

MEETING OF THE PARLIAMENT

Thursday 27 September 2007

Session 3

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Scottish Parliament

Thursday 27 September 2007

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

NHS Waiting Times

The Presiding Officer (Alex Fergusson):

Good morning. The first item of business is a debate on motion S3M-545, in the name of Ross Finnie, on waiting times.

09:15

Ross Finnie (West of Scotland) (LD): As Murdo Fraser was gracious enough to point out as I was entering the chamber, today is an historic day. I am grateful to Murdo Fraser for acknowledging that and for pointing out to me that after eight years and 147 days in the life of this new Scottish Parliament, this is the Liberal Democrats' first Opposition debate. Not surprisingly, as the successors to the great Liberal and author of the report that led to the creation of the national health service, William Beveridge, we have chosen health as our topic for debate.

We have heard a number of pronouncements on health from the new Government, the latest being the Cabinet Secretary for Health and Wellbeing's statement on waiting times. Like many others, I hoped that last week's pronouncements would clarify the Government's position on, for example, the precise nature of the legally binding waiting time guarantee, which services would be included in their new 18-week guarantee, and whether clinicians rather than politicians would prioritise provision of care.

Sadly, each pronouncement served only to add to the confusion, which in turn served to underline the fact that although ministerial statements can be helpful, they are no substitute for parliamentary debate. So, today we are providing a platform to explore in more detail the new Government's plans for tackling NHS waiting times. I am particularly glad that the Scottish National Party's chief whip and business manager has readily acknowledged and conceded that important point.

I welcome the cabinet secretary's announcement of the intention to accelerate the previous Executive's decision to scrap availability status codes. As the British Medical Association's recent briefing put it:

"ASCs were initially introduced to reflect that, for a small number of cases, it is not always possible to treat patients within the waiting times guarantees for either clinical or personal reasons. These ASC codes were never intended

as an administrative loophole to hide patients who could not be treated within waiting times guarantees."

The BMA is right.

However, the new system that has been proposed by the cabinet secretary implies an enormous administrative burden for the NHS. The proposed individual waiting time clocks for the patient, who might be suffering from different illnesses and therefore require different treatments from different specialists, is not only complex but will result in multiple waiting time clocks. If there is to be a review of waiting time procedures, the last thing that NHS staff need is a system that will waste valuable treatment time in reviewing, recording and unravelling a mountain of waiting time data in order to offer two appointment times, which might seem to be attractive but which will inevitably halve the time that is available for appointments.

In her statement last week, the cabinet secretary confirmed that no extra money would be forthcoming from the Scottish Government to fund such an administrative extravaganza. She also assured Parliament that front-line services would not be compromised as a result of the new system.

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): I cannot remember whether Ross Finnie was in the chamber during my statement. In any event, he will have read the *Official Report* and seen that Labour members claimed that the system that I announced was their invention. If that is true, did Ross Finnie—who was a member of the previous Administration—raise any of his concerns at that time?

Ross Finnie: The cabinet secretary is absolutely right; I was not present in the chamber for her statement but I have read it with great care. Labour members were right to say that some of her proposals were the invention of the previous Executive. However, invention is different from implementation—an important distinction. Some very good ideas have been bowdlerised by people who have chosen to implement them in a cack-handed fashion, which is the case with this new waiting time guarantee.

Nicola Sturgeon: Mr Finnie is drowning.

Ross Finnie: Not at all. The cabinet secretary gave an interesting statement and I am glad that she spotted that I would have had the time to consider the detail and spot the flaw that is inherent in its logic. The Liberal Democrats believe that NHS money should be spent on front-line services, not on trying to unravel a new and complex system.

The picture becomes even more confused when one examines the SNP Government's much-vaunted legally binding waiting time guarantee, which curiously I did not see featuring prominently in the cabinet secretary's statement, even though I read it—somewhat painfully—for a second time.

As the cabinet secretary confirmed on "Newsnight Scotland", the legally binding guarantee will be enforceable only through the courts, which will mean American-style litigation being brought into Scotland's health service, with a lawyer at every bedside. That can only result in health service staff spending more time in the courtroom than in the treatment room.

Murdo Fraser (Mid Scotland and Fife) (Con): Will Mr Finnie be reassured that there is nothing to be concerned about because the disappearance of civil legal aid will mean that no one will be in any position to pursue a case?

Ross Finnie: That is a problem. Although Mr Fraser's intervention was entertaining, I hope that he shares my concern that the withdrawal of civil legal aid is serious and will merely add to the litany of the Government's failures.

In response to questions from the Liberal Democrat leader, Nicol Stephen, on 6 September 2007, the First Minister claimed that the legally binding guarantees are based not on an American model but on a Norwegian model, which he described as working "extremely well" and which he invited us to study. Well, we studied it before we asked the question at First Minister's questions, following the old legal dictum that one should not ask a question to which one does not already know the answer. The Norwegian system—which is so much admired by our First Minister—produced an increase in the number of somatic patients on waiting lists, from 210,000 in 1993 to 260,000 in 1995, after the introduction of the legally binding waiting time guarantee in 1990.

As for the Government's rejection of the notion that such a system would result in legal action, examination of the composition of the Norwegian Board of Health Supervision shows that it has 25 lawyers, but only 20 doctors. We are therefore entitled to conclude that if the preposterous idea of a legally binding guarantee is introduced, final decisions on treatment by Scotland's doctors will be more influenced by the shadow of litigation than by clinical evidence, and that Scotland's health boards will have to divert scarce resources from treatment of patients to preparation for the legal onslaught from litigious patients.

Furthermore, there is the question of priorities. In her statement last week, the cabinet secretary said:

"There will no longer be any exclusions because a hospital"

—shorthand for medical staff—

"decides that treatment is a low clinical priority or is too highly specialised." —[*Official Report*, 19 September 2007; c 1834.]

If we have ever read a classic example of politicians—in this case SNP Government politicians—trying to override and interfere with the clinical judgement of our doctors, that is it.

Nicola Sturgeon: The part of my announcement that Ross Finnie cites was announced by the previous Administration in "Fair to All, Personal to Each" back in 2004. Does he think that it is right that procedures such as double hip replacements for frail elderly people were classed as being of low clinical priority and were therefore not subject to a waiting time guarantee? That is the system he is trying to defend.

Ross Finnie: Absolutely not. One does not set a priority in relation to a particular case in isolation. One sets a priority in relation to the other competing pressures on which the clinician must take a decision. [*Interruption.*] A double hip replacement may, of itself, be perfectly properly classed as a priority, but there is still the question of how to judge that against the other clinical priorities that have presented themselves on the day on which the judgment about whether to provide treatment has to be exercised. If there is a more pressing priority, the clinician should have the right to take that decision and should not be hidebound by rules that the cabinet secretary has set down.

The Minister for Public Health (Shona Robison): Will the member give way?

Ross Finnie: No—I want to develop my point.

Nicola Sturgeon: He is just talking tosh.

Ross Finnie: Not at all. [*Interruption.*] The continual sedentary interventions mean that I already know the point that Shona Robison wishes to make. Indeed, I even heard it being corrected in exchanges between her and the cabinet secretary. Not only did I hear the first draft of the intervention, I heard it in its proposed final form.

The BMA has made clear its views, which the cabinet secretary might regard as "tosh"—that is entirely a matter of judgment for her. It believes that waiting time initiatives can, if they are improperly applied, distort clinical priorities.

Nicola Sturgeon: If they are improperly applied.

Ross Finnie: That relates to the question of an unreasonable limit, whereby the politicians, not the clinicians, set the standard.

Such improperly applied initiatives can result in patients who have less serious complaints being treated before those who have more complex medical problems. The BMA appeals to politicians

“to work in partnership with clinicians to develop targets that are meaningful, relevant and that deliver benefits to patients who are most in need of care.”

Shona Robison: Are the Liberal Democrats not in favour of any maximum waiting time? If they are in favour of one, what maximum waiting time do they favour?

Ross Finnie: I have made it absolutely clear that I am not in favour of imposing a maximum waiting time limit, which takes—[*Interruption.*]

The Presiding Officer: We have had enough sedentary interventions.

Ross Finnie: I am grateful for your support, Presiding Officer, although I am bound to say that the sedentary interventions have been rather entertaining, if not informative. I hope that they will be caught in the *Official Report*, so that other members can get the benefit of them.

The Presiding Officer: You should be winding up, Mr Finnie.

Ross Finnie: The important point is that we are talking about whether clinicians have the right to take the final decision and to override waiting time rules when they believe, in their professional judgment, that that is the proper course of action. The BMA is saying that it must be the patients who are most in need of care who get the benefit of that final decision. I hope that the cabinet secretary will listen to the BMA's advice before she imposes the new guarantee. [*Interruption.*]

The Presiding Officer: Can we have one debate at a time, please?

Ross Finnie: If we are serious about tackling waiting times in accordance with clinical priorities, the NHS must have access to all available resources. That means that it must be able to access any spare capacity that might be available in the private sector from time to time. We are not talking about the provision of resources to create additional private capacity; what is necessary is a pragmatic decision to put patients first and to make use of all available facilities in patients' best interests. The SNP's dogmatic view, whereby it rules out making use of private capacity in any circumstances, is not just redolent of political dogma but, more important, is totally at odds with what is in patients' best interests.

As the motion states, the Government must

“make an early statement on how it intends to implement its maximum waiting time guarantee without impacting on those with the greatest clinical need”

and, just as important, it must,

“as a matter of urgency, publish a comprehensive assessment identifying the additional administrative and bureaucratic burdens”

that its new waiting time proposals will impose on the NHS. It must also set out how much they will cost and how they are to be funded.

I move,

That the Parliament is concerned that the Scottish Government's approach to waiting times will lead to an increase in bureaucracy, placing an administrative burden on clinicians; believes that introducing a legally binding guarantee will put further pressure on health professionals leading to a litigation culture in the NHS; regrets the decision by the SNP to put political dogma before patient need in ruling out the use of the private sector to reduce waiting times; regrets the lack of commitment from the Scottish Government to invest further in primary health care facilities; calls on the Scottish Government to continue making progress in reducing the longest waits, while prioritising shorter waiting times for the most serious conditions; calls on the Scottish Government to make an early statement on how it intends to implement its maximum waiting time guarantee without impacting on those with the greatest clinical need, and believes that the Scottish Government must, as a matter of urgency, publish a comprehensive assessment identifying the additional administrative and bureaucratic burdens that these new proposals will place on the NHS, how much they will cost and where the money will come from.

09:30

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): I begin by welcoming what will be, if Ross Finnie's approach to patients' rights is anything to go by, the first of many Liberal Opposition debates. At the next one, perhaps the other half of the Liberal group will turn up to hear what their spokesperson has to say.

Ross Finnie: The cabinet secretary is an important member of the Scottish Government's Cabinet and a senior member—the deputy leader—of the SNP. What percentage of her members are present?

Nicola Sturgeon: I remind Ross Finnie that it is a Liberal Democrat debate.

I welcome the debate for another reason: it gives me the opportunity to stress this Government's absolute commitment to putting the interests of patients first at all times. Central to that commitment is our determination to drive down waiting times. For any patient, the wait for an outpatient appointment, a diagnostic test or hospital treatment causes huge anxiety. I, for one, believe that it is our obligation to mitigate that anxiety as much as we can.

Let me do something a little unusual, Presiding Officer: I want to give credit to the previous Administration for the progress that it made in reducing waiting times. Its record was far from perfect, as the hidden waiting lists and the failure to meet the cancer waiting time guarantee demonstrate, but I welcome the fact that waiting times are significantly lower today than they were

a few years ago. That makes it all the more strange that Labour seems to be prepared to back a motion that calls into question the policy of maximum waiting time guarantees. I hope that I am wrong about that, but if I am right, it will set back the cross-party consensus that has long existed on the issue. It will negate everything that Andy Kerr tried to do, which is perhaps why he is not in the chamber. It contradicts Labour's manifesto and, to be frank, it renders their claim to commitment to consumer-focused public services absolutely meaningless and laughable.

Dr Richard Simpson (Mid Scotland and Fife)

(Lab): I wonder whether Nicola Sturgeon was listening to Ross Finnie's speech. As the Liberal Democrats make clear in their motion, we are concerned about two things. We are concerned not about the idea of removing the hidden waiting lists, as the SNP refers to availability status codes, but about dealing with the bureaucracy that will accompany the implementation of the concept, which will impose a massive burden on the health service. That will be compounded by the introduction of legal guarantees that will remove the clinical right to make decisions. Those are the two issues that we are debating today, not the principles that you outlined at the beginning of your speech, which we support.

The Presiding Officer: I remind members to refer to other members by their full names. The only "you" in this chamber is me, and I am not taking part in the debate.

Nicola Sturgeon: Very wise, Presiding Officer.

I listened to Ross Finnie very carefully. I heard him say that he did not agree with maximum waiting times. That is what Labour will be signing up to if its members back his motion.

Let me confirm that this Government will continue to put patients first and that it will continue the process of driving down waiting times, which is why I have confirmed our intention to work with the NHS to achieve by 2011 a maximum wait of 18 weeks from general practitioner referral to treatment. I believe that that pledge has widespread support from the NHS, from members of all parties in Parliament—at least, I thought that that was the case—and, most important, from the public.

For the benefit of the new Liberal health spokesperson, let me explain that a maximum waiting time guarantee is exactly that—a maximum. It is an upper limit on the length of time for which a patient will wait. Within that maximum period, the decision on when a patient will be treated is entirely a matter of clinical judgment. Patients who need to be seen more quickly will be seen more quickly, and urgent cases will be seen straight away. For some serious conditions such

as cancer, it is appropriate to set shorter maximum waiting time guarantees. However, if the Liberals are really suggesting—as their amendment and Ross Finnie's comments imply—that there should be no upper limit on how long a patient can wait for treatment, then they are seriously out of touch with public opinion and with clinical opinion.

Ross Finnie: I do not want to get into a debate on semantics, but an issue arises here. If one is prepared to accept that during the course of the guaranteed waiting time clinicians should be able to exercise discretion, then one must also accept that clinicians should be able to exercise discretion at any point along the pathway, even—although it would be regrettable—towards the end of the period. One cannot, as Nicola Sturgeon said in her statement, say that there will be no exceptions.

Nicola Sturgeon: Ross Finnie has just confirmed that he does not think that there should be any upper limit on waiting times. To have discretion to breach the upper limit would mean that there was no upper limit. I disagree with that position, and so does this Government.

Iain Smith (North East Fife) (LD) *rose—*

Karen Gillon (Clydesdale) (Lab) *rose—*

Nicola Sturgeon: I want to make some progress.

The Liberal motion calls on us to cut the longest waiting times and to prioritise serious conditions. Let me assure the Liberals that that is exactly what we are doing—as well as ensuring a maximum guarantee, or an upper limit, for all patients. This Government recognises the importance of prioritising serious conditions, which is why we have pledged publicly to meet by the end of this year the 62-day cancer waiting time target. That is a target that the previous Administration failed completely to deliver on.

As for the longest waits, I remind Ross Finnie of my announcement last week on abolishing hidden waiting lists, which will ensure that the thousands of patients who have, until now, been excluded from waiting time guarantees and who have, in many cases, waited two years or more for treatment, will now benefit from a guarantee. Indeed, since this Government took office, thousands of patients have already been removed from hidden waiting lists. While Ross Finnie merely talks about tackling the longest waits, this Government is actually doing it.

I make no apology for wanting to reduce waiting times for all patients, appropriate to their needs. I reject absolutely—as Andy Kerr used to do—the point that is made in the motion that shorter waits will mean more bureaucracy for the national health service. That is nonsense—the opposite is true. Anyone who knows anything about the NHS

knows that shorter waits mean less bureaucracy. Better information technology systems to track patients through their journey of care mean less form filling and manual record keeping for staff. Shorter waits mean fewer complaints, less need to review patients' cases and higher levels of patient satisfaction generally. In other words, there will be a virtuous circle of better services, which will lead to smoother and more efficient administration.

I turn to making waiting time guarantees legally binding. Yes—this Government will ensure that patients' rights are meaningful, because that is what patients have the right to expect. Yes—we will consult on the details and we will welcome comments from everyone who has an opinion. Frankly, the nonsense from the Liberals about lawyers at bedsides is soundbite politics at its worst: believe me—I am no novice when it comes to soundbite politics. A “red herring” was how the Patients Association described what they have said. The association—it knows what it is talking about—also said that the Government's plans are what patients have been waiting for for a very long time. The association understands, even if the Scottish Liberals do not, that the point of making guarantees legally binding is not to give patients the opportunity to sue doctors, but to ensure that the guarantees are delivered and that patients get the treatment to which they are entitled.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Will the member take an intervention?

Nicola Sturgeon: I will just make a bit of progress on this point, in which I think Mr Rumbles will be interested.

It is worth noting that in Norway, which has had legally binding guarantees for six years, not a single case has gone to court. That is the reality. However, Ross Finnie need not just take my word for the sense of taking that approach; he should ask the Liberal Democrat shadow health spokesperson south of the border, Mr Norman Lamb MP, who has just published the health policy document that I have in my hand. Mr Lamb advocates individual patient contracts to enshrine a range of patient entitlements, including the right to a maximum waiting time guarantee. Unless the law has changed since I studied it, contracts are legally binding, so clearly Mr Lamb has more in common with the SNP than he has with Mr Finnie. Perhaps Mr Lamb had Mr Finnie in mind when he said that some say

“this sort of entitlement can distort clinical priorities”.

He added that he believed that it is

“the single most effective means of driving up efficiency in hospitals.”

Perhaps Mr Finnie and Mr Rumbles could learn a thing or two from their colleague from south of the border.

Mike Rumbles: I would like Nicola Sturgeon to pursue the point on the legal guarantee. Could she just outline what the remedy is for a patient who has a legal guarantee that does not meet the waiting time targets?

Nicola Sturgeon: Perhaps Mr Rumbles could read the document by his colleague from south of the border, who goes into detail. A range of remedies are available, such as the right to be treated in another health board area, the right to have a case referred to the ombudsman and—in extremis—the right to take legal action.

Mike Rumbles: Ah!

Nicola Sturgeon: I say to Mr Rumbles that the point of legally binding guarantees is to ensure that patients' rights are meaningful, that guarantees are not breached, and that patients get the treatment they deserve.

I say to members in all parts of the chamber that I am more than happy to have an extremely robust debate. I have absolutely no doubt that we have got it right on this issue and that we will be backed by patients.

Patients across Scotland today will have listened to Mr Finnie saying, in effect, that upper limits on waiting times are not appropriate. Those patients will despair because not having those limits would take us back to the bad old days of the health service when people waited for excessively long periods. This Government will not take us back to those days.

Ross Finnie: Will the cabinet secretary take an intervention?

The Presiding Officer: No, Mr Finnie—I am afraid that she is almost out of time.

Nicola Sturgeon: I regret the attempt to turn a shared commitment—to ensure shorter waiting times for the benefit of all patients—into some kind of adversarial debate. However, I give this assurance: what has happened will not deter this Government in our efforts to ensure an effective, safe, high-quality and responsive health service of which we can all be proud. That is why we will continue to build on the progress that has been made in reducing waiting times and will deliver the best deal for patients. It is called putting patients first and it is what this Government stands for.

I move amendment S3M-545.2, to leave out from “is concerned” to end and insert:

“calls on the Scottish Government to build on the progress made by the last administration in reducing waiting times by establishing a new 18-week whole journey waiting time guarantee by 2011 and consulting on a

Patients' Rights Bill that will ensure a more patient-focussed NHS."

09:42

Margaret Curran (Glasgow Baillieston) (Lab):

I am delighted to be speaking in the debate. It is my first proper outing under my new responsibilities; it is indeed quite a challenge.

Mary Scanlon seems to have left, and I was just about to make a point about her, just as Ross Finnie made a connection with Murdo Fraser. Oh, she is here—I did not see her. Mary and I share an inheritance of Irish stock, and I think that that contributes to the fact that we both have feisty natures. I look forward to many interesting debates. In Mary's case, debates are always conducted with good humour—I will let members draw their own conclusions about whom I leave out of the good-humoured club.

I enjoyed Ross's speech this morning. It was extremely—

The Presiding Officer: Please use members' full names.

Margaret Curran: I apologise, Presiding Officer. I miss Ross Finnie's good humour from around the Cabinet table.

Health is an important issue for the Government and the Parliament. I do not need to emphasise to anyone the importance of the issue to families, individuals and communities across Scotland. I am sure that the SNP Government knows full well how interested everyone in the chamber is in the issue, and I am sure that the Government will factor the chamber's views into its considerations and deliberations—especially given the fragility of its minority status. It will be no surprise to Nicola Sturgeon that I will exercise my responsibility to hold the Government to account with considerable vigour.

I was going to say that I was pleased that the SNP acknowledged the progress that was made under the previous Executive. I am thinking about waiting times in particular but also about our broader achievements in health, which I will comment on shortly. At the outset, I want to clarify absolutely and without qualification that Labour's amendment reflects, as will our contributions today, that it is not the waiting time guarantee that is at issue but the way in which the Government will pursue it.

Shona Robison: Will the member take an intervention?

Margaret Curran: No, Shona, let me make the point; perhaps you can then answer it directly.

The big issue that we had with Nicola Sturgeon's statement last week was that you implied,

disingenuously, that we were deliberately hiding people on the availability status codes. You know that that was not the truth. Perhaps when you come in, Shona, you can tell me the name of one person who was on the lists for an illegitimate reason.

The Presiding Officer: I repeat that the only "you" in this chamber is me.

Nicola Sturgeon: The problem with availability status codes or hidden waiting lists was not, as some have alleged, that they were abused in some way, but that the rules per se were unfair to patients because they meant that many patients ended up waiting much longer than the waiting time guarantee. I hope that Margaret Curran agrees that it is welcome to see the back of them and that we can now give every patient a waiting time guarantee.

Margaret Curran: As I said last week, Nicola Sturgeon borrowed Andy Kerr's model. She implied that we were deliberately masquerading people on those lists, but that was not the case. I notice that she has not produced the name of one person who was there illegitimately.

I want to talk about our significant, broader achievements in health, which I hope we will return to many times. Those substantial achievements were the result of leadership, political direction and effective delivery, and it is vital that they are maintained. Nicola Sturgeon quoted Liberal Democrat politicians down south, and I suppose that it is appropriate for me to quote Gordon Brown, who has had a significant and important conference this week. I think that all of Britain welcomed his restatement of the commitment of Labour to public services. It is important to remind ourselves that our great achievements in health are due to the investment that resulted from his stewardship of the British economy and his commitment to public services.

In 1999, £4.7 billion was committed to the health service in Scotland. In 2007, the figure was £10 billion—that is a phenomenal increase. I will ensure that the SNP does not undermine in any way the significance of Labour's achievements. We will hold the SNP to account. We should recognise what came from those substantial investments. In addition to the smoking ban, deaths from cancer were down by 15 per cent, strokes by 40 per cent and heart disease by 45 per cent. Cataract operations were up by 38 per cent and knee replacements by nearly 80 per cent. I could go on and on about the extra doctors and nurses. We appreciate what that means for the quality of life experience for those patients, as well as the freedom from pain and the opportunities that those patients are now afforded.

The SNP has inherited a significant legacy, which it must not squander. That is recognised in the SNP's amendment, and I hope that the SNP sticks with that, although the tenor of its contribution so far does not seem to indicate that it will.

Shona Robison: Given that the 18-week whole journey target, which is one of the elements of our amendment, was a commitment made in Labour's manifesto—a shared agenda—is it not concerning that Ross Finnie said that he had ruled out maximum waiting times, which indicates where his motion is coming from? Will Margaret Curran support our amendment in guaranteeing that 18-week whole journey target?

Margaret Curran: I was about to say that the whole journey guarantee in our manifesto is one to which we are firmly committed. We promised to deliver, just as the SNP has committed to a waiting time of 18 weeks for the whole journey by 2011. We did not make that commitment lightly. It was properly costed and we knew that we could deliver it within the timescale. It is central to the SNP's credibility, as it is to the credibility of any Administration, that it deliver on its commitment.

Nicola Sturgeon: On that point—

Margaret Curran: I am sorry. I am desperately running out of time.

Our charge against the SNP today is to question the idea that a legally binding guarantee helps patients along that journey. That is the germ of the debate and it is the issue that Nicola Sturgeon is trying to avoid.

Nicola Sturgeon: Will the member give way?

Margaret Curran: I am sorry. I genuinely do not have time.

If the SNP has to make guarantees legally binding, does that mean that it does not have confidence that it can deliver without them? Labour could have done it. How can the SNP have a legal guarantee without having recourse to law? How can it have recourse to law without involving lawyers? The SNP is involving lawyers when it should be involving clinicians.

Nicola Sturgeon: Will the member give way?

Margaret Curran: I have said no three times.

As Gordon Brown has indicated, and as Andy Kerr made clear in "Fair to All, Personal to Each", the next step for Labour is to personalise care and reduce bureaucracy. That is central in Labour's amendment. I hope that the Liberal Democrats will accept that amendment, because that is what we want to emphasise, and I hope that no one will be misguided by the SNP's obfuscation. I also hope that the Parliament can support the demand in the Liberal Democrat motion that the SNP should

produce a comprehensive assessment of how it will move forward on the issue. If the motion is agreed to, that will be a vital step forward for the chamber in holding the Government to account. Members must take the view that they will not risk waiting time guarantees or the service that is available to patients. We must ensure that the SNP Government is held to account for facile proposals such as the one that it has come forward with today.

I move amendment S3M-545.1, to leave out from "is concerned" to "on clinicians" and insert:

"calls on the Scottish Government to review the implementation proposals to ensure that the principles of *Fair to All, Personal to Each* are implemented with the least bureaucracy possible and ensure that the new waiting list system provides the highest quality support, particularly for the most vulnerable in our society".

09:50

Mary Scanlon (Highlands and Islands) (Con): Like Margaret Curran, I congratulate Ross Finnie on his speech. It is indeed an historic day. After eight years in government and 147 days in opposition, the new Lib Dems have all the answers on the NHS. I further congratulate Ross Finnie on his explanation of the difference between invention and implementation.

It is unfair of members who intervened on Ross Finnie, and did not give him the opportunity to finish what he was saying on the upper limit for waiting lists, to misquote him. I heard clearly what he was saying and I understood it, but there was misrepresentation from the Government benches.

Nicola Sturgeon: Will the member give way?

Mary Scanlon: I will not. I have got too much to say in a short time.

The Scottish Conservatives are delighted to speak to the motion, which

"regrets the decision by the SNP to put political dogma before patient need in ruling out the use of the private sector to reduce waiting times".

We welcome converts to the Tory cause, no matter how late and no matter what their previous convictions.

Last week, we heard of the abolition of the availability status codes—otherwise known as the hidden waiting lists—which currently total 25,000. Added to the real waiting lists, that presents a challenge within an 18-week waiting time guarantee, let alone an 18-week legally binding guarantee. As I have said previously, many patient groups fall outwith that waiting time guarantee, legally binding or not. Those groups include people with mental health problems, infertility patients, and people with drug and alcohol addiction who are waiting for detox and rehab.

Some patients can wait for years, not weeks or months.

There are 28,000 people in Scotland waiting for physiotherapy. Ross Finnie's point was that there should be a clinical judgment rather than a straight 18 weeks for all conditions. Physiotherapy patients have a recommended 18-week wait. However, although the Government insists on an 18-week target, that it is not appropriate for all patients. Given that 33,000 people in Scotland are off work due to back pain, would it not be good value for money to employ more physiotherapists and gain shorter waiting times? Would it not be good for people to get back to work rather than sitting at home for 18 weeks, particularly given that a small problem can become a chronic problem if it is left for that length of time? That would help the individual, help the family and help the economy.

Instead of legally binding waiting time guarantees being introduced for certain groups of patients, we suggest to the new SNP Government that more work force planning should be done not only in physiotherapy, but in chiropody, or podiatry as it is now known. The number of podiatrists has not increased since 2003, with the result that many elderly people are forced to pay privately for podiatry care and treatment to keep themselves mobile and independent.

It is right to raise the E112 scheme, which states:

"Under the relevant rules and European Court of Justice judgments, you are entitled to go abroad for treatment ... if ... you face an 'undue delay' in receiving the care you need in the UK."

Given that the Government has specified an 18-week waiting time, any lawyer could fairly assume that any patient whose wait exceeds 18 weeks could be funded by the NHS for treatment elsewhere in the European Union.

As I understand it, people can claim reimbursement of the charges for treatment up to the amount that it would cost the NHS to provide the care. As more patients find out about the scheme and we get a definition of "undue delay", more people could receive treatment abroad that is paid for by the NHS. Of course, undue delay and treatment abroad under the E112 scheme are now more likely because the Government refuses to use fully the resources and capacity of the independent sector in Scotland.

The First Minister, Mr Salmond, stated:

"The system that we have proposed and put out for ... consultation is based on the system that is used in the Norwegian health service".—[*Official Report*, 6 September 2007; c 1497.]

He said that the system will be patient centred and will put patients first. Given his endorsement of the Norwegian system, I ask the Cabinet Secretary for

Health and Wellbeing the following questions. Norwegian legislation gives patients a choice of hospitals in which to be treated and an option to change their general practitioner twice a year. What choice will the Scottish Government give patients? The Norwegian waiting time guarantee makes use of available capacity in other countries. Will the SNP send patients out of Scotland to meet the targets rather than using the staff and other resources of the independent sector in Scotland?

Will the SNP's legally binding waiting time guarantee cover care at home? Will it include all community care, as is the case in Norway? In 2004, Norwegian legislation was amended to extend the free choice of hospitals to include private hospitals that have agreements with the health authorities. Will the SNP allow patients in Scotland to choose which hospital to attend from a range of independent and NHS hospitals? In Norway, patients have the right to treatment in a private or foreign hospital if the time limit is exceeded. Will the SNP give patients in Scotland that right?

In the membership of the Norwegian Board of Health Supervision, the number of doctors, 20, is exceeded by the number of lawyers, 25. Is that really the SNP's model for health care in Scotland? The First Minister recommends the Norwegian model of health care, but even in Norway legally binding waiting time guarantees have not reduced waiting times by a single day.

09:58

Ian McKee (Lothians) (SNP): Spellbound though I am, as always, by the quality of Ross Finnie's oratory, I am amazed by the defeatist attitude that is encompassed in his tawdry motion. I presume that it was cobbled together in an attempt to secure support from those with entirely different motives and aspirations. Perhaps we will have to decide after the debate, having read the *Official Report*, but I heard Ross Finnie recommend that we should depart from a waiting time guarantee in some circumstances. I remind him that a waiting time guarantee was included in his party's manifesto as recently as 2007. It is clear that there has been a shift away from that policy in a short period of time.

The Government policy about which Ross Finnie and his party are concerned is the introduction by the end of 2011 of a legally binding guaranteed maximum waiting time of 18 weeks for the journey between GP referral and treatment. That is not a ludicrous target. It will most likely be met in England and Wales by the end of 2007; it will seem impossibly lax to the citizens of nearly every other developed nation; and it was adopted by Labour in its 2007 manifesto.

Margaret Curran: I accept the member's argument about the target in itself and the legitimacy of the time period, but the argument today is about the target's legally binding status. That is what concerns us.

Ian McKee: I reassure the member that I am approaching precisely that point. If she listens, she will hear me address it.

What are the objections to the target? People say that there will be increased bureaucracy, more pressure on health professionals, a greater administrative burden, and a concern for the suppliers of health care rather than consumers' interests. However, things have changed. We have a Government that puts patients' needs first.

Dr Simpson: Oh!

Ian McKee: I say to Dr Simpson that the Scottish health service is to be run for patients. Do the Opposition parties really want to go on the record opposing that philosophy? They say that legally binding guarantees will lead to a litigation culture. If Labour supports the motion on that account, it will show that it had no confidence that it could fulfil its promise of a maximum wait of 18 weeks. No one will go to law if the promise is met.

Dr Simpson: Will the member take an intervention?

Ian McKee: Not at the moment. I want to make some progress. I have a shortage of time, too.

Dr Simpson: The member named me.

Ian McKee: As I named Dr Simpson, I will take an intervention.

Dr Simpson: I thank the member for his courtesy.

We entirely support the guarantee. The problem is with its legality. If it is backed by legal issues, it is a different matter. We introduced a series of guarantees whereby, if a patient was not treated in their local hospital, they went to the Golden Jubilee hospital, which we renationalised. If they did not get into the Golden Jubilee because there was a problem with particular circumstances, they could go to the private sector. The SNP Government will get rid of that approach. If it was not possible for the patient to go to the private sector, there was ultimately a right for them to go abroad. We introduced all those rights.

The Deputy Presiding Officer (Alasdair Morgan): Not a speech, please.

Dr Simpson: There is no need for a legal guarantee.

Ian McKee: I am sorry that I mentioned Dr Simpson's name; I did so only because I thought that he was choking on his water, but he has now

made a speech in his own right. I do not have time to respond to it, but I certainly can. Ultimately, any guarantee anywhere in the world that is worth its weight is legally enforceable. Our guarantee is no different.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): Will the member take an intervention?

Ian McKee: Sit down, please. [*Laughter.*] Sorry. I ask the honourable member to sit down.

Labour assumes that Scotland cannot deliver health care to the standard of other nations. I say that it can. What we need to achieve that aim is a clearly articulated policy that it must happen.

Earlier this month Mr Finnie's boss, Nicol Stephen, hysterically painted a lurid picture of a lawyer beside every bed, with health service staff spending time in the courtroom rather than the treatment room, if waiting time guarantees were to be made legally binding. He must think that his party is still in government and running the health service.

How can the 18-week maximum wait be achieved? All health boards and hospitals will form their own plans, but I suggest two areas in which progress can be made. First, unnecessary follow-up appointments are still made for hospital outpatient clinics. If we reduce the number of those, more time will be freed up for earlier initial appointments. Secondly, there is still an unacceptable number of missed appointments. In one specialty in NHS Lothian last year, about one new patient in eight failed to attend their initial appointment. Simple, inexpensive measures can significantly reduce the figure, again shortening waiting times.

The motion alleges that the SNP Government rules out use of the private sector to reduce waiting times, but that is not true. Where gaps in the provision of health care have been left by the previous Labour and Lib Dem Government, we are content to allow judicious use of the private sector to ameliorate the situation. What we are against is the long-term privatisation of the health service and the private finance initiative, which take money from the health service into the private sector and provide nothing in return. [*Interruption.*]

The Deputy Presiding Officer: The member should be winding up.

Ian McKee: I think that it is other members who are winding up, Presiding Officer.

I ask members to read the motion, note that it contains a ragbag of loose information, and vote against it.

10:04

Helen Eadie (Dunfermline East) (Lab):

Members have focused on waiting times to get into hospital for treatment. I draw the Parliament's attention to a problem that some of my constituents have. They are on a hidden waiting list to get out of hospital. That brings a whole new meaning to waiting times, does it not? Will the guarantee apply to patients who are ready to be discharged?

Dr McKee said that the SNP puts patients first. In the past week, however, a number of my constituents have called my constituency office on behalf of a neighbour, relative or loved one. The problem stems from the fact that, as we speak, in another place—namely a meeting of the full Fife Council—the new SNP-led administration will agree a £600,000 package of cuts to the social work budget. It has instructed social workers in Fife to refuse care packages for Fifers who are waiting to be discharged from hospital.

