers' speeches to five minutes to ensure that everyone gets in.

15:36

Roseanna Cunningham (Perth) (SNP): First, I want to welcome in advance my colleague Gil Paterson back to the Parliament. He is due to speak later in the debate, but those of us who were here in the Parliament's first years will recall his long-standing interest in tackling sexual

violence. When he speaks on this matter, he speaks from the heart, and I am sure that we all welcome the fact that his voice is back in the chamber.

For obvious reasons, media interest in sex offenders tends to focus on paedophiles. That is understandable—after all, Sarah's law, Mark's law and Megan's law arose out of child abductions and murders—and the point has been emphasised with the high profile given to the current case of Maddy McCann. We all hope that, even now, she will be found safe and well.

Our desire to protect our children at all costs is totally understandable and no one should apologise for having such a reaction. Much of our concern in that respect focuses on so-called stranger danger, and the proposals for naming and shaming have been triggered by that fear. However, as Kenny MacAskill has reminded us, we still underestimate the extent to which child sex abuse takes place in families. Such a response is very human, because it can be impossible to accept that brothers, fathers, uncles and nephews can be offenders.

Paradoxically, our children can be most at risk when we believe them to be at their safest. That is nothing new. If we speak to older people, we find that child sex abuse was well known—if unacknowledged—decades ago. People who were born in the early years of the 20th century were just as likely to be perpetrators or victims as those who are being born now, but because of under-reporting—or, indeed, because of a failure to take the matter seriously or to acknowledge its occurrence openly—we cannot know for sure the true incidence of such offences at that time. Nevertheless, as I understand it, the current prevalence of sexual violence towards children is no greater than it was decades ago. Echoing some of what Bill Aitken said, I think that we need to remember that.

As with domestic violence towards women, society—and, perhaps more telling, the mass media—has come rather late to the view that such abuse happens; that it can happen even in the so-called best of families; that it is wrong; and that, if it cannot be prevented, perpetrators should be dealt with severely. Our response to the issue has changed and must continue to change; indeed, the cabinet secretary's remarks this afternoon reflect the need for such change to continue to be part and parcel of what we do as legislators.

As Tricia Marwick reminded us, not all sex offenders offend against children. Some are seriously dangerous men who pose a threat to adult women and, sometimes, adult men. They are not paedophiles, but they can be every bit as dangerous. I am pleased by the cabinet secretary's comment that such offenders will be

included in the new approach that has been proposed today.

There is, however, one group of offenders that might be more difficult to deal with. I will cite an example from my constituency—and I will do so carefully. As the case is still kind of on-going, I will stick only to what is already in the public domain. Yesterday's *Courier* carried a report about a man called Robert Basterfield, who has been convicted of two stalking offences against women. He was put on probation on 21 December last year, with monthly reviews. He is seriously dangerous because he simply does not accept that he is not entitled to behave as he does towards women. Such is the concern about his behaviour that the chief constable of Tayside Police, John Vine, has applied for a sexual offences protection order that would ban him for 10 years from being alone with any woman without her consent. That application has yet to be decided.

Leaving aside my personal feeling that if someone is so dangerous that women need that level of protection from him he is perhaps dangerous enough to be taken out of society for the same period of 10 years, there are still questions to be answered. If a protection order is granted that effectively interdicts an individual in the manner suggested, unless there is widespread publicity—including pictures—how will any woman know that the individual is so constrained, even if he is not underground? Short of cutting pictures out of the newspaper and sticking them up everywhere, it seems that the majority of women will never be any the wiser.

I accept that this is not easy. None of us will be able to ensure that images of individuals—whether they offend against children or adults—are in everyone's minds all the time. I echo the tone of comments made by other members. Personally, I would rather not have to think about the matter all the time. Although I recognise that no early-warning justice system can be perfect, will the minister comment in his closing speech on how those who are subject to protection orders will be dealt with under the new regime?

15:41

Jackie Baillie (Dumbarton) (Lab): Consistency is indeed an admirable quality, particularly in politicians. I may have had my doubts about Rob Gibson this morning, given his complete amnesia in relation to his time on the Edinburgh Tram (Line One) Bill Committee, but I have no such doubts about Kenny MacAskill. As members are aware, the cabinet secretary was the deputy convener of the Justice 2 Sub-Committee. I am sure that his views in government will be consistent with his thinking when he was a member of the committee.

I remind members of the instructive and rigorous piece of work that the Justice 2 Sub-Committee undertook. It was the first time a sub-committee was used in Parliament. A sub-committee offers a focused way of Parliament dealing quickly but substantively with serious issues. We achieved cross-party consensus on all but one recommendation—I will perhaps say more about that later.

We took evidence from a wide variety of people and agencies, including law enforcement departments in Massachusetts and Florida and, of course, Margaret Ann Cummings, whose son was the tragic victim of a sex offender. I join other members in paying tribute to her for her courage and bravery in pursuing the matter.

The recommendations that we arrived at were, in my view, comprehensive. They covered the monitoring and supervision of sex offenders, the extent to which local communities should receive information on child sex offenders in their locality, how housing should be allocated and the nature of sentences.

The cabinet secretary is right to build on the achievements so far. We have had the Cosgrove, MacLean and Irving reports, which underpin the framework that is now in place to ensure that there is much more robust monitoring of sex offenders. It encourages a more co-ordinated approach to managing the level of risk posed and it will strengthen the existing arrangements for multi-agency working. All of that is to be welcomed.

Members will be pleased to hear that I will not rehearse all 33 of the sub-committee's recommendations, but I ask the cabinet secretary to confirm that he will accept and implement them all because, after all, as deputy convener of the sub-committee he agreed to them all.

First, on community notification, we recommended that when a sex offender absconds or behaves in a manner that might cause alarm, their information and photographs should be published. I believed that that was proportionate and the right thing to do in the interests of community safety. I welcome the cabinet secretary's commitment today to take the recommendation forward, but will he confirm that it also applies to a sex offender who might behave in a manner that, although it is just short of absconding, is nevertheless sufficient to cause alarm or distress?

Secondly, if a sex offender breaches conditions set as part of their inclusion in the sex offenders register, we believed that such a breach should be an offence that is arrestable without a warrant and leads to prison or further prosecution. In other words, if someone breaches conditions they will end up back in jail. Does the cabinet secretary still

agree with that recommendation and will he take it forward?

Thirdly, on the power of entry and examination, the sub-committee was clear in its recommendation—albeit by majority—that in cases involving the safety of children, the police should have the absolute power to enter and search without warrant the premises of sex offenders who might be considered to pose a risk. We considered that the safety of the child must be the paramount consideration. Does the cabinet secretary still agree with that and will he take it forward?

If we are to monitor sex offenders properly, we need to ensure that the police, social workers, housing professionals and voluntary agencies have what it takes to enable them to do that. Will the cabinet secretary bring to Parliament the results of the exercise—which the sub-committee asked for—that will be undertaken between the Executive and ACPOS to determine exactly what those additional resources should be? Will he ensure that that determination is reflected in the spending review? We know, from talking to the professionals, that what matters to them is not the extra measures that might be taken but having the resources that will enable the police and social workers to do their jobs properly.

On the retention of DNA samples, I suggest to the cabinet secretary that we simply cannot ignore the compelling statistics that are coming from England and Wales—88 murders solved and 116 rapists brought to justice as a direct result of DNA retention. For the sake of potential victims of murder and rape in Scotland, I hope that the cabinet secretary will consider the matter again.

We have a good base on which to build, but we must remain vigilant. This cannot be the end of the story. We need to consider all ideas, from whatever quarter. If the result is just one less victim of a child sex offender, the Parliament will have done a good job.

15:46

Gil Paterson (West of Scotland) (SNP): I must declare an interest, as I am a board member of Central Scotland Rape Crisis & Sexual Abuse Centre.

This Parliament has a fine reputation for discussing and working in this area. Both previous Executives were generous with the time they allocated to it, and the parliamentary committees and Opposition parties have been at one in relation to their approach to it, but I have discovered that the effect of that way of working cannot be felt until we go outside the Parliament. I am not suggesting that everyone should lose their seats in order to bear witness to that fact; I am

saying that the non-political attitude that has been adopted on these matters is appreciated by people outside Parliament. I am particularly pleased that, today, I am speaking in a debate that is sponsored by a new Executive. That suggests that the tradition will continue, which is most welcome. It needs to continue because, just last week, Jim Gamble, the chief executive of an organisation that was set up to make the web safer for children, said that he does not think that people who are convicted of downloading images of children from the web should be imprisoned. I really appreciate the work that his organisation is doing, but I disagree with that argument.

Dr Richard Simpson (Mid Scotland and Fife)

(Lab): I hope that the member does not mind my interrupting his sort of maiden speech. He is right to say that the Parliament has done a huge amount of work in the past two sessions—it certainly did a lot in the session when he and I were not here—but does he agree that, now that we have, absolutely correctly, concentrated on the most serious end of the issue, we need to act in relation to those who are in the very earliest stages of this deviant behaviour and find a way of encouraging them to come in for treatment even before they have offended?

Does the member agree that the appropriate committee should consider that issue and the possibility of establishing some sort of helpline and counselling support so that we can do some preventive work as well?

Gil Paterson: I agree with everything Dr Simpson said.

When I read Jim Gamble's statement, I had to remind myself exactly what sort of images we are talking about, so I did a bit of work—without actually looking on the web. Children of all ages—including toddlers and, in some cases, babies—are systematically being abused, raped and humiliated in front of the cameras. They lose everything. Some of the babies effectively lose their lives. Anyone who downloads is as guilty as the person who commits the crime because, to satisfy the people who are downloading, new children must be found and new victims created. That means new abductions and the selling-on of pictures that are used on the web to satisfy those people. To be frank, prison is the best place for them. Peterhead prison, here in Scotland, has a world-renowned facility and a tremendous record on the treatment of serious sex offenders. What we should really be doing is resourcing a new unit away from Peterhead so that we have two centres of excellence for the treatment of serious sex offenders.

I am totally against any form of naming and shaming. All the experts tell us that it drives these people underground, because they have some

humanity in them and they feel threatened. They go underground and begin to feel safe; and, when they feel safe, they start the process over again. However, I agree with Bill Aitken that, should they voluntarily give up the right to be protected by the systems that we put in place and not be named and shamed—should they go underground to commit more crimes—all bets are off and any method that we can find to stop them should be used. I sound one note of caution: it must be the experts who handle these individuals—the experts who know them and their circumstances—and make the call for the chain to be pulled.

15:52

Margaret Mitchell (Central Scotland) (Con):

The management of those who are convicted of sex offences is a complex issue that requires the correct balance to be struck between, on one hand, the protection of children and the public and, on the other hand, the adoption of measures that are sufficiently robust to act as an effective deterrent to the offender without being so draconian that they prove counterproductive and serve merely to drive paedophiles and other offenders underground.