I would like to consider the example of my elderly constituent, Mr McKilligan, from Rosyth—but I will give way to the minister first.

Shona Robison: Given that the member raised the matter at the Health and Sport Committee, I looked into it. In that case, people did not get the choice of care home that they wanted, so the delay is due to choice. I have sent in a team to examine the Fife situation. I can guarantee that, like other councils, Fife Council will meet the six-week delayed discharge target next year. I hope that the member will be reassured by that commitment.

Helen Eadie: I am not reassured. My elderly constituent, Mr McKilligan, does not want to go into a care home. He wants to go home, not to any other establishment. He has given me approval in writing to raise his case in the Parliament today. He has been told that he has six months to live because he has cancer. He has been told that he cannot go home just now because the council cannot provide a care package. He is not alone—there are dozens of others like him. He has been told that he may discharge himself and pay for his own care package, which, he has been informed, will cost him upwards of £200 a week. That policy is despicable. Why does Nicola Sturgeon allow the frailest of our people to be treated in that way?

I hope that the Government will take note of that case. This week I have been informed of other cases, all stemming from the same problem, which have happened in the past 10 days. All those cases are winging their way to the cabinet secretary, to the SNP leader of Fife Council and to the chief executive of Fife NHS Board. Whenever I have a constituent's permission, I shall issue a press release about their case to highlight the

outrageous new policy of Fife's SNP-led administration.

We are all intrigued by the fact that the SNP's policy development draws on the Norwegian experience. We are used to SNP members citing the Irish experience, although they seldom tell us that prescription charges in Ireland are £60 a go. In Norway, a big-picture approach was taken, rather than the fragmented approach that the SNP is taking today. Should we look forward to more reliance on Norwegian health policy? We know about the fees that people have to pay for health treatment in Norway.

Alasdair Allan (Western Isles) (SNP): Will the member give way?

Helen Eadie: I have to make progress.

As has been highlighted in a report from the Organisation for Economic Co-operation and Development, fee paying is directly linked to waiting times. When people in Norway undergo a health check or receive medical treatment, they are obliged to pay a user fee, which is paid directly to the health institution that has provided the treatment.

The OECD's report on waiting times says:

"Waiting times for elective surgery are a significant health policy concern in approximately half of all OECD countries. The main objectives of the OECD Waiting Times project were to: i) review policy initiatives to reduce waiting times in 12 OECD countries; and ii) to investigate the causes of variations in waiting times for non-emergency surgery across countries. The first objective was addressed in an earlier report".

It tells us:

"An interesting feature of OECD countries is that while some countries report significant waiting, others do not. Waiting times are a serious health policy issue in the 12 countries involved in this project (Australia, Canada, Denmark, Finland, Ireland, Italy, Netherlands, New Zealand, Norway, Spain, Sweden, and the United Kingdom)."

Interestingly, the report highlights the fact that

"Waiting times are not recorded administratively in a second group of countries (Austria, Belgium, France, Germany, Japan, Luxembourg, Switzerland, and the United States) but are anecdotally (informally) reported to be low.

This paper contains a comparative analysis of these two groups of countries and addresses what factors may explain the absence of waiting times in the second group. It suggests that there is a clear negative association between waiting times and capacity, either measured in terms of number of beds or number of practising physicians. Analogously, a higher level of health spending is also systematically associated with lower waiting times, all other things equal.

Among the group of countries with waiting times, it is the availability of doctors"

that is "most significant." I hope that the minister will pay attention to that fact.

There is a report in *The Herald* today about Monklands hospital, where 240 new doctors will be needed. The availability of doctors is critical to waiting times. This is not simply about administration; there is an issue around the shortage of specialists—a shortage in the human resources that are needed to deal with cases.

The OECD report continues:

“Econometric estimates suggest that a marginal increase of 0.1 practising physicians and specialists ... is associated respectively with a marginal reduction of mean waiting times of 8.3 and 6.4 days ... and a marginal reduction of median waiting times of 7.6 and 8.9 days, across all procedures included in the study.”

I must stop there, but I hope that the minister will have regard to the real patient issues. They are not being dealt with today, as is evidenced by my points about the examples in Fife.

10:10

Christine Grahame (South of Scotland) (SNP): I dispute what Helen Eadie said. For the first time, there are clear instructions to patients about their rights regarding the waiting time guarantee. They are contained in the leaflet, “Hospital appointments and waiting times explained”. I will deal later with some of the issues around that.

First, however, I must compliment Ross Finnie. He is always good value. He always insults with wit and charm. However, he cannot get away from the fact that, for the past eight years, Labour and the Liberal Democrats were in power in the Parliament, and we have inherited the current situation from them. That includes the dreadful cases of people who cannot get released from hospital because there is not the money in social work departments to pay for their care at home.

Still on Ross Finnie’s speech, we have heard a lot of slurs about lawyers this morning. I am no longer a practising lawyer, but I point out that, for more than a decade, the Labour-Liberal Government failed to fund civil legal aid. There were warnings that the paucity of fees for civil legal aid would mean that income from private clients would no longer subsidise such cases and that firms would stop taking them. I welcome the lighted-hearted remark from Murdo Fraser about that but, even as we speak, and as was reported in the newspapers recently, very few people now have access to civil legal aid. We have inherited that disgraceful situation from the previous Government.

I turn to the categorisation of clinical priorities. I will park the argument about having a maximum waiting time guarantee—I refer to Ross Finnie’s speech. We have aired that issue enough. We should, however, make it clear that 18 weeks is a

maximum waiting time. I suggest to Ross Finnie that there is room for clinical intervention. I looked carefully at the cabinet secretary’s speech on the matter, and I have raised the issue in questions to her.

Iain Smith: Will the member take an intervention?

Christine Grahame: I wish to proceed with this point first. Previously, categorising clinical priorities varied from NHS board to NHS board. For instance, people undergoing a double hip replacement in one area might be told that it is a specialist treatment, but they might not be told that in another area. In one case, they will get a maximum waiting time; in another, they will not.

In her statement, the cabinet secretary spoke about situations when the clock would have to stop:

“Another example would be the patient who has a temporary medical condition, such as raised blood pressure or a chest infection, that makes it clinically inappropriate for treatment to be undertaken. The patient will therefore be unavailable, but the hospital will keep the patient on the list and under review until the issue has been resolved. The waiting time clock will be stopped until the patient is fit again and available for treatment.”—[*Official Report*, 19 September 2007; c 1834.]

The idea that there is no reasonable clinical discretion is simply not right.

Iain Smith *rose—*

Ross Finnie *rose—*

Christine Grahame: I will give way.

The Deputy Presiding Officer: To whom are you giving way?

Christine Grahame: To Mr Finnie. I am sorry—I did not see anybody else wishing to intervene.

Ross Finnie: We were not making a point about cases where patients developed further conditions, causing the clock to stop; we were making a point about choosing between two patients presenting on the same day, one of whom, in the eyes of a clinician, had a priority. I am sorry that our view is not shared by Dr McKee. He prefers his political masters now. That was our point, however.

Christine Grahame: The point that we are fairly making is that the maximum waiting time that will be given to any patient is 18 weeks. If there are clinical reasons why they cannot be treated within that time, there will obviously have to be discretion.

Iain Smith *rose—*

Christine Grahame: I want to make progress. We are not given extra time for interventions, regrettably.

Some red herrings have been raised about legal issues. I do not want to overwork the Norwegian or any other example. A bill will come before Parliament that will propose remedies. If it cannot be enforced, giving people a guarantee—whether it is for a television or for a waiting time—is a pointless waste of paper. Our proposal—which is open to consultation—is for a series of appeals that patients could go through. They could go to an NHS board—which we hope will be elected—or to an appeals committee. There will be remedies available to patients through the NHS system, and if those remedies fail, patients will have the right to go to court. That does not mean that patients will go to court in the first instance, just as people cannot in the first instance go to the Scottish Public Services Ombudsman or to the Press Complaints Commission—which I am thinking of doing—but have to go through other routes first. The guarantee, however, will be enforceable; I cannot say it any clearer than that.

Helen Eadie: The member says that patients will ultimately be able to go to court. Would it not be better to allow them ultimately to get treatment abroad or elsewhere, instead of having to go to court?

Christine Grahame: In Norway, nobody has gone to court because the mere fact that people have that right acts as a deterrent. To give the member a parallel example, the anti-smoking legislation covering public places that was pioneered by Kenneth Gibson and Stewart Maxwell and which I am glad that you picked up—

Dr Simpson *rose*—

Christine Grahame: Dr Simpson, please do not look for an intervention because I named you.

That legislation has worked as a deterrent because it is enforceable; very few have breached its conditions.

I remind members that, although we are discussing waiting times today, a bill will come before committee and there will be every opportunity during evidence taking at stage 1 to express any anxieties about the system, to test its legal enforceability, to decide whether the mechanisms will overwhelm the system, and to lodge amendments to see whether it is worthy.

Let us have the debate and examine the evidence before us. With the will of the Parliament we will, I hope, end up with an 18-week maximum waiting time guarantee that is enforceable.

10:17

James Kelly (Glasgow Rutherglen) (Lab): I welcome the opportunity to take part in the debate on health, because it is an important issue that underpins many of the topics that we discuss in

the Parliament. There is an important link between health and other issues that are crucial to Scotland, ranging from the economy to sport and from housing to education.

The debate is focusing on waiting times and primary care because those are important for delivering a healthier, fairer Scotland. I am sure that members agree that we want to speed up the patient journey from the waiting room to diagnosis to treatment, and I acknowledge the work of the previous Executive in reducing waiting times from 18 months to 18 weeks—something that has contributed tremendously to tackling some of the health issues that we face.

As Margaret Curran acknowledged, that reduction is due in part to the allocation of funding from the United Kingdom Government. From 2002 to 2007, the health budget grew by 39.3 per cent to £10.25 billion, which represented 32.8 per cent of the overall budget. That shows what a priority health became for the previous Executive—as I am sure that it will become for this Executive—and that funding allowed us to tackle the major issues of heart disease, cancer and lung disease.

As part of a cross-party group of MSPs, I recently visited the excellent facility at the Beatson oncology centre and saw at first hand the positive impact of investment in health. I was interested to hear one of the professors at the Beatson centre talking about the positive impact of the smoking ban—which was, incidentally, introduced by the previous Executive. The professor also spoke about the other important issues in public health policy and the need to move forward on the issues of smoking and alcohol. There are a lot of issues that need to be tackled, and positive action on waiting times and investment in primary care would help greatly.

There was a lot of talk during yesterday's enterprise statement about decluttering. It is important that we do some decluttering in the area of health and waiting times in order to ensure positive delivery—binding agreements have the potential to introduce more bureaucracy. The SNP likes to quote the Norwegian example but, as Richard Simpson pointed out last week, that has resulted in an increase in numbers of people on the waiting list from 210,000 to 260,000.

Alasdair Allan: The member has said a lot about the supposed disadvantages of a legally enforceable right to a maximum waiting time. I am sure that his view would not be shared by the 35,000 people who were on hidden waiting lists under the previous Administration. Given that he and members of his party object to the principle of a legally enforceable right to a maximum waiting time, does he also think that there should not be legally enforceable rights for workers and consumers, in case lawyers ultimately become involved?

James Kelly: We are specifically discussing health. My colleague Margaret Curran was quite clear about our views on the waiting time guarantee. We have some reservations about increases in bureaucracy. As the health secretary acknowledged last week, the guarantee needs to be delivered within health boards' current budgets, which means that it could undermine other delivery priorities for local health boards.

In the time remaining, I will move away from the technical aspects of the debate and cover other issues. Health is an important equality issue. In areas where there is poverty, deprivation and a high incidence of drug use, there are also health problems, which it is important that we address. We should provide economic opportunities so that people live more stable and healthier lives.

I acknowledge positive aspects of primary care in my constituency. I recently visited a general practice in Halfway and was impressed by how it had organised its operations with information technology and by the fact that it prioritised early intervention.

The work of community health partnerships links into communities well. I draw to members' attention the Rutherglen and Cambuslang community health initiative, which does a lot of work in the community to raise awareness of health issues.

This debate is important, because people want positive action as they wait for appointments. They are not interested in a Government spending £100,000 on changing signs or £500,000 on a new broadcasting commission. Let us have action on shorter waiting times and investment in primary care. The time to act is now.

10:23

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): No one disagrees with the aim of reducing the length of time that someone waits for treatment in the NHS when they are ill. The SNP does not have a monopoly in this area, even if it seems to believe, or suggest, that it does. The real question is what the best way is of introducing reduced waiting times into the NHS, at the same time as continuously improving patient care.

"Nothing is more dispiriting to staff than filling in endless forms that add nothing to their efforts. The mania for short-term targets, matched only by the frenzy for new schemes and crafty wheezes, fulfilled the need of some politicians to try to prove that they were doing something."—[*Official Report*, 12 September 2007; c 1601-2.]

That is what Christina McKelvie said in the skills debate in welcoming the abolition of targets in education. Imagine such dispiriting form filling being introduced with personal, legally binding guarantees.

However, this debate is about not just the form filling and bureaucracy, but whether introducing a waiting time guarantee is the right way forward for the NHS. We can look to the Organisation for Economic Co-operation and Development, which the SNP often quotes, for advice in this area. Its health working paper, which analysed waiting time guarantees, states:

"the introduction of an 'unconditional maximum waiting-time guarantee' may induce the provider to give higher priority to less severe patients (who have waited longest), as long as they approach the maximum waiting time ... This behaviour conflicts with clinical priority and the guarantee may in practice act as a guarantee for low-priority patients."

I say to the minister that that is from the OECD.

Shona Robison: Does that mean that the Liberal Democrats do not support maximum waiting time guarantees?

Jeremy Purvis: As Mr Finnie made clear earlier, the Liberal Democrats do not support legally binding personal guarantees. The minister continues to misrepresent our position. Of course we want targets for waiting times to be reduced. The problem, as the OECD has said, lies with the Government's approach, which involves legally binding personal guarantees.

Last week, the cabinet secretary quoted Margaret Watt, the chairwoman of the Scotland Patients Association, as endorsing her plans. I wonder whether the Minister for Public Health read the issue of the *Evening Times* in which Mrs Watt said:

"It is hard to believe any of the politicians. How often have we heard them promise something only to say: 'We'd love to do it but we can't afford it,' once they are voted in?"

She cannot be referring solely to the Scottish National Party; of course, it is a plague on all our houses. However, she went on to say:

"We would lean towards any party that is trying to take the politicians out of the health service."

The SNP is putting politicians at the heart of the national health service, with central strictures in the guise of patients' rights. As the cabinet secretary said last week, there is now an end to professional medical judgment about prioritising care and there will no longer be any exclusions because of low clinical priority. However, we heard from Christine Grahame that there will be clinical discretion. In Mr Finnie's example of a situation involving two patients—one with low priority care needs and one with urgent priority care needs—presenting at the same time, the treatment priority would be the low priority patient, as the OECD said.

Shona Robison: Will the member give way?

Jeremy Purvis: I will let the minister in later, if I have time.

Three weeks ago, the SNP Government said that non-consultant-led services would not be part of its waiting time guarantee. However, we now understand that all services will be covered, including podiatry, physiotherapy, psychiatry and audiology. I would like clarity about whether the guarantee will be applied to psychology services. If so, I would like the Government to state how it will define the completion of that treatment.

Four months ago, the SNP Government announced a new independent scrutiny approach for the closure of NHS services. This month, there is some confusion about whether that applies to GP practices.

Last week, the SNP announced an end to availability surplus codes but failed to mention that the previous Executive had already given funding to NHS boards to remove those. Incidentally, I am sure that the Minister for Public Health was as surprised as I was to see in the annual review paper of NHS Borders, which was released on Monday, tables that clearly showed that there are no patients in the Borders with an ASC 3 or ASC 4 code, a table with an ASC code waiting for admission at 31 March broken down by specialty and a table with the maximum waiting time for those patients. We should have been surprised to see that information, as we had been led to believe that it was all hidden. It was so well hidden that it was in a report that Shona Robison welcomed on Monday and in a report that Andy Kerr commended last year. Some secret, that.

After the cabinet secretary's statement last week, I met the chair and chief executive of NHS Borders and asked whether delivering the end of availability surplus codes would pose them difficulties. The reply was interesting. I was told, "No, because we have the funding and IT systems in place." I asked about the legally binding waiting times guarantee and the chief executive said, "We will be able to implement it, but we need considerably more resources than it's been indicated that we'll get—so far."

On the 18-week target, the document that the minister commended on Monday says:

"This 18 week target will be achieved through systems mapping within all specialties"

and

"the use of private providers in urology, orthopaedics, ENT, neurology, dermatology and general surgery."

However, the SNP is ruling out private providers, which means that much more capacity in all those areas will be needed in the NHS.

Mary Scanlon is right to point out that Norway has one of the highest rates in the world of

sending patients to another country to receive treatment.

The OECD says:

"There is a wide range of examples of the implementation of maximum waiting-time guarantees. However, in a number of countries they have been modified or abandoned (Denmark, Norway, and Sweden). Moreover, there seems to be no agreement on the way to formulate the guarantee."

It also says that that formulation

"has also proved to be unsuccessful as it is difficult to determine uniform criteria for need."

The minister does not have to believe Ross Finnie, Norman Lamb or me, but she should believe the OECD.

10:30

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

This has been a historic day. We were all entertained by the sight of Ross Finnie losing his virginity as the leader of an Opposition debate. Without being unkind, I should say that I appreciate that that is not a mental image that we want to dwell on for too long. I enjoyed Ross Finnie's speech, which was entertaining and effective.

Much of the debate has concentrated on waiting time targets. However, that is not the only issue in the health service, nor is it the only issue that is referred to in the Liberal Democrat motion. I will concentrate my remarks on primary health care, which the motion touches on, because, although waiting times for treatment are important to people, they are not always the most important thing; the interface between the patient and primary care can be more important, particularly in relation to out-of-hours cover. Anyone who has had to contact the health service in the middle of the night because they have a sick child or adult in their house knows that that can be stressful. It is essential that high quality out-of-hours care is available as part of our primary care services.

I am sure that the minister will be well aware of the recent Audit Scotland report on primary care out-of-hours services, which highlights the continuing pressure that out-of-hours services are under. The report found that many health boards are having difficulty filling GP out-of-hours rotas and that, if more GPs opt out of working out-of-hours cover, as many have already done, the future of the service will be at risk. The report says that there is a significant risk that current models of service delivery are not sustainable in the long term. That is a serious criticism and the Government urgently needs to make a serious response.

On many occasions, I have raised concerns about how NHS 24 operates, particularly in

relation to rural areas, such as parts of Angus, Perthshire and Stirling in my parliamentary region. There is no doubt that the changes to the out-of-hours service have not been welcomed in many of these rural areas. It seems that the need to use NHS 24, combined with GPs opting out of providing out-of-hours cover, has resulted in a poorer health service—one in which lives could be put at risk.

I had thought that those criticisms were shared by the SNP, at least while it was in opposition. In the *Sunday Herald* of 23 July 2006, Shona Robison said:

“We believe there needs to be a fundamental restructuring of the service, with it devolved to health boards to provide the out-of-hours service, including the element of NHS24.”

Shona Robison: That is exactly why the cabinet secretary was pushing that point at the review of NHS 24. At every health board review, we have been talking about the need to devolve NHS 24 to a local health board area and co-locate with other out-of-hours services. Good progress is being made on that.

Murdo Fraser: I am pleased to hear that good progress is being made, but that reassurance does not seem to have reached my constituents, who continue to be concerned about the operation of NHS 24 and the out-of-hours service that they receive. We need improvements to the service and a thorough review of the structure of NHS 24, so that better local health care provision can be delivered, particularly to rural areas.

Tied in with that issue is the question of ambulance cover because, clearly, the changes in out-of-hours cover have an impact on the ambulance service. As the cabinet secretary knows, I have written to her to express my concern about the fact that the number of ambulances stationed in Pitlochry has been reduced. Although the minister has set out the reasons for the reduction in ambulance cover, I believe that halving the number of ambulances in Pitlochry from two to one could have an adverse effect on response times to accident and emergency call-outs in highland Perthshire.

One ambulance now covers an area of roughly 400 square miles in highland Perthshire. That massive area includes a major section of the A9—Scotland’s most dangerous road on which all too many serious accidents occur—and areas where people climb, canoe and enjoy other potentially hazardous activities. To put it into context, if the ambulance stationed in Pitlochry is occupied and another is required for an emergency call-out, the nearest available ambulance that serves highland Perthshire will have to come from Blairgowrie, Crieff, Killin or even Perth itself. The situation could arise—

The Deputy Presiding Officer: The member has one more minute, and I must point out that he is beginning to stray from the terms of the motion.

Murdo Fraser: As I am discussing the part of the motion that highlights the lack of investment in primary care, I would have thought that my remarks were competent. However, I will draw quickly to a close.

I am concerned that an ambulance travelling from Blairgowrie or Perth to the north-west of highland Perthshire might take an hour and a half to reach a casualty. I realise that ambulance response times in rural areas will not be the same as those expected in Dundee and Glasgow—represented by Shona Robison and Nicola Sturgeon respectively—but I think that people in those areas can reasonably expect an ambulance service that responds to the demands placed on it.

I make no apology for raising serious issues that affect the delivery of primary care and the future of out-of-hours GP services. They are key areas both of health service activity and of public concern, and ministers must be able to reassure the public that the service for which they are paying is not getting worse and is not putting their health—or, indeed, their lives—at risk.

10:36

Stuart McMillan (West of Scotland) (SNP): I was hoping that the Liberal Democrats’ motion would be a bit more constructive and consensual—but, alas, no. Yet again, we have negativity from the party of contradiction. If the Lib Dems do not want shorter waiting times, I am sure that they will have even fewer MSPs in four years’ time.

Everyone in the chamber, apart from the Lib Dems, wants shorter waiting lists and, indeed, no waiting times at all. Taking no action has never been an option, because it will lead to an NHS that will continue to be burdened with waiting times that are totally unacceptable in this day and age. This morning, Margaret Curran referred to the extra funding given to the NHS from 1999 to 2007. Although everyone welcomes that additional money, the public wonders whether it has been wisely spent and whether the NHS is any better as a result.

John Park (Mid Scotland and Fife) (Lab): Will the member give way?

Stuart McMillan: Not at the moment.

I am surprised that the Lib Dems have lodged a motion that opposes improvement in the NHS. Thankfully, though, the motion also highlights their position on patient rights. I believe that patients should have rights; obviously, the Lib Dems do not. Their scaremongering about a lawyer at every

bedside is utter nonsense and simply shows their contempt for the Scottish people. No one in this Parliament with any sense believes that Scotland will end up with an American-style litigation system. Those who do have no confidence in the Scottish people or the Scottish NHS and therefore have no place in this chamber.

The motion also shows the Lib Dems' desire to grasp the privatisation of the NHS. I cannot believe that a party that was in Government until only recently is able to defend or even promote the NHS's continued privatisation.

Ross Finnie: Will the member give way?

Stuart McMillan: Not at the moment.

Members: Oh!

Stuart McMillan: The chamber will have to forgive me. I consider the NHS to be sacred and to be for every member of our society. The NHS in Scotland is not for sale and should not be privatised. It should be of the people, for the people and by the people.

Margaret Curran: Will the member give way?

Stuart McMillan: I am sorry; I need to make some progress.

We should consider the Lib Dems' poles-apart positions on this matter. In Edinburgh, they want more privatisation whereas, in London, they do not want it at all. Only last September, after the Labour Party conference passed a motion against their Government's policy of even more privatisation, the Lib Dem MP Steve Webb said:

"The recent announcement that there is to be no limit on the involvement of the private sector in the NHS will alarm the vast majority who do not want to see the health service privatised."

The London Lib Dems are against privatisation, but their Scottish branch wishes to embrace it.

Ross Finnie: Will the member give way?

Stuart McMillan: I am sorry; I need to make some progress.

Members: Oh!

Stuart McMillan: I am sure that every party in the chamber, except the Scottish branch of the Lib Dems, is able to highlight many examples of Lib Dem hypocrisy. They have this reputation for being nice, fluffy and cuddly, but as today's motion proves, they are cynical and hypocritical and, apart from allowing the people of Scotland to have a referendum on independence, will say and do anything to get into power. Unfortunately they were successful for eight years. However, this year, thankfully, the Scottish population saw through their deceit and voted accordingly.

This year's SNP manifesto pledged to reduce waiting times and introduce a patients' rights bill.

We believe that by the end of 2011 no patient should wait longer than 18 weeks from GP referral to treatment; indeed, as the Labour Party's manifesto contains a similar policy, I would have thought that it would support the SNP in this matter.

As we all know, hidden waiting lists were the unspoken truth of the previous Administration. I will not labour that point, but I think that patients should have real rights and shorter waiting times. The SNP Government will introduce the same kind of patients' rights legislation that, as various members have already pointed out, has been a success in Norway. The Norwegian system gives patients rights to information, rights to individual plans, rights to medical records and special rights for children. Who in the chamber does not want such rights for themselves, their families or their constituents?

The Scottish branch of the Lib Dems wants privatisation, but the London branch does not. The Lib Dems do not believe in giving patients rights, because they think that that will lead to a "litigation culture". Moreover, they have no confidence in the Scottish people. What is the point of them? As they obviously have no confidence in Scotland, why should Scotland have any confidence in them?

Nicola Sturgeon recognised that, despite its many failings, the previous Administration made some progress in reducing waiting times. The SNP Government has been big enough to highlight that, and it simply wants to make continuous improvements to help Scotland's patients and the NHS as a whole. In that light, I urge every member to back the Government's amendment.

10:42

Rhoda Grant (Highlands and Islands) (Lab):

In her statement last week, the Cabinet Secretary for Health and Wellbeing said that she would improve patient choice by offering each patient two appointments, instead of the current one. At the moment, when allocating appointments, staff at out-patient clinics use their local knowledge of, for example, journey times to offer patients suitable appointments. Patients are then sent a letter with sufficient notice of a single appointment date and time. If the appointment is suitable, nothing more needs to be done; the patient simply turns up at the allocated time. Under the current system, all available appointments are allocated to begin with. If the time and date are unsuitable, the patient phones to reschedule the appointment, and the original appointment is then offered to the next person on the list either by card or, in the case of a late cancellation, by telephone.

Under the new system outlined by the cabinet secretary, each person will have the choice of two

appointments, and they will need to phone up and select one. As a result, only half of the available appointments will be allocated in the initial trawl, because one choice will always remain unallocated. Moreover, every patient will need to phone in to select their preferred appointment. What happens to unselected appointments? Does the system have to start so far back from the appointment date to allow appointments to be allocated in twos again, or do staff have frantically to phone around those on the waiting list to fill the unselected appointments?

Nicola Sturgeon: Will the member give way?

Rhoda Grant: I will give way in a moment. I asked a question on this matter last week, and I want to set out my concerns very clearly so that the cabinet secretary can give me a clear response.

Surely, although the new system will need the same number of staff as the current one to allocate the initial appointments, many more staff will be required to deal with the calls either to confirm or to reallocate appointments.

Nicola Sturgeon: I have listened very carefully to the member's speech. She will understand that our aim is for the system to be underpinned by better IT in order to reduce bureaucracy and lift the burden on staff.

As for the choice of patient appointments, I hope that the member is aware that, these days, many hospitals—and we are seeking to increase the number—allocate appointments through a modern telephone booking system. Indeed, appointments will increasingly be made in that modern way, because it is in the patients' interests to do so. After all, choice can be given without the kind of bureaucracy that Rhoda Grant has envisaged. We should be aiming for a much more streamlined system for the benefit of all patients.

Rhoda Grant: To be honest, I was going to suggest a system of the kind that the cabinet secretary is talking about. However, that is not the kind of system that she outlined in her statement. It is important that, if appointments are to be offered on that basis, the person is written to and told that they should phone to book an appointment. That is not giving someone a choice of two appointments; it is giving them a choice of the whole range of appointments that are available at that time. That would be an excellent system, but it would need more staff.

Under the proposed system, what will happen if someone does not phone? Staff will need to monitor the lists constantly to see who needs to be chased up. Will they then have to phone that person? Will they reallocate the two appointments that the person has been offered? What will happen if the original person turns up for an

appointment that has been reallocated? Will two patients need to be seen at the same time?

Moving on, what will happen if neither of the allocated appointments suits a patient? My reading of the cabinet secretary's statement is that, if the first appointment does not suit the patient and they are allocated a second appointment that still does not suit them, they will go back to the end of the queue.

Nicola Sturgeon: If neither of the two appointments suits the patient, at the discretion of the health board the patient may be referred back to their GP. There may be a reason why the person is not willing to accept an appointment.

What is proposed is an infinitely better system than the system that we have just now. Currently, if a patient cannot make an appointment for any reason, they do not go back to the end of the queue; they lose their waiting time guarantee for all time. They never get it back again and end up waiting for perhaps two years or more. Whatever reservations the member may have about our proposed system in practice—and we will certainly be held to account for its implementation—does she concede that it is a far better system than the one that the previous Administration put in place?

Rhoda Grant: No, I cannot concede that. The cabinet secretary misrepresents what happens just now. At the moment, if someone is offered an appointment that they cannot accept, they phone up to make another appointment. The health service is not so bureaucratic that it does not offer the person another appointment.

The cabinet secretary says that the new system will offer a patient two separate appointments. However, if they are on holiday at the time of the first appointment and have a work commitment to fulfil at the time of the second appointment, under the new system they will lose their waiting time guarantee. The cabinet secretary needs to make the new system more flexible. She must also take into account the fact that the new system will need more staff. A system such as she described in her intervention, in which people phone up and choose an appointment time, would be much more preferable to the appointment system that she outlined in her statement.

There are many other points that I would like to make, but I have taken interventions and I do not want to prevent other members from speaking by taking any more time. I would appreciate it if cabinet secretary would address the points that I have raised. The system that she set out in her statement is not the system that she has talked about in interventions, which would certainly be much better.

The Deputy Presiding Officer (Trish Godman): We are running short of time. I will allow the next two members—Hugh O'Donnell and

Jamie Hepburn—six minutes. I will then call Karen Gillon, Bill Kidd and John Lamont, who will get four minutes each.

10:48

Hugh O'Donnell (Central Scotland) (LD): I am happy to be involved in another important health debate that is substantially on the issue of waiting times but which also relates to primary care services. It is on the latter that I would like to focus, particularly in relation to the region that I represent.

From the various pronouncements of the cabinet secretary and the minister, I get a sense that we are developing our health service in a piecemeal way. A fundamentally opportunist political decision was made to retain services at Monklands hospital and the hospitals in Ayrshire.

Jamie Hepburn (Central Scotland) (SNP): Will the member give way?

Hugh O'Donnell: Let me make some progress, first. I will take an intervention in a moment.

It is almost inevitable that one of the rebuttals that I will receive when I raise the issue of Monklands hospital is the fact that I supported a motion to retain services there. The fact is that the motion also referred more widely to primary care services and the threat that was posed to them by the approach that was being taken to Monklands hospital by the Administration.

I would like to focus on primary care services. Even the remotest possibility that a politically motivated decision relating to Monklands hospital will impact on minor injuries clinics in Cumbernauld, the new health centre in Kilsyth and any improvements to the overstretched GP facilities at Craigmarloch comes remarkably close to criminal negligence.

Jamie Hepburn: I recently had the pleasure of attending a briefing by NHS Lanarkshire. Mr O'Donnell was unable to attend the briefing, so he sent a member of staff along. Clearly, they were unable to convey to him what we were told at the briefing. We were told by one of the officials there that the decision to keep the A and E unit open could not be linked to any impacts on other services.

Hugh O'Donnell: That is interesting. That information was conveyed to me. However, it was also conveyed to me that the Government has shelved £253 million worth of development and £100 million of investment in primary care services, which are now under threat as a direct result of the politically motivated decision to keep the A and E unit at the hospital open without any additional funding. That is the reality.

Cumbernauld is the largest town in North Lanarkshire. In the 35 years for which I have lived there, various Administrations and Governments have promised a hospital and improvements to the primary care services in the town. The closest that our town has come to that, however, was the minor injuries unit that was promised and planned as part of the picture of health initiative.

Yes, I and other members supported the retention of the A and E unit, but not at the expense of vital primary care services. For the cabinet secretary to claim that the unit can be retained within existing resources is either completely naive or completely cynical—I am not sure which. It is also completely unrealistic to expect the health board to reorganise and staff a new set of politically driven proposals on waiting times within the same budget. I am sorry, but that just does not add up.

Nicola Sturgeon: Time will tell which of us is right on the issue of primary and community care. I am determined to save A and E and have decent community care, which was not provided under the previous Administration. For clarity, can Hugh O'Donnell confirm that there are circumstances in which he would back the closure of the A and E unit at Monklands hospital?

Hugh O'Donnell: No, that is clearly not what I am saying. I said that the A and E unit should not be saved at the expense of primary care services. Is the cabinet secretary saying that she will provide the funding for the original picture of health primary care services in addition to the funding that was promised for A and E at Monklands hospital? Clearly not.

Colleagues have highlighted the shortcomings of the plans for waiting time guarantees. The cabinet secretary has assured us that her proposals are achievable within the current budgets. Although that assurance is not credible under any circumstances, at the moment we cannot even question it because we do not know the cost implications of either decision. It is time for the Government to come clean about what it will pay, how it will pay and what it will cut in order to achieve those politically motivated goals.

This is the beginning of autumn. The fig leaf of the comprehensive spending review cannot continue to cover the shortcomings of the Administration. Autumn brings the falling of the leaves, and I think that those shortcomings will be severely exposed when we get the comprehensive spending review.

10:54

Jamie Hepburn (Central Scotland) (SNP): I am somewhat disappointed that the Liberal Democrats persist in attempting to mislead the

public about the policies that are being pursued for our national health service by the SNP Government. Indeed, as Stuart McMillan said, the Liberals are not only trying to mislead people; they are positively trying to scaremonger on the issue.

Ross Finnie's motion is disappointing, although altogether unsurprising, and wrong on many levels. First, it falls down by describing the Government's proposed changes as

"leading to a litigation culture in the NHS".

That suggestion reflects much of the rhetoric that Nicol Stephen manfully—indeed, painfully—pursued at a recent First Minister's question time. Mr Stephen's more outrageous claims included the suggestion that

"The SNP's proposal will mean American-style litigation in Scotland's health service ... it will result in health service staff spending time in the courtroom rather than the treatment room."

However, his most outrageous fit of hyperbole was the claim that the proposals will mean

"a lawyer by every bedside"—[*Official Report*, 6 September 2007; c 1497.]

Clearly, Ross Finnie has not paid attention to his leader's exchanges with Alex Salmond—although who could blame him for not doing so?—because, if he had listened, he would have heard that the SNP proposals are largely based on a Norwegian model. That point has been well made today.

Jeremy Purvis: Can the member explain why the OECD is so wrong to say that the Norwegian experience should not be followed? Can he also explain why the College of Family Physicians of Canada research into the Norwegian experience gives the lessons learned as "Introduce private providers" and, as Mary Scanlon suggested, encourage more patients to go abroad? Why are the OECD and the Canadian physicians so wrong?

Jamie Hepburn: I suppose that the OECD and the Canadian physicians will need to explain that themselves.

My point relates to the waiting time guarantee—[*Interruption.*] I ask members to let me continue. On how many occasions have Norwegian patients taken legal action because they have a system of guaranteed waiting times? As Nicola Sturgeon spelled out earlier, the answer is none—not one single occasion. The claim that the changes will lead to masses of litigation and

"a lawyer by every bedside"

is simply hyperbole and scaremongering. Therefore, it is nothing short of the stuff of fairy tales—not as entertaining, of course, as Wendy Alexander's very hungry caterpillar tale—for Ross Finnie to claim, as he does in the motion, that the changes will lead to a

"litigation culture in the NHS."

The Liberal Democrats are scaremongering and they do the debate a disservice by perpetuating the fantasy of lawyers "by every bedside".

Ross Finnie: Given the cabinet secretary's absolute statement that the only way in which the guarantee could be pursued is through the courts—as she admitted on "Newsnight Scotland"—is it not entirely reasonable to assume that the only way in which the matter can be pursued is through the courts?

Jamie Hepburn: Again, Mr Finnie has not been listening. Going through the courts is not the only recourse, although that will of course be the ultimate recourse for a legally binding guarantee. The question that the Liberal Democrats must answer is why they are so scared of legally binding guarantees. Their position highlights the fact that their manifesto commitment was hollow. The Liberal Democrats' hostility to the waiting time guarantee is particularly peculiar in light of their manifesto. Given their attitude today, we now see that that pledge was not worth the paper that it was written on.

As has already been pointed out, the Liberal Democrats' shadow health secretary in England, Norman Lamb MP, has called for a patient's contract. Presumably, that would be legally binding. He has said that such a contract would include maximum waiting times. I also note in passing—

Hugh O'Donnell: Will the member take an intervention?

Jamie Hepburn: No. I have taken enough interventions.

Norman Lamb has also called for elections to health boards. That is more common ground with the SNP. What a pity it is that his progressive views are not shared by his party colleagues in Scotland.

It is also a pity that the Liberal motion suggests that, under our proposals, doctors will somehow become encumbered by the weight of bureaucracy. The Liberals have not presented any evidence for that suggestion.

In what little time remains to me, I will deal with the part of the motion that talks about the role of the private sector in NHS health care delivery. Although other members have focused on private health care, the wording of the motion is unclear as to whether it refers to private health care or to the private finance initiative. That being the case, I am concerned that the motion, if agreed to, would further entrench the idea of involving private finance in the NHS. Suffice it to say that we are not being dogmatic in opposing that idea. I certainly concede—I make no apologies for this—

that ideology plays a part, although I understand that the Liberal Democrats would not know ideology if it bit them. Certainly, principle plays a part, although I understand that the idea of principle is also a stranger among Liberal ranks. However, the SNP position is directed above all by practical considerations. Allyson Pollock has stated that the use of private finance in the NHS involves

“diverting revenue from clinical services, staff, and supplies.”

The private sector is driven by private profit. I make no criticism of the private sector for that, but private profit has no place on the front line of our NHS.

In closing, I reject the Liberal motion in its entirety. The SNP Government is delivering on health, from the continuation of the Monklands and Ayr A and E departments to the abolition of hidden waiting lists and the introduction of an 18-week waiting time guarantee. The Liberal motion serves as a useless distraction from those good efforts, so I hope that members will reject it tonight.

The Deputy Presiding Officer: I call Karen Gillon to be followed by Bill Kidd. I remind them that they have four-minute speeches.

11:00

Karen Gillon (Clydesdale) (Lab): I welcome the opportunity to participate in this morning's debate and I add my support to the amendment in the name of my colleague, Margaret Curran.

Regarding Stuart McMillan's comments, I appreciate that many on the SNP benches were not members during the previous parliamentary session, but “constructive” and “consensual” are not the words that spring to mind to describe the SNP's contributions in Opposition debates in the previous session. The Opposition's role is to oppose and to offer constructive criticism when the Executive makes the wrong decisions. That is what the Liberal motion and the Labour amendment do. It is essential that we build on the previous Executive's success in cutting waiting times. We all want to make further progress in reducing the maximum wait for all patients.

My remarks will focus on investment in primary care, which I believe is essential. In May 2005, I had the opportunity to spend a week in Monklands hospital as a result of an acute asthma attack. I can only commend the staff in the ward for the care that I received, but the week was without doubt enlightening. I spent much of the time in the emergency care ward. Almost everyone in that ward—including myself—had been admitted with a long-term chronic condition, the proper management of which had broken down. They had conditions such as asthma, diabetes, heart

disease, bronchitis or emphysema. Such conditions can be debilitating but, with appropriate primary care and thought-through treatment plans, they can be mitigated. The lives of patients with such diseases can be made easier—and, indeed, normalised—by the provision of appropriate primary care. Such conditions are exacerbated by poverty, poor housing and lack of education.

Investment in primary care does not come cheap. If we are serious about health care, we need to move towards a situation in which such patients are not in acute hospital beds—because they have received the appropriate primary care and support to manage their condition. A person with diabetes should know that the labelling on the back of food packets contains helpful information. People in the ward that I was on did not even have that basic information. We need to move towards that situation by investing heavily in primary care. That is why I want the emphasis and funding of the health service to shift, as much as possible, from acute to primary health care so that we avoid such admissions in the first place.

Hugh O'Donnell raised the much-vexed issue of NHS Lanarkshire. I supported the proposal in “A Picture of Health” that would have moved resources from acute to primary care. Others on the Labour benches argued for a different configuration of A and E services, but none of us argued for the retention of three A and E services in Lanarkshire because that would have meant that resources could not be shifted from acute to primary care.

Jamie Hepburn said that, at the briefing that he attended, he was told that the A and E decision had no consequences for, and no knock-on effect on, primary care. However, in a letter to me about the construction of primary care facilities in my constituency, the chief executive of NHS Lanarkshire mentions

“the knock-on impact of the various options under the review of Accident and Emergency Services on the remainder of the Health Board's development programme.”

A minor injuries unit in my constituency—which should be under construction at the moment and which would have been accessible to the people of Clydesdale—is no longer under construction as a direct result of the cabinet secretary's decision.

If the SNP wants three A and E facilities in Lanarkshire, that is all well and good. However, it must back that up with resources so that other people in Lanarkshire are not put at a disadvantage. SNP members cannot have it both ways. They must either put their money where their mouth is or allow NHS Lanarkshire to provide for the patients in the way that it thinks best.

11:05

Bill Kidd (Glasgow) (SNP): I am surprised that we are revisiting this issue again so quickly, but not surprised that the Lib Dems have had to cobble together so many apparent concerns and regrets, as listed in their motion. There will be no jokes from me about Lib Dem cobbles.

Having worked on the clerical and admin side of health care in some of the biggest hospitals in Glasgow—[*Interruption.*] I am being interrupted by members from my own side. I am aware of the excessively long waiting lists and waiting times that patients have had to thole, frequently in pain and often in frustration and despair, and I am proud to be part of the new Government, which took on the previous Administration's hidden waiting lists with the intention of making hospital treatment more responsive to patient needs.

I am confused when I compare the 2007 SNP manifesto, which says that waiting times should be shorter with a new national waiting time guarantee, with the 2007 Lib Dem manifesto, which says that waiting times should be shorter with a "new waiting time guarantee". If that was deemed to be the solution by both parties prior to the elections five months ago, should not the Lib Dems just accept that if their policy stance is the same as the Government's, they should be happy to see it being put into practice and stop indulging in embarrassing backtracking?

Jeremy Purvis rose—

Bill Kidd: I have four minutes and am nearly finished; I ask the member to take a seat.

After all, did the Lib Dems not think through their policy on waiting time guarantees before including it in their manifesto, or were they so confident of losing the election that they did not bother to investigate and cost their promises? To argue that there will be increased bureaucracy is fatuous, unless they can present evidence to corroborate that assertion. Do they not know that experienced NHS administrative staff are already in place to operate the present system and that they would rather operate a waiting list that is shorter rather than longer? I ask the Lib Dems to show us why a new IT programme should result in an increase in the difficulty of tracking patient records or waiting times—or had they not thought of that before now, just as they did not think of it when they compiled their manifesto?

Jeremy Purvis: Will the member give way?

Bill Kidd: The member has spoken more than anybody else in the chamber; I ask him to hold on please.

To suggest that increased litigation will result from the new Government's measures is scaremongering and suggests that clinicians are

incapable of judging an appropriate waiting time to set within accepted national standards. Why should Scots be more litigious than people in any other European nation? Perhaps the Lib Dems are confusing the citizens of this country with those of the United States of America, where private health care, which the Lib Dems promote in their motion, is commonplace, if not rife, and where ambulance chasing is a mainstay of the legal profession. As Sean Connery says, "That is not the Scottish way."

To suggest, as the Lib Dem motion does, that the Scottish Government should abandon its manifesto commitment and deliver some variation on a new national waiting time, which the Liberals and Labour wanted and which the Tories also promoted in the lead-up to the election, is tantamount to betraying the trust of the Scottish people.

Do not get me started on dogma. The radical Lib Dems in England state that they oppose the privatisation pursued by Gordon Brown's new new Labour Party, while in the chamber, Scotland's Lib Dems call for the private sector to be used to reduce waiting times. I would ask them not to hold their breath, but, as well-meant advice, that would be as disingenuous as their motion.

11:08

John Lamont (Roxburgh and Berwickshire) (Con): The debate is about health; it is about ensuring that the people of Scotland get the health care that they deserve; and it is about ensuring that they get health care as quickly as possible.

Although I acknowledge that the debate is perhaps more to do with the quality and speed of service and treatment, there is a comment in the motion about investment in primary health care facilities. Therefore, I want to speak briefly about the provision of health services, particularly in rural areas such as the Scottish Borders. The issue is not so much about the quality of service as the withdrawal, centralisation and downgrading of primary health care services. There is no point debating waiting times if patients who live in rural Scotland have limited access to many services.

For many patients, the lack of a service will have a detrimental impact on the quality of treatment in the first place. Thanks to the failed health policies of the previous Lib-Lab Administration, Scotland lost 45 cottage and community hospitals during the past eight years. In my constituency, we lost our cottage hospitals at Coldstream and Jedburgh. Both hospitals provided excellent, long-standing service to both communities. Despite overwhelming local support from residents in both towns and more widely throughout the region, the former Labour Minister for Health and Community Care under the Lib-Lab pact ratified the decision to close the hospitals.

Therefore, what a surprise I had when I read the Lib Dem health motion, which calls for more investment in primary health care facilities. The Lib Dems were in power during the past eight years—the previous Government's failings are their failings and they must take responsibility for them.

Jeremy Purvis: Will the member give way?

John Lamont: I apologise to Mr Purvis—I have only four minutes.

There is a new threat in the Borders—rural surgeries might be closed or downgraded. That threat has come to light in my constituency only in the past 10 days with the news that the Kelso medical practice proposes to close its surgeries in the villages of Yetholm and Morebattle in Roxburghshire. Those two neighbouring villages, although undoubtedly rural in nature, have a population of more than 1,000. With the main town of Kelso more than 7 miles away, and with extremely limited bus and other public transport options, the residents are completely dependent on services provided in the villages. Those services include local shops that struggle to keep open, the post office, which is fighting to survive the Labour Government's post office closure programme, and the local GP surgeries, which we now know could close on 21 December.

Our rural communities, and our rural health services in particular, are under attack. What quality of service will an 84-year-old Yetholm resident who cannot drive receive when her local GP surgery is closed? I ask the Cabinet Secretary for Health and Wellbeing whether the proposed patients' rights bill will be extended to include not only patients waiting for hospital treatment, but patients in rural Scotland who do not have access to a GP.

The local NHS board will make the ultimate decision about whether the Yetholm and Morebattle surgeries are to survive. However, the Kelso practice has made it clear to me that it will need additional financial support from the health board if it decides that the surgeries are to remain open. I therefore welcome the reference in the motion to investment in primary health care. Every member will know about the severe financial constraints under which health boards operate.

I urge the new Administration to take action to save rural GP surgeries throughout Scotland by providing health boards that operate in the rural parts of our country with the necessary additional funding to save those surgeries. Rural services took a hammering under the previous Administration; I ask the new Government not to make the same mistake.

11:12

Jackson Carlaw (West of Scotland) (Con):

This has been an entertaining and lively debate on a Liberal Democrat motion. As several people observed, the motion is pretty breathtaking in its audacity. Ross Finnie asked us to believe that all the things that were bright and beautiful about the previous Government were contributed by the Liberal Democrats and all that was nasty and crabbit and which led to its defeat was the responsibility of the Labour Party.

This week, Wendy Alexander apologised for the shortcomings of that Government. We are entitled to ask whether the Liberal Democrats associate themselves with that apology.

John Park: Will the member give way?

Jackson Carlaw: In a moment.

If they do, why has the Liberal Democrat leader not been sacked too? What is so special about the present leader of the Scottish Liberal Democrats that he is the first leader of a governing party in 37 years to retain his job after marching his troops from government into opposition?

Labour must look askance at its former partners—a bathful of fair-weather friends. Labour often says to us that we do not tip our hats often enough in tribute to the previous Executive, so let me pay tribute to its perseverance in indulging so many feather-brained Liberal Democrat notions for eight years.

I congratulate Ross Finnie on this historic first of many Liberal Democrat Opposition debates—it was a tour de force; it was the speech of a potential leader. Not dwelling on the abominations that they visited on Scotland and their slavish support in government for the bowdlerisation of accident and emergency services visited on the people of Glasgow, the Liberal Democrats contort themselves to find sufficient nuance in five months of SNP administration to frame today's motion.

Much to my chagrin, Ross Finnie has indeed teased out statements and expressed intentions of the new Government that are deserving of question. We, too, are concerned about the practical realities that will engulf the proposed patients' rights bill. It was the cabinet secretary herself who, in a Kafkaesque image of an enormous room full of clocks, conjured up last week the vision of an administrative burden that would be both costly and difficult not only to put in place but to manage. After conjuring up that vision, it is ridiculous for her to expect us to believe that no cost is associated with it.

Jeremy Purvis: Given that the member has made equal attacks on both parties, can he clarify whether the Conservatives will vote for our motion today or for the Scottish National Party amendment?

Jackson Carlaw: The member will have to wait and see.

Does the irony escape the cabinet secretary that, despite her aversion to the private sector, if her patients' rights bill is enacted, the public sector NHS will subsidise the private legal sector and, when cases are successful, that will bleed the NHS of even more front-line cash?

I nearly fell off my seat when Christine Grahame referred to the independent deterrent. That is the first time that I have heard the SNP deploying the nuclear weapons argument in favour of its patients' rights bill. Jamie Hepburn said that there had been no legal intervention yet as a result of the patients' rights bill in Norway, but that is because patients in Norway have the choice of treatment in an independent hospital or abroad. If the SNP is to rule that option out and prevent the private sector from making any contribution, it is entirely predictable and correct to say that more lawyers will be involved and that they will be parading down the corridors of the NHS.

Helen Eadie reminded us that the SNP is now contributing to government not only in the chamber but in minority run councils throughout Scotland. As I have said before, the record that it is laying down is the record on which it will be judged in due course.

Nicola Sturgeon said that patients have been waiting for a very long time. I do not think that they have been waiting for the patients' rights bill; they have been waiting for more effective treatment. Had she visited the Vale of Leven demonstration a couple of weeks ago, she would have seen health campaigners bring before the meeting dozens of reports from previous health secretaries, all of whom have said that they will put patients first. How can patients be put first if we rule out options that would treat them faster? The SNP makes "private" sound peevish and sinister. Stuart McMillan went on at great length about a great conspiracy to privatise the NHS. With the exception of the SNP, all the other parties, which have a far greater tradition either for or against the traditional private sector, accept that there is a role for the independent sector in bringing about more effective treatment of patients. I implore the cabinet secretary, not because I love her—who could love this Administration more than it loves itself?—but because I want the Administration to succeed in its objective of reducing hospital waiting times, to reconsider her approach. I do not see how the Administration can achieve that objective if it is determined to deny itself one of the key ways in which the result could be achieved.

With a heavy heart and with due deference to the derision that I think should choke the Liberal Democrats, we believe that the questions asked in the motion deserve to be answered. We will listen

with interest over the next few minutes as the following speeches guide us towards our voting intention at decision time.

The Deputy Presiding Officer: I call Dr Simpson, who has six minutes.

11:18

Dr Richard Simpson (Mid Scotland and Fife) (Lab): Did you say six minutes?

The Deputy Presiding Officer: Yes.

Dr Simpson: In that case, I will have to cut my speech.

I am pleased to sum up in support of the Labour amendment to the Liberal motion. I refer members to my written declaration of interests, including membership of various colleges and associations and my current consultancy work for the Edinburgh drug action team.

Certainly when I was a member in the first session, the Parliament was in agreement that we needed to improve the patient journey and I do not think that any member is against that now. Despite the attempts by some SNP back benchers to divide us, there is general agreement on that principle.

I welcome the cabinet secretary's acknowledgement of the progress that has been made; the Labour Party accepts that there is always further progress to be made. I reiterate our commitment to the 18-week guarantee. It was in our manifesto and we will support the Government in taking it forward.

Nicola Sturgeon: Will the member give way?

Dr Simpson: I will complete my point first.

It is clear that the Liberal Democrats are not against the 18-week guarantee. What they are against and the reason why we support their motion is the bureaucracy involved in that guarantee.

I will deal with the debate in four sections.

Nicola Sturgeon: I will pass over the fact that I have always struggled to understand what Labour meant by a "guarantee" if it did not mean it to be binding. I will instead ask Richard Simpson to clarify an important point. Ross Finnie said that there are circumstances, if a clinician were to say so, in which patients should not be treated within the maximum waiting time guarantee period. Does Richard Simpson agree?

Dr Simpson: I will explain carefully to Nicola Sturgeon what Ross Finnie was saying. If one patient is given an appointment in the last week of their guarantee and another patient with a critical condition comes in and prevents the doctor from

proceeding with that appointment, we go beyond the legal guarantee. I will come back to the matter again later. That is the explanation to which Ross Finnie and Jeremy Purvis referred.

I will pass fairly quickly over our record, but I will reiterate points made by my fellow Labour members. In 1997, 26,000 patients were waiting for more than 26 weeks—36 are doing so today. In any terms, that is a significant achievement, which was achieved by removing many of the blockages. It was due not only to the doubling of spending, which Margaret Curran mentioned, from £900 a head to more than £2,000 a head, but to the improvement of the NHS system.

James Kelly, Karen Gillon, Murdo Fraser and others said that the primary care sector has been developed. It has not been developed enough and more progress has to be made, but nevertheless it has relieved hospital admissions. For example, a report noted that chronic obstructive pulmonary disease services in Tayside have reduced the number of hospital admissions there.

Helen Eadie referred graphically to the reduction in bed blockages. There were nearly 4,000 blocked beds when we took power in 1999. The figure is now down to just over 1,000 and there is further downward pressure. The removal of such blockages has been very important.

Today's debate is not about a desire to change the patient journey or to remove the guarantees; it is about how we implement them. In 2004, we committed in "Fair to All, Personal to Each" to improve the patient journey and to remove the availability status code waiting lists. In order to do that, there must be a comprehensive set of services. That includes, as Conservative colleagues and others have said, a pragmatic approach to the use of the independent sector. There are 4,000 patients being treated, under contract, in the private sector. Will the SNP now eliminate the use of the independent sector? The 1,000 patients in Tayside who benefit from ear, nose and throat services, the 1,000 in Glasgow who benefit from orthopaedics and the 300 in Alex Salmond's area, Grampian, who benefit from heart procedures will not welcome the SNP's refusal to act in a pragmatic way.

There is a fourth element to add to the first three. It is necessary to improve the structure, have a waiting list support system in the Golden Jubilee hospital, which we renationalised, and to use the private sector pragmatically. A final guarantee is that, if all else fails, the patient can go abroad. Those are the guarantees. We do not need a legal guarantee on top of that. I will return to the matter if I have time.

I turn specifically to the point of the amendment. We seriously invite the minister to reconsider the implementation proposals.

Nicola Sturgeon: Will the member give way?

Dr Simpson: I cannot take an intervention, as I am in my last minute.

Let me introduce members to the 82-page new ways project document. Its highly bureaucratic approach will result in many patients being removed from waiting lists altogether. That is the SNP's solution to the waiting list problem. Members will read of new codes such as WT 10/10, WT 10/30, WT 19/10 and WT 26/90, which are only a few of the codes that will be recorded on the removal of patients from the list for non-response; deciding that the offer that they have been made is not reasonable; and failing to attend twice—Ian McKee referred to that in relation to the poorest communities. The figure for non-attendance across the NHS in Scotland is currently 12 per cent. If a patient does not attend, they get taken off the list. If someone cancels twice, even for good reason—for example, because they are looking after a terminally ill relative—they get removed from the list. The hospital makes the decision; it is nothing to do with the GP, who is merely informed and not consulted.

I urge the minister to reconsider the system for the sake of the vulnerable patients to whom Mary Scanlon and others referred: those who are homeless; those who are illiterate; those who have no phones—there are still some in that position; and those who are confused. Many groups will be seriously affected by the bureaucratic interpretation of a good proposal.

11:25

The Minister for Public Health (Shona Robison): The Lib Dem motion and many of the Lib Dem speeches send out strange messages to the Scottish public today. The first message is that the Lib Dems do not want robust waiting time guarantees. The second message is that they do not believe in strengthening patients' rights, which is in marked contrast to the view of the Lib Dems' health spokesperson at Westminster, Norman Lamb. The third message is that they want to see investment in the private sector at the expense of the NHS. I suggest to the Lib Dems that that is not much of a vote winner.

Ross Finnie: I know that the minister does not yet have the *Official Report* in front of her but, using her good memory, can she point to one phrase in any speech by a Liberal Democrat that said that we would invest more in the private sector? We said that the private sector should be accessed only when that was the right and pragmatic thing to do.

Shona Robison: It stands to reason that the investment in the private sector that Mr Finnie wants must come from somewhere and the only

place from which it can come is the NHS. I will come back to that point in a minute.

Let us be clear that good progress has been made on waiting times and we recognise the previous Administration's efforts in that area. However, there is more to be done. That is why we have set a target of an 18-week whole journey for patients. Labour supported that target, but there has been some confusion over that today. Richard Simpson said that there are circumstances in which a breach is okay, which is a marked departure from the position of the previous Minister for Health and Community Care, Andy Kerr, who did not accept any breaches in the waiting time guarantee.

Margaret Curran: I make it categorically clear that Labour is committed to patients having an 18-week whole journey by 2011. We believed that, under Labour, we would have the resources, the political leadership and the ability to deliver that target without needing a legally binding waiting time guarantee. The SNP cannot deliver the target without such a guarantee, but we could have.

Shona Robison: That is not what Ms Curran's deputy said. He said that there would be circumstances in which the guarantee would be breached. This Government will not allow breaches to happen—we will deliver on the 18-week guarantee.

On the motion's reference to the shortest waiting times, we are saying that the 62-day target for waiting times, including for cancer patients, will be met by the end of this year. We recognise that that is an important target.

The motion criticises us for a supposed lack of commitment to investing in primary care facilities—nothing could be further from the truth. I have looked at the annual reviews of each health board, which have robust and commendable plans in place for primary care facilities investment. Many of those plans would be put at risk if the part of the Lib Dems' motion that wants investment in the private sector came to fruition. Such investment can be done only at the expense of building capacity in the NHS.

Jeremy Purvis: Will the minister give way?

Shona Robison: In a minute.

We have never said, either in opposition or in government, that it is wrong for health boards to use the private sector to address short-term capacity issues—we have no problem with health boards doing that. That has been, and will remain, our position. However, that position is different from that in the Lib Dems' motion, which proposes investing in the private sector as part of capacity building to tackle waiting times. We want to invest in the NHS and build capacity in it to reduce

waiting times—that is where we differ from the Lib Dems.

Jeremy Purvis: One of the annual reviews to which the minister referred and which she warmly commended is that of NHS Borders. She will have seen that, on waiting times, the review states:

"This 18 week target will be achieved through ... the use of private providers in urology, orthopaedics, ENT, neurology, dermatology and general surgery."

Can the minister make it clear to NHS Borders whether she will permit it to use more private providers over the next four years, or whether it will have to use fewer?

Shona Robison: NHS Borders did not ask us for permission to use more private sector capacity. What it is doing is fine; it can continue to use the independent sector—there is no problem with that. What the Lib Dems are saying is that, as part of their health strategy, they actively want to divert resources from the NHS to the private sector—we are saying no to that. We are happy for the independent sector to be used at the margins of the NHS. That practice has always been the case and it is not a problem. However, we do not want to sacrifice building NHS capacity for the sake of the private sector, which is what the terms of the motion propose.

Margaret Curran: Will the minister take an intervention?

Shona Robison: No, thank you.

I move on to patients' rights and the different approach of Norman Lamb, the Lib Dems' health spokesperson down south. He has a forward-looking vision of building up patients' rights and putting the patient at the centre of the health service. How different that approach is from what we have from the Liberal Democrats here today, which is a cobbled-together motion that desperately tries to seek agreement from the other Opposition parties, rather than outline any positive vision for the health service. The Liberal Democrats have nothing positive to say on health.

Contrast that with our position: we want to ensure that patients' rights are at the centre of what we do in the NHS.

Mary Scanlon: If patients' rights are at the centre of the NHS, and given that the minister bases her model on the Norwegian one, will she give patients the right to choose between a private hospital and an NHS hospital, which is the case in Norway?

Shona Robison: Patients already have that right, but we want to ensure that we have the capacity in the NHS to ensure that they can be treated here instead of having to travel abroad for treatment, which Mary Scanlon highlighted in her

speech earlier. The NHS will have the capacity to deliver for patients, who will not have to go abroad or to the private sector. The Government will deliver that capacity.

Helen Eadie: Will the minister tell me exactly where in Fife or elsewhere in Scotland any patient has the right to choose which private sector hospital they can go to?

Shona Robison: In Fife, as elsewhere in Scotland, we want to ensure that the NHS has sufficient capacity. Helen Eadie raised very serious issues about some of her constituents, which I have asked officials to look into. We will get back to her on that. I am concerned to hear about any issues concerning delayed discharge and people not getting the right to go home or to go into a care home, whether in Fife or anywhere else. I will write to Helen Eadie about that.

Let us be clear, however, that the debate has clearly exposed Labour's feeble words. The party's leader, Wendy Alexander, talks about a patient-focused NHS. However, when it comes to putting patients' rights at the centre of the NHS, Labour votes against it.

Margaret Curran: Will the minister give way?

Shona Robison: I cannot. I am in my last minute.

Labour's actions show how different the rhetoric is from the reality with the Labour Party. The Government wants to ensure that patients' rights are central to what we do in the NHS. That is what patients want and what the Government wants—we will deliver on it.

11:33

Jim Tolson (Dunfermline West) (LD): We have had a long and interesting debate, in which my colleague Ross Finnie outlined our great concern about the SNP Government's proposals on waiting times. To say that what it proposes will create an administrative nightmare is very apt. I know that because I used to work in ISD Scotland—the information services division—which collects health statistics on behalf of the NHS in Scotland, the Government and the Parliament.

When I worked in ISD, it was a high-pressure administrative organisation, which would be swamped if the Government's proposals were enacted. The Government may think that its ticking clock is fine—it may be, in theory—but the reality is that either more people would have to be employed to administer what the Government proposes, or there would be a significant reduction in the numbers of clinical staff, who would be replaced by administrative staff. That seems the more likely outcome, given that the Government insists that the huge increase in red tape will be

dealt with from existing budgets. I am sure that SNP grass-roots campaigners would love their party for doing that.

In her opening speech, the cabinet secretary gave credit to the previous Administration on the progress that it had made on waiting times. However, she fails to realise that, in some cases, putting a so-called legal guarantee on a patient's maximum waiting time will simply be unworkable. It will put in jeopardy the continued progress on the previous Administration's work that is now being made for patients throughout Scotland.

Nicola Sturgeon: Surely, if a guarantee is not binding, it is not a guarantee. If it is not binding, will patients not find it meaningless?

Jim Tolson: As other members have pointed out, we accept the guarantee. It is the legally binding nature of what is proposed that will cause the problems.

Alasdair Allan claimed that the crucial issue is the legal stance that will be taken, but he, too, fails to understand the repercussions. A legal link to maximum waiting times will cause concern for our doctors and nurses and take their minds away from their current absolute focus on health care—after all, they are only human.

For the Labour Party, Margaret Curran said that the actions of the previous Labour-Lib Dem Government resulted in extra doctors and nurses and much speedier treatment for patients. She said that the next step for Labour would be to personalise care. However, as Helen Eadie well outlined, that has not always happened. We welcome Margaret Curran's amendment, which seeks to cut the massive amount of red tape and refocus on patient care. That is the right focus for the people of Scotland.

I welcome Mary Scanlon's mature and well thought out speech. She rightly highlighted a number of areas in which treatment will take longer than the SNP Government's proposed maximum 18-week waiting time. Patients seeking treatment in areas such as mental health and infertility are likely to have on-going treatment well beyond 18 months. The Government fails to recognise that in its plans to make the 18-week limit legally binding.

Mary Scanlon and my colleague Ross Finnie highlighted the fact that in the Norwegian model that the SNP Government plans to follow, the Board of Health Supervision has 25 lawyers but only 20 doctors. Those figures are a clear indication that adopting the Norwegian model would result in the loss of clinical services and the promotion of legal services. That is not what patients in Scotland want to see.

Dr Simpson: What we have not put on the record thus far is that Norway's first attempt to

give a guaranteed waiting time resulted not only in an increase in the waiting list but a doubling in the number of violations or breaches of the guarantee, from 5,000 to 10,000, and therefore a doubling of the potential for litigation.

Jim Tolson: I appreciate that information.

I am not saying that the Government's proposals are entirely without merit. We welcome its plans to give patients some degree of flexibility in making appointments. However, the way in which the Government plans to introduce the measure means that it will not be of practical help to patients. Also, if the measure is to become anything close to operational, it will undoubtedly place a huge burden on the taxpayer.

Ian McKee: What rubbish.

Jim Tolson: Thank you.

One of our greatest concerns with the Government's proposals relates neither to clinical nor administrative issues but to the fact that they will lead to a system in which we are likely to see a lawyer at every bedside. Scotland has a number of things for which to be grateful to the United States of America, but fostering a climate of litigation is not one of them—it is a major concern. If anyone doubts that that climate could be fostered, I ask them to reflect on the huge number of lawyers who, as local authorities move towards single status, have been touting for cases on a so-called no win, no fee basis. With such law suits hanging over them, authorities find it difficult to reach a collective settlement with the unions and almost impossible to predict accurately the likely cost, whether or not single status has been achieved.

If the Government thinks that it is unlikely that its proposals will result in litigation, it should think again. If it really believes that no legal case will result from medical treatment in Scotland, why does it insist on having a legal guarantee? The Government cannot have it both ways.

Question Time

SCOTTISH EXECUTIVE

General Questions

11:39

Housing Debt (Edinburgh)

1. Margo MacDonald (Lothians) (Ind): To ask the Scottish Executive whether it will pursue the write-off of Edinburgh's housing debt. (S3O-707)

The Minister for Communities and Sport (Stewart Maxwell): Her Majesty's Treasury will provide funding to redeem council housing debt only where a council has transferred ownership of its stock and the receipt is insufficient to repay the debt. Funding is not available to councils whose tenants have rejected transfer, or to councils that have chosen to retain their stock. The Treasury applies this policy throughout the United Kingdom and does not make exceptions for particular councils. However, the Cabinet Secretary for Finance and Sustainable Growth has written to the Treasury to establish whether there are any circumstances, other than transfer, where funding to redeem housing debt could be made available.

Margo MacDonald: I was glad to hear the second part of the answer; at first, I thought we were getting only his master's voice.

Members know well that I have pursued the issue of housing debt for some time, given the unfairness that is being visited on Edinburgh and other places. I will therefore not rehearse the story, other than to say that I know of other members who wish to add their plea to mine to step up pressure on the Treasury. The situation is massively unfair. In Edinburgh's case, it militates against the proper development of the city.

Stewart Maxwell: Clearly, there are problems in Edinburgh and elsewhere. The City of Edinburgh Council's housing debt is approximately £227 million. As I made clear in the second part of my answer, the Government is pursuing the matter and the Cabinet Secretary for Finance and Sustainable Growth has written to the Treasury. I agree that it is unfair, particularly on tenants who are at the receiving end of their decision to keep their housing as council housing. Tenants should not suffer because of that decision. We will pursue the matter with the Treasury as soon as we can.

The Presiding Officer (Alex Fergusson): Any member putting a supplementary question should remember that question 1 is about Edinburgh's housing debt. I hope that supplementaries will be on the same subject.

Hugh Henry (Paisley South) (Lab): Thank you for the guidance, Presiding Officer. My question is on Edinburgh: clearly, the principle that applies to Edinburgh will apply to other councils throughout Scotland. Notwithstanding Margo MacDonald's question, and what the minister said about he and his colleague pursuing the matter with the Treasury—indeed, I wish them well in their endeavours—surely the minister should reflect on the fact that, ahead of the housing stock transfer ballots, he and other members of his party encouraged tenants in Edinburgh and elsewhere to vote no, in the full knowledge of the rules that pertained at the time. If the Treasury's answer is that there will continue to be consistency throughout the UK, I hope that the minister will reflect on the moral obligation that this Administration is under to find the money to help those authorities that have been disadvantaged.

The Presiding Officer: I am not sure that there was a question to answer, but you are welcome to have a go, minister.

Stewart Maxwell: If there was a question about Edinburgh, I did not hear it.

Of course, the fact of the matter is that Hugh Henry is wrong. Different opinions were expressed about stock transfer by members of different parties, including his party. It was for tenants to decide how to vote once they had heard the evidence and issues from various campaign groups. He said that I personally campaigned for a no vote in his area and other areas. I ask him to produce the evidence. I did not campaign in Renfrewshire, Edinburgh or anywhere else to secure a no vote.

Hugh Henry: I said that you encouraged them.

Stewart Maxwell: If you check the *Official Report*, Mr Henry, you will find that you said that I campaigned—I did not. Before you start accusing others, you should check your facts.

Community Regeneration

2. Johann Lamont (Glasgow Pollok) (Lab): To ask the Scottish Executive what its priorities are for community regeneration. (S3O-779)

The Minister for Communities and Sport (Stewart Maxwell): The Scottish Government's priorities for regeneration are to promote the successful and sustainable transformation of communities throughout Scotland by creating the right environment for public and private investment, through targeted action in the most disadvantaged communities and by devolving power to the local level.

Johann Lamont: The minister will be aware that the previous Labour-led Executive committed £300 million over the past three years to

community regeneration. That critical funding, which provides successful and sustainable approaches to regeneration, comes to an end next March, but no decision has been made on its future. Is the minister aware that making no decision is not pain free? Is he aware that the lack of certainty is resulting in projects facing an end to the services that they provide, which is resulting in postholders looking for other jobs, and that, as a consequence, we are losing services randomly rather than on the basis of the quality of their work? Does the Administration intend to end the support for community regeneration, in which case the minister should be honest and announce that cut in funding of £100 million per year to our most vulnerable communities? Alternatively, will the minister continue our approach?

The Presiding Officer: Briefly, please.

Johann Lamont: The transitional approach, which has been taken in the past, is to announce that the funding will be rolled forward, so that community planning partnerships can prepare for any changes in Government priorities and, as a consequence, give people certainty at a local level. What will you do, minister? Will the minister manage the transition or come clean about the costs?