In response to public concern, and in an effort to stop sex offenders simply disappearing into the community once they are released from prison or hospital, notification requirements were introduced UK-wide under the Sex Offenders Act 1997 and were updated in the Sexual Offences Act 2003. Under section 83 of the 2003 act, someone who is subject to the notification requirements—commonly referred to as the sexual offenders register—must register certain details with the police. Those details are then added to their record on the criminal history system—a computerised database that is maintained by the Scottish Criminal Record Office on behalf of the Scottish police forces. Failure to register such information—including date of birth, national insurance number, name, address, passports held and travel details—and any changes to the information within three days is a criminal offence.

Despite the stringent registration requirements, offenders slip through the net, as has sadly been evidenced by recent high-profile cases. So, the question how can the monitoring and supervision of adult sex offenders be improved remains.

It is clear that there is no single, failsafe measure that will magically address the problem. Rather, there are a number of measures that, together, should help to prevent sex offenders disappearing and going on to reoffend. One such measure, which I will focus on, is the proposal that, if a sex offender breaches the notification requirements or any other conditions of their release, they will be deemed to forfeit the right to

anonymity. That carrot-and-stick approach and the threat of their identity being revealed will be powerful deterrents to sex offenders who might otherwise contemplate reoffending, especially when they are coupled with other measures such as global positioning systems tracking and the introduction of polygraph testing. Evidence from pilot studies has been encouraging.

In the first four months of this year alone, 100 paedophiles listed on the UK sex offenders register travelled to Portugal. I would therefore be interested to hear the cabinet secretary's view on how European Union member states can ensure that the information that they hold on sex offenders is effectively shared with other member states so that we have sufficient information to prevent offenders going underground abroad.

I will comment briefly on the spirit in which the debate has been conducted and the minority Government's willingness to take commonsense policy suggestions on board. They have not only been good for democracy and devolution, they have transformed debates in the Parliament. The outcome of debates is no longer a foregone conclusion, whereas over the past eight years every suggestion made by the Opposition was systematically voted down by the Lib-Lab pact. The style of government that we have had to date this session is most certainly welcome and good for Scottish politics.

15:57

Sandra White (Glasgow) (SNP): The subject of sex offenders, particularly those who abuse children, is emotive. Naturally, the public are enraged when they hear of people such as Peter Tobin being able to evade the law and commit more heinous crimes. I thank the police for all the work that they did to capture Peter Tobin, who had been looked for a number of years ago in Paisley. I was not involved in that instance, but I knew of the incidents there when I lived in the area.

Like Gil Paterson, I was a bit sceptical when I first saw the proposals about tagging and releasing pictures of sex offenders. However, when I looked into the matter, I realised that these people are devious and that we must do something to prevent them from reoffending and evading the law. Therefore, I whole-heartedly welcome the proposals that the minister has outlined.

In particular, I welcome the traffic-light system, which will enable the police and procurators fiscal to act much more quickly than they have done before to inform and protect communities. We are here to protect communities and to ensure that sex offenders do not commit further evil deeds, so I hope that the traffic-light system will be rolled out

across Scotland. For too long, the approach of not just the police but procurators fiscal towards sex offenders has been seen by the public as piecemeal. People have seen that the legislation is not particularly coherent and joined up, so I hope that the legislation that the minister proposes will have a much more coherent and joined-up effect.

We need to ensure that the proposed legislation is adequately funded, and I ask the minister to make a commitment in his closing speech to give adequate funding to the agencies that are involved in dealing with sex offenders. Too often, we introduce specific proposals but, when we speak to the agencies that are involved in implementing them, they say that they do not have the funding to do so. I would like a commitment that funding will be put in place.

The minister mentioned housing in the community. Will he consider seriously the allocation of housing to sex offenders to ensure that the housing provided is not near schools or nurseries and that we do not end up with groups of sex offenders in particular areas of the city? Groups of offenders are often housed in the most deprived areas, although I will not name them.

As Gil Paterson said, we are talking about heinous crimes that are committed by people who often groom their victims; I read about an offender who groomed single mothers to get to the children. Most adults would not condone that. Given how serious the issue is, legislation by this Parliament must be considered carefully. Will the minister consider creating a specific sex offender sentence and providing for supervision for life in certain circumstances? As I said, sex offenders try to evade the law and, in certain circumstances, they should be supervised for life if they are not jailed for life, because they are a danger to communities.

Will the minister consider providing for sex offenders to serve at least three years—depending on the severity of their crimes—before they are given a parole hearing, rather than being released automatically? I know that that is a touchy subject among various agencies and politicians alike, but, if we are going to consider the issue seriously, we cannot say that such offenders could be sentenced to four years but be released automatically after two years. That is not acceptable in this day and age, given what is happening in communities.

I ask the minister to take on board my suggestions. If he cannot respond when he sums up, I ask him to send me a letter or to arrange a meeting with me to discuss them.

16:02

Marilyn Livingstone (Kirkcaldy) (Lab): I am pleased to contribute to this important debate. As

convener of the cross-party group in the Scottish Parliament on survivors of childhood sexual abuse for the past six years, I will take the opportunity to press for continued and increased resources for the victims of sexual abuse—an issue that I raised in two members' business debates in the previous session.

I will concentrate my remarks first on the perpetrators of these crimes. Sex offenders must be regarded as a separate category of high-risk offender. We must ensure that there is consistent sentencing of sex offenders and monitoring of them when they are released into our community if there is to be public confidence.

We must consider urgently the bailing of offenders, on which I would welcome the Cabinet Secretary for Justice's views, because it is of major concern to the public.

Treatment orders will play an important role and electronic tagging will be helpful. What are the cabinet secretary's views on the retention of DNA and what will happen when a community order is breached?

There needs to be continual evaluation of what is working. We need to continue to support the dissemination of best practice, such as the stop it now initiative. What are the Executive's plans for that project?

Can we establish the new Executive's future approach to partnership working? Will its commitment be backed by sustainable funding? I highlight the role of the community justice authorities, which involve social workers, police, the Scottish Prison Service, alcohol and drug action teams, sheriff courts, the national health service and elected members. Fife and Forth Valley community justice authority has launched its plan for 2007-08, which considers in-depth sex offender management in the community that I represent. If its work is to be successful, it will require on-going, sustainable support and funding.

Reoffending rates for sex offenders are high and there is evidence that offenders often become even more dangerous. We must ensure that we protect the most vulnerable in our communities. Lessons need to be learned, but the management of sex offenders must be a priority and we must get it right.

I turn to the work of the cross-party group on survivors of childhood sexual abuse. I welcome the creation of the reference group and the establishment of the survivors fund, with £2 million to pump prime activity. I also welcome the call for bids for demonstration projects. I sincerely thank Malcolm Chisholm, Andy Kerr, Cathy Jamieson and Rhona Brankin for their support during the period of the work that has been undertaken and I

thank Margaret Mitchell for her work in the role of vice-convener.

The project culminated in a major conference earlier this year. The SurvivorScotland conference in Airth saw more than 300 delegates from both the statutory and voluntary sectors throughout Scotland discuss the issue. I thank everyone who has supported us, particularly Anne Macdonald, who has also been vice-convener, and all the survivors who have helped us to take the group forward. They are brave people to come forward and tell us their experiences.

We must remember that, as many members have pointed out, the most dangerous place for women and children in our society is in their own home. We need to unpack the complex issues that surround the crimes—prevention, education, help and support—and make people feel that it is not their fault. We need partnerships between the voluntary and statutory sectors. We need to support the Kingdom Abuse Survivors Project in my constituency and the many other projects throughout Scotland that support survivors of childhood sexual abuse.

Too often, people are forgotten when they reach adulthood. That is not well documented and not often mentioned in the public arena. Unfortunately for the victim, the abuse cannot be forgotten. We need to work with individuals who have suffered years of debilitating effects. When a paedophile or a sex offender is apprehended, everyone thinks that they can breathe a sight of relief because the abuse has stopped, but the cross-party group has seen that it does not stop. The effects of abuse last a lifetime for the victim and their family.

We must work together in a spirit of collaboration to support today's children and tomorrow's children. I ask the cabinet secretary to look into the matter seriously and answer the questions that have been raised.

16:07

Jim Tolson (Dunfermline West) (LD): Mike Pringle and others eloquently commented on many aspects of the issues that relate to sex offenders. However, I want to concentrate members' minds on the housing and monitoring of convicted sex offenders.

Before I was elected to the Scottish Parliament, I spent 15 years as a local authority councillor in Dunfermline. In my last four years as a councillor I held the portfolio of opposition spokesperson for adult services, which gave me great insight into housing and social work issues, not least the housing of convicted sex offenders. The portfolio that I have now been given and the parliamentary committee on which I will sit both cover communities, a key element of which is housing. I

have always believed in constructive opposition in politics. I will back the Administration—as I did on the issue of tolls last week—when I believe that it is right. However, when Scottish National Party members are wrong, I will not hesitate to tell them constructively why they are wrong.

The current multi agency approach to housing and monitoring sex offenders is largely successful. The amount of publicity that is generated by one or two failures is out of proportion with the good work of housing officers, the police, social workers and other agencies that carry out monitoring 24 hours a day, 365 days a year to try to keep our children and adults—mostly women—safe on our streets.

Last week, the Cabinet Secretary for Justice, Kenny MacAskill, said that it was perfectly appropriate for pictures of sex offenders who have absconded to be published on the internet. With all due respect to Mr MacAskill, he needs to catch up with the rest of Scotland. As Mr Pringle mentioned, details of sex offenders who have not reported or who have otherwise absconded are available on the Child Exploitation and Online Protection Centre's website. There are not thousands or even hundreds of such offenders on the website. I checked today and there are just five. I agree that that is five too many but, all the same, there are just five out of thousands.

I fully understand the concerns of many members of the public about the dangers that are posed by convicted sex offenders who are housed in our communities. However, as I have stated previously, the checks and balances of the multi-agency approach work well, on the whole, to protect the public. Anyone with any doubt about that can view the statistics for themselves. With more than 3,000 registered sex offenders in Scotland, and many more who have not yet been detected despite often many years of abusive behaviour, very few reoffend. That point is seldom well reported by the media as it is not controversial enough.

Many people want to see the publication on the internet of the details of all sex offenders, but I agree with the professionals who house, monitor and rehabilitate sex offenders in Fife that to do so would drive many offenders underground and increase the number of sex offences committed in Scotland. The dangers of mistaken identity and vigilantism are also a major concern.

I know that it is not popular to house sex offenders in our communities and that in the past it has sometimes been done without due regard to geographical circumstances, such as proximity to schools. However, the national accommodation strategy for sex offenders, which came into effect in April 2007, is beginning to address such circumstances. NASSO helps to ensure closer

working among local authority housing services, registered social landlords and the private rented sector in housing sex offenders. It introduces a sex offender liaison officer for local authorities and a link officer with registered social landlords to ensure consistent practice throughout the country. It also tightens the practice relating to early planning for the accommodation of offenders before they are released from jail.

Although the current system is not perfect—given the devious nature of many sex offenders, it probably never will be—the Liberal Democrats will back all reasonable means to minimise risks to the public. That stance is backed by the relevant professionals in Fife whom I know and no doubt by those elsewhere in Scotland. However, if the SNP Government and Mr MacAskill in particular aim to make the publication of the details of all categories of offender available to the wider public, there is a real and present danger that the instances of sexual offending in Scotland will actually rise.

16:12

Ian McKee (Lothians) (SNP): This is an extremely emotive topic, and as the father of three children I share the repugnance and horror experienced by most normal people whenever details of a vile sexual offence come to light, especially if children are involved. However, a strong emotional revulsion is not necessarily the precursor to good legislation, and it is important to introduce rational proposals in a clear-headed manner if we are to serve society in the purpose for which we were elected. We have moved on from the days of lynch law, for example.

I will consider some of the ancillary issues. Let us take risk, for example. I am convinced that risk is something that none of us completely understands or that, if we do, we often do not put our understanding into practice. I mention that because the emotive concept of risk, as it relates to sexual offences, is beginning to have an adverse effect on the lives of our children.

I remember being told as a child that whenever I was lost or in trouble, I was to ask an adult for help. Today, our children are taught never to talk to strangers. Most are never allowed to play outside unsupervised or to walk home from school unaccompanied by an adult. As a result, they are losing out on the experience of relating with their peers and having the innocent adventures that enhanced childhood in the past. Time on the computer is hardly fair compensation.

Although schoolchildren are invariably taught about the dangers of talking to strangers, many lessons on safe cycling have been abandoned on grounds of cost, yet very many more children die or are injured when riding bicycles than as a result

of assaults by strangers. Moreover, the chances of a child being assaulted or abducted by a stranger have not increased over the decades. As we prepare new legislation, let us do our best not to fan the flames of ignorance and prejudice, lest we harm our children still further.

When does a victim become a villain? We all despise a sexual pervert who harms children, and we all feel nothing but sympathy for the child whose life has been ruined as a result of the abuse. However, general practitioners who may work in the same area for decades see those children grow up and become adults, perhaps parents. Most, although scarred by their childhood experiences, form relationships and warm to the challenge of parenthood, but sadly a few, badly affected by their trauma and lacking the emotional development that only a loving relationship can develop within them, become abusers themselves.

I ask again: when does one stop sympathising with a victim and start to insist that they are locked up for life or subjected to an even more radical solution? That is not simply an abstract question. It is fair to say that society must be protected from such folk and that it is enthusiastic about supervisory measures that we have heard about, such as warning the community that such a person is in its midst and other robust measures. However, it is also true that in almost every case, there is a background in which the subject of that attention was a victim at one stage.

Many measures that have been mentioned might be effective in the short term, but a longer-term solution can be found only by attempting to tackle the root cause of people's dysfunctional behaviour. I refer to measures such as those that Mike Pringle and Richard Simpson have advocated.

The Deputy Presiding Officer (Alasdair Morgan): We move to winding-up speeches. Mike Pringle has six minutes.

16:16

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): Presiding Officer, there was a note—

The Deputy Presiding Officer: I am sorry. I was not informed that there would be a change of speaker.

Jeremy Purvis: I say to Mike Pringle that I am not sure whether there was disappointment or joy as a result of the change.

I thank members who have participated in the debate—they have brought passion and professional experience to it. Often, we cannot separate passion and professional experience when we debate sex offenders. Indeed, the

Justice 2 Sub-Committee, of which I was a member, found it difficult to avoid spin and language that was too emotive when it considered such a complex and difficult issue and workable legislation. I hope that the new Executive will not choose spin over substance when it comes to sex offenders, and that it will heed many of the Justice 2 Sub-Committee's recommendations. As the convener of that sub-committee, Jackie Baillie, said, the cabinet secretary sat on that sub-committee.

The difficulties do not mean that we should not debate sex offenders or that we as Liberals should shrink from making decisions about what is effective in apprehending offenders, ensuring that they do not reoffend and preventing offences from happening in the first place. Such serious crimes are—thankfully—extremely rare, but it is not soft or weak to consider education or support, which members have said are required, nor is it necessarily effective always to talk tough. The Parliament's responsibility is to strike a balance. That is also the responsibility of the police, communities, education authorities, social work departments, housing associations and the voluntary sector.

When the Justice 2 Sub-Committee heard evidence, I was struck and extremely impressed by the joint working that has been done. We saw that there were excellent standards across Scotland, but also areas in which work is needed. All parties bring their views and proposals to the chamber, and all parties presented their views and proposals in the election campaign. The Liberal Democrats proposed to give the police powers to ask for an extension of the period of registration of a sex offender on the sex offenders register, so that there would be no arbitrary cut-off point. Cathy Jamieson did not support that proposal when I made it in the Justice 2 Committee in the previous session. Labour has made proposals that we do not agree with. That takes us to the role of the Parliament. I hope that the tone of the debate will carry through to the remainder of the session.

I stress the Liberal Democrats' support for the powers that the police currently have, which the sub-committee rightly supported. It is a fact that the police have a common-law power to enter any property with or without a warrant if they believe that a child is in danger, a crime is in commission or a crime is about to be committed. The SNP's manifesto developed a majority recommendation of the sub-committee to give the police new powers only for child sex offences. Labour rejected that recommendation in office for genuine reasons, and I question why it is back on the agenda.

The SNP has proposed a power to notify the community if a sex offender absconds, but the

police have such a power, which they have used, are using and will continue to use. For a minister to say simply that support will be offered and that the police will be encouraged to take that more seriously is questionable. I have not met a single police officer who does not take that power extremely seriously.

Communities do not feel safer if we constantly tell them that the police have insufficient powers and that the powers that we are going to give them are in some way different from what they already have. The SNP proposes a traffic-light system that, in effect, already exists. The proposal is for red, orange and green for high, medium and low-risk offenders. Under those circumstances, the information on a sex offender could be triggered for release. That happens already. If the police believe that an individual poses a risk, and that the best interests of a child's safety can be served by their doing so, they can inform anyone, from a partner in a relationship to a community group. Indeed, the information can be placed on the CEOP website, as Jim Tolson said.

The cabinet secretary has to be very clear what new and different powers are being proposed; spin over substance is not acceptable and we can look to the United States to see why. The sub-committee heard evidence on the numbers of offenders who had absconded and gone underground. We also heard the political message from US state authorities in which Megan's laws already exist, but closer examination was chilling. Our former Minister for Justice gave evidence to the sub-committee that the whereabouts of approximately 30 sex offenders in Scotland were unknown to the police, out of an overall list of approximately 3,000 people who presented a varying risk to the public. Of course, that was a snapshot, but without 24-hour surveillance of offenders we will always have to use such a snapshot.

The sub-committee heard from Massachusetts about its website, which has a system of publishing the list of names of those who have absconded. Last night, that website showed that the total number of the highest-risk category of offenders who had absconded in a state with a population equivalent to that of Scotland was 186, compared with 30 in Scotland. To illustrate the bizarre openness that Massachusetts operates, it does not say how many in the medium-risk category are currently absconding; that information cannot be found on the website.

Today, the SNP has performed a considerable U-turn on DNA, in relation to which it previously not only attacked Liberal Democrats, but opposed any extension of the DNA database. That is another area of spin over substance in which clarity is urgently required.

16:22

John Lamont (Roxburgh and Berwickshire)
(Con): I echo Roseanna Cunningham's remarks. The first duty of society must be to protect the public, especially children.

Sex offenders are a danger to children and recent high-profile examples have served to fuel the fear of that danger. If sex offenders are freed from prison and, quite rightly, subjected to monitoring and supervision, it must be as effective as possible. We must not be afraid to embrace any technology that will help us to protect the most vulnerable group of people in our communities.

The Scottish Conservatives have taken a strong lead in this debate over many months and I look forward to our contributing fully to future policy direction in this area with the new Administration.

The Angelika Kluk murder case highlighted flaws in the existing system. Peter Tobin, the convicted, had previously disappeared and could not be traced for 11 months. He failed to meet his statutory obligation to register with the police following his conviction on two charges of rape. When police called to interview him after an incident in Paisley involving another young woman, he effectively went underground. He broke his registration requirements and reoffended in Glasgow, only a few miles away. I therefore fully understand why the fear of predatory sex offenders is growing in Scotland. We just have to look at the recent events in Portugal to see the strength of public feeling.

For every step that we consider, it is essential that we ask whether it will increase the level of protection for society. Some have called for a Sarah's law to be introduced in Scotland. Giving parents the right to know details of the sex offenders living in their areas might provide some comfort, but I echo Jeremy Purvis's concern that that comfort might be false. In America, where there is such a law, the level of registration among sex offenders is 17 per cent lower than it is in the United Kingdom. Unfortunately, such a scheme only has the effect of allowing individuals to drop out of the monitoring system altogether. I want to ensure that the greatest number of sex offenders remains under scrutiny, and a Sarah's law would not achieve that.

As Margaret Mitchell said, we will clearly have to ensure that a strong tracking and monitoring scheme is put in place; that has been a key theme of Scottish Conservative policy over recent years. First, we agree with the minister that we will have to make use of polygraph tests to monitor sex offenders. That idea has been supported by the leading children's charity, Barnardo's. Secondly, if released offenders abscond from the system, it is important that we take immediate action. Alarm

bells should ring at that point, but that does not seem to happen at present. Lastly—and here I disagree with Gil Paterson—names and photos should be published when sex offenders have broken their registration requirements. There needs to be greater communication between different authorities, and global positioning satellite tracking should be put in place to track those people down.

There is no one-size-fits-all solution to the monitoring of sex offenders. Some individuals will not pose a continued threat and can be monitored perfectly effectively under the current system. Others pose a greater risk to the community and should be treated differently. Too many people are slipping through the net, and the safety and security of society must not be allowed to be threatened continually.

16:26

Margaret Curran (Glasgow Baillieston) (Lab):

This has been a good debate and we would all agree that it has been important for the Parliament to hold it. All speakers have acknowledged that the issue is vital and we appreciate that it strikes a chord with the people of Scotland. We need to show the people that the Parliament appreciates the depth of public concern about sex offending, its impact on victims, and its dreadful consequences. Perhaps the issue is too terrible for us to grasp, especially when children are the victims. Of course we should be rational in our approach, but a sense of humanity demands that we rise to the challenge that we face. It is fair to say that all of us in the chamber share a drive to save our own children, and all Scotland's children, from the vile and appalling crimes of paedophiles.

Roseanna Cunningham, who has left the chamber, made a very important contribution. She talked about the more violent crimes against women, as did Marilyn Livingstone, who has a considerable track record on this issue. Given the mood and appetite of the Parliament, I hope that the new Executive will pursue the issues that they raised.

Gil Paterson, who is not here either, should be recognised for his work in the first session of the Parliament. I hope that he will contribute further work during this session. It might be stretching it a bit to say that I am pleased that Gil is back, given that he is an SNP MSP, but if they are all like Gil, perhaps there is some hope for the future. He has a considerable track record, for which I have respect.