The Presiding Officer: That is enough, I am afraid. Minister, will you reply, please?

Stewart Maxwell: Yet again, words almost fail me. We have made clear our commitment to community regeneration—the Cabinet Secretary for Health and Wellbeing and I have done so in committees and elsewhere. We are committed to community regeneration. The main point is that the reason for the delay in the process is not the Scottish Government's lacklustre procedure but the fact that the Westminster Government has delayed the supply of money through the block grant. Because of that delay, we and local communities are suffering problems. If you have a problem with a delay in funding, you should take it up with Gordon Brown and Westminster.

The Presiding Officer: I remind members yet again that the only "you" in this chamber should be the Presiding Officer. Please use members' proper names.

Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): Will one of the priorities for community regeneration be transforming some of the most disadvantaged communities by bringing buildings that have fallen into dereliction and disrepair back into productive use? Given that the Cabinet Secretary for Finance and Sustainable Growth's statement yesterday made it clear that local regeneration will now be a matter for local authorities, what additional funds will you provide to councils? For example, what funding will you

provide to East Ayrshire Council to transform the main streets in New Cumnock and Auchinleck, which suffer from derelict buildings? Will you provide, as East Ayrshire Council wishes, additional powers and resources to undertake that work?

The Presiding Officer: I am sure that you meant to say "will he provide", Ms Jamieson.

Stewart Maxwell: The member will be aware that we are in the middle of a spending review and that I cannot make commitments on individual funding projects in Ayrshire or anywhere else until that review is completed. We have made clear our commitment to community regeneration and to bringing buildings back into use, particularly for housing. We want to ensure that our towns are regenerated and are not left in the situation in which the previous Administration left them after eight years in power.

Health (Policy Reviews)

3. Derek Brownlee (South of Scotland) (Con): To ask the Scottish Executive what health policies in Scotland are under review as a result of the success or failure of health policy initiatives in other jurisdictions. (S3O-712)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): Health policies are developed using the best national and international evidence. International best practice is already used in a range of policy areas, for example e-health and the management of long-term conditions. We remain keen to learn from other jurisdictions where appropriate, particularly just now, as we consult on our action plan for health and well-being.

Derek Brownlee: I understand the cabinet secretary's reluctance to suggest that health policies are under review, given the way in which Wendy Alexander represented other reviews last week. Is the cabinet secretary aware of the recently published King's Fund report "Our Future Health Secured? A Review of NHS Funding and Performance", authored by Derek Wanless, which suggests that, for England, 43 per cent of the additional spending on the national health service since 2002 has gone purely on input costs and which comments on the dearth of robust evidence to demonstrate significant productivity or other benefits arising from that spending? In view of best practice, does the cabinet secretary think that a review of similar arrangements in Scotland would highlight any difference in performance and suggest any different ways of pursuing the matter?

Nicola Sturgeon: I have read the King's Fund report by Derek Wanless and I found it interesting. I agree with Derek Brownlee that the report reflects badly on the previous Administration's and

the United Kingdom Government's stewardship of the health service in relation to getting value for money. The present Government's objective is not only to continue to ensure the health of the NHS budget but to ensure that it is spent in a way that maximises the benefit to patients, as that will deliver better care for them and value for money for the taxpayer.

Colleges

4. Andrew Welsh (Angus) (SNP): To ask the Scottish Government what plans it has to strengthen the role of colleges. (S3O-737)

The Minister for Schools and Skills (Maureen Watt): Scotland's colleges have a key role in the delivery of a wide range of the Scottish Government's priorities. The Cabinet Secretary for Education and Lifelong Learning will shortly publish the Government's response to the review of Scotland's colleges.

Andrew Welsh: I commend to the minister the tremendous work done and range of courses offered by Scotland's colleges, which serve their local areas and the wider community of Scotland. However, is the minister aware of the concerns expressed by the Association of Scotland's Colleges about duplication and inefficiency in the funding of modern apprenticeships and skillseekers courses? Will she investigate the matter to ensure better value for money and best delivery of those courses?

Maureen Watt: I agree totally with Andrew Welsh on the tremendous work that colleges do. I know that Andrew Welsh is a strong supporter of Scotland's colleges, just as I am, having in a previous life lectured at Aberdeen College. Andrew Welsh is fortunate in that Angus College in his constituency is one of Scotland's most highly regarded colleges. The Cabinet Secretary for Education and Lifelong Learning will address the issues that Andrew Welsh raises in the Government's response to the review of Scotland's colleges. I do not wish to pre-empt the announcement on the new skills body, but I anticipate and hope that we can eradicate any duplication or inefficiencies that may exist.

Murdo Fraser (Mid Scotland and Fife) (Con): Does the minister share my concern that in the city of Glasgow there are now almost as many bogus colleges as there are bona fide ones, and that those bogus colleges are part of a visa scam to allow people to circumvent the immigration system? What action has the Scottish Government taken to deal with that serious issue since it was first drawn to its attention earlier this year?

Maureen Watt: The direct issue is reserved and falls under the Business Names Act 1985 and the Companies Act 2006. However, my officials have

been working with a range of Scottish and United Kingdom authorities to highlight the activities of bogus colleges wherever they come to light.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): The minister will be aware of the evidence that the Education, Lifelong Learning and Culture Committee received yesterday from the Association of Scotland's Colleges and Universities Scotland on the call for action in the Government's skills strategy. Universities Scotland said that the call to action for universities is not very much, and the Association of Scotland's Colleges said that colleges are not being asked to do anything different. One big concern that the witnesses expressed was about the new national body. The colleges would prefer it if they developed a driving role in local areas and if more funding came through the Scottish Further and Higher Education Funding Council, rather than have a centralised national skills agency.

The Presiding Officer: Ask a question, please.

Jeremy Purvis: Will the minister reconsider her position in the light of yesterday's evidence?

Maureen Watt: Mr Purvis will know that colleges are only one of the agencies that deliver skills training. At this time, it would be irresponsible for any Government to commit significant spending plans without knowing the outcome of the spending review.

Peter Peacock (Highlands and Islands) (Lab): The minister will be aware of the less than adequate facilities for Inverness College and the desire to move to a new prestige site on the edge of the town. Will the minister give a personal commitment to back Inverness College's efforts to secure funding from the Scottish funding council to make that important strategic move and to help contribute to the future of the UHI Millennium Institute?

Maureen Watt: As I said, we are well aware of the tremendous work that colleges do in providing courses and of their need to modernise for all the work that they do. However, again, I cannot make a commitment on spending until we get word from Westminster.

Violence Against Women

5. Malcolm Chisholm (Edinburgh North and Leith) (Lab): To ask the Scottish Executive what support it will provide to organisations and initiatives that are seeking to combat violence against women to support the women affected. (S3O-764)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): Tackling violence against women is a high priority for the Scottish Government and, I am

sure, for every member of the Parliament. We value the work that is done by Scottish Women's Aid, Rape Crisis Scotland and many others in combating such violence. We will carefully consider the funding to support such organisations, to develop further the work around violence against women and to support the women and children who are affected.

Malcolm Chisholm: Will the Scottish Government support the statement of intent that the women's coalition yesterday sent to all members of the Scottish Parliament, which asked for a commitment to tackle violence against women in the next four years? Can the Government reassure the many organisations that support women who are affected by male violence and which are increasingly concerned about funding beyond April 2008? Will the Government build on current work to change public attitudes and behaviour? Will it also, as part of ensuring effective legal protection, extend the successful Glasgow domestic abuse court to other parts of Scotland, and take action to address the appalling findings of last week's report about the use of sexual history and character in rape trials?

Nicola Sturgeon: First, I acknowledge Malcolm Chisholm's commitment and track record on this matter, and I hope that we can build substantial consensus. I support the statement of intent to which he referred in his question.

On funding for organisations, I refer to Stewart Maxwell's comments of a few moments ago. We recognise that the delay in the comprehensive spending review, which is caused by the Westminster Government, will bring uncertainty to some organisations, and we will make announcements as soon as we possibly can. In the meantime, I hope that Malcolm Chisholm will accept my assurance that the Scottish Government gives the highest priority to combating violence against women and children.

Christine Grahame (South of Scotland) (SNP): Does the cabinet secretary share my concern that in a large rural area such as the Scottish Borders, there is only one refuge in the eastern Borders? When she is looking at additional resource requirements, will she consider the special requirements of rural areas so that, for example, children who are living in a refuge can continue to attend their local primary school?

Nicola Sturgeon: The availability of refuge places is a matter of high priority, and Christine Grahame makes a good point about the particular importance of that and the challenge in rural areas. I assure her that we will consider that issue.

Elaine Smith (Coatbridge and Chryston) (Lab): Given that prostitution is part of the continuum of violence against women, and given

that tonight sees the first screening of the controversial television drama "Secret Diary of a Call Girl", will the cabinet secretary assure me of her Government's support to help women to get out of prostitution? Does she agree that the majority of women who are involved in prostitution are victims of male violence?

Nicola Sturgeon: I agree with Elaine Smith's comments and assure her that the Government will give the highest priority to helping those vulnerable women to get out of prostitution.

Shirley-Anne Somerville (Lothians) (SNP): I reaffirm my commitment to the women's coalition statement of intent, which has already been welcomed by Malcolm Chisholm. One of the pledges is to ensure effective legal protection for women and children who are experiencing domestic violence. However, recent evaluation has shown a marked increase in the amount of sexual history and character evidence that is being introduced into the courtroom. Will the minister assure us that the upcoming reform of the law on rape will take those findings into account? Will she also ensure that new legislation addresses questioning on sexual history and character?

Nicola Sturgeon: I reiterate my support for the women's coalition and its statement of intent. Shirley-Anne Somerville makes serious points about the sexual history issue; Malcolm Chisholm made the same points. I assure her that the Cabinet Secretary for Justice will take those matters into account in the future review of the law on rape.

Rhoda Grant (Highlands and Islands) (Lab): I start by declaring an interest, as I recently carried out some work for a women's aid organisation.

I am grateful that the cabinet secretary mentioned the effect of domestic abuse on young people. The previous Government funded an outreach project for young people, the funding for which runs out in March, and councils have indicated that they will not mainstream the project into their budgets. Will she consider funding that project at a national level, as it provides a valuable service to young people who are affected in their own right?

Nicola Sturgeon: I will not repeat the points that have already been made about the timescale constraints that arise from the comprehensive spending review. In a spirit of consensus, I say to Rhoda Grant that we support the kind of services that she is talking about, because they do a power of work to help some of the most vulnerable women and children in our society.

Free School Meals

6. Christina McKelvie (Central Scotland) (SNP): To ask the Scottish Government what

action it will take to extend the provision of free school meals. (S3O-732)

The Minister for Children and Early Years (Adam Ingram): As the member knows, our first priority is to conduct a free school meals trial for primary 1 to primary 3 pupils in five local authorities from October until the end of March next year. In the future, we want to extend the entitlement to free school meals to families who receive maximum child tax credit and working tax credit, although that will depend on forthcoming discussions with the Convention of Scottish Local Authorities about outcome agreements. We hope that our plans will be supported by all members of the Parliament.

Christina McKelvie: Does the minister welcome, as many members do, the support that many individuals and organisations in Scotland have given to the SNP's plan, as evidenced by a recent letter in *The Herald*, which was signed by many of the people who have been campaigning for nutritious free meals for school pupils? Will examination of the cooking and dining facilities that are provided in public-private partnership/private finance initiative schools form part of the report on the pilot scheme, before it is rolled out across the country?

Adam Ingram: I welcome the support that we have received for the free school lunch trial for P1 to P3 pupils. The evaluation of the trial will seek to assess practical issues that local authorities and schools face in providing free school meals, and to identify any unexpected impacts and barriers to roll-out of the trial across the country. I am sure that if there are problems with PPP/PFI schools, they will emerge during the pilot.

First Minister's Question Time

12:00

Engagements

1. Ms Wendy Alexander (Paisley North) (Lab):

To ask the First Minister what engagements he has planned for the rest of the day. (S3F-168)

The First Minister (Alex Salmond): Later today I will have meetings to take forward the Government's plans to deliver the undertakings set out in our programme for Scotland.

Ms Alexander: The First Minister will be aware of the disturbing figures that were published on Tuesday, which showed a 13 per cent increase in the number of Scottish youngsters who have been placed on the child protection register. Many people believe that thousands more Scottish youngsters are at risk. How does the First Minister plan to address that growing problem?

The First Minister: The figures in the report cause us great concern, as do a number of reports that have been published this week. We are looking at the reports extremely carefully and will take determined action to secure the safety of Scotland's children.

Ms Alexander: I reiterate that my party is keen to work with the Government to make progress on the issue.

Given that the national consultation on fostering and kinship care ended last February, can the First Minister tell us when the new strategy will be published? Given that being brought up by family, including grandparents, often offers the best chance for many children who are at risk, will he give those grandparents the financial support that they need to help them raise those children?

The First Minister: I am extremely sympathetic to Wendy Alexander's second point. The new strategy will be published shortly. I welcome Wendy Alexander's commitment to working with the Government on an issue that should unite all parties and all members of Parliament.

Ms Alexander: As I hope the First Minister is aware, the recent Adoption and Children (Scotland) Act 2007 created the power to ensure that adoption allowances are paid. Will he agree to use the powers in the act to provide allowances for kinship carers, such as grandparents? In advance of such regulations coming into force, I will make an immediate proposal. It would cost less than £10 million to ensure that all kinship carers of looked-after children in Scotland were paid the recommended allowance for foster carers. Will the First Minister act now to introduce that small but vital measure? The problem is growing, and I am

sure that all parties would be willing to fast-track my £10 million proposal to deal with it.

The First Minister: The Government is sympathetic to that proposal and to a range of other suggestions that have been made. We hope to make an announcement in that regard soon. I hope that when we do, it will attract the support of all parties in Parliament, as Wendy Alexander suggested.

Ms Alexander: As the First Minister is aware, the powers to make regulations will not come into force until next year, so it is important that we consider fast-tracking my proposal to provide £10 million for kinship care allowances, which would enable grandparents who are frightened to ask for support in bringing up their grandchildren to be supported immediately.

The First Minister: Wendy Alexander should take "Yes" for an answer. I am extremely positive about the proposal that she makes and about a number of other key initiatives. If the Labour Party makes positive proposals that could carry the support of all parties in Parliament, it will get an extremely positive response from this Government. I have given Wendy Alexander that indication. As she rightly said, the issue affects many children in Scotland. It is of the most serious concern, as the report indicated. Let us see whether we can move together as a Parliament and as a people to make progress with the proposals.

Secretary of State for Scotland (Meetings)

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

To ask the First Minister when he will next meet the Secretary of State for Scotland. (S3F-169)

The First Minister (Alex Salmond): I have at present no plans to meet the Secretary of State for Scotland. However, I have written to him this week, in his capacity as Secretary of State for Defence. In my letter, I reiterated concerns that have been put to me, and which were raised during First Minister's question time last week, about the United Kingdom Government's failure to keep promises it made about the Scottish regiments.

Annabel Goldie: Recently, figures were published that show the worryingly high numbers of criminals who breach their tagging orders. In response, the First Minister's Government said that

"the level of failure to comply does not suggest electronic monitoring does not work. Rather it demonstrates that all failures to comply with the order are reported".

Let me try to understand the Government's logic. Does it mean, for example, that if there were a breakout from one of our prisons, all that would

matter to the Government is that there was someone there with a clicker to keep the tally? "Don't panic!" says the First Minister. "We've counted them." Is that laid-back indifference now the hallmark of his Administration?

The First Minister: The very last thing that this Administration can be accused of is being laid back. We have moved forward on many initiatives.

Annabel Goldie should accept that although electronic tagging was not introduced by this Government, it has had substantial success. In the response to which Annabel Goldie referred, we were identifying where there were failures. In those circumstances, people should be brought back in and dealt with appropriately. Electronic tagging has been a substantial success, but failures in the system—when people go outside the requirements that are placed on them—are dealt with. That is a sensible way to approach judicial policy.

Annabel Goldie: As Wendy Alexander said, very gloomy statistics earlier this week revealed that more than 2,500 children are on the child protection register in Scotland. That is a 13 per cent increase on last year. More than six children are referred every hour of every working day. That is chilling. So, how did the Government respond? A year ago in opposition, the SNP showed justifiable concern over the issue, but now that the party is in Government we get complacency. I quote the Minister for Children and Early Years, who said that

"more people understand this and are taking action to report their concerns".

Once again, the attitude of the SNP Government is, "Never mind those vulnerable children and never mind the underlying problems—just so long as we've counted them."

I listened with interest to what the First Minister said in response to Wendy Alexander; I heard a lot of good intentions but no specific policy. I therefore ask the First Minister again: is this laid-back indifference now the hallmark of his Administration?

The First Minister: The hallmark of this Administration lies in its clearing up of the substantial mess that has been left to us in respect of crime and victims, and just about every other area of public policy.

I am surprised by Annabel Goldie taking such a negative attitude towards electronic tagging. When we had very constructive discussions with her and her justice spokesperson, electronic tagging was one of the measures that we considered for increased supervision of sex offenders. Electronic tagging must be acknowledged as one of the tools in our toolbox for dealing with criminality. If we can

move together on that basis, as on other issues, Parliament will do itself proud in the eyes of the Scottish people.

Cabinet (Meetings)

3. Nicol Stephen (Aberdeen South) (LD): To ask the First Minister what issues will be discussed at the next meeting of his Cabinet. (S3F-170)

The First Minister (Alex Salmond): The next meeting of the Cabinet will discuss issues of wide importance to the people of Scotland.

Nicol Stephen: Does the First Minister recognise the serious plight that is faced by Scotland's farmers and crofters as a result of the outbreak of foot-and-mouth disease in Surrey? Does he recognise the sheer desolation that now faces farms and crofts as they see lambs that should already have been sold by now eating the fodder that wintering ewes will require? Does he recognise the immense animal welfare problems in Scotland, and the importance—given the scale of the crisis—of a wider welfare disposal scheme that is not restricted only to light lambs? Does he recognise the complete lack of confidence in sheep prices, which is hammering the cash flow of every crofting and farming business? Does he recognise that there is an urgent need for action?

The First Minister: Yes, I do. That is exactly what the Cabinet Secretary for Rural Affairs and the Environment has been doing. There is a substantial looming crisis on Scotland's hill farms and crofts. More than 1 million lambs will come off the hills in the next few weeks, but it is very difficult to get them off the hills because of the restrictions that were necessary for dealing with foot-and-mouth disease, which we have relaxed as quickly as we were able. There are measures that we must take to ease the markets, such as the welfare scheme that has been proposed by the agriculture secretary.

We have still to persuade our colleagues in the United Kingdom Department for Environment, Food and Rural Affairs that that is the sensible approach—it is vital for Scottish agriculture. DEFRA does not, as yet, fully appreciate that climatically, Scotland comes into difficulties with forage and pasture much more quickly than is the case several hundred miles to the south. That is why, in conjunction with all of the interest groups in the industry, the agriculture secretary has been working so effectively to deal with those problems, to relax the restrictions as quickly as we can, and to identify what needs to be done to face the crisis in Scottish farming. That is why he enjoys such confidence from every sector of the farming industry.

Nicol Stephen: The crisis remains. Will the First Minister ensure that Scotland's farmers and crofters are not left out of pocket by an outbreak for which they have no responsibility? Will he today guarantee that to the whole farming industry in Scotland?

The First Minister: I have proposed that there should be a welfare scheme—we are trying to convince DEFRA that that is the way to go. We have also been in talks with the European Commission on that and other matters, principally in order to effect Scotland's release from the restrictions as quickly as possible. The member will know about our discussions on relaxation of restrictions on drivers' hours, which will be necessary to give us the capacity to take lambs and other animals off the crofts and farms of Scotland.

I want to say something very serious to Nicol Stephen. Yesterday, the agriculture secretary was in Europe to try to effect the early release of Scotland from the foot-and-mouth restrictions, to pave the way to reopen our vital export markets. When the Government asked the Liberals and the Labour Party to pair Richard Lochhead to enable him to go to Europe to defend the interests of Scottish farmers, it was refused by the Liberals. The farming industry of Scotland will regard that as a stab in the back.

Rob Gibson (Highlands and Islands) (SNP): In the light of the answers by the First Minister, does he agree that the small farmers and crofters of the Highlands, whose land will be unfit for grazing very soon, require a Scottish national plan for emergency winter-feed supply to be instituted straight away? Animals will begin to starve in the next week or two.

The First Minister: I agree with Rob Gibson. That is why we have made such early moves on removing some of the key restrictions that are necessary to fend off foot and mouth. The chief veterinary officer and the agriculture secretary have moved as quickly as possible to ease restrictions. The agriculture secretary is fully aware, from on-going daily discussions with the industry, of the extent of the looming crisis in animal feed on the hills and farms of Scotland. I hope that after my remarks today, every party will attach the same priority to the matter as the agriculture secretary, the SNP and the Conservatives have.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Will the First Minister answer Nicol Stephen's question, and commit to giving financial help to our farmers in need?

The First Minister: Maybe Mike Rumbles should listen—I will try again. The agriculture secretary has prepared an animal welfare scheme

through full discussion with interests in the industry. That scheme is being discussed with DEFRA. NFU Scotland is clear where the responsibility for animal welfare lies and where the funding lies. We have prepared the scheme with a view to implementing it. That is what the Government is trying to do.

The Presiding Officer (Alex Fergusson): We have a constituency question from Elaine Murray.

Elaine Murray (Dumfries) (Lab): The First Minister is probably not aware of last night's announcement by Forest Garden of the loss of 70 jobs from its production plant at Steven's Croft in Lockerbie. The jobs will be transferred to sites in England. I am sure that the First Minister will want to join me in supporting the workers who will be affected and their families, and in wishing them well in their search for re-employment and re-skilling, in which they are being supported by Scottish Enterprise Dumfries and Galloway and by Jobcentre Plus.

Following yesterday's announcement of the review of the enterprise networks, will the First Minister advise us which agency will be responsible for early identification of companies that might be facing problems; for early engagement with the affected workers; and for co-ordination of skills and training needs in the context of alternative local job opportunities?

The First Minister: First, I express my sympathy for and solidarity with the workers in Elaine Murray's constituency. The enterprise networks will retain responsibility for the functions that she mentioned.

Given the comments from a range of business organisations throughout the country, Elaine Murray should acknowledge the extent of the favourable reception to the Government's proposals. Andy Willox said:

"Small businesses the length and breadth of the country are set to benefit from the shake-up of Scotland's enterprise agencies."

The chairman of the Scottish Chambers of Commerce said:

"We are certainly on the right track. We welcome the positive changes".

The director of the Confederation of British Industry Scotland, Iain McMillan, said:

"I welcome the Cabinet Secretary's announcement."

Elaine Murray must acknowledge that the changes to the enterprise networks will enable us to act more effectively in the situation that she mentioned and in many others.

Bill Aitken (Glasgow) (Con): The First Minister will be aware of the exchange of correspondence between the Lord Justice General and the Lord

Advocate following the Sinclair acquittal. The Scottish Conservatives have previously pointed out that there is a potential conflict of interests in the fact that the independent head of the prosecution service in Scotland is also an adviser to the devolved Government.

Does the First Minister agree that the exchange of views that was published this morning reinforces our perception that there is a conflict of interests? Does he accept that the two roles should be separated?

The First Minister: I do not accept that there is a conflict of interests, but I accept that the exchange of correspondence raises some fundamental issues.

The Lord President wrote a letter expressing concern about the independence of the judiciary of Scotland. I make it clear that continued judicial independence is guaranteed in Scotland, not just by the situation that we have now but by the forthcoming judiciary (Scotland) bill, which Parliament is about to debate and discuss. Part 1 of the bill is on judicial independence, for which it gives responsibility to the First Minister and the Lord Advocate. We are both determined to uphold judicial independence in Scotland.

There is, however, a matter that Parliament as a whole needs to think about. We live in an age of parliamentary accountability. In days gone by, law officers in Scotland were seldom subjected to direct parliamentary accountability. It is to the benefit and credit of our system that we now have such accountability. The Lord Advocate was absolutely right to come to Parliament and give her view on the collapse of the World's End case. Given the public interest and concern in the case, no member of Parliament and very few people in Scotland would expect anything less. Inevitably, in giving that statement and answering questions, the Lord Advocate put forward the point of view of the Crown, or the prosecution service, as was done in open court. I do not agree that that should be taken as a direct criticism of a trial judge. It was a law officer responding to public concern and subjecting herself to parliamentary scrutiny. Surely that is how it should be in a democratic age in Scotland.

Red Tape

4. Joe FitzPatrick (Dundee West) (SNP): To ask the First Minister whether the Scottish Government has any plans to cut red tape for businesses. (S3F-187)

The First Minister (Alex Salmond): The Scottish Government is committed to removing existing unnecessary burdens on business and is against imposing any new unreasonable ones. We will work closely with the industry-led regulatory

review group to ensure that that happens. We have instituted a major trawl across all areas of the group's work to identify regulations that might be subject to early review, in order to lighten business burdens. That has yielded a number of suggestions from across the broad spectrum of the Government's responsibilities, such as culture, energy and planning, in addition to the measures that have already been announced for agriculture and fisheries.

Joe FitzPatrick: I thank the First Minister for his answer, which will be welcomed by small, medium-sized and large businesses throughout Scotland. I speak mainly to small businesses, and their top issue is the amount of red tape and bureaucracy, which is a distraction from their main aim of delivering economic success for their companies and the Scottish nation.

In 2006, a survey of members of the Federation of Small Businesses—the biggest non-governmental survey of businesses in the UK—found that 49 per cent of them were dissatisfied with the volume of legislation, 51 per cent were dissatisfied with the complexity of legislation, and—

The Presiding Officer: Could you ask a question, please?

Joe FitzPatrick: Forty-seven per cent of small businesses were dissatisfied with the rate of change. Given those levels of concern, can the First Minister tell me what specific actions have been taken by the Government since May to begin the process of removing unnecessary burdens?

The First Minister: In June, we asked those who have responsibility for Government portfolios to identify regulations that are creating barriers for business—energy and the marine environment emerged as obvious candidates for improvement. By April next year, we will be in a position to present to the regulatory review group the final results of our cross-departmental trawl. Our determination to reduce unnecessary business regulation and to allow Scottish business to grow and prosper in the new environment is clear.

Iain Gray (East Lothian) (Lab): Any attempt to reduce the burden of bureaucracy on business is, of course, laudable and welcome. Yesterday, the Cabinet Secretary for Finance and Sustainable Growth spoke about slimming down the enterprise networks. When he was asked what savings would be made and what the impact would be on costs and staffing, he was unable to give any indication at all. Can the First Minister explain, as he moves towards reducing regulation on business, how his success and progress will be measured and indicated to Parliament?

The First Minister: The cabinet secretary said that he would bring to Parliament estimates of the

savings. He also made the obvious point that cutting back bureaucracy will mean more funds for supporting business at the front line.

I should point out that one of the key aspects of the change is the removal of 21 local enterprise companies—a framework that was drawn up on the back of a cigarette packet by the late Bill Hughes 20 years ago. Why on earth should Iain Gray or anyone else believe that that is the appropriate network for Scotland in the 21st century? Removing 21 separate sets of governance and separate companies will inevitably bring about substantial savings and efficiencies.

In addition to the comments from businesses in Scotland that I read out earlier, I could read out similar comments from the Institute of Directors, from the Scottish Tourism Forum and from Councillor Tom Buchanan, the convener of the City of Edinburgh Council's economic development committee. Why is it that, when virtually all of Scotland is engaged in a positive discussion with the SNP, Iain Gray and the Labour Party are determined to strike a sour, defensive and negative note?

Annabel Goldie: On a point of order, Presiding Officer.

The Presiding Officer: I will take points of order at the end of First Minister's question time, if I may.

Hospitals (Deep Cleaning)

5. Margaret Curran (Glasgow Baillieston) (Lab): To ask the First Minister whether the Scottish Government will embark on a programme of deep cleaning in all hospital wards to eradicate superbugs, following the commitment by the Prime Minister on this matter. (S3F-184)

The First Minister (Alex Salmond): Cleaner hospitals are a top priority for the Scottish Government. National health service boards have procedures in place to reduce infections and can undertake a range of actions, including ordering deep cleaning, the use of rapid response teams, screening on admission and putting additional resources into surveillance. We are firmly of the view that we can achieve long-term success only by tackling health care associated infections through the implementation of a range of measures, such as the cleanliness champions programme, in which we now have more than 9,500 qualified champions; through prudent prescribing practice, to stop bugs developing resistance to antibiotics; and through the national hand hygiene campaign.

Margaret Curran: This week, Gordon Brown said:

"to make sure every hospital is clean and safe, following best practice around the world, there will be new funds direct to every hospital for a deep clean of our wards."

Will there be new funds direct to every hospital in Scotland? Yes or no.

The First Minister: Our purpose is not just to make it available to health boards to deep clean hospitals when necessary, but to keep the hospitals clean. If there was a single answer to this enormously serious problem, the Labour party might have stumbled across it in the past ten years in the United Kingdom, or the past eight years in Scotland.

When the new Edinburgh royal infirmary was built, it was a sterile hospital, but it quickly developed difficulties, as many other hospitals have done, with hospital-acquired infection. The priority for all of us should be to keep the hospitals clean, not just to deep clean them in the face of particular crises.

Electronics Industry

6. Hugh O'Donnell (Central Scotland) (LD): To ask the First Minister what steps the Scottish Government is taking to protect the electronics industry in Scotland. (S3F-179)

The First Minister (Alex Salmond): The Scottish Government is fully aware of the importance of the electronics industry to the Scottish economy: Scottish Enterprise has identified electronic markets as one of its priority industries and provides support for the industry generally, and for individual firms where appropriate.

The Minister for Enterprise, Energy and Tourism met Electronics Scotland on 11 September and is due to meet the Scottish Optoelectronics Association next week. He has also organised a workshop with the industry and its stakeholders on 26 November to highlight the opportunities, issues, obstacles and barriers for the sector, and to determine how the industry and the public sector can work together to ensure the continued development of electronics in Scotland.

I apologise to Bill Hughes, who is not dead but is, I am told, very much alive and kicking.

The Presiding Officer: I am sure that Mr Hughes will be relieved to discover that.

Hugh O'Donnell: The glowing obituary for Mr Hughes will be welcome at some time in the far-away future.

Which locally based experienced enterprise agency will have the responsibility for protecting the skilled jobs that are currently at risk in East Kilbride, both at Freescale Semiconductor and at JVC?

The First Minister: Freescale is exploring a range of options. Scottish Development International is working closely with senior management in the company to help to ensure the long-term future of the East Kilbride facility. Scottish Development International is not affected by the announcement that was made yesterday—it will continue to work. As Hugh O'Donnell will know, Colliers Advanced Technology Real Estate Group started public marketing of the two facilities on 4 September, and he can be sure that Scottish Development International will be doing everything possible to secure those vital jobs in Scotland.

I am told that reports of Mr Bill Hughes's death have been greatly exaggerated, and I reiterate my apology to the person who originated the design of the enterprise network.

Alex Neil (Central Scotland) (SNP): Regarding the electronics industry, will ITI Techmedia continue to have a wide enough remit to help to build up and expand the leading-edge aspect of the electronics industry in Scotland, which—despite the difficulties of recent years—still makes a significant contribution to the Scottish economy?

The First Minister: Yes it does and yes it will, under the new proposals.

Alex Neil's last point is particularly valuable. We should remember that, despite the well-publicised difficulties and downturn in the sector, Scotland still plays a central role in the growth of computing and information technology. It produces 28 per cent of Europe's personal computers, 7 per cent of the world's personal computers and 29 per cent of Europe's notebook computers. As we deal with the difficulties and challenges of the sector, let us never forget the underlying strength and excellence of many electronics companies in Scotland.

Andy Kerr (East Kilbride) (Lab): I thank the First Minister for his answer to the question about Freescale. I am the constituency member for the area and, along with Adam Ingram, the local MP, and members of the local council, I have met the workforce and trade unions on a number of occasions. I acknowledge the work of Scottish Enterprise Lanarkshire and SDI in this exercise.

However, as the First Minister might also be aware, a number of plants that are similar to the Freescale plant in East Kilbride are currently for sale across the United Kingdom. Could the First Minister therefore assure me that the Minister for Enterprise, Energy and Tourism will keep the local member—me—closely involved in relation to Colliers making a successful sale and, if that sale does not take place, in relation to how we deal with the difficult situation, which involves around 900 jobs?

The First Minister: I can give that assurance. The minister and the agency will keep local members fully informed.

I have taken an interest in the matter for obvious reasons, given the size of Freescale and its importance to Scotland. I am fully satisfied that everything possible has been done by the agencies involved to secure the jobs there.

The Presiding Officer: I understand that Annabel Goldie wishes to make a point of order.

Annabel Goldie (West of Scotland) (Con): The First Minister has already graciously dealt with the issue that I had intended to raise. However, I would like to confirm the happy status in life of Mr Bill Hughes. He is alive and kicking and is a fine embodiment of Conservatism in Scotland.

Jackie Baillie (Dumbarton) (Lab): On a point of order, Presiding Officer. The First Minister referred to pairing arrangements. As I want to be generous, I will accept that he has not been here for much of the past eight years and so will not know what his party has been up to in his absence. Presiding Officer, perhaps you would like to invite him to reflect on the number of times the Scottish National Party paired with members of the previous Government. What about when Ross Finnie or Rhona Brankin were pressing the case for Scottish fishing or, indeed, during the previous serious foot-and-mouth disease crisis? Of course, the SNP never agreed to any pairing arrangement on any issue.

We on the Labour benches are willing to consider pairing requests case by case because, unlike the SNP, we will act in the interests of the people of Scotland.

The Presiding Officer: The member is well aware that that is not a point of order.

12:32

Meeting suspended until 14:15.

14:15

On resuming—

Question Time

SCOTTISH EXECUTIVE

Finance and Sustainable Growth

Wind Farms

1. Ted Brocklebank (Mid Scotland and Fife) (Con): To ask the Scottish Executive what its position is on whether local communities and stakeholders should be consulted on wind farm applications in their area. (S3O-716)

The Minister for Enterprise, Energy and Tourism (Jim Mather): Our position on the matter is made clear in “Scottish Planning Policy 6: Renewable Energy”, which states that

“representations received from the public, based on relevant planning matters, will be one of a number of material considerations that should be taken into account when considering proposals.”

Ted Brocklebank: Is the minister aware of the two planning applications for wind farms that Energiekontor has lodged for sites only a few miles apart in north-east Fife? Both applications have attracted significant local opposition and the developers have already taken the Auchtermuchty application to the Scottish Government. Now it appears that Energiekontor also plans to take the second application—for Gathercauld, near Ceres—to the Scottish Government. Does the minister believe that that is a proper use of the planning process, especially given the high costs that local campaigners will have to meet to fight the applications, which relate to almost adjacent sites, at public inquiries?

Jim Mather: The member will understand that I cannot comment on individual cases. However, I commend him for so eloquently putting this case on the record.

Elaine Murray (Dumfries) (Lab): Earlier this month, the Scottish ministers announced their determination of three planning applications for wind turbine developments on which there had been considerable consultation with and comment from local communities and stakeholders. The applications were for Clashindarroch near Huntly, which is in the First Minister's constituency, Calliacher near Aberfeldy, which is in Mr Swinney's constituency, and Harestanes, which is in my constituency. Can the minister explain why the first two applications were turned down whereas permission was given for the Harestanes development to go ahead?