Common ground has been evident throughout the debate, and I appreciate that the minister has acknowledged the work of the previous Executive and the progress that took place under the

stewardship of Cathy Jamieson. As the minister said, part of the work was taken up by George Irving, the professor who undertook to do the report that Cathy commissioned. He flagged up a number of important issues such as joint agency working, an issue to which I will return. He also recommended third-party disclosure, the significance of which Sandra White spoke about. The minister has acknowledged the commitment and expertise within Labour's ranks on the issues surrounding sex offending. I put on record our appreciation of the minister's agreement to meet Paul Martin and me to pursue the issues. Following what has been said today, there are a number of issues that we will pursue with the minister.

I pay particular tribute to Paul Martin for his dogged determination in pursuing this issue and ensuring that it is top of Parliament's agenda. He is Margaret Ann Cummings's MSP and he supported her in taking her petition through the previous session of Parliament. It was because of that petition that we had the report of the Justice 2 Sub-Committee—it is important that we acknowledge that. Paul was not satisfied that time could not be found in Parliament to hear Mrs Cummings and to respond to her telling evidence and proposals. I was the Minister for Parliamentary Business at the time and I was on the receiving end of Paul's representations. It seemed to me that Parliament would be letting Mrs Cummings down if we did not find the time to hear her and conduct our work.

I appreciated the agreement of my colleagues on the Parliamentary Bureau—the Deputy Presiding Officer was one and Bill Aitken was another—to do that work. The sub-committee's members included Jackie Baillie, the new Cabinet Secretary for Justice and the new Presiding Officer, so it is obvious that the sub-committee was a springboard to promotion. They were all hard pressed, but they all agreed to do the work. *[Interruption.]* I apologise to Margaret Mitchell if I missed someone out. All the members discharged their work effectively.

The Justice 2 Sub-Committee's report made substantial recommendations and implementing them is important. One matter that it dealt with was joint agency working, which I flag up to the minister. One issue that has emerged in the debate is that although several powers exist and much work has been done, the application of that work is inconsistent.

If, as a former minister, I can pass a note of advice to the current minister, it is that active management of an issue is vital. It is vital that the minister instructs his department to keep an active interest in an issue and to monitor it effectively and properly. For example, the fact that not all families

have access to the internet has been flagged up. As Paul Martin said, we know that some families that have no computers are worried about the issues. How will they gain access to vital information?

Given what the ministers have said, I am confident and I hope that they will pursue such issues with an active interest. I give the ministers fair notice that we will pursue them on resources. As Sandra White and Paul Martin said, resources are vital to make the issues happen and make them live in communities.

We covered considerable ground in the debate. I assure Kenny MacAskill and Fergus Ewing that Labour members will co-operate fully as they take the agenda forward. However, the minister is aware that we are emphasising DNA sampling in the debate. Others have some difficulty with that, but the minister's approach encouraged me, particularly as his comments on "Good Morning Scotland" today disappointed me. He said that the law as it stands is appropriate, that we must work in the interests of the good citizen, that we need not develop our approach and that to do so would go against the grain. I strongly disagree.

If giving a DNA sample helped to find sexual predators, people would co-operate. If people thought that giving a DNA sample would help to find Maddie McCann, not too many people would disagree. Jackie Baillie said that some people might regard that as a small intrusion. I do not know whether I agree but, even if that were the case, if giving a sample helped to detect, prosecute or convict sexual predators, that would be a price worth paying. If it saved one life, it would be a price worth paying.

Jeremy Purvis *rose—*

Margaret Curran: I have time for a brief intervention.

Jeremy Purvis: The member will know that the law in Scotland is different from that in England. Another difference is that the clear-up rates for sexual and serious crimes in Scotland have remained better than those south of the border after England's introduction of a DNA database, the number of samples on which is now 4 million strong. If the trend continues, half of all black men in England will be on the Government's DNA database. That is not the right way forward.

Margaret Curran: I am sorry—I disagree. As Jack McConnell and Jackie Baillie said, DNA evidence led directly to the clear-up of 88 murders, 45 attempted murders, 116 rapes and 62 other sex offences. If people have committed such crimes, they deserve to be brought to justice and we should use all modern technology to do that. As Paul Martin said, the law lords have made it clear that the system complies with the European

convention on human rights, so we should not be frightened of it.

I am pleased that I interpreted Kenny MacAskill as saying that he is open minded about the matter and happy to work with Labour as we produce proposals. We are willing to work with him. In the debate, we should keep at the forefront of our minds what is effective. It is clear that if we are serious about tackling sex offences, the retention of DNA samples that Labour proposes will be effective and will allow us to bring sex offenders to book, which is what we should do.

The debate has been consensual and I emphasise that Labour members are happy to work with the new Executive to produce effective and practical legislation.

16:34

The Minister for Community Safety (Fergus Ewing): The SNP Government was pleased to be able to bring forward a debate on the subject of sex offending very early in the Parliament's new session. Members of all parties in the Parliament have risen to the debate, which has been conducted in temperate terms. We have had an extremely useful discussion, from which the Government can and will learn. As Margaret Curran said, the debate has been consensual. We are here to listen and to learn from the sensible points that have been made.

In that respect, there is a solid foundation of work on which to build, as Jackie Baillie mentioned. She asked me to comment on our approach to the 33 recommendations of the Justice 2 Sub-Committee. Although I did not serve on the sub-committee, I am happy to confirm the previous Administration's commitment to progress its work. I also pay tribute to the work that Paul Martin has done in his community; I know from working with him that he takes the issue very seriously.

In the short time that is available, I will attempt to respond to as many of the points that have been made as possible. It was helpful of Mike Pringle to devote most of his speech to circles of support. This Government believes that communities have a role to play in helping with the resettlement and management of offenders, in the hope that they can be rehabilitated. Evidence suggests that, in some cases, those offenders who have been dealt with by a strong and effective community disposal have offended less frequently than those who have been disposed of by a custodial sentence. We should bear that in mind.

We will take on board Angela Constance's point about the need to be clear about who is involved. We cannot put volunteers at further risk. I give an assurance that we will consider the proposal that

has been made, but first we want to ensure that the new MAPPA—stands for multi agency public protection arrangements—are bedded in and are working because their primary function is to ensure the proper monitoring and management of sex offenders.

That brings me rather neatly to Margaret Mitchell's speech, which she began by stating that the key issue was how sex offenders are managed and monitored after they have been released from a custodial sentence. That is the correct focus; it is the issue that we are here to discuss. We would all agree with the sentiments that were expressed by many members—notably, by Gil Paterson—that we regard with repugnance, revulsion and disgust sex offences that are committed against children, especially those that are committed against the very young.

However, words are cheap—they are easy to utter and, by themselves, they do not bring about a solution. We will be judged on the practical arrangements that we deliver. We will best be able to secure the monitoring and management that Margaret Mitchell correctly identified as important as a result of the police, the local authorities and the Scottish Prison Service working together.

Bill Aitken mentioned the meetings that he has had with the cabinet secretary and the First Minister and, as Margaret Curran pointed out, the cabinet secretary has agreed to meet her and Paul Martin. I hope that we can squeeze in a few meetings with our officials between all the consensual joint working, which exemplifies the extent to which the new Executive is trying to set a different tone and *modus operandi*. I hope that all members welcome that.

I have some information to provide to the Parliament on the GPS satellite tracking system. The evaluation of the pilot recently completed in England and Wales is due to be published this summer and evidence is emerging from it to suggest that tracking has a role to play as a tool in offender management and that it offers certain advantages. Tracking can provide a means of monitoring compliance and of surveillance, and it can be used to provide location information to rule offenders in or out of criminal investigations. However, no satellite tracking has been piloted in England and Wales in which the offender is watched constantly in real time. It is important not to raise expectations that we cannot fulfil. There are limits to satellite tracking. It cannot prevent reoffending or prevent someone from entering an exclusion zone. It cannot provide complete and accurate 24-hour coverage of offenders' movements, nor can it always pinpoint an offender's location or tell agencies what an offender is doing. In addition, satellite tracking is extremely expensive. We will consider all those

factors in our discussions with Bill Aitken and other members who wish to be a party to them.

Several members, but notably Sandra White, Marilyn Livingstone and Margaret Curran, expressed concern about resources. I inform members that the funding for post-release supervision, which includes sex offenders, was increased from £2 million to £9.5 million a year between 2002 and 2006. The funding for MAPPA co-ordinators is currently £685,000 a year and, if I remember correctly, there are now 11 MAPPA co-ordinators throughout Scotland.

VISOR funding for local authorities is now £600,000 a year. VISOR is a UK database that provides information on sexual and violent offenders throughout the UK. We are ahead of the game in Scotland because VISOR has been rolled out in all Scotland's local authorities, so its information is available throughout Scotland. The police and all others involved in achieving that should be congratulated.

Johann Lamont (Glasgow Pollok) (Lab): The minister referred to a number of important meetings. Can he reassure us that he is working closely with his colleague the Cabinet Secretary for Health and Wellbeing on the national accommodation strategy for sex offenders? Has he had meetings with her and with local authorities on that issue? There are anxieties about placing sex offenders in local authority areas without appropriate supervision and resources. Can the minister reassure me that, if he and his ministerial colleagues have not begun joint working on the issue, they will start soon?

Fergus Ewing: Johann Lamont's point is a fair one. I have been a minister for, I think, only 14 days, so of necessity we have had only a limited number of meetings. Jim Tolson concentrated earlier in the debate on the national accommodation strategy, which will offer a better deal. Roseanna Cunningham focused on SOPOs and I believe that it may be appropriate to evaluate them in due course. They are certainly available as an additional tool to those involved in dealing with sex offenders.

The cabinet secretary outlined the importance that we place on tackling the problem of sex offenders. He pointed out that there are essentially two types of sex offenders: those who are on radar and those who are off radar. Sex offenders who do not co-operate with the police—by absenting themselves without saying where they are going, not reporting to the police and not abiding by the terms of their licence—will face the full panoply of the legal system. Sex offenders who have gone off radar will be subject to the new arrangements that came in on 20 April. Following Mr Martin's remarks earlier today on "Good Morning Scotland", I made it my business to get a more detailed briefing on

the issues that have been discussed in the debate. I assure members that the police, using their new guidelines, will take the most serious attitude to the problem.

I believe that, in relation to the monitoring and management of sex offenders, this Parliament stands together—Scotland united against sex offenders.

International Judicial Co-operation

The Presiding Officer (Alex Fergusson): The next item of business is a statement by the First Minister on international judicial co-operation. The First Minister will take questions at the end of his statement, so there should be no interventions during it.

16:44

The First Minister (Alex Salmond): I am grateful for the opportunity to make a statement to Parliament on this matter and to answer any questions thereafter.

On 29 May 2007, the United Kingdom Government signed a memorandum of understanding with Libya to begin negotiations on a variety of legal matters. It is not my intention today to release the details of that memorandum—that is properly a matter for the Prime Minister.

What I can say is that, in broad terms, the memorandum of understanding deals with judicial co-operation on matters of law and extradition and on the issue of prisoner transfer. At no stage was the Scottish Government made aware of the content of the memorandum prior to its signing and therefore no opportunity was given to contribute or to raise concerns about the potential implications for Scotland.

Accordingly, I have today written to the Prime Minister, expressing my concern that it was felt appropriate for the United Kingdom Government to sign such a memorandum on matters that are clearly devolved to Scotland, without any opportunity for the Scottish Government or Parliament to contribute. The Lord Advocate is aware of, and supports, my decision to write to the Prime Minister on the matter. In the spirit of openness, and so that members can see what representations have been made on their behalf, I will make a copy of that letter available via the Scottish Parliament information centre, the parliamentary library.

The question of prisoner transfer is particularly important, not least in relation to the case of Mr Al Megrahi, the Libyan who was convicted in a Scottish court of the Lockerbie bombing, which remains the most serious terrorist atrocity committed in the United Kingdom. At the time, the Scottish law officers and others, including the secretary-general of the United Nations, gave assurances that any sentence that was imposed would be served in Scotland. Moreover, Mr Al Megrahi is currently having his case reviewed by the Scottish Criminal Cases Review Commission, which may result in his case being sent back to

the High Court in Edinburgh on appeal. There is also an appeal by the Lord Advocate against leniency of sentence. One obvious concern is that the memorandum could be interpreted as having implications for that due process of law.

I understand that the existence of the memorandum and its subject matter, but not its detailed contents, have already been publicised in Libya. In the normal course of parliamentary inquiry, it is, in my view, inevitable that the memorandum will very shortly enter the public domain here, too. Given that the subject matter of the memorandum and any agreements that may flow from it are emphatically within the remit and authority of the Parliament, I wanted members to be made aware, in this chamber, of the developments.

In conclusion, the Parliament should be clear about three things in relation to the matter. First, the lack of prior consultation on the issue is clearly unacceptable, and that position has now been made clear to the Prime Minister. Secondly, the Scottish Government supports the United Kingdom Government's desire for better relations with Libya. Whatever consequences flow from the memorandum, no requests have been received and no decisions have been taken. However, the Scottish Government is determined that decisions on any individual case will continue to be made following the due process of Scots law. The integrity of that process is paramount. Lastly, in this Parliament at least, matters of such importance will rightly be brought to the chamber—members of the Parliament are entitled to nothing less.

The Presiding Officer: The First Minister will now take questions on the issues raised in his statement. I intend to allow one question from each of the main parties, after which we will see what time allows.

Jack McConnell (Motherwell and Wishaw) (Lab): By way of preamble, I say that I do not regard the 20 or so minutes that we were given to study the content of the statement in advance as acceptable—the normal practice is 60 minutes, or as close to that as possible. I therefore hope, Presiding Officer, that you will understand that each of the party leaders may wish to pursue matters during the question session, should the First Minister not provide the details that we need to hear.

The First Minister needs to be clear with the Parliament about the nature of the issues that he is raising and must provide further details. As a former First Minister, I would have expected and demanded no less than prior consultation on such a memorandum. If the Scottish Executive—the new Scottish Government—was not consulted or informed in advance, that is certainly regrettable. I

have not seen the letter that the First Minister has sent to the Prime Minister, but I am happy to support the First Minister's representations in general. I hope that the United Kingdom Government listens carefully to what he has said. However, on the substance of the emergency statement, there would normally be more detail in such a statement than is provided to the chamber today.

I have some specific questions for the First Minister. When was he informed of the existence of the memorandum and its implications? If he was informed—at the latest—earlier this week, why has there been a delay in bringing the matter to the chamber? If the matter was reported to the Cabinet on Tuesday, why was it not brought to the chamber yesterday? Why is it being brought this afternoon through—as I understand it—a request that was submitted at lunch time for an emergency statement?

I have two specific questions about the memorandum. Does it say anything that contradicts the absolute power of ministers in this Parliament and this Scottish Government over prisoner transfers and prison operations in Scotland? As far as I understand the letter of the law, the Scottish ministers have an absolute veto over prisoner transfers.

Finally, and perhaps most important, does the memorandum of understanding, which I understand Mr Salmond does not wish to publish in full, say that there is any role for the devolved Administrations, that there is a separate jurisdiction in Scotland, and that Scots law needs to be recognised, with the agreement of this devolved Government and this Parliament?

The First Minister: I thank Jack McConnell for his support on the issues of consultation and information. As I said, the letter to the Prime Minister is available via SPiCe to all members.

On the timetable, I became aware of the matter on Friday; I took it to Cabinet on Tuesday; I consulted the Lord Advocate for advice on the significant legal matters involved yesterday; and I brought it to Parliament today. [*Interruption.*]

The Presiding Officer: Order.

The First Minister: On negotiating a way round the situation, by not publishing a memorandum of understanding—which is, in my view, the role and responsibility of the Prime Minister—and by informing the Parliament of its responsibilities, I have brought the matter to Parliament's attention at the earliest possible opportunity. I hope that most members in the chamber will regard that open and transparent process as somewhat different from what has happened in another chamber some hundreds of miles to the south.

I make it clear that I would be delighted if it were in my province to publish the memorandum of understanding. That would contribute to the process, and I hope that the Parliament, in so far as we can be persuasive in these matters, suggests to the United Kingdom Government that it does so; I think that it will come into the public domain very quickly indeed.

The memorandum specifically says that the United Kingdom Government will seek to obtain the agreement of other jurisdictions in the United Kingdom. It would be normal to seek that agreement before, rather than after, such a memorandum was signed.

Annabel Goldie (West of Scotland) (Con): I thank the First Minister for prior sight of the statement and for very properly bringing the matter to the chamber.

The circumstances surrounding the statement are deeply troubling. Tony Blair has, quite simply, ridden roughshod over devolution, and he has treated with contempt Scotland's distinct and independent legal system. As a unionist—and there is none more trenchant and determined than I am—I have to say that that is unacceptable arrogance towards the Scottish Government and the Scottish law officers.

First of all, the agreement signed by the Prime Minister and the Libyans must be made public, and I will certainly press my colleagues in the House of Commons to pursue the matter immediately. However, the following questions must be clarified either by the First Minister or—as matters might be outwith his knowledge—through him by the Prime Minister.

Why was the First Minister not consulted before the agreement was signed? Was the Chancellor of the Exchequer, as Prime Minister-in-waiting, consulted before it was signed? Why were Scotland's law officers not consulted before it was signed? Does the Prime Minister of the United Kingdom have the legal and constitutional authority to release a person serving a life sentence in a Scottish jail? Who is ultimately responsible for and has jurisdiction over the release of such a prisoner?

I am deeply alarmed by the Prime Minister's actions, which, on a practical, political and legal basis, amount to frankly shoddy and shabby conduct by the incumbent of that office.

The First Minister: Let there be no doubt: as far as this matter is concerned, our law officers, our Government and our Parliament will make the decisions. As yet, there have been no requests, so no decisions have been made. However, this Parliament will be kept fully informed of any decision-making process.

As for consultation, I do not think that that is a matter for me. I used to say that my relationships with the Chancellor of the Exchequer were rather better than his relationships with the Prime Minister. Perhaps—who knows?—the chancellor has not had sight of the document either.

In one sense, it does not really matter. What actually matters is the future and that we have an understanding that perhaps looks back to the agreements made when the Parliament was established that such matters would be discussed, that there would be a formal process and that information would be exchanged. Whatever has happened in this case or in the past, let that happen in the future.

Nicol Stephen (Aberdeen South) (LD): I, too, thank the First Minister for prior sight of his statement.

At First Minister's question time, I mentioned how unfortunate it was that the Prime Minister had not telephoned the First Minister to mark his election and appointment. To fail to phone as a matter of courtesy is one thing; to fail to communicate or engage on a matter in which both Governments have a direct interest and for which they have direct responsibility is far more serious, especially on this issue. In Scotland and across the world, so many people still remember so clearly the horror of the atrocity that happened over Lockerbie.

Does the First Minister agree that we in the chamber are totally committed to the development of a safer world, reduced international tension and peaceful diplomacy? Whatever the political differences, surely there is an overwhelming responsibility on the UK Government to engage with the Scottish Executive on such an important issue. It would be a great pity if partisanship were to stand in the way of necessary co-operation. Does he recognise, as the UK Government should clearly have recognised, that the prospect of better international relations is improved if the UK and devolved Administrations work together? The UK Government should have engaged beforehand and should have published the details as soon as it could. Will the First Minister assure the chamber that his Administration will take a global, not partisan, view?

Finally, what does the First Minister know of the role of the Advocate General for Scotland in the memorandum? After all, the Advocate General in the UK Government is meant to report and advise on these matters. Will the Lord Advocate urgently discuss these matters with the Advocate General?

The First Minister: I have no direct knowledge of what information, if any, was given to the Advocate General. I would be surprised if he had been given information that was not given to the

Government or the Scottish law officers. We can make inquiries and find out. However, members should remember that the memorandum of understanding has not been released to MPs at Westminster, never mind to anyone else. Although we rightly feel aggrieved about the lack of openness and transparency and the absence of disclosure, our position is no different from that of many other people who, it might be thought, had a proper democratic interest in knowing these things.

On Nicol Stephen's first question, I made it clear in my statement that I support the United Kingdom's desire to have better relationships with the state of Libya. I am sure that that view is held and supported across the chamber. No requests and no decisions have been made. However, we have a paramount responsibility to be able to discharge our duties properly, which requires consultation and information. We also have a responsibility to the due process of law—we must ensure that anything that is done now or in the future pays proper regard to the integrity of Scots law and due process.

The Presiding Officer: I said that I would take one question from each of the main parties, so there will be a final question from Alex Neil.

Alex Neil (Central Scotland) (SNP): Is this a clear breach of the concordat on justice and home affairs, which was signed by Donald Dewar in 1999? Does the Scottish Executive have any legal redress when such breaches occur? If there is such a process, will the Executive follow it? If there is not, should there be one? If the issue cannot be resolved properly and a guarantee obtained about relationships in future, should the matter be referred to the Judicial Committee of the Privy Council?

The First Minister: I am informed by the Lord Advocate that there is no legal redress in relation to concordats and understandings. However, there has been a clear breach of what those documents contain. I hope that, through the process of political discussion and debate, we will arrive at a settlement. Although the Lord Advocate has advised me that there is no legal process that we can pursue against the Prime Minister—it may be thought that I have tried a number of such processes in the past—let us hope that, in the future and with future Prime Ministers, matters of such substance will be properly discussed, debated and settled, and that agreements that are in the national and international interest will be properly processed by this Parliament.

Margo MacDonald (Lothians) (Ind): On a point of order, Presiding Officer. If Parliament believes the matter to be of paramount importance to the integrity of Scots law—apart from anything else—would it be in order for you to accept a motion

without notice that the whole Parliament deprecates the action of the Prime Minister in signing the memorandum with the Libyan leader without having regard to co-operation on legal proceedings, which is outlined at point D3.13 of the memorandum of understanding with this Parliament?

George Foulkes (Lothians) (Lab): Further to that point of order, Presiding Officer.