Jim Mather: I am happy to do that. We adjudicated on the basis of clear-cut recommendations that were made by reporters.

Futures Trust

2. Karen Gillon (Clydesdale) (Lab): To ask the Scottish Executive what discussions it has had with HM Treasury ministers regarding its proposals for a futures trust. (S3O-770)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): There have been discussions between officials, and I have raised the issue of the Scottish futures trust with the Chief Secretary to the Treasury, who gave a clear indication of the Treasury's willingness to engage co-operatively on the matter. Members may like to know that the Government is undertaking extensive work on the futures trust and other ways in which we can provide better value for our capital investment.

Karen Gillon: The minister may be aware that South Lanarkshire Council has embarked on an ambitious school-building programme. In answers that I received from Maureen Watt regarding the impact of the Scottish futures trust on that programme, she states correctly that it is

“a matter for South Lanarkshire Council”.—[*Official Report, Written Answers*, 24 September 2007; S3W-4284.]

She says that the trust will have no impact on the secondary programme as a public-private partnership contract for it has already been signed, but she fails to give the same assurance for the primary programme. Will the minister reflect on those answers and assure my constituents that pupils in schools across South Lanarkshire will not be disadvantaged by the advent of the Scottish futures trust?

John Swinney: Karen Gillon is right to say that the Government has taken a pragmatic decision on a number of PPP contracts that have come forward since the election campaign was concluded and the new Government was elected. Nothing in our approach to capital investment will interrupt progress towards improving the school estate or any other aspect of public infrastructure. We will take pragmatic decisions on individual projects, based on the stage they have reached and the condition they are in, when determining what investment mechanism should be used to pay for them. The Government has demonstrated pragmatism on the issue and will continue to do so. As I said in my answer to Karen Gillon's initial question, we are working effectively on the development of the Scottish futures trust. I look forward to its being an effective vehicle for public investment in the period ahead.

Derek Brownlee (South of Scotland) (Con): I look forward to seeing the detail of the futures trust

when it is ready. Given the pragmatism to which the cabinet secretary referred, will he confirm that, when and if the futures trust is available for use by local authorities and other public bodies, PPP will remain an option, should they choose to go down that road?

John Swinney: One of the points that we made before the election campaign, before the Government was formed, was that PPP could remain a vehicle for investment if public organisations wished. Of course, such an approach would beg questions if it did not represent value for money, which is a fundamental consideration in the approach that we are taking to the Scottish futures trust.

One of the many benefits of the Scottish futures trust is the opportunity that it will provide for us to cut out the enormous amount of inefficiency in how decisions on projects were made in the past, when significant costs were incurred by local authorities and other public bodies. If we had considered such projects on a basis whereby they were grouped together more efficiently, it is more than likely that we could have delivered benefits in value for money for citizens throughout Scotland.

Confederation of British Industry Scotland

3. Margaret Curran (Glasgow Baillieston) (Lab): To ask the Scottish Government when the Cabinet Secretary for Finance and Sustainable Growth last met CBI Scotland. (S3O-766)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): I last met representatives of CBI Scotland on 18 September. We discussed a range of issues aimed at the Government's purpose of delivering faster and more sustainable economic growth.

Margaret Curran: I am sure that regulation was discussed with business leaders in Scotland—at previous meetings if not at that meeting. Does the cabinet secretary acknowledge that some regulation serves a purpose in Scotland, a key part of which is to protect the rights of the many people who face discrimination? Will he say what regulation in Scotland requires to be kept and what protection he can offer to disabled groups in particular, to ensure that their rights will continue to be protected?

John Swinney: Margaret Curran asked a fair question. The approach that the Government has taken, as the First Minister said at First Minister's question time today, is to consider elements of regulation that present a barrier to the development of prosperity in businesses in Scotland. However, that is not an unquestioned approach. People with disabilities have statutory rights under legislation on the protection of disabled people. The Government will try to

consider elements of regulation that can be removed, to improve the competitiveness of the economy, but we will in no way undermine the existing rights of individuals under the protection that they legitimately have in our society.

The issue must be considered on a case-by-case basis; it cannot be considered as a generality. We must take great care with all regulation that we remove to ensure that removal has no unintended consequences. I suspect that Margaret Curran is cautioning us on that.

Gavin Brown (Lothians) (Con): On page 21 of its manifesto, the Scottish National Party made a clear commitment to adopting the “one in one out” approach to regulation. Where does the Scottish Government stand on that now?

John Swinney: Quite understandably, the Government has been engaged in substantial discussions with the regulatory review group, which is led by Professor Russell Griggs—the discussions have been taken forward by Mr Mather. The group has encouraged the Government not to take as simplistic an approach, if I could suggest that—[*Interruption.*] Conservative members are laughing, and of course they have a lot to laugh about these days.

If we take a simplistic view of “one in one out” we could easily replace minor regulations with larger regulations, so the Government is listening carefully to the views of the regulatory review group and taking forward an ordered process of reducing regulations, for the benefit of all businesses. I would have thought that that would bring a smile to the faces of Conservative members.

East Coast Main Line (Reston)

4. John Lamont (Roxburgh and Berwickshire) (Con): To ask the Scottish Executive what plans it has to improve the east coast main line and, in particular, to reopen a station at Reston. (S3O-714)

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): The reopening of a railway station at Reston and other possible train service changes are being considered as part of the wider options for making best use of capacity on the east coast rail route and are included in the consultation on the east coast main line route utilisation strategy.

John Lamont: As the minister knows, the reopening of a station at Reston is of particular importance to Berwickshire. I am concerned that there appears to be doubt about who should progress the issue. Scottish Borders Council believes that it is a matter for the Scottish Government, but the Government thinks that it is a

matter for the council. I would be grateful if he could clear that up for us.

Stewart Stevenson: My understanding is that Scottish Borders Council has the primary responsibility for the development of the feasibility study, which includes the proposal to reopen Reston station. I am informed that it has not yet fully completed its appraisal as it is awaiting comment on the stage 1 Scottish transport appraisal guidance report from Transport Scotland. The matter is with a Government agency, but Scottish Borders Council will shortly be in a position to progress its responsibilities.

Oil and Gas Revenues

5. Aileen Campbell (South of Scotland) (SNP): To ask the Scottish Executive what representations it has made regarding Scotland receiving a share of oil and gas revenues. (S3O-801)

The Minister for Enterprise, Energy and Tourism (Jim Mather): We will continue to pursue with the United Kingdom Government the options for the transfer of responsibility for oil and gas resources to the Scottish Government. Mr Hutton, the Secretary of State for Business, Enterprise and Regulatory Reform, has agreed to a meeting to discuss not only carbon capture but the oil and gas industry more generally. In those discussions, we will take into account views that are expressed in the national conversation that we have instigated.

Aileen Campbell: I draw the minister's attention to findings from the Norwegian statistics bureau that were recently reported in the Norwegian press, which show that Norway's oilfield economic growth has outpaced that of all other western countries during the past four years. Experts believe that that growth will continue in the long term. The bureau cites good growth in export markets, high wage growth and a decline in unemployment. Does the minister agree that that makes for depressing reading for Scotland because it is yet more evidence and a prime example of the kind of country that we could be if we had more control over our oil and gas rights and were able to use our resources to benefit the people of Scotland?

The Presiding Officer (Alex Fergusson): Yes would do, minister.

Jim Mather: Although I agree with my colleague, I sense no depression but optimism based on the belief that more people in Scotland will realise the benefit of controlling their own oil and gas and more people will recollect Gavin McCrone's comments of 1975 about Scotland having a currency as strong as the krone, embarrassing surpluses to a chronic degree and

good reasons for repealing the act of union. It is all fuel.

Lewis Macdonald (Aberdeen Central) (Lab): The minister will be aware that oilfields in the northern and central sectors of the North Sea, such as Brent, Forties and Ninian, have produced substantial petroleum tax and royalty revenues in the past. I hope that he is also aware that, when those fields come to be decommissioned, they will expose the UK Government to liabilities amounting to perhaps tens of millions of pounds per field. In his discussions with Mr Hutton, will Mr Mather ask that the Scottish Government take over those liabilities on the same basis as he will ask to take over the revenues?

Jim Mather: Lewis Macdonald can expect us to negotiate pretty sensibly on that, given that the benefit of the earlier oil revenues has gone to Westminster. Equally, we look forward to having the control that would enable us to make the decision to use the funds to facilitate the further development of oil on the west coast. That would allow us to achieve the objective about which Brian Wilson told us on "Newsnight" two years ago, when he said that there were probably 50 years' more valuable revenue resources available to be capitalised in the North Sea. We look forward to those next 50 years for the Scottish exchequer.

Council Tax

6. Ken Macintosh (Eastwood) (Lab): To ask the Scottish Executive what calculations it has made of the cost of freezing council tax for the next three years. (S3O-785)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): The cost of freezing council tax is part of on-going work that is being taken forward as part of the current spending review. It would be premature to discuss individual cost estimates at this stage.

Ken Macintosh: I am disappointed to hear that we approach the forthcoming local government settlement with such uncertainty. What assurances can the minister give residents of East Renfrewshire that the settlement will not lead to job cuts, cuts in services or costs being passed on to the voluntary sector? What assurances can he give residents of Barrhead that vital programmes such as the £100 million investment in the town's regeneration will not be directly affected?

John Swinney: I am as concerned about the lack of information available to the public about the spending review as anybody would be, but I await the financial settlement that we receive from the United Kingdom Government, which is about 15 months later than we would have reasonably expected it to be.

As Mr Macintosh may know—and as I am sure the distinguished convener of the Finance Committee, Mr Welsh, knows—I have discussed how to take forward the budget process in Parliament bearing in mind the fact that there will be a shorter timescale for consideration. Indeed, I have proposed a timetable to Parliament that protects the committees' two-month scrutiny period of the Scottish budget and commits the Scottish Government to producing its strategic spending review in one month rather than the significant other periods used by previous Administrations, ranging from three to 15 months, to develop that information.

That is the effort that I am making to ensure an ordered settlement for all public authorities, including local authorities and other bodies whose spending programmes have an impact on the voluntary sector. In answers on other occasions, I have made it clear that I want to ensure stability in voluntary sector funding in the period ahead.

In relation to the specific regeneration project in Barrhead that Mr Macintosh mentioned, I cannot imagine that there will be any impact on commitments that have already been undertaken and plans that have been well formulated in the past.

Class Sizes

7. Cathie Craigie (Cumbernauld and Kilsyth) (Lab): To ask the Scottish Executive how much additional capital will be allocated under the local government finance settlement for 2007 to 2011 to support the reduction in class sizes to 18 in primary 1 to primary 3. (S3O-765)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): In July, the Government allocated an additional £40 million of schools fund grant for the current financial year, linked specifically to the capital implications of reducing class sizes in P1 to P3. Funding allocations for future years for investment in the school estate have yet to be announced, as the issues are captured in the strategic spending review.

Cathie Craigie: It is my understanding that Glasgow City Council believes that implementing the Scottish National Party pledge will cost about £47 million. In North Lanarkshire, it is estimated that capital costs alone will be £15.1 million. As the cabinet secretary said, the Executive has so far allocated £40 million, which is well short of the sums needed by those two local authorities alone.

Given the fact that, earlier this year, Gordon Brown increased the Scottish budget over the next three years by £1.85 billion, and given the fact that Labour said in the run-up to the election that we would spend those funds on education, how will

the cabinet secretary ensure that North Lanarkshire Council in particular is properly funded to meet the SNP pledge and guidance?

John Swinney: In the very short time that we have been in office, we have allocated £40 million more than the Labour Party was going to allocate to investment in the school estate. It is a mystery to me where Cathie Craigie's confidence is coming from when she says that Gordon Brown has distributed such largesse for the next three years. We do not yet have the strategic spending review conclusions for the next three years. Perhaps Cathie Craigie has a hotline to the Prime Minister—we would obviously be interested in that.

I am glad that Cathie Craigie has reminded the Parliament that, if Labour had won the election, all the above-inflation consequential for the Scottish Government would have been allocated to education. It will be significant news to all the other aspects of the public services of Scotland—be they in transport, health, local government or the criminal justice system—that they would not have got a penny from the Labour Party if it had been elected. I suspect that they will receive a lot of good news from the Scottish National Party Government.

Scottish Borders (Productivity)

8. Christine Grahame (South of Scotland) (SNP): To ask the Scottish Executive, following the recent Experian report showing that economic growth in the Scottish Borders was twice the national average, what additional investment is planned to improve productivity in the region. (S3O-729)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): The Scottish Government is committed to raising the sustainable rate of economic growth in every part of Scotland. Our Government economic strategy, to be published in the autumn, will set out our principles and priorities for achieving that. In addition, we are committed to ensuring that the benefits of economic growth will reach the Scottish Borders and that the gap in wealth between our richest and poorest areas will be narrowed.

Christine Grahame: What the Experian report says about economic growth is welcome, but it also highlights the continuing difficulty in the Borders of attracting growth industries such as financial and business services and communications. That is reflected in the low wages for Borderers, which are still well below the Scottish and United Kingdom averages. Will the cabinet secretary consider reviewing the level of provision to support the development of those growth industries, to help match the outstanding economic growth record of the Borders with an

improving financial and business foundation for the region?

John Swinney: As I said, the Government is determined to ensure that the measures that we take have an impact on every part of Scotland. I appreciate the points that Christine Grahame makes about the Borders; she has made such points assiduously in the Parliament over many years.

When I was in the Borders in the summer, I saw at first hand some of the exciting projects on economic development there and many of the challenges that are faced. I assure Christine Grahame that the Government will do everything in its power to address, as part of its economic strategy, the issues that she has raised.

Justice and Law Officers

Underage Smoking and Drinking

1. Claire Baker (Mid Scotland and Fife) (Lab): To ask the Scottish Executive what steps the Cabinet Secretary for Justice is taking to tackle underage smoking and drinking. (S3O-760)

The Cabinet Secretary for Justice (Kenny MacAskill): Tackling underage drinking is a key Government priority. On Monday, I met licensing board conveners and police representatives to establish what more the Government can do to assist them in taking tough, swift action against those who make underage sales.

The Scottish Government will raise the age for tobacco sales to 18 from 1 October to make buying tobacco more difficult for young people, but we must couple that with tougher enforcement measures, such as test purchasing and smoking prevention work to prevent young people from taking up the habit in the first place.

Claire Baker: I acknowledge the cabinet secretary's commitment to addressing the issue. I will ask a bit more about enforcement. Like many areas, Fife has its fair share of antisocial behaviour linked to underage drinking. The cabinet secretary will be aware of the success of the 12-month alcohol test purchasing pilot that was run in Fife. Following the publication of the interim report, what progress is being made on developing common procedures that all Scottish forces can use by 2009?

As the cabinet secretary said, the minimum age for making cigarette purchases will rise from 16 to 18 from Monday. What plans does he have to enforce that age restriction? Will he consider positive and negative licensing? What resources will be committed to that?

Finally—

The Presiding Officer: Very briefly, please.

Claire Baker: Sorry. Now that 18 will be the age restriction for purchasing alcohol and cigarettes, what plans does the cabinet secretary have for joint enforcement initiatives, such as encouraging better use of proof-of-age cards?

Kenny MacAskill: Claire Baker raises a variety of matters, and I thank her for her questions. I have had the pleasure of meeting Chief Superintendent Laing from Fife, who was responsible for instigating the test purchasing scheme. The member will be aware that the Government is committed to the polluter-pays principle. The industry must deal with many of the issues. The ability to sell alcohol or cigarettes is not a God-given or inalienable right. People who are given that right have consequent responsibilities and must meet some of the social and economic costs.

We have received the final evaluation report of the Fife alcohol test purchase pilot, which we will publish. As for rolling out that pilot, the Licensing (Scotland) Act 2005 was used to enable the test purchasing of alcohol to take place throughout Scotland from 1 May 2007. The Association of Chief Police Officers in Scotland has worked closely with trading standards officers to finalise a common operational procedure for Scotland. A phased approach to the roll-out will be taken; forces will undertake the relevant training and recruit young volunteers between now and the beginning of next year. However, I assure the member that there will be a roll-out, because the scheme was effective in Fife. We welcomed it and we will ensure that the benefits that Fife received are experienced elsewhere.

Roseanna Cunningham (Perth) (SNP): I hope that the cabinet secretary is aware that Perth city centre experiences antisocial behaviour problems in the same way as do city centres throughout Scotland. Much of that is the result of excessive underage drinking, but such problems result not only from landlords selling alcohol to underage drinkers, but from their continuing to sell alcohol to drinkers who are clearly well inebriated. Is the cabinet secretary confident that the licensing enforcement measures are sufficiently robust to ensure that pub landlords who behave in that way are dealt with adequately?

Kenny MacAskill: Roseanna Cunningham makes a valid point. The problems of alcohol do not just exist in our major urban areas of Edinburgh and Glasgow; they are experienced in other cities, such as Perth, and in smaller communities. I reiterate that the polluter must pay. We expect those people who are given the right to sell alcohol to take the consequent responsibility. The member is right to point out that the licensed trade has responsibility for what happens after a

sale, for ensuring that the consequent costs of policing and taxi marshals are picked up, and for how its members sell alcohol to individuals in their premises.

I believe that the ethos of the Licensing (Scotland) Act 2005 is appropriate. It should make the trade much more of a profession. We expect those who are given a licence to sell alcohol to do so while exercising suitable care. We will give every support to licensing boards to ensure that they are effective in getting those who have the right to sell alcohol to accept the consequent responsibilities.

There have been tragic cases where people who clearly should not have been given further drinks continued to be provided with alcohol. That must cease. That is not what a professional licensee should do. That said, the licensed trade in Scotland has made considerable progress and it is co-operating in relation to the provisions of the 2005 act. Together, the trade, the licensing boards and the Government can make Scotland a safer and stronger place.

Bill Aitken (Glasgow) (Con): Implicit in the cabinet secretary's first answer to Ms Baker was an acceptance of the fact that the main problem surrounds not public houses and clubs but off-sales. Some licensees clearly and in the most cavalier manner sell drink to people who are obviously underage. Is the cabinet secretary satisfied that the approach that has been taken by licensing boards throughout Scotland has been sufficiently robust to deter the irresponsible minority of licensees from carrying on with that objectionable practice?

Kenny MacAskill: I had the opportunity to meet representatives of the Scottish Grocers Federation and other representatives of the retail sector earlier today. The 2005 act will empower licensing boards to act in a more hands-on way. Licensing boards were previously subject to a great deal of constraint; for example, they could not impose immediate suspensions. We seek to work with licensing boards so that they have the appropriate powers and can take immediate action if necessary.

As I said in response to Ms Baker, the purpose of our meeting with licensing boards and the police was to recognise that the arrangements are tripartite. The Government must ensure that the appropriate powers are available. The police must do all that they can to ensure that the law is implemented and that those who transgress it are apprehended. Licensing boards have an obligation to protect their communities. When the new regulations kick in, we expect that the licensing boards will act swiftly, and that those who breach their responsibilities will forfeit their rights immediately.

Paul Martin (Glasgow Springburn) (Lab): How will the cabinet secretary ensure that the polluter pays? I lodged an amendment at stage 2 of the Licensing (Scotland) Bill to ensure that the polluter paid. Fergus Ewing, the cabinet secretary's deputy minister, opposed that amendment. In fact, he successfully deleted the very provisions that would have made the polluter pay. How will the cabinet secretary ensure that the polluter pays, and what legislation will he introduce to ensure that that happens?

Kenny MacAskill: We will make regulations to ensure, through licensing boards, that the polluter pays. That will not be imposed by central Government; rather, we will provide a framework of regulations that will allow licensing boards that see a problem to take action. That might be done in the city of Glasgow; I certainly hope that it will be done in the city of Edinburgh; it might even be done in the fair city of Perth. We expect action to be taken, because huge costs arise as a result of the sale of alcohol. It must be borne in mind that people make significant profits at the till and over the bar.

Rather than being so begrudging, perhaps Mr Martin could recognise that we are seeking to work with his and other licensing boards to deliver policies that will make Scotland safer and stronger.

Antisocial Behaviour (Dumfries and Galloway)

2. Elaine Murray (Dumfries) (Lab): To ask the Scottish Executive how it will support local initiatives to address antisocial behaviour in Dumfries and Galloway. (S3O-791)

The Minister for Community Safety (Fergus Ewing): Dumfries and Galloway Council has been allocated £880,000 for antisocial behaviour services in 2007-08. It is for each local authority to decide, with its community safety partners, on how best to use that funding. Future funding arrangements will be determined following the forthcoming spending review.

Elaine Murray: I thank the minister for that reply and for his written answer to my question S3W-3748, in which he revealed that a total of £3.07 million in core antisocial behaviour funding was allocated between 2004-05 and the current financial year. That funding has financed, among other things, the extremely popular community wardens scheme that originally began in the north-west of Dumfries and Stranraer and has been expanded into other parts of Dumfries and Annan.

Does the minister acknowledge the value of the work of community wardens in tackling antisocial behaviour, promoting alternative activities for young people and working with the police to improve safety in local communities? Will the

Scottish Government provide funding after the current financial year to enable that highly acclaimed local initiative to continue?

Fergus Ewing: The current four-year funding package for antisocial behaviour runs until the end of March next year. Funding is not directed towards particular types of services: that is for partners to decide locally. The amount of spending for future years will, as the member knows, depend on the spending review.

I have been made aware of the work of community wardens. I visited Glasgow fairly recently and spoke to community wardens there, and I recognise that the public increasingly understand and appreciate the role that they play. In implementing our plans, we will carefully consider the important role that community wardens have played and might continue to play.

The Presiding Officer: I ask members to bear it in mind that the question is about Dumfries and Galloway.

Michael Matheson (Falkirk West) (SNP): As the minister will recognise, local initiatives such as those that exist in Dumfries and Galloway can easily be undermined when local authorities fail to follow them through, in particular those initiatives relating to the antisocial behaviour that is caused by alcohol. What action does the minister intend to take to ensure that the licensing boards of local authorities—just like in Dumfries and Galloway—take robust action against those who are involved in selling alcohol irresponsibly and engage more effectively with the communities that are affected by irresponsible sales of alcohol?

The Presiding Officer: That showed commendable initiative, Mr Matheson.

Fergus Ewing: I commend the member on his ingenuity. He managed somehow to bring his constituency into the confines of the question, which did not—as the Presiding Officer said—concern his part of the country.

The member is right that we are extremely concerned about tackling antisocial behaviour, which is why we plan to review the strategy to see where it can be strengthened and improved. This Government is committed not only to tackling bad behaviour but to promoting good behaviour. We want to take a different approach from that of the previous Executive. That is why we want to use proceeds obtained under the Proceeds of Crime Act 2002 to promote choices and chances for young people. We want them to have the choices and chances in the poorest parts of Scotland that they have in Milngavie, Bearsden and Morningside. That is what this Government wishes to do.

Low Moss Prison

3. David Whitton (Strathkelvin and Bearsden) (Lab): To ask the Scottish Executive when it last considered the procurement issues in respect of Low Moss prison. (S3O-800)

The Cabinet Secretary for Justice (Kenny MacAskill): I did that on 24 August 2007, when I made a statement to the Justice Committee about the procurement process for HM prison Bishopbriggs and the future operation of prisons in Scotland, although I consider the issue on an almost daily basis, and I discussed it last night with the chief executive of the Scottish Prison Service at the Prison Reform Trust meeting that I hosted in the Parliament.

David Whitton: I suppose that the minister had that discussion because he knew that he was going to have to answer my question today—one never knows.

As the minister knows, Low Moss prison is in my constituency of Strathkelvin and Bearsden, where there is a lot of local disquiet at the delay caused by his decision to cancel the previous design and procurement process. The minister has ruled out the public sector tendering for the contract. Will he enlighten my constituents today about when private companies will be invited to tender for the construction of the new prison? What date has he given his officials for when he wants the new prison to be opened? Will it be before or after the Scottish elections in 2011? Given that the reason for building a new Low Moss prison was to ease overcrowding at other jails, particularly Barlinnie in Glasgow, what is he doing to deal with the overcrowding caused by not having 700 places available at Low Moss? What is the extra cost of his decision to go for a privately built, publicly run Low Moss instead of the original concept of a privately built and privately run jail similar to Kilmarnock prison and Addiewell prison?

Kenny MacAskill: It appears that Mr Whitton takes a different view from his party leader, who supported the Government when we cancelled the proposed procurement process that would have been undertaken as part of plans to build a privately run replacement prison. If the new prison were privately run, 24 per cent of our prison population would be in private prisons, which would be the highest percentage anywhere in the world. Even Governor Schwarzenegger in California does not aspire to have as many prisoners incarcerated in private prisons in California as the Labour Party sought to have in Scotland. Thankfully, Wendy Alexander realised the error of those ways.

There has been a delay of several years in the construction of HM prison Bishopbriggs, which has come about because of the previous Labour-

Liberal Democrat Administration's nonsensical scheme to have a public-private bid, with the Scottish Prison Service tendering. What is worse, that mistake cost £2 million before this Government could cancel the process and head towards restoring faith in a prison service that is a service, not a private agency.

The Presiding Officer: Question 4 was not lodged.

Domestic Abuse (Legal Aid)

5. Gil Paterson (West of Scotland) (SNP): To ask the Scottish Government whether it has any plans to increase the number of solicitors working in legal aid who assist women in taking forward cases against alleged abusers. (S3O-734)

The Cabinet Secretary for Justice (Kenny MacAskill): This week, we laid regulations to improve payments for undefended civil actions to more accurately reflect the work that can be involved in such cases. That should make actions such as seeking a protection order more financially viable for solicitors who provide a legal aid service. The regulations also make changes that might permit solicitors to claim an additional uplift fee in cases involving vulnerable witnesses, and increase the current uplift in specified circumstances. Those changes reflect the commencement of new legislation but also take on board concerns that were expressed by the Family Law Association.

In addition, we have agreed to expand the Inverness-based legal service that is provided by a solicitor who is employed by the Scottish Legal Aid Board. Women who are experiencing domestic violence will be a key client group for the new service. We are also reviewing the block fees that are payable for civil legal aid, to ensure that they provide appropriate remuneration.

Gil Paterson: I welcome that answer. Some time ago, it was predicted that, because of the block fee payment scheme, solicitors would withdraw from civil legal aid work. It seems that those predictions were correct. Women and women's aid groups are now facing a diminishing supply of family law lawyers who offer civil legal aid services.

Although I welcome the minister's answer, I did not catch when the changes will come into effect. Could the minister clarify that for me?

Kenny MacAskill: I appreciate Gil Paterson's long-standing commitment in this area. The regulations have been laid, but I do not know the precise date when they will come into force. We are dealing with the issue as a matter of urgency, having received representations from the Family Law Association.

We face a difficulty, because we have inherited a situation in which—as one newspaper has mentioned—it is possible that, in some areas of the country, legal aid services will go the same way as national health service dentistry has gone. That situation needs to be addressed, and we will do it in part by making changes to the Scottish Legal Aid Board. In addition, some aspects will be addressed by the work of Lord Gill, who is reviewing how legal services are structured. However, I assure the member that this Government recognises his commitment and the requirement for the Government to protect those who are vulnerable and who suffer the scourge of domestic abuse and violence in the home.

Children of Substance-misusing Parents (Assessment)

6. Duncan McNeil (Greenock and Inverclyde) (Lab): To ask the Scottish Executive what progress is being made towards working with the Association of Chief Police Officers in Scotland to take forward a model of integrated assessment to ensure that the needs of children of substance-misusing parents are identified at the earliest opportunity, as stipulated in "Hidden Harm—Next Steps". (S3O-787)

The Cabinet Secretary for Justice (Kenny MacAskill): Getting children the right help at the right time in the most effective way is a key priority for this Government. Consequently, we are working with all agencies, including the police, on the most effective means of meeting the needs of children, including those with substance-misusing parents.

Duncan McNeil: I am pleased to hear that the minister recognises the need for an integrated agency approach.

The minister will be aware of yesterday's damning report by Her Majesty's Inspectorate of Education on Edinburgh's failing child protection services, of the latest increases in the number of children on the child protection register and of the letters of assurance scandal. In his closing speech in the drugs misuse debate on 6 September, the minister assured me that the points that I raised about child protection would be discussed with his colleague, the Cabinet Secretary for Education and Lifelong Learning, adding:

"we have to ensure a holistic and joined-up approach."—*[Official Report, 6 September 2007; c 1483.]*

What has been discussed to date and what action has been agreed?

Kenny MacAskill: I am assured by my colleagues that discussions have been taking place. As for the issue in Edinburgh to which the member referred—which, as a constituency representative, I know well—the report in question

shows that, just as we as a Government have inherited huge difficulties, my colleagues on the Scottish National Party council have also inherited a difficult situation. The member can rest assured that my SNP colleagues in the City of Edinburgh Council will do exactly the same as my SNP colleagues in the Government of Scotland and set those matters right.

Points of Order

14:56

Jackie Baillie (Dumbarton) (Lab): On a point of order, Presiding Officer. This is becoming a habit—a habit that, I have to say, has been caused by the actions of this Government.

I raise this point of order with reference to your good practice guidance note, which very clearly sets out the process to be followed for making announcements to the chamber. In that context, I refer specifically to the ministerial statement on the Edinburgh airport rail link that is due to be heard.

I am very disappointed to find that substantial parts of the statement are in the public domain before this Parliament has heard one word from the minister. Members who tuned into this morning's "Good Morning Scotland" will have heard exactly what the minister is due to say and, indeed, *The Scotsman* on Tuesday was able to tell us, first, that the direct line to Edinburgh airport will be scrapped; secondly, that it will be replaced by a tram line from nearby stations; thirdly, that there will be a new station at Gogar; fourthly, that trains from the west and north will stop at a new station on the Edinburgh to Fife line; fifthly, that trains from Dunblane and Glasgow will be diverted by using a link line between Winchburgh and Dalmeny near South Queensferry; and, sixthly, that rail passengers will switch to the airport to Newhaven tram line at an already planned interchange at Edinburgh Park station to the south. It goes on, Presiding Officer, but I am sure that you will have had the chance to read the statement and those exact phrases in it.

That level of detail clearly illustrates that the statement was briefed to the press in advance of its announcement in this chamber and shows the Scottish National Party Government's wilful disregard of members. Presiding Officer, I really hope that you will strongly discourage such gross discourtesy in future.

The Presiding Officer (Alex Fergusson): I thank the member for notification of this point of order.

Members will be aware that allegations of information being leaked to the press before announcements are made in Parliament are serious matters that are taken very seriously. Any such leaks represent a gross discourtesy to Parliament and will not be tolerated by me or by my deputies.

In that spirit, I have closely examined the coverage of rail links to Edinburgh airport over the past few days. Although the coverage is unattributed, there is little doubt that information

has passed into the public domain before this afternoon's proceedings. However, on this occasion, I am prepared to allow the statement to be made, as sufficient matters in it have not been trailed in the press and in order to allow members to examine the minister.

I take this opportunity to inform members that the good practice guidance on Government announcements is to be reviewed in consultation with the Parliamentary Bureau. I very much hope that the review will contribute to ensuring that such regrettable events do not occur in future.

Margo MacDonald (Lothians) (Ind): On a point of order, Presiding Officer. When the guidance has been reviewed, will there be any sanctions? If so, will there be a prescribed list of sanctions or will any sanction be yours to determine?

The Presiding Officer: I cannot tell you at this stage, because I do not want to pre-empt the findings of any review.

Iain Smith (North East Fife) (LD): On a point of order, Presiding Officer. Notwithstanding the fact that the Conservatives appear to have received a copy of the statement yesterday—after all, they have already agreed to its contents—I wonder, given how much of the statement has already appeared in the newspapers and given your comment that we should have the opportunity to quiz the minister, whether it would not be better for the minister to turn his statement into his opening speech in the debate, to allow members to make proper interventions and to examine it properly.

The Presiding Officer: We are sticking to the parliamentary business that was agreed yesterday in Parliament.

Edinburgh Airport Rail Links

The Presiding Officer (Alex Fergusson): The next item of business is a statement by Stewart Stevenson on rail links to Edinburgh airport. The minister will take questions at the end of the statement; therefore, there should be no interventions.

15:00

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): Our vision for rail services between Edinburgh and Glasgow in 10 years is for services that are faster, more frequent, more reliable and more attractive than those we have today, but we can also deliver other real improvements much more quickly.

We will deliver a rail network that will link easily to the airports at Edinburgh, Glasgow and Prestwick, and which will also provide access to both city centres from points between and fast end-to-end journeys between the cities. The journey time between our two great cities will be reduced to about 35 minutes, which will give us the options of running six trains an hour and opening up direct connections between Edinburgh Park and Glasgow. It is our aim to deliver a scheme that will connect the rail network to Edinburgh airport for less than a third of the cost of the risky Edinburgh airport rail link proposal. We will deliver a new station at Gogar earlier than Audit Scotland believed EARL could be delivered.

Today's statement builds on the high-level output statement that we made in July and tells how we intend to enhance the rail network in order to deliver a number of our manifesto commitments for rail. It also, of course, addresses our work on the governance of the EARL project. Over the summer, we considered the future of EARL. I will remind members what the EARL project proposed: it proposed tunnelling under a live operational runway, diverting a river and tunnelling underneath it and constructing a sub-surface railway. Projects of such complexity and risk profile demand clear and co-ordinated governance, but Audit Scotland told us that the project does not have that.

We know that Network Rail will not take on the tunnel project, we know that BAA Ltd will not take on the tunnel project, and we know that the gradient of the slope out of the tunnel is such that it cannot be climbed quickly by any train in Scotland's fleet. Some have paid Transport Scotland the compliment of suggesting that it should take responsibility that Network Rail will not take by finding a contractor and managing the project. However, that would be hugely distracting from Transport Scotland's core mission, and it would transfer the very substantial and uncapped

risks to the public purse. There is simply no sensible way for the Edinburgh airport rail link to proceed in its original form.

However, we still need good public transport access to the airport in order to encourage fewer people to drive there. We must provide such access more imaginatively and less riskily. We will provide a rail connection to the airport at a fraction of the cost of EARL and without the high risk and disbenefits that came with EARL. We will improve, not worsen the reliability and journey times of rail travel across Scotland, as was likely to be the case with the diversion of existing services through a steep tunnel under the airport. Our vision will provide improved connectivity not only at the airport, but throughout the rail network.

We propose a simple, straightforward and integrated solution that will build on the existing rail routes that surround the airport. We plan to add an airport station at Gogar on the Fife railway line, which will provide an interchange with Edinburgh's trams and rail access to the airport. The tram is already planned to stop at Edinburgh Park, which will provide rail travellers from Stirling, Dunblane and the new Airdrie to Bathgate route with an easy interchange to the airport. The new station at Gogar will allow passengers from Fife and further north to access the airport easily and quickly, with no need to travel into the city centre, as they do now. It will also allow faster access to the fast-growing west Edinburgh business area. With up to 30,000 jobs being created in that area over the coming decades, such provision is vital.

Our proposed connection with the trams demonstrates the Government's ability to look forward and leverage the provision of £500 million in financial support that we have agreed for the City of Edinburgh Council's tram project.

We intend also to build a rail link between the Fife railways and the Edinburgh to Glasgow routes—the Dalmeny chord—that will allow Edinburgh and Glasgow trains to stop at the new airport station. The station will be a transport hub that will provide as much connectivity as the previous proposal for an airport station, but with the inclusion of a link to the tram too, and without the time penalty of a tunnel. Our proposal will be on a similar timescale to EARL, but without the risks. Rail passengers from most of the country will be able to access the airport via one easy interchange using up to six trams per hour.

Our proposals are not just about airport links, important though those are. The new airport station and the Dalmeny chord will cost about one third of the estimated cost of EARL. We plan to invest the savings from EARL—and more—in improving rail services for the many thousands of other rail passengers who travel into Edinburgh and Glasgow.

Transport Scotland has worked with Network Rail and First ScotRail to identify the options that could be progressed to improve rail links between Edinburgh and Glasgow. I have considered the options that are set out in the study and have decided that the best approach for passengers and taxpayers is to make a step change in the existing routes by providing an electrified railway between Edinburgh and Glasgow and many places beyond. That will deliver faster and more reliable services that will cost less to operate and produce lower carbon emissions.

We know that emissions from transport have been moving in the wrong direction, so it is key that our transport decisions address that. Our vision is of an electrified network of rail routes between Edinburgh and Glasgow stretching up as far as Dunblane, Alloa and Cumbernauld. That will provide a rail network that is carbon-proofed for the future and which will provide a sustainable, attractive and reliable alternative to the car.

With investment over 10 years, we anticipate providing sufficient capacity to support frequency of service between Edinburgh and Glasgow of up to six trains per hour. We aim to provide an attractive mix of express services and intermediate calls that link with Edinburgh airport via a short tram ride. The express services will reduce journey times to around 35 minutes between the two cities. The additional capacity will ease the commute for people who access the city centres from intermediate stations and from Stirling and Dunblane.

The extra capacity will also allow trains from Glasgow to stop at Edinburgh Park, which will support businesses and make an impression on the growing levels of traffic in the west of Edinburgh. We will also create a considerable step change in the number of services from Glasgow Central station to Edinburgh. We will improve the connections from the south and west of Glasgow and from Prestwick and Glasgow airport through to Edinburgh.

This will, of course, be a long-term investment, which will be implemented through a staged programme. We will build on the line-speed improvements that Network Rail plans to deliver in the coming year and on the programme of improvements to station facilities and customer information that the franchise is already delivering. Passengers who live or work to the south of Glasgow will see improvements over the next two to three years, with an extra 300 seats each hour from Glasgow Central to Edinburgh. From December 2010, the opening of the new Airdrie to Bathgate route will provide four more rail services each hour between Edinburgh and Glasgow.

Around the same time as we expect the tram to come on stream—with rail interchanges at

Haymarket, Edinburgh Park and the new airport station at Gogar—we expect to have electrified services on the Cumbernauld route, the completion of the Airdrie to Bathgate link, more frequent and faster services via Glasgow Central station and an improved interchange station at Bellgrove. All that should be delivered in time for hosting the Commonwealth Games—if our bid is successful, as I hope it will be—which will make it easier for people from all over Scotland to access the games.

We will deliver the service improvements through the rail franchise, and we look to Network Rail to reflect the infrastructure investment in its forthcoming strategic business plan.

I am convinced that we need to start investing now in electrification and capacity to meet our needs for the next 10 to 15 years, and I want to keep under review whether further improvements beyond that will be justified. Transport Scotland will continue its multimodal assessment of transport investment needs throughout Scotland. Longer-term options, such as an even faster rail route, will be fed back into the overall strategic transport projects review alongside other road, bus and rail options, including improved rail connections across Glasgow and further improvements to services from Inverness and Aberdeen and between.

Today I have set out an ambitious, credible and deliverable alternative to EARL. We believe that our programme for investment in rail will provide a major boost to the wealth of Scotland and its long-term sustainability. The investment will use tried and tested technology and rolling stock, and will still provide easily accessible rail connections to Edinburgh airport. It will also complement rather than compete with the tram.

In summary, we shall take forward a comprehensive improvement to central Scotland's rail services. We will provide a station at Gogar, which will provide an effective interchange from rail to Edinburgh airport, and we will provide a significant improvement in the connections between Edinburgh and Glasgow from today's five or six services each hour, with a fastest journey time of 50 minutes, up to 13 services each hour with a fastest journey time of around 35 minutes.

Those are strong proposals for the future of Scotland and I urge Parliament to give them full support.

The Deputy Presiding Officer (Trish Godman): The minister will now take questions on the issues that have been raised in his statement. I intend to allow 10 minutes for questions of clarification only. After that, I will move to the next item of business. It would be helpful if members

who wish to ask a question for clarification were to press their request-to-speak buttons now.

Sarah Boyack (Edinburgh Central) (Lab): Will the minister clarify whether there will be any requirement for new land to implement the options that he suggests; where the land is; whether it is in the ownership of Scottish ministers; and whether there will be a requirement for any demolition of buildings along the routes?

Secondly, will the minister clarify what the capacity implications will be for Edinburgh Waverley and Haymarket stations? Will extra investment be required and will that be the same investment as was supported in the SNP's manifesto?

Stewart Stevenson: It is likely that new land will be needed at Gogar, although the exact site has not yet been determined—it might be north or south of the road, as we have two options to consider. There is potential for demolition associated with the Dalmeny chord.

As the member knows, Waverley currently has 24 paths an hour, which will shortly rise to 28 paths an hour, based on the work that is being undertaken there. The programme that I have outlined is consistent with that capacity, but as Sarah Boyack knows, we want to consider more ways of increasing capacity at Waverley, given its strategic position in the centre of our capital city.

Christine Grahame (South of Scotland) (SNP): As someone who was on the Edinburgh Airport Rail Link Bill Committee, I commend the minister on his sensible and prudent announcement. There was a myth promulgated by the Liberal Democrats—that the cancellation of the EARL project would impact negatively on the proposed Borders railway. I ask the minister to clarify that it would do exactly the opposite and that if we were to proceed with EARL, it would impact negatively on the funding for that very important line.

Stewart Stevenson: I thank the member for her congratulations and accept them with a glad heart. I assure the member that cancelling EARL will have no implications of any kind for the Borders rail link. As she will know, due diligence—which is aimed at transferring the authorised undertaker role from the partnership to Transport Scotland—continues and will conclude shortly.

Margaret Smith (Edinburgh West) (LD): As the constituency member for Edinburgh West, I welcome the minister's surprising commitment to the central importance of the tram—even prior to the final business case being made.

The minister claims that BAA will not take on the tunnel project. Will he say whether he has met BAA and whether it supports the original EARL

scheme and is content about the tunnelling option, and whether he has received a letter from BAA that says so? What impact will his alternative EARL project have on modal shift?

Stewart Stevenson: Margaret Smith should know that we accepted the will of Parliament and what all parties, apart from the SNP, voted for on 27 June. The trams are therefore properly integrated into the plans that I have put forward today.

I confirm that the Cabinet Secretary for Finance and Sustainable Growth met BAA and that it will not take responsibility for the tunnel.

Alex Johnstone (North East Scotland) (Con): The minister made it clear in broad-brush terms that considerable gains could be achieved on both cost and timescale by pursuing the project that he has outlined today as an alternative to the EARL project. Can he better quantify the likely cash savings and timescale reductions?

Stewart Stevenson: Our preliminary estimates suggest that rather than the £600 million or so budget for the existing EARL project, we are looking at a budget of about £200 million. Our intention is to reinvest the money that will be liberated by that saving in supporting transport right across the centre of Scotland. That, of course, will augment the work on improving journey times to Inverness, to Aberdeen and to Fife, so we are looking not only at the central belt. Rather than focus the expenditure only on EARL, our approach will help us to spread the benefits across Scotland for the benefit of far more people.

Charlie Gordon (Glasgow Cathcart) (Lab): I thank the minister for an advance copy of his statement—there was a shortage of copies among Labour members, but my colleagues were able to follow the statement in Tuesday's edition of *The Scotsman*.

It is two years to the day since I won the Cathcart by-election for Labour. I trust that the minister will come to appreciate the fearful symmetry in that before the afternoon is out.

I will ask the minister three brief questions. In June, Parliament instructed the Scottish Government to sort out the governance issues within EARL. Has it done so? If not, why not? If it has, why ignore the will of Parliament, if EARL has now been strengthened? Will the minister tell us the estimated capital cost of each individual item in his statement? In March, when Parliament enacted the Edinburgh Airport Rail Link Bill, it conferred on EARL's promoters deemed planning permission and the right of compulsory purchase of land for 10 years. Will he seek to repeal the Edinburgh Airport Rail Link Act 2007?

Stewart Stevenson: I belatedly congratulate Charlie Gordon on becoming the member for

Cathcart, although the history of that by-election is not something that I had imagined he would bring to the attention of Parliament.

Parliament asked us to address issues of governance—we have done so and we have established that the very real difficulties that were identified by the Auditor General could not be resolved. We have spoken to the stakeholders, as I said, and it is perfectly clear that the difficulties are not resolvable and that it is not safe to proceed with the EARL proposal as it is. Charlie Gordon referred to the passage of the EARL bill in March. Its passage merely enabled the project—it did not require it. It is perfectly proper that a new Administration should look at it again. We have.

The EARL project is not safe. Our proposals will deliver more for more people in Scotland and will do so more cost effectively and without risk to the public purse.

Shirley-Anne Somerville (Lothians) (SNP): A major factor in the development of any public transport project must be the encouragement of the maximum number of people out of their cars. Can the minister detail how his proposals will increase the number of people who use Scotland's trains? As his proposals are directed at improving not only the links to Edinburgh airport but the wider rail network, can he tell us how many commuters and leisure travellers from across Scotland will benefit from today's announcement?

Stewart Stevenson: Our proposals will benefit approximately two thirds of people in Scotland, which is a large number. I share Shirley-Anne Somerville's concern about getting people out of cars. The \$200 barrel of oil will be with us some time in the next 10 or 15 years or so—it is coming. As the Minister for Transport, Infrastructure and Climate Change, I am interested in the benefits to carbon emissions reduction of electrifying so much of our rail network, which I announced earlier. People will shift out of cars and on to trains because of the frequency and speed of trains, so we are dramatically increasing their frequency and speed between our two major cities and beyond. In addition, the rolling stock will be more up to date, which will make it a quieter and better neighbour.

As well as supporting the surface transport needs of Edinburgh airport, we are creating a package of services that will undoubtedly be more attractive to more people. As I said in my statement, they will address, in particular, issues that affect west Edinburgh, where the rapidly growing numbers of offices and office workers will require the provision of high-quality and effective surface transport in the public sector.

Patrick Harvie (Glasgow) (Green): I welcome the many references to climate change and the need to reduce carbon emissions.

Following the previous question, can the minister clarify the meaning of that part of his statement where he said that

“we still need good public transport access to the airport in order to encourage fewer people to drive there.”?

The minister will be well aware that the most significant carbon emissions result not from surface trips to the airport, but from the trips that happen after we get to the airport. Are we looking at a form of transport that will increase the numbers who access the airport, or are we looking at an alternative? If it is the latter, by how much will road traffic trips to the airport be reduced and when?

Stewart Stevenson: Edinburgh airport has one of the highest proportions of people who go by car to an airport to travel by air. Our proposals are focused on making the public transport options far more attractive; they are not, in any direct sense, about increasing the numbers who go to Edinburgh airport. However, I say to Patrick Harvie that air travel is an important part of our overall economy, so we must address carbon emissions from air travel. We, with the United Kingdom Government, seek to have air travel included in European targets on emissions—we support the UK Government on that.

We also support moves that would ensure that airlines use fuel more efficiently. I have heard encouraging ideas on that; for example, Virgin Atlantic did a pilot in which aircraft were towed out to the take-off point, which achieved a reduction of 5 tonnes of fuel per flight. Many things can be done to reduce carbon emissions and the Government will continue to work with partners to ensure that we address the carbon dioxide agenda.

The Deputy Presiding Officer: I call Iain Smith and I apologise to the seven members whom I have been unable to call.

Iain Smith (North East Fife) (LD): One of the things that the minister could do to reduce carbon emissions would be to have trains stop at the place where people want to go. What is it that this Government has got in for the people of Fife that it will deny us a direct link to Edinburgh airport? Furthermore, I do not think that the minister answered Charlie Gordon's question, although it is important for him to do so. The minister was instructed by Parliament to resolve the governance issues relating to EARL and he has said today that he could not resolve them. What were the problems that could not be resolved? Why is the Government not competent to resolve them?

Stewart Stevenson: Mr Smith may be slightly unwise in his approach to the statement. The governance problems existed when his party was

in office. We have addressed the issues and come forward with a credible, affordable and lower-risk solution that addresses requirements. *[Interruption.]*

The Deputy Presiding Officer: Order.

Stewart Stevenson: I say to Iain Smith that claims were made that the EARL scheme would provide people across Scotland with access to Edinburgh airport by means of 62 stations. I have good news for him: the number has just risen.

Edinburgh Airport Rail Links

The Deputy Presiding Officer (Trish Godman): The next item of business is a debate on motion S3M-546, in the name of John Swinney, on rail links to Edinburgh airport. I call John Swinney to move the motion.

Motion moved,

That the Parliament supports the Scottish Government's plans to develop rail links to Edinburgh airport and to improve other rail services.—[*John Swinney.*]

The Deputy Presiding Officer: I call Iain Gray to speak to and move amendment S3M-546.1.

15:25

Iain Gray (East Lothian) (Lab): On many occasions, my colleagues and I have risen to criticise the Government for reneging on its manifesto promises. I admit that the motion that it has brought to the chamber today fulfils a manifesto promise, albeit an entirely wrong-headed one. It is important to point that out: members should be clear about the promise that the Scottish National Party made. It promised to cancel EARL come what may—not if it was over budget or behind schedule; not if it had management problems; and not if there was a delay in procurement. The project was to be cancelled, full stop.

For some reason, ministers felt compelled to dress up that political decision. First, they claimed that costs were out of control. When they were asked to produce the evidence, they could not. They then asked the Auditor General to construct the evidence, but he did not. They then claimed that the project was irretrievably broken, but it was not. Today, they said that they have found a better alternative, but they have not. They then presented other—extremely welcome—improvements to rail lines in central Scotland, as if the funding for those projects depended on EARL's cancellation, but it does not. We would have done those things, as well as deliver EARL.

The SNP wants to cancel EARL, but not for any of those reasons; it planned to sacrifice the project to release moneys to fund other promises that it has made. Back in March, during the passage of the Edinburgh Airport Rail Link Bill in the previous session of the Parliament, Fergus Ewing gave the game away by saying

“that the money can be better spent on other projects.” — [Official Report, 14 March 2007; c 33136.]

He made it clear that he meant projects in his constituency, as did Rob Gibson—in a piece in his local paper of 28 June this year—and Brian Adam, in a members' business debate only last night on the Aberdeen western peripheral route. That is

why ministers have been ducking and diving, seeking ways to defy the will of the Parliament.

The Cabinet Secretary for Finance and Sustainable Growth said in the previous debate on the subject that he would abide by the will of the Parliament, only to walk straight into a press briefing in which he conceded the case for Edinburgh trams, but averred that EARL had “had it”.

Even this week, the cabinet secretary and his ministerial colleagues attempted to avoid the full scrutiny of the debate that they had promised—they hoped to get by with a statement alone. Let us be clear: on 27 June, the Parliament instructed ministers to continue to progress the EARL project by resolving the governance issues that the Auditor General had identified. Instead of that, the cabinet secretary and his ministerial colleagues stopped work there and then on EARL. Today, they have returned to the chamber with a poorer alternative and, in so doing, they have defied and failed the Parliament, failed Scotland and failed our capital city.

For the Tories, Mr McLetchie described the SNP position on EARL as “depressing negativity”. He went on to say:

“the SNP policy on the rail link and trams is hostile to the interests of our capital city and its role as a driver of the Scottish economy. The SNP is an anti-Edinburgh party, and its transport policy speaks volumes about its parochialism and provincialism.”—[Official Report, 14 March 2007; c33141.]

That is still true today, and I am sorry if the Tories have now U-turned into the SNP's siding of negativity, parochialism and provincialism.

The project that our amendment supports would provide the best cost benefit ratio of any of the planned rail projects in Scotland—2.16:1 over 60 years—and almost £1 billion of benefit in the first 30 years. It would remove 1.7 million car journeys from our roads and connect 62 stations—serving 64 per cent of Scotland's population—directly to Edinburgh's airport, without a need to change. We accept that the scheme that the Government proposes is better than having no surface link at all and even that it will provide wider connectivity than a simple spur solution would. However, where are the full costings and the Scottish transport appraisal guidance appraisals? What is the cost benefit ratio? How many car journeys will the proposal save? Does the Government know? No. Does it care? No.

In the minister's peroration about getting out of cars, he forgot to mention that, as Iain Smith rightly said, public transport works when it goes where people want to get to. The Government promises an airport station that is not at the airport and which will not get airport passengers out of

their cars. We are promised a journey time from Edinburgh to Glasgow of 35 minutes, which is good and welcome, but it will take almost as long as that to get to Edinburgh's own airport from the city centre. The proposal is simply second best and second rate.

The SNP Government is fond of symbols. It has negotiated flag-flying protocols, changed its headed notepaper and got new ministerial business cards. The decision on EARL is a symbol of how serious the Government is about investing in the infrastructure and convenient international connections that a modern economy needs. EARL would be the kind of fast, simple and direct connection that international travellers expect and are used to elsewhere. What message will we send them if we cannot provide that? What message will we send the business community and the construction and engineering sector? The message will be that flagship projects such as EARL will be agreed, designed, legislated for, budgeted for and then cancelled on a political whim to pay for pork-barrel projects elsewhere.

I have heard EARL described as a Rolls-Royce solution—it is, and why not? The SNP ordered a luxury Lexus limo for its First Minister, so why is it delivering a Reliant Robin rail link for the rest of Scotland? The Government might win the vote on the motion tonight, but if it does it will lose any credibility that it is big enough to take on the sort of projects that Scotland needs in order to compete in the 21st century and it will lose any right that it might ever have had to claim to have vision and ambition for Scotland. *[Applause.]*

I move amendment S3M-546.1, to leave out from “the Scottish Government's plans” to end and insert:

“the Edinburgh Airport Rail Link as approved on 14 March 2007 and improvements to other rail services.”

The Deputy Presiding Officer: I call Alex Johnstone. Mr Johnstone, you have six minutes.

15:33

Alex Johnstone (North East Scotland) (Con): Did you call me, Presiding Officer?

The Deputy Presiding Officer: Yes—you have six minutes.

Alex Johnstone: Thank you—I could not hear for the riot.

The Conservatives have always been strong supporters of the case for a rail link to Edinburgh airport and remain so today. However, we have never been convinced that the hugely expensive and disruptive option of a tunnel beneath a live runway was the best way in which to do that, especially with so many other heavy infrastructure projects on the books. It was us, not the Scottish

National Party, who led the way by calling for a thorough examination of cheaper and more appropriate alternatives to the EARL project. Having exposed the total inadequacy of the initial appraisal of the Turnhouse option by the promoter of the Edinburgh Airport Rail Link Bill, the Conservatives persuaded the promoter to look again at its figures and produce a totally new assessment of the merits or otherwise of that scheme.

Iain Gray: Will the member take an intervention?

Alex Johnstone: No, thank you.

If the Scottish National Party had been serious about examining alternative ways of connecting Edinburgh airport to the rail network, as it now seems to be, it would have joined us in pursuing further studies of alternatives during the passage of the Edinburgh Airport Rail Link Bill, which would by now have saved a great deal of taxpayers' money.

Margaret Smith (Edinburgh West) (LD): Will the member take an intervention?

Alex Johnstone: No.

The fact remains that Labour and, in particular, the Liberal Democrats, who held the transport brief throughout the second session, are responsible for the managerial paralysis at the heart of the project that was exposed in the Audit Scotland report. In the past four years, both Nicol Stephen, between 2003 and 2005, and Tavish Scott, in 2005 to 2007, presided over a vast number of heavy infrastructure projects that have been characterised by cost overruns and delays, largely because of ministers' steadfast refusal, for reasons of political convenience, to state which projects were deemed to be priorities. By arrogantly insisting on the most expensive scheme and crudely dismissing attempts by the Conservatives and others to suggest alternatives, the Lib-Lab pact stands accused of gross incompetence and an indecent disregard for public finances. Both parties and, in particular, the previous Minister for Transport, Tavish Scott, are bereft of credibility in today's debate and should take the opportunity to apologise to the people of Scotland.

Helen Eadie (Dunfermline East) (Lab): Will the member take an intervention?

Alex Johnstone: No.

Having abstained at preliminary stage, the Conservatives eventually voted for EARL, on the basis that the previous Executive was not prepared to examine the alternatives. However, following the publication of the Audit Scotland report, we expressed our concerns about the shambolic management arrangements

surrounding the project, which are a terrible indictment of the previous Executive's handling of this supposed flagship policy. Although at that stage we did not accept that the report justified cancellation of the project, we strongly supported the expenditure freeze that the Government put in place pending a final decision.

It is now clear that the Edinburgh airport rail link project is in a state of collapse. We are, therefore, delighted that the Government, unlike its predecessor, has agreed with us that an alternative scheme must be sought.

Robert Brown (Glasgow) (LD): Will the member share with us the evidence that exists to show that the decision to abandon the project is the right decision based on today's information? The minister has not given us that evidence.

Alex Johnstone: I believe that it is the right decision. If the member wants the evidence, he should ask the minister for it.

The Gogar option that the SNP has presented is almost identical to the Turnhouse option that we championed at an earlier stage and has a number of advantages over the EARL project, not least the fact that it ties in well with the tram scheme and will allay the well-known fears of key partners such as the British Airports Authority and Network Rail regarding the proposed tunnel.

Charlie Gordon (Glasgow Cathcart) (Lab) rose—

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Will the member take an intervention?

Alex Johnstone: No—I am coming to a conclusion.

We strongly support the plans to electrify the Edinburgh to Glasgow route, neglect of which by the previous Executive further complicated EARL, due to the need to decide on the issue prior to procuring new rolling stock.

Key elements of today's proposals will benefit transport across Scotland for a number of years, but there are also difficulties that should be obvious to the Government, having observed what happened to its predecessors. The proposals must be measured and properly costed. We have seen detail of some of the near-future proposals, but little detail of the costs of some of the major proposals that lie further off. I warn the minister not to make the same mistake as his predecessor. He must not commit himself and future Governments to huge, expensive transport projects that do not deliver value for money for the taxpayer and which, ultimately, do not deliver what is claimed for them. The Conservatives will vote in favour of the Government's proposals, because we believe that they are good for Scotland's

transport future, that they will deliver for people all over Scotland and that they deliver on the promise that was held out in previous sessions.

15:39

Tavish Scott (Shetland) (LD): The Scottish National Party wants EARL dead. The SNP, backed by its cosy coalition partners the Tories, will today try to kill a strategic transport project for Scotland. The project is challenging. It is a public transport investment that represents a commitment to Scotland's competitiveness as a destination. However, the SNP-Tory coalition does not want it.

The SNP's solution is not the direct link that Scots, visitors and Scottish businesses want and that the Liberal Democrats want. This morning, the Dundee and Angus Chamber of Commerce said that the SNP's plan would not encourage businesspeople out of their cars—and Dundee's two constituencies are represented by SNP members, one of whom is a minister. We can identify a theme. Anyone who runs a business or a guesthouse in Aberdeen, Perth, Dundee or Inverness, to name just four cities, all of which are represented by SNP ministers, will now not benefit from a direct, integrated rail service to Edinburgh airport. Inverness Chamber of Commerce, an organisation that is dear to my good friend Mr Ewing, said that EARL should improve the competitiveness of businesses in the north.

People who are coming from Shetland will access Edinburgh airport more quickly than people from Tayside. Can members believe that? A Gogar rail halt is not a direct airport rail link and is not the right solution. The minister gave the game away when it became clear that he does not know the costs or even where the station will be. The proposal is policy on the hoof, which has been accepted by the Conservatives, who are sitting on my very far right.

If the direct rail link was built, people would leave a train that had come from one of 62 stations throughout Scotland and take a lift straight into the airport's departure hall—as people do in Oslo and Zurich and will soon be able to do in Dublin. That will not happen in Scotland.

The Gogar option depends on trams. Trams were passionately opposed by Alex Salmond, John Swinney and Kenny MacAskill but are now the cornerstone of SNP transport policy—I do not know whether to laugh or cry. We will hear no more of the SNP's claim that money earmarked for trams could pay for the A9; the SNP backs trams completely. I hope that members have noticed that Mr Stevenson is shaking his head; the SNP does not know whether it backs trams or opposes them.

The SNP's so-called airport link is utterly dependent on trams.

The SNP's vision for rail in Scotland and what it will spend money on is all about the central belt, as the minister made clear. The minister said that the SNP's vision for electrification is to reach those far-north towns of Dunblane, Alloa and Cumbernauld. We will hear no more about SNP spending being geographically targeted. All the money is going to the central belt, which is the opposite of what the SNP said that it would do.

The Greens, like the Tories, are backing the SNP, because they do not want more people to use the airport. That is a reasonable argument, but the logic of the Greens' position is to back no public transport link to the airport. By backing a link, the Greens make their position as ridiculous as that of the Tories.

I cannot be the only member who read with incredulity the Tories' press statement this morning. The Tories claim that they have always opposed EARL. That is not so; they used to be in favour of it. Iain Gray quoted David McLetchie and I will do so too. Mr McLetchie said:

"the tunnel option represents a better overall outcome in terms of what it delivers".—[*Official Report*, 14 March 2007; c 33140.]

I agree. The Tories are rewriting history and their position is pretty close to hypocrisy. The Tories have made a U-turn, to prop up the SNP Administration. Why do the Tories not just join the SNP? The two parties are indistinguishable these days.

Mr Stevenson did not mention governance in his statement. Nor did he answer the points that were made in the motion to which the Parliament agreed in June.

The Parliament can invest in Scotland, in public transport and in our ability to compete in the world, or it can vote with the SNP. The Liberal Democrats will vote for Scotland.

15:44

Helen Eadie (Dunfermline East) (Lab): The news that we have received in Scotland this week represents a betrayal of the people of Fife and the rest of Scotland and a betrayal of environmentalists throughout the United Kingdom. The SNP's position demonstrates paucity of ambition and will make us the laughing stock of Europe. Today is a red-letter day for Scotland, because we see our real Government: a coalition of the Tories and the Scottish National Party. We have a right-wing Government in Scotland—there is no doubt about that.

I am certain that ministers hoped that Audit Scotland would provide some evidence that would

help to justify the decision that the SNP desperately wants to make: to scrap EARL, which it has now said it will do. The Auditor General's report has not provided that refuge for the SNP Government. As other members have said, value for money was not part of his remit. The Parliament is clear on what that remit was: his review examined the process for estimating project costs and the management of the projects. Audit Scotland was asked to examine the approach to financial and risk management in the two projects that Mr Salmond, Mr MacAskill and Mr Stevenson want cancelled.

The Auditor General's remit cannot be emphasised too much in the debate. Members should consider the views that he arrived at throughout his report. It is important to emphasise that he did not review the projects' operating costs or their projected revenues. Nor did he review the option appraisals for the projects or the benefits that they were expected to generate—and they would have brought real benefit to Scotland had they gone ahead.

Little has been said of the economic and social benefits that would have opened up, such as massive new employment opportunities in the construction and operation of the new railway centre. It would have been a massive new centre, serving 62 other train stations throughout Scotland. If I may speak parochially, that would have meant many more new business opportunities within and outwith Fife for the benefit of Fifers. I am confident that we would all have witnessed major economic benefit in a way that we could not possibly imagine today, but that opportunity has been missed.

When I read the Auditor General's report last night, I formed the opinion that there is evidence that the EARL project is being damaged wholly by the climate of no confidence that has been created singularly by the SNP Government, contrary to what Alex Johnstone said. I guessed that it was wholly because of that climate, but if I was in any doubt, I am no longer in any doubt after hearing the debate. There are phrases in the Auditor General's report such as:

"Procedures are in place to actively manage risk associated with the project".

He also says:

"Financial management and reporting of the project appears sound"

and:

"High-level governance arrangements are satisfactory".

The Tories are focusing on the money. The Auditor General's report says that there was evidence that it could be put in place, despite what is said by the new Government of the Tories and

SNP that we have seen today. The report mentions all the other projects that have been funded not only by Transport Scotland but by European funding, such as the trans-European network fund. We have heard nothing at all about access to that.

David McLetchie (Edinburgh Pentlands) (Con): Will Helen Eadie give way?

Helen Eadie: I am sorry, but I am in my last minute and your spokesman would not give way.

The Tories' badge of honour is safeguarding the public's money. Today, you will flush down the toilet £20 million—that is what has been spent to date. You are betraying the people of Scotland. I feel angry on behalf of the people of Scotland and the people of Fife. It is absolutely incredible that the Tories could tie up with the SNP. Despite that, I will ensure that every Westminster parliamentarian and every newspaper that can will know about the betrayal of David Cameron's principles. You try to hide behind your green logos on your headed notepaper, but I hope that you will live to rue the day of this new right-wing Government.

The Deputy Presiding Officer (Alasdair Morgan): I remind members that I will not rue any day.

15:49

Christine Grahame (South of Scotland) (SNP): Oh dear, I do not want to be too cruel, but there was an awful lot of heat in that speech and not terribly much light. As far as I know, Helen Eadie is not authorised to be angry on behalf of the people of Scotland.

I was one of five members who sat through all the evidence on the Edinburgh Airport Rail Link Bill. At the end of the preliminary stage, two of us could not vote for the bill to go any further. That was long before any other member present woke up to the subject matter that we were considering and the evidence that we heard.

Nothing has changed. There were huge issues with tunnelling under a live runway, and I raised those issues with the then Minister for Transport when I said:

"I want the minister to address the issue of insurance liability: first, while construction is going on; and secondly, once the rail link is operational, in the tunnel, under a live runway. Will the minister simply tell me who will pay those premiums?"

Mr Scott replied:

"As we would expect in any transport project, the promoter has been in dialogue with the insurance market."

I pursued the point further, asking:

"who is liable for the premiums? The public purse?"

Mr Scott replied:

"The member dismisses the factual way in which a commercial company has to operate. The SNP knows nothing about the commercial world. The promoter has done what any responsible organisation or promoter would do."

I pressed on:

"Answer the point."

He replied:

"I am answering the point. The promoter has already received an indication that the project is entirely insurable in the commercial world."—[*Official Report*, 14 March 2007; c 33160-1.]

I am not aware that that is, in fact, the case. We are talking about spending £650 million of public money on a project with substantial risks.

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

Christine Grahame: I am sorry; I have only four minutes.

I want to pick up on a substantial and terribly important point about the gradient in the tunnel. Charlie Gordon has a great knowledge of rolling stock, which I admired in committee, and he raised the question whether there were locomotives that we could put on to the track. I am open to intervention on this point, but I am not aware whether there exists a locomotive that can both deal with the proposed gradient and keep to the timetabling. With a hub such as the one in question, five seconds off would mean that the timetabling could not be kept to. In giving evidence, Network Rail said that, even without delays, the timetabling would be "very challenging".

As far as I know, those issues have not been addressed, so let us not be silly and bowl into somebody just because at one time they thought that EARL was a good idea. Under the microscopic scrutiny of the committee, the project failed to convince two members to support it. That is a substantial objection.

Margaret Smith: The consideration stage report said that the Virgin Voyager and trans-Pennine express trains, which I accept are currently not in use in Scotland but are elsewhere in the United Kingdom, could do what Christine Grahame referred to. The report said that those new trains would be procured into Scotland.

Christine Grahame: I asked members to deal with the two points—not just the gradient, but keeping to the timetable. The gradient would impact on the timetabling.

When we consider the limited pot that the Parliament has to spend on transport, we have to be rigorous in deciding what to do. I am delighted

that we have looked again at EARL and are prepared to come up with a modest alternative, because Scotland's budget is modest and we cannot be profligate.

As for David McLetchie, I mentioned his Damascene conversion and we in the Scottish National Party always welcome sinners who repent.

15:53

George Foulkes (Lothians) (Lab): There is only one thing wrong with the EARL project—its name is rather misleading. It is not just an Edinburgh issue but one that affects the whole of Scotland.

Those of us who live in Edinburgh can use the Lothian Buses link, which is one of the best anywhere. I used it yesterday, coming back from our successful conference in Bournemouth, and for people who are going into the centre of Edinburgh, as I was, it is ideal. However, EARL is much more than that. It would link more than 60 Scottish towns and cities right into the centre of the airport. That is a 21st century solution. We want what is best for Scotland, as Iain Gray said, not what is second best.

It is strange that Patrick Harvie and the Greens are supporting the SNP. They say that they do not want to encourage air travel, but not supporting EARL is naive and short-sighted. EARL would be a national, public transport interchange that happened to be at the airport. People will still fly without EARL—we would need a blockade to stop them going to the airport—and if we do not have EARL, more of them will go by car, which will greatly increase transport emissions.

Patrick Harvie (Glasgow) (Green): Will the member give way?

George Foulkes: No. We are having to pay an increasing price for Patrick Harvie's convenership of the Transport, Infrastructure and Climate Change Committee.

I can give the Parliament a perfect example of how a rail station at an airport moves travellers off the road and on to the railway. Travellers to Prestwick airport used to have to leave the train at Prestwick Town station, from where they would take a shuttle bus to the airport, although few of them did. When a new airport owner took over, a new railway station was built at Prestwick airport with an escalator direct to the concourse, after which rail use rocketed. People want to go right to the centre of the airport.

EARL would benefit travellers from Fife, Dundee and central Scotland, as well as those from the Lothians and beyond, by providing a direct rail link to the centre of Edinburgh airport. The

Government claims to be proud for Scotland. How can such a Government accept the second-best option of Gogar? As Tavish Scott said, we have been given no detail or costing, and we have not even been given the location of the new station.

All four London airports—Heathrow, Gatwick, Stansted and even Luton—have direct links.

Christopher Harvie (Mid Scotland and Fife) (SNP): Will the member take a point of information?

George Foulkes: No—sit down.

Christopher Harvie: It is a bus link to Luton—

The Deputy Presiding Officer: Order. The member is not giving way.

George Foulkes: The professor is out of date, as usual.

Alex Salmond keeps telling us that he is the man who will let Scotland flourish. He tries to offer Scotland a vision—what he calls

“a radical and inspirational choice for the future.”—[*Official Report*, 5 September 2007; c 1363.]

How can he claim that if he is prepared to accept a dog's breakfast—a guddle—that is truly second best for transport to the airport of Scotland's capital city?

15:56

Shirley-Anne Somerville (Lothians) (SNP): One key objective of the Edinburgh airport rail link was to offer a sustainable, public transport alternative way to get to the airport. The proposals that the Government has outlined today still achieve that objective, but not at any risk and not at any cost. The costs and risks that were associated with the original scheme were many.

The proposed tunnel is the key reason why the project was so expensive and such a risk. Much has been made of the fact that other capital cities have rail links to their airports, but none of those was achieved through risking an airport's viability by digging under its runway. The economic cost of closing Edinburgh airport would be colossal not only to the city, but to the wider Scottish economy, yet that is the threat that would hang over the airport if the previous Administration's proposals were implemented.