The Presiding Officer: I will deal with Margo MacDonald's point of order first, if I may.

The matter is one that is entirely for me, and I am not minded to accept such a motion. You could lodge such a motion in your own time, Ms MacDonald.

George Foulkes has a point of order.

George Foulkes: You have answered it, Presiding Officer. Thank you.

The Presiding Officer: I am glad to be a step ahead of you, sir.

Decision Time

17:03

The Presiding Officer (Alex Fergusson):

There are nine questions to be put as a result of today's business.

In relation to this morning's debate on sustainable public transport systems, I should point out that if the amendment in the name of Stewart Stevenson is agreed to, the amendment in the name of Tavish Scott will fall. The first question is, that amendment S3M-127.3.1, in the name of Alex Johnstone, which seeks to amend amendment S3M-127.3, in the name of Stewart Stevenson, on sustainable public transport systems, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Ahmad, Bashir (Glasgow) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)

Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tymkewycz, Stefan (Lothians) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (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, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Elaine (Dumfries) (Lab)
 O'Donnell, Hugh (Central Scotland) (LD)
 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)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

ABSTENTIONS

MacDonald, Margo (Lothians) (Ind)

The Presiding Officer: The result of the division is: For 65, Against 60, Abstentions 1.

Amendment agreed to.

The Presiding Officer: The next question is, that amendment S3M-127.3, in the name of Stewart Stevenson, as amended, which seeks to amend motion S3M-127, in the name of Des McNulty, on a sustainable public transport system, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Ahmad, Bashir (Glasgow) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)

Maxwell, Stewart (West of Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tymkewycz, Stefan (Lothians) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (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, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Margo (Lothians) (Ind)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)

Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Elaine (Dumfries) (Lab)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

The Presiding Officer: The result of the division is: For 65, Against 62, Abstentions 0.

Amendment agreed to.

The Presiding Officer: The amendment in the name of Tavish Scott falls.

The next question is, that motion S3M-127, in the name of Des McNulty, on sustainable public transport systems, as amended, be agreed to. Are we all agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Ahmad, Bashir (Glasgow) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)

Lamont, John (Roxburgh and Berwickshire) (Con)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McGregor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tymkewycz, Stefan (Lothians) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (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, Margaret (Glasgow Baillieston) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Margo (Lothians) (Ind)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McInnes, Alison (North East Scotland) (LD)

McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Elaine (Dumfries) (Lab)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 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)
 Tolson, Jim (Dunfermline West) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

The Presiding Officer: The result of the division is: For 66, Against 59, Abstentions 0.

Motion, as amended, agreed to.

Resolved,

That the Parliament recognises the different policy positions of various political parties; notes that the Scottish Government has invited the Auditor General to consider the approach to financial and risk management taken in the preparation of the Edinburgh Tram and Edinburgh Airport Rail Link proposals, and welcomes the fact that ministers will report to the Parliament on this matter before the summer recess and calls on the Scottish Executive to bring forward a motion for parliamentary debate within its own time on these issues.

The Presiding Officer: The next question is, that amendment S3M-126.3, in the name of Fiona Hyslop, which seeks to amend motion S3M-126, in the name of Hugh Henry, on skills and vocational education, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Ahmad, Bashir (Glasgow) (SNP)
 Allan, Alasdair (Western Isles) (SNP)
 Brown, Keith (Ochil) (SNP)
 Campbell, Aileen (South of Scotland) (SNP)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)

Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Kidd, Bill (Glasgow) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McMillan, Stuart (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tymkewycz, Stefan (Lothians) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Carlaw, Jackson (West of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Livingstone, Marilyn (Kirkcaldy) (Lab)

Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Margo (Lothians) (Ind)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Elaine (Dumfries) (Lab)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

The Presiding Officer: The result of the division is: For 49, Against 78, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The next question is, that amendment S3M-126.1, in the name of Murdo Fraser, which seeks to amend motion S3M-126, in the name of Hugh Henry, on skills and vocational education, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Carlaw, Jackson (West of Scotland) (Con)

Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Ahmad, Bashir (Glasgow) (SNP)
 Allan, Alasdair (Western Isles) (SNP)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Campbell, Aileen (South of Scotland) (SNP)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)

Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Kidd, Bill (Glasgow) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McMillan, Stuart (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Paterson, Gil (West of Scotland) (SNP)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Tymkewycz, Stefan (Lothians) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

ABSTENTIONS

MacDonald, Margo (Lothians) (Ind)

The Presiding Officer: The result of the division is: For 62, Against 64, Abstentions 1.

Amendment disagreed to.

The Presiding Officer: The next question is, that amendment S3M-126.2, in the name of Jeremy Purvis, which seeks to amend motion S3M-126, in the name of Hugh Henry, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Brown, Robert (Glasgow) (LD)
 Finnie, Ross (West of Scotland) (LD)
 Hume, Jim (South of Scotland) (LD)
 MacDonald, Margo (Lothians) (Ind)
 McArthur, Liam (Orkney) (LD)

McInnes, Alison (North East Scotland) (LD)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 O'Donnell, Hugh (Central Scotland) (LD)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (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)
 Tolson, Jim (Dunfermline West) (LD)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Ahmad, Bashir (Glasgow) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 FitzPatrick, Joe (Dundee West) (SNP)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)

Lamont, John (Roxburgh and Berwickshire) (Con)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Tymkewycz, Stefan (Lothians) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 16, Against 110, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The next question is, that motion S3M-126, in the name of Hugh Henry, on skills and vocational education, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)

Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Carlaw, Jackson (West of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Margo (Lothians) (Ind)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Ahmad, Bashir (Glasgow) (SNP)
 Allan, Alasdair (Western Isles) (SNP)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Campbell, Aileen (South of Scotland) (SNP)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)

Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Kidd, Bill (Glasgow) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McMillan, Stuart (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Paterson, Gil (West of Scotland) (SNP)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Tymkewycz, Stefan (Lothians) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 63, Against 64, Abstentions 0.

Motion disagreed to.

The Presiding Officer: The final question is, that motion S3M-137, in the name of Bruce Crawford, on the establishment of committees, be agreed to.

Motion agreed to.

That the Parliament shall establish committees of the Parliament as follows:

Name of Committee: Audit

Remit: Set out in Rule 6.7

Number of members: 8

Convenership: The Convener will be a member of the Labour Party and the Deputy Convener will be a member of the Scottish Conservative and Unionist Party.

Name of Committee: Equal Opportunities

Remit: Set out in Rule 6.9

Number of members: 8

Convenership: The Convener will be a member of the Scottish Conservative and Unionist Party and the Deputy Convener will be a member of the Labour Party.

Name of Committee: European and External Relations

Remit: Set out in Rule 6.8

Number of members: 8

Convenership: The Convener will be a member of the Labour Party and the Deputy Convener will be a member of the Scottish National Party.

Name of Committee: Finance

Remit: Set out in Rule 6.6

Number of members: 8

Convenership: The Convener will be a member of the Scottish National Party and the Deputy Convener will be a member of the Labour Party.

Name of Committee: Public Petitions

Remit: Set out in Rule 6.10

Number of members: 9

Convenership: The Convener will be a member of the Labour Party and the Deputy Convener will be a member of the Scottish Liberal Democrat Party.

Name of Committee: Procedures

Remit: Set out in Rule 6.4

Number of members: 7

Convenership: The Convener will be a member of the Scottish National Party and the Deputy Convener will be a member of the Labour Party.

Name of Committee: Standards and Public Appointments

Remit: Set out in Rule 6.5

Number of members: 7

Convenership: The Convener will be a member of the Scottish National Party and the Deputy Convener will be a member of the Labour Party.

Name of Committee: Subordinate Legislation

Remit: Set out in Rule 6.11

Number of members: 7

Convenership: The Convener will be a member of the Scottish Liberal Democrat Party and the Deputy Convener will be a member of the Scottish National Party.

Name of Committee: Justice

Remit: To consider and report on (a) the administration of criminal and civil justice, community safety, and other matters falling within the responsibility of the Cabinet Secretary for Justice and (b) the functions of the Lord Advocate, other than as head of the systems of criminal prosecution and investigation of deaths in Scotland.

Number of members: 8

Convenership: The Convener will be a member of the Scottish Conservative and Unionist Party and the Deputy Convener will be a member of the Labour Party.

Duration: For the whole session of the Parliament

Name of Committee: Economy, Energy and Tourism

Remit: To consider and report on the Scottish economy, enterprise, energy, tourism and all other matters falling within the responsibility of the Cabinet Secretary for Finance and Sustainable Growth apart from those covered by the remits of the Transport, Infrastructure and Climate Change and the Local Government and Communities Committees.

Number of members: 8

Convenership: The Convener will be a member of the Scottish Liberal Democrat Party and the Deputy Convener will be a member of the Scottish National Party.

Duration: For the whole session of the Parliament

Name of Committee: Transport, Infrastructure and Climate Change

Remit: To consider and report on matters relating to transport, infrastructure and climate change falling within the remit of the Cabinet Secretary for Finance and Sustainable Growth.

Number of members: 8

Convenership: The Convener will be a member of the Scottish Green Party and the Deputy Convener will be a member of the Labour Party.

Duration: For the whole session of the Parliament

Name of Committee: Health and Sport

Remit: To consider and report on (a) health policy and the NHS in Scotland and other matters falling within the responsibility of the Cabinet Secretary for Health and Wellbeing and (b) matters relating to sport falling within the responsibility of the Minister for Communities and Sport.

Number of members: 8

Convenership: The Convener will be a member of the Scottish National Party and the Deputy Convener will be a member of the Scottish Liberal Democrat Party.

Duration: For the whole session of the Parliament

Name of Committee: Local Government and Communities

Remit: To consider and report on (a) the financing and delivery of local government and local services and planning; and (b) housing, regeneration, anti-poverty measures and other matters (apart from sport) falling within the responsibility of the Minister for Communities and Sport.

Number of members: 8

Convenership: The Convener will be a member of the Labour Party and the Deputy Convener will be a member of the Scottish National Party.

Duration: For the whole session of the Parliament

Name of Committee: Education, Lifelong Learning and Culture

Remit: To consider and report on (a) further and higher education, lifelong learning, schools, pre-school care, skills and other matters falling within the responsibility of the Cabinet Secretary for Education and Lifelong Learning; and (b) matters relating to culture and the arts falling within the responsibility of the Minister for Europe, External Affairs and Culture.

Number of members: 8

Convenership: The Convener will be a member of the Labour Party and the Deputy Convener will be a member of the Scottish National Party.

Duration: For the whole session of the Parliament

Name of Committee: Rural Affairs and Environment

Remit: To consider and report on agriculture, fisheries and rural development and other matters falling within the responsibility of the Cabinet Secretary for Rural Affairs and the Environment.

Number of members: 8

Convenership: The Convener will be a member of the Scottish National Party and the Deputy Convener will be a member of the Scottish Conservative and Unionist Party.

Duration: For the whole session of the Parliament

The Presiding Officer: That concludes decision time. I thank members for making the Presiding Officer a very happy man.