Iain Smith (North East Fife) (LD): Will the member take an intervention?

Shirley-Anne Somerville: Not at the moment.

While no other city has been daft enough to tunnel under its airport's only runway, we can get an idea of the problems associated with tunnelling at an airport from the collapse that took place during the building of the Heathrow Express in

1994. Occurring between runways, rather than under a runway, the collapse caused the cancellation of hundreds of flights. The judge who led the inquiry into the Heathrow airport farce said that it was “luck more than judgment” that prevented lives from being lost that day. The SNP Government can be trusted to rely on good judgment and not luck when safeguarding the public and the economic interests of Scotland.

The cabinet secretary’s announcement will not only achieve the objective of delivering a public transport alternative cost-effectively and safely, but improve a number of other rail links and services in Scotland. Under the previous scheme, commuters would have faced not only disruption when the building work was under way, but longer journey times once the scheme was complete. That would hardly have been a way to encourage folk to let the train take the strain.

The new scheme announced today will ensure faster, more frequent and more reliable rail services between Edinburgh and Glasgow, with other improvements in the rail network being completed sooner than would otherwise have been possible.

Iain Smith: Will the member take an intervention?

Shirley-Anne Somerville: Not at the moment.

That Labour and the Liberal Democrats still want to move full steam ahead with their proposal is a sad state of affairs. Despite the risks that I have mentioned, they have not been persuaded. They seem to be happy to play fast and loose with the public’s money, even if doing so is detrimental to commuter services and delays other much needed improvements to our transport network. I urge them to take a step back and reconsider the matter. Their scheme is not a good use of money, and it is not the most effective way to improve rail services. It is true that money has already been spent, but it is a drop in the ocean compared with what would be wasted if the project was allowed to go ahead.

The proposals that the Government has set out today improve not only the transport links to Edinburgh airport but other vital rail services at the same time. I welcome the Government’s commitment to improving our rail network.

16:00

Derek Brownlee (South of Scotland) (Con): As a Conservative in Scotland, I have been accused of many things in my time, but today, Helen Eadie—the scourge of the latter-day Attila the Hun—made the ultimate criticism of the Scottish Conservatives: apparently, we have too much influence over the Government. I seem to

remember that, when the Government took office, it was reminded that it was a minority Government and that it would have to listen to the other parties to achieve anything. However, as I did yesterday, I will move swiftly onwards.

I mention only briefly the striking similarities between what is being announced today on the link to Edinburgh airport and what the Conservative party proposed in its election manifesto. The minister should know that we expect to see the details as soon as possible. As Opposition members have made clear, it is important to see the costs and benefits of the alternative scheme, just as that was important for the EARL project.

Some members seem to be confused about what the problems that the Auditor General identified were, and I refer them to paragraph 86 of his report. The Auditor General highlighted problems with BAA and Network Rail, but I have searched in vain in the speech that the then Minister for Transport made on 14 March for any reference to any problems. That is a little confusing because, on reading the Auditor General’s report, it is clear that the problems were evident in February. I wonder whether some of the heat that has come from members of the former coalition parties today might be due to a little bit of fearfulness on their part that the scheme that they proposed was not half as robust as they suggested to the Parliament only a few months ago.

The minister has told us today that it was not possible to resolve the problems that were identified in the Auditor General’s report. However, he has not identified what actions he took to try to resolve them, and he must do that. It is incumbent on him to tell us precisely how hard he tried to resolve the governance issues that were identified.

Some members have mentioned the cost benefit ratio and, in comparison with all the other transport projects, EARL had the best cost benefit ratio. As far as I am aware, however, the potential risk of Edinburgh airport’s runway being taken out of commission was not factored in.

The minister should also give us some clarity on where the savings that will undoubtedly arise from his proposal will go.

Iain Smith: Will the member take an intervention?

Derek Brownlee: No, thank you—I do not have time.

If I read it correctly, the minister’s statement suggests that all the savings will be ploughed into improving rail services for people travelling into Edinburgh and Glasgow, but how broadly should that be interpreted? Does it include upgrades to

the east coast main line as far north as Aberdeen? Does it include improvements to the rail line to Inverness and beyond? Does it include improvements to the road network?

Some members have said that the newly proposed scheme does not provide a direct link to Edinburgh airport. That is entirely correct. I do not dispute the desirability of being able to travel directly to a destination without having to change trains. Although that is desirable, however, it is hardly the end of the world to have to change trains. With several services, people used to have to do that under the previous Government.

Iain Gray: Will the member give way?

Derek Brownlee: I am in my final minute.

On the point that George Foulkes raised about Heathrow, Gatwick and Stansted, how many of the passengers who get a direct train service to those airports first have to travel by tube or train to Paddington, Victoria or Liverpool Street? The overwhelming majority do, and that does not put them off using those links.

Today's proposals are still, by a significant margin, an improvement over the current transport options for Edinburgh airport. They would not have been made, of course, if the Conservatives had not joined forces with the Liberal Democrats and Labour to support the tram proposals in June. We definitely need to know from the Government what will happen to the project if, for whatever reason, the tram scheme does not go ahead because the City of Edinburgh Council cannot afford it.

16:04

Margaret Smith (Edinburgh West) (LD): Once upon a time, the SNP supported EARL—and then it realised that its promises to other parts of Scotland meant that it could not afford to invest properly in transport infrastructure in Scotland's capital. Looking for an excuse to scrap the project, and faced with the fact that it did not have a parliamentary majority, the SNP started spinning that project costs were running out of control. One can only imagine how SNP members' hearts must have sunk when the Auditor General declared that the costs were within the project estimates and appeared to be sound. He picked up, understandably, on governance and management issues that needed to be addressed. That is usually the point at which projects will be questioned and assisted to improve their procedures, and that is exactly what the Government was told to do by Parliament in June.

The Opposition parties united against the Government and gave it a clear instruction that it was to progress the EARL project and resolve the governance issues. Mr Swinney, however,

continued to brief the press that the project was dead. It is clear that the SNP had no intention of carrying out the will not only of members in this session of Parliament but of members in the previous session. Members in both sessions had endorsed the project and spent a great deal of time and public money on it.

What are the governance problems? What action has Mr Swinney taken? What discussions have been held? We do not know. There is nothing about governance in the ministerial statement: mentioning the word "governance" three times does not count. The Government has met BAA once, and at that meeting BAA told Mr Swinney that it was happy with the project and wanted it to go forward. I believe that Mr Swinney has a letter from BAA expressing its support.

Ministers have not met TIE—the people who have been charged with making the project work. They suspended the TIE project team, meaning that even if the project goes ahead in any form, they will lose not only time but key personnel. Transport Scotland met TIE, but the organisations did not discuss governance—they discussed wider issues of connectivity to the airport. In reality, that means more roads to the airport, including a motorway spur off the M8, which is what the airport has told me that it will be pushing for, particularly if the modal shift that was expected from the first version of the EARL project is not forthcoming.

The other rail link options, including the one that is favoured by the SNP today, were previously dismissed on the grounds of cost benefit ratio, connectivity and the impact on modal shift. Without a direct link, fewer people will travel on public transport and more will travel by road. The minister failed to answer my question on that point earlier, and he has no figures and no details. Has the Government met with the transport convener of the City of Edinburgh Council to discuss—if nothing else—the interface with trams? No, it has not. It is the height of bare-faced cheek that, having fought against trams, the Government comes forward with a statement today that is predicated entirely on trams being in place. If the final business case for trams is not made, will it be back to the drawing board again?

The SNP has never wanted the EARL project—its only difficulty was that it could not come back and say so to Parliament unless it found accomplices who were equally content to flout the will of Parliament. We know now that it has found those accomplices: the Conservatives and the Greens. The Tories will yet again shore up the minority Administration, as they have done on skills, penal policy and drugs. The Tories are not so much cosying up to the SNP—it is a full-blown affair. It is not a marriage, because in a marriage

there is a piece of paper and people know where they stand. We do not know where we stand with the Tories. Alex Johnstone is right—the Tories asked for more information about alternatives and then voted for EARL. Now, they ask for no more information and vote against it.

In June, Derek Brownlee said:

“There is no objection to Transport Scotland considering alternative methods provided ... it does not prevent the existing project from sorting out the issues”.—[*Official Report*, 27 June 2007; c 1142.]

That is exactly what has happened. Today, the Tories have given the green light to trams before we have seen the final business case—exactly what they argued against in June.

Instead of pulling together the key players and taking this project forward, the SNP mothballed TIE and got Transport Scotland to scrap the project that the Parliament had told it to save. It does not matter how the SNP tarts up the statement; it has ignored the instruction of Parliament and, in so doing, has held it in total and utter contempt.

16:09

Cathy Peattie (Falkirk East) (Lab): The Edinburgh Airport Rail Link Bill was introduced in March 2006. Despite the fact that there was extensive consultation throughout the following year, the SNP is now attempting to overturn the clearly expressed democratic will of the people. In the previous session of Parliament, there was overwhelming support for EARL—there was a majority of 57. The previous decisions were reaffirmed in June, but the SNP is now seeking to usurp the will of the Parliament; it is still reluctant to accept the Parliament's democratic view. Support for EARL came from Labour, Liberal Democrat and Tory members, as well as members of smaller parties and independents.

The EARL project is about more than simply connecting local communities with Edinburgh airport. It would provide a direct connection between the airport and 64 per cent of Scottish people, giving access to Edinburgh airport from 62 stations across Scotland. The project, as approved, would provide great benefits to the Scottish economy, stimulating economic growth throughout Scotland. Aye, and it would help tourism as well.

A smaller-scale link with Gogar would be of little advantage to the people of Falkirk East and other towns between Glasgow and Edinburgh. Indeed, it could be a disadvantage to travellers on that line, as it would increase their journey time or take trains away from other stops.

Labour promised to spend £700 million a year on public transport to improve and expand bus, rail

and ferry links. We would have done that in the same financial climate that the SNP faces now. The difference is that growing the economy and improving social inclusion are Labour's priorities, whereas the SNP would rather spend money on symbolism that leaves it short of money for the people's priorities.

Cancellation would not only be a waste of public funds and an affront to public aspirations; it would undermine confidence in public projects. What company would be willing to undertake such a project in Scotland when, on past form, the Scottish Parliament could turn around and cancel the project? If the SNP makes investing in Scotland a risky business, it will add cost to contracts.

The SNP has done its best to undermine this project and has treated it shabbily. EARL would establish an intermodal transport hub at Edinburgh airport. People would be able to make connections between forms of transport including rail, bus, car, cycle and tram. EARL is imaginative, exciting and visionary and would put Scotland at the top of the league in terms of European transport integration. We should not lose it.

16:12

Christopher Harvie (Mid Scotland and Fife) (SNP): I hear some indrawn breaths among my SNP colleagues as I rise. However, they should relax, as I am in a conciliatory mood. The statement is a good thing and I congratulate Stewart Stevenson on it.

Airports are prime tourist links but, like all transport facilities, they are two-edged weapons. They make it easier to come to Scotland but, in the recent past, they have also made it a lot easier to get out of Scotland—far too easy. We used to balance our tourism books, roughly, but, for the past 10 years, we have been getting more and more into the red and, like my great Tübingen predecessor, Sir James Steuart, I am a transport mercantilist—we want people in, not money out.

The complexity of building airport railway stations is considerable. We have several in Germany and I have looked at them close up. They are also, inevitably, delayers of other traffic, as trains have to be loaded with heavy baggage, children, prams, trolleys and so on.

Some of those factors can be overcome, but such stations need high expenditure on terminal platforms, grade-separated crossings, escalators and lifts. The examples of Schiphol, Birmingham, Frankfurt and Köln-Bonn show that building only the station will not give us much change out of £400 million—before money is spent on the signalling, flyover junctions and so on.

George Foulkes: Oh—

Christopher Harvie: I will take no points of information from a man who does not realise that Luton airport station is three miles from Luton airport.

We need to steer traffic to Edinburgh from the airport but we have to realise that, since we have retained the plans for the tram system, we will have a valuable link to intermediate stations, which is important for much of the hotel traffic.

It is difficult to get more traffic into Waverley station—the current, expensive projects there will increase the number of journeys by only four an hour. The main terminal for a lot of the local services must be Princes Street and, with the tram system in place, it will be. Karlsruhe in Germany uses its main thoroughfare as its main station; it is important that Edinburgh does the same thing.

Costs of transport projects—particularly rail projects—in Scotland are escalating, as was reported in *The Scotsman* this week. How much of that stems from the accumulation of schemes that were rather haphazardly put together by the previous regime, placing pressure on a very limited railway construction sector? The fact is that the Scottish transport construction sector is so primitive that all it does is flog cars and pour tar.

What is the basis of this bonanza? If we tot up the costs of the current schemes, we find that £1 billion will be spent before anything much has been achieved. As Stewart Stevenson pointed out, petrol could very soon cost \$200 a barrel.

I credit Jack McConnell's Government with good intentions, but its financial planning was faulty. In Switzerland and Württemberg, where 470 public transport journeys are undertaken per individual per year—as opposed to 90 in Scotland—such schemes are worked out over a period to ensure that one slots into another with a minimum amount of friction and pressure.

Britain cannot sustain such haphazard rail planning. There was a straw in the wind when, at the end of June, Deutsche Bahn took over most of British Rail's freight services. We have to go to and get help from the big boys; we cannot do this on our own. The noise from the station platform might be: if Deutsche Bahn or the SNCF wants to take over Network Rail, why not? We ought to talk to those people because they know their business.

16:16

Patrick Harvie (Glasgow) (Green): Given that we are the only political party whose manifesto commitment on Edinburgh transport projects is being put into practice, I had expected to come to the chamber this afternoon and indulge in a wee bit of self-satisfied gloating. We pledged to build

the trams; to scrap EARL; to build a station on the Fife line that connected to Edinburgh airport; and to spend the savings on other public transport improvements. However, I am a little surprised to hear from the Liberal Democrats and, in particular, from Labour so much silliness and so many attacks on the Greens for supporting the most sustainable solution that we have. The idea that EARL is sustainable is absurd.

Just over a year ago, in the preliminary stage debate on EARL, we argued that creating a station at Gogar, reducing delays on other journeys and integrating, not competing, with the tram scheme and other means of transport to the airport would be preferable to the expensive vanity project that is EARL.

Indeed, “vanity project” is precisely the phrase that should be used. Iain Gray certainly let that one out of the bag when, with puffed-up sincerity, he described EARL as a Rolls-Royce solution. I have to say that I was recently accused of macho breast-beating in the chamber, but Holyrood's own Jeremy Clarkson really outdid me with the number of references to cars in his speech and his apparent argument that Government should display some kind of faux-virility over the amount that we spend on this project.

Iain Gray: The argument at the heart of this matter is the exact opposite of the argument that Patrick Harvie makes. EARL is the better scheme, precisely because the modal shift is greater: more people will use the train than will use their cars. The scheme that Mr Harvie supports will not get people out of their cars, no matter how much he might wish it. He is the one who is promoting car usership.

Patrick Harvie: The member has made—perhaps even overlaboured—his point. There is always a question of how much of a modal shift we can achieve when all political parties are willing to accept and build capacity for ever greater road traffic levels.

Margaret Smith: You voted for it.

Patrick Harvie: I am voting for this alternative, not for the road projects. We need to remember that.

We have heard a lot of silliness from Iain Gray and, indeed, from other members. For example, I might be willing to take George Foulkes's criticisms on climate change issues seriously had he not found it necessary to fly to a party conference that was being held only at the other end of this little island. As for Helen Eadie's very odd comment that this proposal will be opposed by any environmental person in the United Kingdom, it is perfectly fine to make shallow political points about the Green Party—indeed, I am quite used to it—but I ask her not to misrepresent the views of

Scotland's environmental organisations and sustainable transport non-governmental organisations, which do not support the EARL project.

Helen Eadie: Will the member take an intervention?

Patrick Harvie: No, I do not have time to give way. Neither did Helen Eadie.

The proposed project will provide public transport connections to the airport. As Stewart Stevenson said, with oil potentially reaching the figure of \$200 a barrel, all political parties will have to stop mouthing platitudes about climate change and recognise that aviation expansion must stop. We must fly less, not more. That, in addition to the modal shift, is essential, and I believe that the proposed project will help to achieve both.

16:20

Mary Mulligan (Linlithgow) (Lab): I am happy to take part in the debate but, like many members, I am disappointed that the new Scottish Government does not have the courage to pursue the EARL project. To me, as to others, that decision reflects a choice by ministers to accept second best.

I took part in the previous debate on EARL, prior to the summer recess, mainly because I was concerned that the debate was focusing on the effect on Edinburgh and not the wider benefits. In particular, the proposed 2,000 new houses in Winchburgh in my constituency would benefit from a new railway station. However, that would be possible only with the additional line that EARL would provide, as the Edinburgh to Glasgow line is already busy.

I therefore ask the minister to enlarge on his proposal for the Dalmeny spur. Does that mean that it will be possible to open a new station at Winchburgh? How will that sit alongside the supporting road network for a new Forth crossing? I hope that the minister has not forgotten that the road network will have to provide roads to support a new crossing in that area.

The minister's answer to Sarah Boyack's question regarding land and property acquisition in relation to the new proposal has, I am sure, stirred up many doubts and concerns for people who live along the lines. Margaret Smith and I will have many worried constituents tonight.

However, I have greater concerns about my constituents in Linlithgow and the surrounding villages, especially given the comments in the media over recent days, which have not been fully answered by the minister's statement today. Let me be clear. I would be happy to see a faster rail link between Edinburgh and Glasgow. I also

welcome any proposal to electrify the Edinburgh to Glasgow Queen Street line, as that would bring benefits to many people who live close to the line, including my constituents. Nevertheless, I would like more detail as to how such a faster service would be provided.

Three of the rail routes between Glasgow and Edinburgh run through my constituency. What strikes me about each of those routes is the number of people who live between the two cities and use the services regularly. Any reduction in the services to people in those towns and villages that resulted from the decision to reduce the travel time between Edinburgh and Glasgow would be totally unacceptable. I want a guarantee today that the large number of people who use Linlithgow station, including the minister, will not see a reduction in services to Edinburgh or Glasgow. How is it possible for the minister to say that he will reduce journey times, increase service frequency and still service such stations?

Like many others, I am not convinced that the combination of two modes of transport—tram and rail—will encourage people to use the proposed service. I do not think that it will encourage people out of their cars. I am also surprised at the minister's reluctance to proceed with a tunnelling option. I wonder whether he will show the same reluctance when it comes to the Forth crossing. If Labour had been in power, we would have provided what the Government is offering today without the complication of having to use different modes of transport to reach the capital city's airport. I would like to believe that what the minister proposes is not second best. I assure him that neither I nor my constituents will allow him to reduce the service that we now have at our local stations to a second-class service.

16:24

Nigel Don (North East Scotland) (SNP): As is usual at the end of a long and winding debate, there are not many things still to cover. I will, however, address two issues, both of which come under the title of risk.

The first risk is simply that which is inherent in any construction operation as large as EARL would have been. It is a simple fact—I say this as a professional engineer—that a project's cost is not known until the work gets above ground. All the inherent uncertainties are beneath the contractors' feet, where they have not been until they dig, and they do not really know what they are doing until they have finished doing that. A tunnel under a live airport runway is, purely in engineering terms, a very risky place to be. Any Government that shies away from doing that is, in general engineering terms, being pretty sensible.

The second risk, if the decision is made to go ahead with the tunnelling, is the risk to the operation above the tunnel.

George Foulkes: Will the member give way?

Nigel Don: I would rather make my second point before giving way.

Anything as small as a crack in the runway will be sufficient for the airport operator to say that airport operations ought to be stopped. Who, then, will bear the risk of the millions of pounds per week—possibly per day—that such an interruption would cause? I do not know the answer to that question, but I suspect that the risk will be borne by the public purse. Under freedom of information legislation, we were given sight of the contract that was entered into between TIE and the airport operator to push the project forward, but the contents of the guarantee clause had to be blanked out. I suspect that the clause—had we been able to see it—would have informed us that the risks of any interruption to the airport's operation would be borne by the public purse. In effect, that would be an open cheque.

George Foulkes: As he is an engineer, is the member aware that a huge amount of tunnelling was done in London to provide the new high-speed link from St Pancras to the channel tunnel? If such high-powered prestige projects can be constructed in England, why cannot we have a similar project here in Scotland?

Nigel Don: I rest my case, Lord Foulkes. London is built on chalk. The chalk is pretty extensive and we know where it is. Under those circumstances, we have a fair idea of the costs involved in tunnelling. Going through absolutely solid rock is also dead easy; the problem is the stuff that is mucky on the way through. If we are also trying to divert rivers and need to deal with water, that is the worst of the lot.

For both those reasons of risk, I congratulate the Government on simply steering clear of what could have been a horrible mess.

16:28

Margo MacDonald (Lothians) (Ind): I hesitate to follow such an expert. I am a mere politician, so I will pose some questions that I feel may have gone unanswered, even though the Government's case has probably been demolished by the excellent speeches from Iain Gray, Tavish Scott and Margaret Smith.

I am not sure about the minister's statement that BAA does not want control of a tunnel. I can understand that point, but did BAA say that it thought that the tunnel was a non-starter? Can we have a straight answer to that when the minister sums up?

The minister also said that the EARL project is not safe. If he was referring to its financial management, I can understand that, although—as other members have said—the Government was charged with ensuring that the project was robust and safe. Is it quite impossible for the Government to have done that in the time in hand? If so, the Government should have asked for more time, which I am sure Parliament would have provided. If the project is not safe in an engineering sense, why is it that other people have managed to construct tunnels under other airports? Shirley-Anne Somerville said that no other city has tunnelled under its airport, but I think that Texas and Shanghai, for example, have done exactly that. Of course, I may be wrong about that.

As Mary Mulligan mentioned, we are also supposed to be considering another tunnel, which would be under the Forth. That is supposed to be out to consultation. Is that a big kid-on? Have we already made the decision? We have heard it said in the chamber that we have neither the engineering ability and skill nor the ability to organise the governance for a project that would allow for such risk. There is risk in any big project, but there is definitely risk in giving the outside world the impression that we are just too wee and too scared to take anything on. I am happy to note that George Foulkes is becoming as nationalist as I am. In his analysis, if they can do it, so can we, and if it is good enough for them, it is good enough for us. I would hate to give the impression that we are backing away from EARL because of the risk.

My friend Christine Grahame and I agree on many things, but we disagree on EARL. She kept on referring to the limited budget. Usually, like me, she is a woman who does not recognise barriers. If the price of oil is approaching \$200 a barrel, why on earth should the Parliament be concerned about a limited budget for something that is integral to the development of the Scottish economy?

When Charlie Gordon and I debated the matter previously, we agreed that windfall taxation had been extracted from companies that operate in the North Sea. Why did we not put in a bid for some of that money, saying, "We will invest it in this project?" That is what we do with windfall taxation—we invest it in something that we need and something that we really want. We do not talk about limited budgets.

16:31

Iain Smith (North East Fife) (LD): The Cabinet Secretary for Finance and Sustainable Growth needs to answer a number of questions when he sums up the debate, because they have not been answered yet. They were certainly not answered

in the statement by the Minister for Transport, Infrastructure and Climate Change.

First and most important, the Government was told in June to address the governance issues. What has it done in the intervening months? As far as I can tell, the only thing it did was to tell TIE not to go ahead with the project. John Swinney assured us that he would address the governance issues that the Parliament raised, but the Government did not do that. It would be useful if he could tell us what work it did on those issues.

The people of Fife are disappointed today. For the third time this week, we have had a body blow from the Government. It has scrapped our local enterprise company and our local tourism hub. Now it will scrap our link to the airport, for which we have been fighting for many decades. Why on earth does the Government have it in for the people of Fife? We need to know the answer.

For that matter, why does the Conservative party have it in for the people of Fife? It is backing everything that the SNP Government is doing. Why have the Conservatives done a U-turn on the EARL project? Why have they fallen hook, line and sinker for the nonsense that we hear from the Government? It tells us that the Gogar option is better for Scotland, but we examined that option along with all the others and discovered that it would not provide the net benefits for transport and the Scottish economy that the EARL project would provide. The Gogar option was examined and found to be wanting. It is still wanting and it should not go ahead.

David McLetchie: Is the member aware that the Gogar option was not considered as one of the five options in the STAG 2 assessment by Sinclair Knight Merz, a fact that can be learned from the committee's preliminary report?

Iain Smith: With respect, the option was considered subsequently, before the bill was completed. It was considered by the Edinburgh Airport Rail Link Committee, of which I was a member. The Gogar option will not give the same return.

We are told that the Gogar option will have great benefits, but how much will it impact on rail journeys in Scotland? If an extra station is put in and trains stop there, other trains will be unable to get past, so journey times will be longer for trains on express routes that do not stop at Gogar. Under the EARL proposal, trains that stopped at the airport would divert away from the existing lines and would not block the path of direct trains. The Gogar option is bound to add to journey times. How many trains will stop at Gogar and what will be the impact on journey times?

Does the Government know how long it will take passengers to get from Gogar to Edinburgh

airport? What will be the total journey time compared with the EARL option? My constituents in North East Fife want a way of getting to the airport more quickly. There are serious questions about whether they will get that. Will they get out of their cars if they have to wait 20 minutes for a tram at Gogar and there is a further journey time of 10 or 15 minutes after that? Perhaps the cabinet secretary will give us some answers. We do not even know where the station will be.

The SNP Administration has done everything it can to block an important investment in public transport in Scotland. It did not consider the EARL project as a responsible and sensible Government would have done. It did not do what the Parliament told it to do—examine the issues properly and come up with answers. It completely failed to resolve the governance issues because it did not even try to do that. If it cannot resolve the governance issues, it does not deserve to be in government.

16:35

Alison McInnes (North East Scotland) (LD):

There has been justifiable disappointment and anger in the chamber this afternoon—and not only from Helen Eadie.

I call on everyone who is ambitious for Scotland to support the EARL project—a project tested through intense scrutiny long before I became an MSP. That scrutiny included more than 200 hours of parliamentary inspection. The project has support across the country.

The First Minister is always keen to let us know who in business has backed his latest announcement. Well, he had better not be looking for much support this afternoon, because the project that his Government has just axed had the backing of the Confederation of British Industry Scotland, the Institute of Directors, the Scottish Council for Development and Industry, the Scottish Chambers of Commerce, Aberdeen Chamber of Commerce, Edinburgh Chamber of Commerce and Scottish Enterprise Fife—to name only a few.

As Mary Mulligan and George Foulkes pointed out, this is a project for all of Scotland, not just for Edinburgh. It would have provided rail links to 62 separate stations across Scotland, linking 64 per cent of the population to its capital.

Scotland deserves better than the second-rate scheme now being put forward by the Scottish National Party. The surface access option now proposed will not deliver enough benefits. Only the tunnel option provided a station adjacent to the airport terminal; it is by far the best scheme. All the other options, including that of a station at Gogar, were considered and rejected earlier.

As Margaret Smith said so well, on 27 June the Parliament approved a motion

“to continue to progress the EARL project by resolving the governance issues identified by the Auditor General”.

The cabinet secretary responded by saying:

“I also put on record that the Government will pursue the terms of the resolution”.—[*Official Report*, 27 June 2007; c 1192.]

However, the next day the press was briefed that the project was a dead duck, and in July all work was suspended.

Earlier this month, the Minister for Transport, Infrastructure and Climate Change made it clear at the Transport, Infrastructure and Climate Change Committee that he had already decided to defy the will of Parliament and to ignore the promises of his cabinet secretary. He said:

“We asked TIE to suspend work on EARL in view of the significant governance issues that exist. That is the way to ... ensure that we do not allow the project to go ahead”.—[*Official Report*, Transport, Infrastructure and Climate Change Committee, 11 September 2007; c 26.]

Yet, in response to my questioning in the chamber later that same week, he said:

“I assure the member that we continue to engage with the governance issues.”

When pushed on the point by Des McNulty, the minister said:

“We are firmly engaged in addressing the governance issues that the Auditor General for Scotland identified.”—[*Official Report*, 13 September 2007; c 1734.]

But has the minister really been looking for solutions to these issues? No. He has been engaged in dismantling this project. He has not brought governance solutions to the chamber today; instead he offers this country an inferior scheme. There was not one word in the statement about governance issues. Responding to a question from Charlie Gordon, the minister said that those issues were not capable of resolution. What an admission. How feeble.

As Iain Gray pointed out, it is clear now that the SNP planned to scrap the project all along. Why? Because the SNP has made so many spending promises to the electorate and cannot fund them all.

This new Government will settle for second best. As Margo MacDonald and Cathy Peattie pointed out, that will give out the message that investment in Scotland is a risky business. This Government is all over the place on transport. It has no coherent strategy. It ditches well-developed projects and announces new, untested ones on an ad hoc basis. As Tavish Scott said, it makes policy on the hoof.

Contrary to what Alex Johnstone said, it is the Tory party that is bereft of credibility. The Tories are utterly discredited on this matter. When the project was going through Parliament, they said that they were satisfied that EARL was a higher priority than some other projects and deserved to be seen through to completion. Now they are going to vote with the Government for this half-baked scheme. What backroom deals have been struck to bring about this volte-face?

I urge everyone to support the amendment to the motion, in order to get the real thing—a proper rail link to our capital's airport, and improvement to other rail services. Scotland deserves that. Members should support the amendment.

16:39

David McLetchie (Edinburgh Pentlands) (Con): Today's contributions from the Labour and Liberal Democrat parties can be best characterised as a rather desperate exercise in self-justification. I was somewhat surprised to see that Iain Gray was leading the case for the defence. During his four-year absence from this Parliament, his former transport portfolio was woefully mismanaged by the less-than-dynamic duo of Nicol Stephen and Tavish Scott. The pair seem to have spent most of the time asleep on the EARL job, as is glaringly evident from the shambolic arrangements outlined in the Auditor General's report on the governance of the project that was presented to the Parliament before the summer recess.

The minister's statement confirmed all that and more about EARL. We now know that key stakeholders in the project, such as BAA and Network Rail, were never fully committed to it, which should have been perfectly obvious to previous Scottish Executive ministers. However, in pursuit of the expensive tunnel option, they chose to ignore the warning signals, refused to consider alternatives properly and tried to buy off objections—compare the insignificant contribution to funding that was eventually agreed with BAA with what was originally sought.

We were continually told that it was the tunnel or nothing and that, despite the massive price tag, the favourable benefit to cost ratio was the critical factor. However, the problem with that methodology is that, as Nigel Don ably pointed out, it fails to take proper account of risk and of the absolute costs of a project relative to the total budget at the Government's disposal. In other words, the project may be desirable in the perfect, money-no-object, Rolls-Royce world that Labour and the Liberal Democrats inhabit, but the real question is whether it is actually affordable. My answer is no, given the substantial demands on the public purse of all the major transport projects

that have been approved in the past eight years, which the previous Executive and its ministers resolutely refused to prioritise, on the basis that there was enough money for everything.

While I could say much about the turns and twists of SNP policy on this issue, I will, in fairness, limit myself to noting that, as Tavish Scott and others pointed out in their speeches, the proclaimed merits of the SNP's alternative rail link plan—the Gogar option—depend heavily on its connectivity with the Edinburgh tram line to the airport. Of course, only a few months ago, the SNP was determined to abandon that project.

Iain Gray and others were probably right to say that the SNP wanted to cancel the EARL project all along. However, if we look at the history of the project in the Parliament, it will be demonstrated clearly that it was the Conservatives who, all along, demanded that cost-effective alternatives be considered, building on the fine work that was done in committee by Christine Grahame and my colleague Jamie McGrigor.

The great escape for the Scottish taxpayer has been effected without the need for a tunnel, because there was no need for a tunnel. EARL is a winger who is about to be sent off—that will be a well-deserved red card.

16:42

Charlie Gordon (Glasgow Cathcart) (Lab):

The constitutional issue is not that the SNP is ignoring the previous Parliament's decision of 14 March 2007, but that it is ignoring this Parliament's decision of 27 June 2007. Of course, financial issues overshadow the debate. We have not really had answers to questions on the detail. For example, I asked the minister to give us a scheme-by-scheme financial breakdown, but that has not really come back. Of course, we have had leaks and evasion.

Other issues overshadow not just EARL, but the package that the minister announced. Will Fergus Ewing's friends at Network Rail again arrive a day late and a dollar short on various projects? Then there is the very tall shadow of John Swinney—mind you, everybody is tall to me—who must balance the books, and not just for transport.

When the detail emerges in the weeks and months ahead, not just about EARL but about other aspects of SNP transport policy, we will see that the SNP is committed to a programme that is considerably smaller than the spending programme in the Labour manifesto for the May 2007 election.

There is also the shadow of big Eck. If John Swinney is the prime minister of Scotland, Alex Salmond is certainly the president. He has some

doctrinaire views on how to deliver projects. He is not interested in innovative funding. However, if it turns out that this nation has to find funding for a new Forth crossing, and if we insist on considering only one funding option, there may be a requirement to find £3 billion. That project could be like the upas tree, and none of the projects that we are debating today would necessarily survive in its shade.

I have mentioned SNP spin, but the big story is its sheer lack of vision. We can only speculate on the hypocrisy of the Tories: in March, and again in June, they voted for EARL and yet, today, they have done a two-and-a-half somersault, with tuck. On this side of the chamber, our best guess is that the Tories are probably gearing up for the inevitable drubbing that we will give them whenever there is a UK general election.

I will be fair to the Greens—not very often, but today is the day. They have been true to their agenda, which is why Patrick Harvie's contribution came over so smugly. It is not so much that he wants to hug the trees, but that he is against certain types of jobs. He is against jobs in one of our country's main industries, the tourism industry. The Government's proposals are bad news for aviation, and therefore bad news for thousands of jobs dependent on tourism. Given Stewart Stevenson's continuing silence on a replacement for the successful air route development fund, I continue to have concerns about jobs in the tourism industry. In Glasgow, more people work in that industry than ever worked in the shipyards.

I turn to the operational issues that an old railwayman like me finds fascinating. EARL has links to 62 stations; the new proposal has links to zero stations. Whether someone goes to Edinburgh Park or the new station at Gogar, they will need tae get aff with their heavy luggage and then get on a tram. Son of EARL is a nonsense.

I support the investment in the Glasgow to Edinburgh line and in the line via Shotts. In 2003, Kenny MacAskill said:

"A tramline as a shuttle from the city centre to the airport is no substitute for a proper rail connection."

How true.

There was also bad news today for Glasgow crossrail. If someone aspires to travel by train from Stranraer and Ayrshire, directly to Edinburgh, it is never going to happen. They will have to change at Glasgow Central and get only a slightly faster journey on the line to Edinburgh via Shotts. I say to the SNP, even if it wins the vote tonight, its lack of vision has lost it the argument.

16:48

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): First, I will deal with some of the points that Derek Brownlee, Margaret Smith and Iain Smith raised on how we have addressed the governance issues. I personally met representatives of Network Rail, BAA and—to counter what Margaret Smith said—TIE to consider the governance issues. Of course, those are the significant issues that the Auditor General highlighted and which the Government could not have failed to address. We could only bring them to light properly and fully through the report that I invited the Auditor General to prepare and which the Liberal Democrat and Labour parties resisted vigorously. It is now clear why they put up such resistance: they knew full well the totally inappropriate and unacceptable condition of the project that we inherited from the previous Administration.