Mesothelioma (Alimta)

The Deputy Presiding Officer (Trish Godman): The final item of business is a members' business debate on motion S3M-29, in the name of Des McNulty, on Alimta for mesothelioma sufferers. The debate will be concluded without any question being put.

Motion debated,

That the Parliament recognises that mesothelioma is a particularly aggressive cancer of the lungs, almost exclusively caused by exposure to asbestos; also recognises that West Dunbartonshire has the highest incidence of this work-related disease in Scotland and the second highest in the United Kingdom; further recognises that Alimta is the only drug licensed to treat mesothelioma, where it has been found to deliver significant improvements in the quality of life of sufferers, and considers that Scottish Executive ministers should ensure that Alimta continues to be made available to all existing and new mesothelioma sufferers who, in the professional opinion of consultant oncologists, would benefit from it.

17:13

Des McNulty (Clydebank and Milngavie) (Lab): My motion asks—not for the first time—for the assistance of Parliament on behalf of sufferers of asbestos-related diseases. The number of mesothelioma diagnoses has quadrupled since 1980. The minister will be well aware that mesothelioma sufferers live throughout Scotland; however, more than half live in the west of Scotland—a toxic legacy of the shipbuilding industry on the Clyde.

Until recently, there was no treatment for mesothelioma, but now we have a licensed drug—Alimta—that has made a big difference to the lives of mesothelioma sufferers for whom, in the view of their consultant oncologists, it is suitable.

Dr David Dunlop from the Beatson oncology centre was a clinical expert adviser to the Scottish medicines consortium. In a submission to the Public Petitions Committee, he said:

"I am one of the largest prescribers of this drug in Scotland and have been involved in several clinical trials since the positive appraisal of Alimta by SMC, I and many other oncologists in Scotland, have seen the benefits of this drug in many patients."

One of Dr Dunlop's colleagues, Dr Marianne Nicolson at Aberdeen, advised the committee that she had

"no doubt that we must do everything possible to maintain our patients' opportunity to access Alimta to treat their mesothelioma. I have prescribed it for many patients here in Aberdeen since the SMC approved its use and I have been impressed with the rapidity and duration of the responses seen."

Alimta is not a wonder drug. It is not a cure and not every mesothelioma sufferer would benefit

from it, but it should continue to be available on prescription for newly diagnosed patients who could benefit. That is not merely my opinion and that of the campaign groups—it is the opinion of a majority of expert oncologists in Scotland.

In a few months, unless NHS Quality Improvement Scotland takes a contrary view, recommendations from the National Institute for Health and Clinical Excellence will supersede existing advice from the Scottish medicines consortium and new patients will not have access to Alimta. The costs involved in continuing to make Alimta available are not massive—hundreds of thousands of pounds rather than millions—and the context in which it might be denied to new patients must be recognised. West Dunbartonshire has the highest incidence of mesothelioma in Scotland. It is six times the Scottish level which, in turn, is significantly higher than that in the UK as a whole. Too many of the people whom I represent are victims of negligence on the part of their employers—or, in some instances, their spouses' employers—who knew the risks of exposure to asbestos but continued with working practices that left time bombs in the bodies and on the clothes of their workers.

NICE should recommend that Alimta be made available on the national health service to everyone in the United Kingdom who would benefit from it. However, if it does not, it will fall to NHS QIS and ultimately the Scottish ministers to decide what happens as far as Scottish patients are concerned. The drugs approval process in Scotland is set up so that it recognises differences between the two sides of the border, and the distinctiveness of Scotland provides evidence and justification for taking a different stance on Alimta, should that prove necessary.

I wrote to the minister on the day she was appointed requesting a meeting to discuss Alimta. I hope that she will grant me that meeting, to which I will bring some of the campaign organisations. She will doubtless be aware that the First Minister responded in very positive terms to a letter from the Clydebank Asbestos Group before the election. He stated:

"I strongly support continuation of the present position which allows Alimta to be prescribed to those who would benefit from it."

Given that commitment and the strong support that we have received from the leaders of each of the four main political parties in Parliament, I hope that the minister will be able to make a very clear statement of principled support for mesothelioma sufferers.

I also hope that NHS QIS will take full account of the context in Scotland and decide that mesothelioma sufferers—including newly diagnosed patients who, in the opinion of

consultant oncologists, would benefit from Alimta—should continue to have access to this licensed treatment. Should NHS QIS reject the drug's continued use, I hope that the minister will consider using her power of direction under the National Health Service (Scotland) Act 1978 to ensure that it is available to patients in Scotland who would benefit from it.

Parliament has a proud record of helping sufferers of asbestos-related diseases and their families. I was deeply grateful—as were campaigners—for the work that Parliament did and the decision that it reached on the Rights of Relatives to Damages (Mesothelioma) (Scotland) Bill to help the families of asbestos victims. I do not want to keep coming back, but the plight of people who suffer from asbestos-related diseases is pressing, so I hope that Parliament will respond again to the call that they make and deal with the situation sympathetically.

I began by quoting the views of leading specialists who, on the basis of their experiences, strongly advocate continued availability of Alimta. I will conclude with a different testimony, from Joan Baird, whose husband Willie died of mesothelioma and who has committed herself to working voluntarily to support other victims and their families. Joan said:

“It is a horrific disease. I'd describe it as the silent dust death sentence.

It is a very painful disease and to watch anyone suffering with this takes the heart right out of you.

I was lucky that my husband was in his 70s when he died but what I am seeing now is younger people dying from this horrendous disease and that is very hurtful.”

Alimta will not cure mesothelioma, but it appears to ease the pain. It prolongs life and provides some dignity to the unfortunate people whose lungs have been destroyed by working conditions that they experienced 20, 30 or 40 years ago. I believe that our obligation here in the Scottish Parliament is to do all that we can on their behalf.

17:20

Sandra White (Glasgow) (SNP): I congratulate Des McNulty on securing the debate on the continued use of Alimta, and on his tenacity in pursuing the matter tirelessly throughout his parliamentary career and before it.

As we enter the third session of Parliament, in which consensus seeking and co-operation have been talked of, it is interesting to note that back in March, all parties came together to support the Rights of Relatives to Damages (Mesothelioma) (Scotland) Bill. In February, at stage 1 of the bill, I expressed concern that the National Institute for Health and Clinical Excellence's rejection of Alimta would lead to the drug's being withdrawn in

Scotland, given that NHS Quality Improvement Scotland had never before gone against NICE guidance. However, the high incidence of the disease in Scotland means that NHS QIS would be in an excellent position to reject any such advice that was offered by NICE. In this instance, it would be quite right to do so and NHS QIS would, based on the vote not so long ago on treatment of mesothelioma, have the support of 93 per cent of Parliament. I am optimistic that NHS QIS will reject the advice from NICE and I am glad that that view is shared throughout Parliament.

Des McNulty mentioned support from the party leaders. The First Minister, Alex Salmond, said in his letter to the Clydebank Asbestos Group:

“To deny access to a drug which can extend their life and greatly reduce the worst features of the disease would be unacceptable.”

The former Minister for Health and Community Care, Andy Kerr, said:

“We will make sure NHS QIS has considered the impact on Scottish...sufferers”.

The Liberal Democrats offered this welcome statement:

“We want to see the SMC decision remain in place”,

and Annabel Goldie said that

“It is not reasonable to blindly follow rulings elsewhere.”

I am glad that my colleagues throughout Parliament have reached agreement on the issue. The sentiment is shared throughout Scotland by people whom I meet.

The Scottish medicines consortium promotes the Scottish interest. We in Parliament will demand that NHS QIS go forward with the recommendations that the people want regarding Alimta. I call on my colleague in the Scottish Government, Shona Robison, to make a firm commitment to seek ways to ensure that the drug continues to be available for present and new sufferers. I am sure that everyone is aware of the terrible consequences of mesothelioma, the highest incidence of which is in Scotland. Therefore, I believe strongly that we should say to NICE and NHS QIS that NICE cannot interfere in NHS QIS. It is a Scottish decision and we in the Scottish Parliament have said that we support NHS QIS on sufferers' access to the drug.

I thank Des McNulty for his continued efforts in pushing for the drug to be made available.

17:24

Mary Scanlon (Highlands and Islands) (Con): I thank Des McNulty for securing the debate. It is good to be back in Parliament and to be debating health issues.

The first issue that I want to discuss is the role of the SMC and NHS QIS in Scotland. I remember that when those organisations took on their responsibilities, it was made clear that they would not simply tartanise or rubber-stamp NICE appraisals and rulings and that decisions that were made in Scotland would be appropriate for Scotland. In a written answer to Dr Nanette Milne, the former Minister for Health and Community Care wrote:

"The Scottish Executive is satisfied that NHS Quality Improvement Scotland ... fully evaluates the suitability of National Institute for Health and Clinical Excellence ... guidance for implementation in Scotland based on the criteria in respect of contextual differences outlined by NHS QIS in July 2003."—[*Official Report, Written Answers, 7 March 2007; S2W-32032.*]

The process that has been outlined by NHS QIS confirms the suitability of NICE guidance in Scotland in the light of the epidemiology, the predicted uptake, and the existing advice from the Scottish medicines consortium. I hope that, on all three counts of contextual difference, NHS QIS will break the habit of its existence and overrule the NICE ruling on Alimta.

There is an important principle for the future of the SMC and NHS QIS in the drug and therapy appraisal system in Scotland. As Annabel Goldie stated before the election:

"We must listen to the advice given by clinicians in Scotland and always act in the best interests of patients in Scotland. Whilst it is reasonable to keep such matters under review in light of emerging evidence, it is not reasonable to blindly follow rulings elsewhere. The final decision must be made here in Scotland."

The matter is of particular interest in Scotland, because, as others have said, we have the highest number of mesothelioma sufferers in the United Kingdom and a third more than England and Wales.

Treatment with Alimta involves a one-off course of eight treatments, which in full costs £8,000. However, I understand that 87 per cent of patients do not need the full cycle and benefit after four treatments at a cost of £4,000. Alimta is available in all European Union countries and beyond. It is available in Australia and America. If an alternative were available for mesothelioma sufferers, we would probably not be having tonight's debate. As Des McNulty said, the drug is known to prolong life, to improve the quality of life and to alleviate pain. I hope that the absence of an alternative will also be taken into account in the final appraisal of the drug.

Alimta is an innovative drug that can be effective where traditional cancer treatments are not. One point that struck me—along with all the other reasons for prescribing the drug—is that clinical trials are being undertaken on the treatment of non-small-cell lung cancer with Alimta. That

research and the potential benefits to cancer patients in Scotland could be halted if a negative ruling persists.

None of us—except perhaps Dr Ian McKee or Dr Richard Simpson—has the medical knowledge to say that the drug should be prescribed, but we know the incidence of mesothelioma in Scotland. We know that it has been passed down through the generations as well as affecting those who worked directly with asbestos, and we can listen to the advice of people such as Dr David Dunlop, lead clinician for the patient group at the Beatson centre in Glasgow, who has written in strong support of Alimta.

Mesothelioma is relatively rare, but its incidence is rising and is expected to peak in the next decade. If a decision is taken not to prescribe Alimta for mesothelioma patients, we as responsible members of Parliament would expect the people who make the decision to suggest an alternative that is equally effective in terms of patient care.

17:28

Ross Finnie (West of Scotland) (LD): I, too, am grateful to Des McNulty for bringing the issue to the Parliament once again.

Unless someone takes a contrary view, there is no disagreement between the parties about the desire for Alimta to be available. The issue that is before us is that the technical reasoning of those who assess the drug might impede it being made available. In addition to the wording of Des McNulty's motion for tonight's debate, we are all encouraged by the wording of a motion on the withdrawal of Alimta that the Parliament debated on 28 September 2006. That motion was, of course, in the name of Shona Robison, who is now the Minister for Public Health. I am sure that she does not need me to remind her, but I will, that the final sentence ends:

"and therefore believes that the Scottish Executive should guarantee the availability of Alimta to existing and future sufferers of mesothelioma in Scotland."

I am sure that, now that she is the minister in charge, she will wish to fulfil the thrust of that motion.

However, we understand that the matter has become even more complex than it was when the minister lodged that motion. It would be helpful if, in addition to clarifying the Executive's position, which I hope will be to continue to support the drug's availability, she gave some clarification on the juxtaposition of NHS QIS, NICE and the SMC. The situation seems to have become even more confused in relation to the drug in question.

As we know, NICE in its original determination recommended against the general availability of the drug, contrary to what was expressed by the SMC. NICE expressed reservations on clinical efficacy, but its biggest finding was that the drug was not cost effective. As Mary Scanlon mentioned, it is open to NHS QIS to contextualise NICE's findings, but that would be more helpful if NICE had had available to it all the evidence that caused the SMC to reach its conclusion. As I read through the findings on the appeal against NICE's initial decision to reject the drug's availability, I found that the appeal panel ruled that NICE was not required to take account of the views of the SMC or any other external body.

That seems to put NICE in an odd position. How can it come to a conclusion when it does not have the advice available to it? It also places NHS QIS in an even more difficult position, because it is then asked to make a determination on a NICE ruling without the Scottish context having been considered.

I noticed a letter from the Scottish Executive sent on 12 April, when we were contesting the election, to health bodies and the chairs of area drug and therapeutics committees on multiple technology appraisals. It repeats the advice:

"Where NHS QIS decides that an MTA should apply in Scotland, their recommendations supersede SMC advice."

That advice is in normal type. Then, to confuse us, in bold type in the conclusions, the letter tells us that

"the Scottish Medicines Consortium remains the main source of advice and recommendations".

I hope that the minister can clarify first that the latter paragraph is the more appropriate advice, secondly the manner in which NHS QIS is able to consider properly the advice that is before it, and thirdly that NHS QIS can conclude that, as the minister sought in her excellent motion that the Parliament debated on 28 September 2006, the drug Alimta will continue to be available in Scotland.

17:33

Dr Richard Simpson (Mid Scotland and Fife) (Lab): I thank Des McNulty for the opportunity afforded by his motion to speak on this subject and to do so as my maiden speech in this session, having just returned to the Parliament.

All cancers are unpleasant when they are incurable, but mesothelioma is a particularly unpleasant condition. It is important to note that it is essentially an industrial disease and that, as Mary Scanlon said, by the middle of the next decade the number of people who suffer from it is likely to drop. It might be of comfort to the minister

to know that, if she were minded to approve the continued prescribing of the drug, she would not be committing to a growing cost, as is likely in so many areas of cancer today, but one that will be, if not time limited, likely to reduce over time.

A current problem is that if drug companies produce drugs that are designed to improve the quality of life rather than to be curative, they risk not being approved by the authorities. That is unfortunate. Improvement of quality of life is of great importance to those who suffer this unpleasant condition, so I strongly support the general tenor of the previous parliamentary session and tonight's debate in suggesting that the drug's use can reasonably be supported. The costs are not excessive—they are reasonable.

I support what has been proposed, but urge that there be clear and effective monitoring so that those who do not respond to treatment have it stopped and those who respond early to it and therefore do not need the full course of treatment do not have the full course. As a result, the drug's cost effectiveness would be improved. I do not believe that the NICE evidence took such factors into account adequately.

I will finish my speech without taking up all my time—I hope that the Presiding Officer will note that when I am called to speak in the future. When I was Deputy Minister for Justice, I met the Clydebank Asbestos Group and endeavoured to support it in the court work on compensation. I am pleased that the issue was subsequently resolved in an appropriate way, although legislation was required.

We are talking about people with an industrial disease that is caused by man, and we should support anything we can to improve their quality of life.

17:36

Ian McKee (Lothians) (SNP): I, too, congratulate Des McNulty on his persistence in advocating the cause of a desperately seriously ill group of patients. Indeed, it is a tribute to him that we are having this debate. I should also congratulate Richard Simpson on his maiden speech, although it seems rather strange to do so, as he has much more parliamentary experience than me.

One problem with speaking towards the end of a debate in which everyone seems to be pulling in the same direction is finding something new to say. Most of the points that I have written down to make in a delicate little speech have already been clearly made, so I will put that speech down.

One of the main objections that bodies such as NICE make relates to the headline cost of Alimta,

which sounds ferocious. People have experience of agreeing to something, finding hundreds of thousands of cases and then suddenly—

Des McNulty: Will the member take an intervention?

Ian McKee: Certainly.

Des McNulty: One interesting thing about Alimta is that it is available in many other countries, such as Belgium, Canada and Germany, but it is actually cheaper in the UK because of agreements through the NHS. If other places can make it available, surely we in Scotland, taking into account the causes of the disease, can make it available to those who need it in the particular circumstances that are involved.

Ian McKee: Des McNulty has kindly finished off the final point that I wanted to make.

I reiterate that there is not a huge demand for Alimta—we are talking about a finite number of patients, which will probably fall rather than increase. Those people are desperately seriously ill, and Alimta can help many of them. Withholding it when, in the overall health budget, its costs are very little, is sheer thoughtlessness and not caring for the sick.

17:38

The Minister for Public Health (Shona Robison): I congratulate Des McNulty on securing the debate and welcome the opportunity to consider difficult issues. I recognise the commitment of those who are actively campaigning on the matter and thank those in the gallery for attending the debate and for their understandable interest and concern. I put on record that I am happy to meet Des McNulty and the campaigners to discuss the issue in more detail.

At the outset, I underline that the opinions and views that the First Minister expressed on Alimta in a letter to the Scottish Trades Union Congress and that I expressed only a few weeks ago have not changed. We still think that it should continue to be made available as per the SMC's standing recommendation, for all the reasons that Des McNulty and other members have given.

The Government has a clear view on this issue—Ross Finnie referred to the debate on it that I initiated last September—but we have to recognise that there is a process and that Alimta is currently being assessed by NICE. The results will be considered by NHS QIS in due course.

These are complex health care issues and we are discussing decisions that will affect people directly. No decisions have yet been finalised. The advice from NICE is pending. I cannot provide

members with a definitive response to a decision that has not yet been made. That would not be helpful to members, to patients and to the public in general, but I can share my thinking.

Mesothelioma is a devastating condition and I offer my deepest sympathy to those who have it and to every family touched by it. There is no cure, sufferers do not live long, and their final months are not easy. As members might know, I have previously highlighted the importance that I attach to these matters.

Members have spoken about the higher levels of mesothelioma in Scotland compared with other parts of the United Kingdom. The disease has been attributed to Scotland's heritage of shipbuilding and past working practices that led to high exposure to asbestos fibres. There are clear links between mesothelioma and such exposure. Most sufferers are men who were exposed to asbestos in the course of their work, but others, including their families—often the women who did the washing—might also have come into contact with the fibres.

The incidence of mesothelioma in Scotland ranges from 178 new diagnoses in 2000 rising to 200 in 2004. Those are the latest confirmed figures. As Des McNulty said, 62 per cent of diagnoses in 2000 and 52 per cent of diagnoses in 2004 occurred in the west of Scotland. However, in Tayside, during the five years 2000 to 2004 inclusive, 54 cases of mesothelioma were registered. In the UK as a whole, approximately 1,800 new diagnoses are made each year and we expect the figures to peak sometime between 2011 and 2015.

It is clear from tonight's debate that a number of issues could be considered in conjunction with the evidence on cost and clinical effectiveness but, as I have already said, I agree with much of what has been said tonight and previously about the features of the disease and its treatment.

Alimta is licensed for the treatment of mesothelioma in conjunction with cisplatin. Many members will be familiar with the process of evaluating new drugs, but others might not and I want to touch on that subject.

The SMC considers every new drug in Scotland and, on the basis of the manufacturer's evidence, recommends whether a drug should be available for use, and whether it should be made available for routine or restricted use. The SMC recommended that Alimta should be made available for restricted use as an option in the treatment of a small group of patients with mesothelioma. That very important point was made by Ross Finnie and others, and it is key to our deliberations.

A benefit of the SMC is that it makes decisions here in Scotland as early as possible once a drug becomes available. We should recognise that we have often been able to recommend new drugs ahead of other UK countries, but as medical science moves forward and further evidence becomes available, NICE may conduct a full evaluation of a drug, often alongside other treatments. Such evaluation is known as a multiple technology appraisal or MTA. An MTA considers a broader evidence base and additional research commissioned by NICE.

It is easy to be blinded by the acronyms and the science, but there are real people behind the process. NICE draws on expert advice from all around the United Kingdom, taking evidence from oncologists, nurses and lay panel members. Because NICE appraisals tend to take place further down the track from the initial SMC recommendation, it is obviously prudent that we look at them and consider them. As I have said, Scotland benefits from a system to consider new drugs very quickly, but we realise that evidence can emerge after a therapy has had a period of use. That is inevitable, and it is why NHS QIS considers the outcome of NICE multiple technology appraisals and advises on whether they should apply in Scotland. The decisions are ultimately Scottish decisions; they are for people in Scotland who, I am sure members agree, would be best served by the most up-to-date evidence.

NHS QIS considers the therapy in relation to specifically Scottish contextual factors. It is NHS QIS's role to consider the implications of a range of issues on a case-by-case basis. The decision-making process takes into account the principles and values of NHS Scotland, epidemiology in Scotland—which has been an important issue in this debate—and the structure and provision of NHS services in Scotland. That provides the opportunity to ensure that the issues that we have debated tonight are fully considered.

I hope that members will agree that I should not pre-empt the final recommendation from NICE, or the NHS QIS advice. However, I will seek assurances about the processes and, in the following weeks, I will consider a number of options available to me as minister. I will consider all the options and do what is in the best interests of mesothelioma patients in Scotland. As Minister for Public Health, let me be clear: I believe that interests would be best served by the continued availability of this drug to patients who, according to clinical assessment, would benefit.

I can assure members that I will do my utmost to ensure that the needs of those who suffer from mesothelioma are put at the centre of any decisions about treatment and care.

Meeting closed at 17:46.

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