The governance issues had to be addressed. Why are they important? They are important because of some of the other parts of the legacy that we inherited. I refer in particular to the rail link between Stirling, Alloa and Kincardine.

Margaret Smith: I am happy to accept what the cabinet secretary has said, which runs counter to the inquiries that I had made about his meetings with representatives of TIE. I had been told that the point of the meetings was not to address governance. Will he please tell us about, or at least give one or two examples of, the governance issues that he discovered as a result of that work and the conversations with those people? What kind of governance issues made him think that the project could in no way be turned round? We are still waiting for answers to those questions.

John Swinney: That is exactly the issue to which I am coming.

From the Stirling-Alloa-Kincardine railway project, we have discovered that, when there is a lack of clarity about the governance of a project—the lack of clarity in the Stirling-Alloa-Kincardine project has been ample—and, frankly, when there are too many cooks spoiling the broth, that project is not under proper and effective control and will be unable to come in within the expected budget.

On the Edinburgh airport rail link, Network Rail made it clear to us that it is prepared to do the rail links but not to project manage or construct the tunnel. To confirm a point that Margaret Smith made, BAA has said to us that it is prepared to support the tunnel development but, equally, it is prepared to support and work with us on alternatives. However, BAA has made it clear that it is not prepared to project manage or undertake the construction of the tunnel.

Charlie Gordon: Will the member take an intervention on that point?

John Swinney: I will come to Mr Gordon in one second, but let me make the point.

What that means is that another level of governance would have to be introduced for the management of the tunnel project, in addition to the management of the rail project. Forgive me for considering that that suggests a possibility of disconnect in the governance, similar to that which we have experienced in the Stirling-Alloa-Kincardine project, the consequence of which has been significant cost increases. I will not tolerate such increases in the airport project.

Charlie Gordon: Will the cabinet secretary accept some genuinely expert advice from me, which is not to take no as an answer from Network Rail? The First Minister has the legal right to issue instructions to Network Rail.

John Swinney: I appreciate and will always take Mr Gordon's helpful advice, as he is a charming contributor of such advice at all times.

The Government has explored the governance issues and I am not convinced that they can be addressed, which is why we have introduced the alternative that we have set out today.

Mr Brownlee asked about liability. It is clear that the EARL project would involve an unlimited liability, which would have to be carried by the taxpayer. There is a question of risk—the Government must consider whether that is an appropriate risk for us to take. In my opinion, it is not a risk that is worth taking. Margo MacDonald—

Margo MacDonald: Will the member give way?

John Swinney: I was just about to talk about Margo MacDonald and she pops up.

Margo MacDonald: The cabinet secretary can talk about me later. He and Christine Grahame have referred to the question of risk. Who picked up the insurance tab for the Heathrow job?

John Swinney: Margo MacDonald will forgive me for not knowing intimately about all the issues with Heathrow airport. I tend to concentrate on the issues that will benefit the future of Scotland, which is why I agree with her that having an oil fund in Scotland to reap the rewards of our oil wealth over the years would be a sensible source of resources to invest in our long-term prosperity—that is an opportunity that our predecessors have squandered.

The Government has introduced what I consider to be a strong alternative proposal that will deliver a rail link to Edinburgh airport. It is churlish to criticise the Government for introducing a solution that will integrate the transport connections of the rail network and the trams, for which we are

paying £500 million. The Government has accepted that that resource will be spent and we have introduced an integrated solution. It is strange that Labour and Liberal Democrat members are prepared to make such an issue about EARL when the Government has simply introduced a proposal that takes us away from an unsustainable project and from investing vast sums of money in a scheme that is redolent of risk and towards a credible alternative at a lower cost that will bring greater investment and benefits. I would have thought that that was something to be celebrated—we are bringing together transport connections and demonstrating vision for the future, which is what the Administration does at all times.

Merging the Procedures Committee and the Standards and Public Appointments Committee

The Presiding Officer (Alex Fergusson): The next item of business is a short debate on motion S3M-497, in the name of Keith Brown, on behalf of the Procedures Committee, on merging the Procedures Committee and the Standards and Public Appointments Committee.

16:55

Keith Brown (Ochil) (SNP): The motion invites the Parliament to note the recent Procedures Committee report, which recommends that the remits of the Procedures Committee and of the Standards and Public Appointments Committee be brought under one new committee. The changes to standing orders that we recommend are set out in annex A of the report.

In June, the Presiding Officer wrote to the Procedures Committee advising that the Parliamentary Bureau had recommended that the committee consider bringing together the Procedures Committee and the Standards and Public Appointments Committee. That possibility was also raised at the end of session 2 by the previous convener of the Standards and Public Appointments Committee, who suggested that the formation of one committee for standards and procedures might be appropriate, to assist members in making the most efficient use of their time.

In reaching its conclusion, the Procedures Committee considered a number of factors relating to the merging of the committees. First, we noted that, in addition to the references to the Standards and Public Appointments Committee in legislation, there are references to that committee and its clerks in other parliamentary documents such as the "Code of Conduct for Members of the Scottish Parliament" and determinations by the Parliament on the register of interests. We questioned whether the establishment of a new, merged committee might affect the validity of references in other documents to either committee as previously constituted. We are content that such references would, where appropriate, be read as if they referred to the new committee.

Secondly, we noted that the Parliamentary Bureau had already sought clarification of any potential conflict of interest that would result from bringing together the committees' remits. As both committees report to Parliament on, and require Parliament's approval for, any recommendations that they make, we see no conflict of interests for

a member who happens to be a member of both committees. Accordingly, we do not see that as an issue for the new committee.

In previous sessions, the Standards and Public Appointments Committee considered a fair amount of legislation. As a result of the Interests of Members of the Scottish Parliament Act 2006, the committee carried out a review of the code of conduct, to ensure that it reflected the new requirements for members to register their interests. However, it is unlikely that the same amount of legislation will be forthcoming in this session, so demands on the committee's time will be reduced. The Procedures Committee and the Standards and Public Appointments Committee understood that a new committee could not predict its workload—for example, the number of complaints that might be made under the code of conduct or any urgent procedural issues that needed to be considered—and that meetings to consider such issues would be required when necessary.

We concluded that there was no reason why one committee could not manage effectively the areas that are covered by both of the current committees' remits, subject to our ensuring that the new committee examines procedures and standards issues separately at all times. I am pleased to recommend the establishment of the new committee to the Parliament.

I move,

That the Parliament notes the Procedures Committee's 1st Report, 2007 (Session 3), *Merging the Procedures Committee and the Standards and Public Appointments Committee* (SP Paper 7), and agrees that the changes to Standing Orders set out in Annexe A to the report be made with effect from 28 September 2007.

16:58

The Minister for Parliamentary Business (Bruce Crawford): I confirm that, at the beginning of the session, the Parliamentary Bureau agreed on this direction. The Scottish Government welcomes the proposals in the Procedures Committee's report and acknowledges the work that the convener and members of the committee have done. I pay particular tribute to Cathy Jamieson, David McLetchie and Robert Brown, who were involved at the beginning of the discussion in the bureau. That discussion has been taken forward in a constructive manner.

Keith Brown made the point that no conflicts of interest arise for members if the committees are merged. Members can also be assured that business will not be compromised. It is clear that establishing a new committee will in no way diminish the integrity of the existing committees' work.

I take the opportunity to thank past members of both the Procedures Committee and the Standards and Public Appointments Committee for their contribution and for the legacy that they have left to the Parliament. They have done sterling work over a long period. I wish the new committee all the best in its deliberations, under the convenership of Keith Brown. The Scottish Government is happy to endorse the report and the consequential changes to standing orders.

The Presiding Officer: I call Cathie Craigie to wind up the debate. Ms Craigie, you have one minute.

16:59

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): I am honoured to have to speak for only one minute, unlike previous deputy conveners of the Procedures Committee, who have had to go on and on to fill the time in what I remember as the graveyard shift.

The convener has given the committee's reasons for recommending the merger of the Procedures Committee and the Standards and Public Appointments Committee. I am happy to endorse the recommendation. I am sure that the Parliament expected the Procedures Committee to take the proposal seriously and I assure members that we did so. We are confident that there will be no conflict of interest.

We considered the proposed new committee's workload and concluded that we could manage, given the legislative programme of the new Executive. I am happy to support the establishment of a standards, procedures and public appointments committee, and I ask members to do likewise.

Parliamentary Bureau Motion

17:00

The Presiding Officer (Alex Fergusson): The next item of business is consideration of a Parliamentary Bureau motion. I ask Bruce Crawford to move motion S3M-543, on the establishment of a committee.

Motion moved,

That the Parliament agrees to establish a committee of the Parliament as follows:

Name of Committee: Standards, Procedures and Public Appointments

Remit: To consider and report on—

(a) the practice and procedures of the Parliament in relation to its business;

(b) whether a member's conduct is in accordance with these Rules and any Code of Conduct for members, matters relating to members' interests, and any other matters relating to the conduct of members in carrying out their parliamentary duties;

(c) the adoption, amendment and application of any Code of Conduct for members; and

(d) matters relating to public appointments in Scotland.

Where the Committee considers it appropriate, it may by motion recommend that a member's rights and privileges be withdrawn to such extent and for such period as are specified in the motion.

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.

Membership: Keith Brown, Cathie Craigie, Marlyn Glen, Jamie McGrigor, Christina McKelvie, Hugh O'Donnell, Dave Thompson.—[*Bruce Crawford.*]

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

Decision Time

17:01

The Presiding Officer (Alex Fergusson): There are seven questions to be put as a result of today's business.

The first question is, that amendment S3M-545.2, in the name of Nicola Sturgeon, which seeks to amend motion S3M-545, in the name of Ross Finnie, on waiting times, 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)
 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)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (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)
 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)
 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)
 Scott, Tavish (Shetland) (LD)
 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)
 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 48, Against 76, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The next question is, that amendment S3M-545.1, in the name of Margaret Curran, which seeks to amend motion S3M-545, in the name of Ross Finnie, on waiting times, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

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)
 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)
 Scott, Tavish (Shetland) (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)
 Tolson, Jim (Dunfermline West) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

AGAINST

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)
 MacDonald, Margo (Lothians) (Ind)
 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)
 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)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)

Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (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 60, Against 65, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The next question is, that motion S3M-545, in the name of Ross Finnie, on waiting times, 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)
 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)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 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)
 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)
 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)
 Scott, Tavish (Shetland) (LD)
 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)
 Tolson, Jim (Dunfermline West) (LD)
 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)
 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, 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)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)

Thompson, Dave (Highlands and Islands) (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 77, Against 48, Abstentions 0.

Motion agreed to.

That the Parliament is concerned that the Scottish Government's approach to waiting times will lead to an increase in bureaucracy, placing an administrative burden on clinicians; believes that introducing a legally binding guarantee will put further pressure on health professionals leading to a litigation culture in the NHS; regrets the decision by the SNP to put political dogma before patient need in ruling out the use of the private sector to reduce waiting times; regrets the lack of commitment from the Scottish Government to invest further in primary health care facilities; calls on the Scottish Government to continue making progress in reducing the longest waits, while prioritising shorter waiting times for the most serious conditions; calls on the Scottish Government to make an early statement on how it intends to implement its maximum waiting time guarantee without impacting on those with the greatest clinical need, and believes that the Scottish Government must, as a matter of urgency, publish a comprehensive assessment identifying the additional administrative and bureaucratic burdens that these new proposals will place on the NHS, how much they will cost and where the money will come from.

The Presiding Officer: The next question is, that amendment S3M-546.1, in the name of Iain Gray, which seeks to amend motion S3M-546, in the name of John Swinney, on rail links to Edinburgh airport, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

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)
 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)
 Scott, Tavish (Shetland) (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)
 Tolson, Jim (Dunfermline West) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

AGAINST

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)
 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)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (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 61, Against 64, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The next question is, that motion S3M-546, in the name of John Swinney, on rail links to Edinburgh airport, 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)
 Eadie, Helen (Dunfermline East) (Lab)
 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)
 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)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (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)
 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)
 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)
 Scott, Tavish (Shetland) (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)
 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 60, Abstentions 0.

Motion agreed to.

That the Parliament supports the Scottish Government's plans to develop rail links to Edinburgh airport and to improve other rail services.

The Presiding Officer: The next question is, that motion S3M-497, in the name of Keith Brown, on behalf of the Procedures Committee, on merging the Procedures Committee and the Standards and Public Appointments Committee, be agreed to.

Motion agreed to.

That the Parliament notes the Procedures Committee's 1st Report, 2007 (Session 3), *Merging the Procedures Committee and the Standards and Public Appointments Committee* (SP Paper 7), and agrees that the changes to Standing Orders set out in Annex A to the report be made with effect from 28 September 2007.

The Presiding Officer: The final question is, that motion S3M-543, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, on the establishment of a committee, be agreed to.

Motion agreed to.

That the Parliament agrees to establish a committee of the Parliament as follows:

Name of Committee: Standards, Procedures and Public Appointments

Remit: To consider and report on—

(a) the practice and procedures of the Parliament in relation to its business;

(b) whether a member's conduct is in accordance with these Rules and any Code of Conduct for members, matters relating to members' interests, and any other matters relating to the conduct of members in carrying out their parliamentary duties;

(c) the adoption, amendment and application of any Code of Conduct for members; and

(d) matters relating to public appointments in Scotland.

Where the Committee considers it appropriate, it may by motion recommend that a member's rights and privileges be withdrawn to such extent and for such period as are specified in the motion.

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.

Membership: Keith Brown, Cathie Craigie, Marlyn Glen, Jamie McGrigor, Christina McKelvie, Hugh O'Donnell, Dave Thompson.

Points of Order

17:06

Robert Brown (Glasgow) (LD): On a point of order, Presiding Officer. I refer to the Parliament's decision a few moments ago on motion S3M-545, on waiting times. Members will recall that it was agreed that the Parliament

"calls on the Scottish Government to make an early statement on how it intends to implement its maximum waiting time guarantee"

and to clarify certain further information that is specified in the motion. Would it be appropriate to lay aside time for a ministerial statement to be made on those matters in early course and would the Government party's business manager be prepared to consider that?

The Presiding Officer (Alex Fergusson): I hear what Mr Brown says, but that is a matter for the Government in the first order and for the Parliamentary Bureau in the second.

Patrick Harvie (Glasgow) (Green): On a point of order, Presiding Officer. I do not want to delay us any longer than necessary, but some of us who are no longer represented on the Parliamentary Bureau are beginning to forget what it was for. Would you remind the Parliament?

The Presiding Officer: That is not a point of order, but I find it helpful.

Margo MacDonald (Lothians) (Ind): On a point of order, Presiding Officer. I refer to the same motion as Robert Brown. Is it not the case that, under standing orders, a majority vote determines the matter that is under debate?

The Presiding Officer: With the greatest respect to Ms MacDonald, I would like to reflect on that issue. I apologise for not coming back with an immediate answer, but the answer needs to be got right. I will reflect on the point and come back to the Parliament next week.

Warm Zones

The Deputy Presiding Officer (Trish Godman): The final item of business is a members' business debate on motion S3M-338, in the name of Kenneth Gibson, on Warm Zones.

Motion debated,

That the Parliament commends the excellent work of not-for-profit Warm Zones Ltd, set up with UK Government support in 2000 and operated by National Energy Action, the leading fuel poverty charity in England and Wales, working in partnership with local government, energy companies such as Transco and British Gas, European Union agencies and others; is aware that the Warm Zone project encourages a proactive approach to combating fuel poverty by going into communities to assess the energy efficiency and fuel poverty status of all households in an entire area, with a view to co-ordinating the free delivery of necessary energy efficiency improvements and related services; appreciates that the Warm Zone all area approach has been effective in reaching vulnerable households which often do not apply for available fuel benefits or grants; believes that, while so far warm zones have only been set up in England and Wales, Scotland with some 384,000 households, one in six, in fuel poverty can learn from the successes achieved south of the border; appreciates that in Gateshead alone warm zones invested £2 million and warm zone teams visited 26,239 homes, carried out 21,067 assessments, surveyed 13,384 homes, installed energy efficiency measures in 9,996 homes and attracted £400,000 extra in benefits for residents in the year to February 2007, attracting £200,000 in European structural funding for job creation and training while reducing energy usage by an average of 40% and attaining a client satisfaction rating of over 97%, and concludes that an area like North Ayrshire, with an estimated 11,000 of 62,000 households in fuel poverty, would be an excellent place to undertake a warm zone project and ultimately supports the introduction of warm zones across Scotland, believing that discussions should take place between local authorities, Energy Action Scotland, the Scottish Government and other stakeholders about the establishment of warm zones north of the border as part of a concerted and systematic campaign to eradicate fuel poverty once and for all.

17:10

Kenneth Gibson (Cunninghame North) (SNP): I thank organisations such as Energy Action Scotland and Citizens Advice Scotland for supporting the motion. I also thank Robin Harper, Mary Scanlon and my 27 Scottish National Party colleagues who signed the motion, enabling me to bring the debate before the chamber.

Warm Zones was established in 2000 in England to develop a new, proactive and cost-effective approach to fuel poverty. Incidentally, the term "Warm Zone" is copyrighted, so if the Scottish Government agrees to explore and implement the concept, it may wish to change the name, perhaps to something like "cosy zone". To avoid any confusion, I will use the original term this evening.

As members are aware, fuel poverty is the inability of a household to afford sufficient warmth for health and comfort. A fuel-poor household was defined in the 2002 Scottish fuel poverty statement:

"A household is in fuel poverty if it would be required to spend more than 10 per cent of its income (including Housing Benefit or Income Support for Mortgage Interest) on all household fuel use."

That means fuel for heating, hot water, cooking, lighting and electrical appliances. The amount spent on heating must be enough to achieve a satisfactory level of warmth, which is generally accepted to be 21°C in a living room and 18°C in other rooms.

Living in cold, damp homes increases the risk of cold-related illness, including heart, stroke and respiratory illness. At the same time, using less energy helps the environment. Fuel poverty is caused by a combination of factors including poor household energy efficiency, high fuel costs and low household income. Reducing fuel poverty enables people to use less, spend less and still keep warm. Although the Scottish Government may have little influence on fuel costs or household income, it can do a lot about energy efficiency.

The extent of fuel poverty across Scotland is difficult to measure, as fluctuating fuel prices lead to varying figures at any given moment, but the most recent figures provided by the Scottish Government range from 384,000 to 419,000—around 16 to 18 per cent of all Scottish households. Some are even worse off: an estimated 119,000 households are in extreme fuel poverty, as they spend more than 20 per cent of household income on keeping their homes warm.

Much has been done in recent years, through the warm deal, the central heating programme and other initiatives, but the number of households in receipt of the warm deal has fallen steadily year on year from 47,085 in 1999-2000 to 15,500 in 2005-06, and the value of the grant has fallen from £500 to £421 in real terms since 1999. The central heating programme has remained much more buoyant. Nevertheless, the number of systems installed fell from a peak of 16,788 in 2003-04 to 14,425 two years later.

The time to enhance those two programmes is now ripe. So what is a Warm Zone and how can it make a difference? A Warm Zone is a given area in which all households that need help, in particular the vulnerable and fuel poor, are identified and provided with all available assistance to make their homes warm and energy efficient in a concentrated, proactive and cost-effective way.

Warm Zone companies are set up for a period of three to five years and operate on a not-for-profit basis with the sole aim of making life better for families who are fuel poor, who live in cold, damp homes or who just cannot afford to keep warm. Whatever the circumstances, improvements can always be made.

Much of the work to deal with fuel poverty is about installing free measures, such as thermal insulation, draught-proofing and central heating to improve comfort in the home for those who qualify. At the same time, sound and comprehensive advice on energy efficiency and benefits entitlement can help to reduce the amount spent on energy, save cash and maximise household income.

Warm Zone teams do not look just for fuel poverty. Everyone in the Warm Zone can benefit from the latest energy efficiency measures, such as new low-energy light bulbs and expert and impartial advice on saving energy and reducing our carbon footprint.

Five pathfinder zones were established in 2001 in England to trial different approaches. Warm Zones Ltd, operated by National Energy Action, a leading fuel poverty charity and other partners, was set up with United Kingdom Government help to manage the pathfinder zones. The trials were completed in March 2004, and at that time full ownership of Warm Zones transferred to National Energy Action.

The trials showed that Warm Zones work in cities, towns and rural communities, providing long-term, sustainable benefits. Two zones, Stockton, and Redcar and Cleveland, have now completed their programme of work and are designated as "comfort zones."

The remaining three pathfinder zones are continuing their work to reduce fuel poverty and improve energy efficiency—the improvement has been by an average of 40 per cent in Gateshead. Additional zones have been established in Newcastle, east London and Gateshead. Warm Zone-associated projects have also been established in Wales and Stoke-on-Trent.

How does a zone work in practice? Warm Zones have developed as a proven and cost-effective way to deliver help to householders who are struggling to keep warm or to pay their fuel bills. In a Warm Zone, a ward-by-ward programme is normally adopted, with the following stages repeated in each community. First, awareness raising takes place via general and ward-specific marketing, promotion and direct mailing. Secondly, a five-minute doorstep assessment questionnaire is completed to gather selected information in confidence about a household, which determines

whether it qualifies for free measures such as those that I mentioned.

Discounted schemes are made available to householders whose households do not qualify for free measures but who wish to take advantage of low-cost measures at preferential rates. Participation by residents is entirely voluntary. Among those who participated in Gateshead, the satisfaction level was 97 per cent.

Surveyors who are employed by insulation and/or central heating contractors complete the necessary surveys for each qualifying household, to determine what can be installed. Insulation and heating measures are installed by companies under contract to Warm Zones. Monitoring and quality control checks are then carried out by the Warm Zone team.

All projects work on the basis of something for everyone, so a Warm Zone project should be designed to benefit all homes across all tenures. Funding is provided through partnerships with local authorities, European Union agencies, energy companies such as Scottish Power and other supporters. In Scotland, the Scottish Government will no doubt lead.

Success depends on development funding to support business planning, energy company selection and installer tendering, and on the funding of physical measures and of zone team costs to provide the support that is needed for assessments, quality assurance, efficiency measures for people who are not fuel poor, focused marketing and community involvement and delivery of objectives through partnership working.

Where would be the best place to trial a Warm Zone in Scotland? To be frank, I can think of no better place than my constituency of Cunninghame North. Across North Ayrshire, half of which forms my constituency, some 11,000 of 62,000 households—18 per cent—are in fuel poverty. I believe that percentage to be considerably higher in several communities.

The levels of economic inactivity—40 per cent in Ardrossan and 43 per cent in Saltcoats—are accompanied by a lack of educational qualifications, correspondingly high levels of sickness and low life expectancy. One would therefore expect levels of fuel poverty to be significant.

Undertaking a comprehensive pilot project across Ardrossan and Saltcoats and learning from the experience of work that has been done south of the border would not only make homes in those towns warmer, more comfortable and less expensive to heat, but provide much-needed employment and training for local people that would directly benefit them and their communities.

Such a project would also greatly assist in restoring local confidence. A fuel poverty reduction component could be part of the strategy for regeneration work by Irvine Bay Urban Regeneration Company and its partners.

Community assets could be used to reduce fuel poverty. For example, the boiler of a local swimming pool or school could be used to supply heat and power to local homes, and profits from community-owned generation schemes could be ploughed back into area renewal. Outwith the Warm Zone, an innovation fund for councils to investigate and invest in local energy-saving and fuel poverty reduction measures would provide local authorities with an incentive to do more than fulfil minimum requirements and encourage more in the way of Warm Zone-style working.

The Warm Zone model provides an excellent opportunity to take forward the great work to reduce fuel poverty that the Parliament has already carried out, but in a more proactive, comprehensive and focused way. I hope that the Scottish Government, which has already shown itself to be keen to adapt and improve on established and successful initiatives elsewhere, takes this idea on board with a view to introducing a pilot project in my constituency at the earliest opportunity.

17:18

Mary Scanlon (Highlands and Islands) (Con):

I congratulate Kenny Gibson on securing the debate. When I read about Warm Zones, I wondered what they were, but taking part in today's debate has helped me to learn a lot, as often happens.

As Kenny Gibson said, there is no doubt that the warm deal and the central heating programme have made a difference in Scotland, but fuel poverty is still a major problem, with the Scottish house condition survey of 2002 estimating that 286,000 households are fuel poor. That equates to 13 per cent of Scotland's homes. Of those homes, 20 per cent were considered to be in extreme fuel poverty; that is, they were spending more than 20 per cent of their income on fuel.

Fuel poverty affects all ages, but we should worry in particular about the old and frail, and the young. Scotland's children's charities believe that 100,000 children in Scotland live in a home in fuel poverty. The negative effect of living in a household with fuel poverty on people's health is an issue. Conditions such as flu, heart disease, asthma and stroke are all exacerbated by damp and cold living.

The figures for Scotland are worrying. In the Highlands, the problems are far worse: 18,500 households in the Highland Council area, or 21

per cent, suffer from fuel poverty, making it the fifth-worst local authority area in Scotland. Many problems contribute to that. Fuel choice is limited to the most expensive options. Mains gas, which is often the cheapest energy source, is available only in some parts of Inverness, Nairn, Caithness, Ross, Cromarty and Sutherland. Less than half of households in the Highlands are connected to a gas supply. Many traditional stone-built houses are difficult to insulate. Those problems are exacerbated by the harsh winters that we get up north.

Warm Zones schemes have been successfully implemented across England and Wales, as Kenny Gibson said. Warm Zones provides advice on better insulation and other measures. The company also offers advice on how people may claim more of the benefits to which they are entitled but that they do not know about. The Warm Zones website cites two cases where households were not claiming benefits to which they were entitled. They totalled more than £12,000 and £7,000 respectively. Not all the investigations are as fruitful as those two cases, but the average study finds that people who are living in fuel poverty are entitled to around an extra £2,000 in benefits.

I take this opportunity to mention a scheme that is being run by Friends of the Earth, under which it has chosen a parliamentarian from each party. I am the energy-efficient person for the Conservatives; Rob Gibson has been selected for the Scottish National Party. Although I welcome the initiative, I think we could all do much more for energy efficiency. Of course, that has a greater impact on people in fuel poverty.

I have had my home assessed. I will not go into the details, but I was shocked at the results. I thought that I knew how much electricity I was using. A smart meter was in operation at the weekend. I suggest that it would not be a bad idea to have one in every house, so that we know just how much energy our appliances use. For less than £50, I can make the biggest difference: as Kenny Gibson said, it is to use low-energy light bulbs, which are now much cheaper and much more effective. We can also use reflective foil behind radiators, which can be done using kitchen foil and cardboard. That reduces heat loss from the back of radiators by 70 per cent. Many of us assume that energy efficiency measures are expensive, but that is not necessarily the case.

The results of Warm Zones initiatives south of the border are extremely encouraging, and I support Kenny Gibson's motion to bring them to Scotland.

17:23

Johann Lamont (Glasgow Pollok) (Lab): I add my congratulations to Kenny Gibson on securing this important debate and on the positive motion that he lodged. If I was struggling to think of something to say, I could usefully fill the time simply by reading the motion out, as its length and the substantial information in it add to the debate.

I make a plug for the Local Government and Communities Committee, which will carry out a short investigation into fuel poverty issues. We will use some innovative approaches this coming Wednesday: we are asking people to text and e-mail in, to raise issues of concern to them. We look forward to seeing the responses. That could be an approach that other committees want to take.

This members' business debate is just one part of the important wider debate on fuel poverty. It is an area where creative thinking across the parties and outwith the Parliament, in the voluntary sector and elsewhere, has moved the debate forward and has already resulted in important things being done. I find many of the comments that Kenny Gibson made about the potential for Warm Zones particularly interesting. We should recognise that the initiative forms part of a broader approach. I encourage the Executive to recognise that things can be done at every layer of government to address fuel poverty. It is up to Westminster, local authorities and us, and it is important to join our actions up.

I urge the minister to ensure that he continues the important dialogue with the fuel companies, which present some interesting ideas on what they can do—there is more that they can do if they are encouraged. We should place this debate in the broader context of spending on housing. We can, through how we spend and build, ensure that our houses are better insulated than they were in the past. We can also address people's concerns through refurbishment programmes.

I will raise a couple of issues that the minister will be able to respond to—he is probably aware of a number of them. As Kenny Gibson said, the statistics on the warm deal programme show a marked reduction in the number of houses that have been treated since 2004. The number of houses that receive only loft insulation implies that the level of cavity-wall insulation is falling steadily, which supports the view that fewer measures are being fitted per household. That raises the issue of the level of grants, which I concede needs to be addressed.

It is important that there is a continuing advertising campaign for the warm deal programme. I would welcome any comments the minister may have on the need to ensure that

resources are made available so that the campaign is as effective as possible and reaches those who need it most. One concern regarding the Warm Zone pilot that took place in Dundee is that there was not a proper evaluation of the project when it ended. I hope that the minister will commit to an independent, in-depth evaluation by the Executive into how effective that pilot was. I know that there are some who do not see that approach as the entire solution, and I would welcome some work being done on that.

In England, the Department for Environment, Food and Rural Affairs has granted a budget of more than £6.3 million to support the growth of Warm Zones. We are keen that the Executive interrogate the success of the Dundee pilot to inform its future spending. We are all in the same place as regards addressing the issue, which also has a geographical dimension: the quality of some housing in our urban areas and the problems faced there need to be addressed too. I have given a plug for the Local Government and Communities Committee and its approach, I acknowledge the critical role that all sectors have to play, and I look forward to commitments from the Executive to explore the option of Warm Zones—if not in Mr Gibson's constituency, then certainly in mine.

17:27

Robin Harper (Lothians) (Green): I congratulate Kenneth Gibson on bringing the debate to Parliament. Like Mary Scanlon, I am engaged in the Friends of the Earth initiative to get MSPs to share energy-saving experiences with the public and encourage them to do as we are all doing in trying to improve the energy efficiency of our houses.

I hope that Sarah Boyack will talk about her proposed energy efficiency and microgeneration (Scotland) bill. I hope to reintroduce the Home Energy Efficiency Targets Bill that Shiona Baird introduced in the previous session of Parliament to provide for warm homes. A lot of good stuff has been said about the advantage of warm homes to socially disadvantaged people—those who are living in damp homes, those who are poor and pensioners.

If the Warm Zones strategy were to be introduced in Scotland—I very much hope that it will be, and let us start calling it "cosy homes" if we like—I have no doubt that we would reap the benefits in three main ways. We would benefit first from its focus on energy efficiency, secondly from the commitment to help households in poverty in the private and social sectors, and thirdly from provision of free benefits advice to help increase household income, which we have already covered.

It is crucial that we also assess the potential for decentralised energy in Warm Zones. In other words, it is not just about Warm Zones but about how energy and heat are delivered. The Scottish Green Party has long argued that decentralising our power network is an essential part of a sustainable energy plan and a huge opportunity. The current Scottish and United Kingdom system is centralised and relies on a few large power stations creating electricity miles away from the point of consumption. That method, which was developed in the 1930s, is so inefficient that two thirds of the energy and fuel are wasted before the energy even gets to homes and workplaces. The huge amount of energy that is lost would be enough to provide central heating and hot water to every building in Scotland.

Woking Borough Council has led the way on decentralised energy in the UK. By decentralising energy in the area, it has slashed energy use by nearly half and has cut CO₂ emissions by a massive 77 per cent since 1990. The City of Edinburgh Council has indicated that it would like to follow that route. If it does, the environmental and economic benefits that it could reap would be enormous. Under such schemes, not only could councils provide people with insulation for warm homes, they could also slash the costs of energy—a double win.

There are international examples, such as the dramatic shift to decentralised energy that has been successfully achieved in Denmark. The Netherlands increased its use of combined heat and power so successfully that between 1985 and 1995 it grew to become the single biggest source of generation there. How about that? According to the Government of the Netherlands, that sector will continue to grow.

In a nutshell, generating electricity closer to where it is used reduces losses in transmission, allows waste heat to be used, provides energy savings and reduces emissions. A decentralised approach also works well alongside the harnessing of Scotland's renewable energy potential—wave, wind, solar, small-scale hydro, ground source and so on.

The other huge advantage of decentralised energy is security of supply. If a big power station breaks down, thousands of people do not have any energy, but if a little one breaks down, only a few people are affected and the other power stations nearby can easily cover the shortfall. I urge the minister to give proper consideration to a decentralised approach.

17:31

Alasdair Allan (Western Isles) (SNP): I commend Kenneth Gibson for bringing the debate to Parliament.

Mary Scanlon talked about smart meters. I am not sure whether the heater in my house qualifies as a smart meter, but it has the uniquely Hebridean feature of accepting only the big 50p pieces that went out of circulation 20 years ago. I do not know whether that means that it is a smart meter or just an odd one.

I have been moved to speak in the debate because of the situation in my constituency, the Western Isles. I am not going to claim that fuel poverty is unique to the Western Isles, but the extent of it there is unusual and the reasons are, perhaps, unique. The solutions to the problems that we face have, to a large extent, been set out by Kenneth Gibson in his speech. Mary Scanlon set out some of the reasons why fuel poverty is particularly acute in rural areas.

In the Western Isles, an unusually high proportion of the population is elderly; there are a lot of people who own private homes that they have inherited or which have come as part of a croft but who do not necessarily have the income to maintain them; there is a cultural reluctance, particularly among old people, to claim benefits to which they are entitled; and there is the apparent slowness of Scottish Gas—which I have mentioned in Parliament before—in implementing the central heating programme in the islands, for some strange reason. Furthermore, as has been mentioned, there is the unavailability in most areas of mains gas, which means that there is an unusual reliance on solid fuel. There is also the wind-chill factor. Along with all that, there are problems with the design of many of the houses that were built between the wars to replace the black houses. Many of them now need attention.

Those factors add up to a startling reality, which is that 42 per cent of households in the Western Isles are in fuel poverty. That is not merely the highest figure in Scotland; it dwarfs the 13 per cent figure for Scotland as a whole. That figure means that almost half the people in my constituency are shelling out a tenth of their income trying to heat their homes. We can safely assume that a significant proportion of them are in severe fuel poverty and will be spending 20 per cent of their income on heating their homes.

I am glad that we are considering the example of Warm Zones—it is great to learn from an example in England. One of the great things about having a Parliament is that we can choose what to take and what not to take as examples from other countries. I hope that this Government will see the benefits that Warm Zones has offered many communities in England.

I hope that the Local Government and Communities Committee, on which I and other members in the chamber serve, will in its examination of the wider issue of fuel poverty, look

at the benefits of the Warm Zones project, because it draws together many aspects that unite us all. It systematically assesses households, it brings various agencies together, and it cuts across many of the problems that are caused by, for example, the lack of co-operation among agencies.

The phrases “warm zone” and “the Western Isles” are not often heard in the same sentence, but I hope that the experience of the Western Isles, which is the most extreme example of a Scotland-wide problem, provides further fuel for serious consideration of whether the Warm Zones concept can be imported successfully to Scotland. As a result, I commend it to the attention of Parliament and the Government.

17:35

Sarah Boyack (Edinburgh Central) (Lab): I, too, congratulate Kenny Gibson not only on securing the debate but on the text of his motion, which itself helps to begin the process of awareness raising that we need. It is crucial that we learn lessons from practical action that has been taken elsewhere in the United Kingdom and that we think about whether such examples are applicable to Scotland.

As a result, I very much support Mr Gibson's attempt to raise awareness, and I support other members' comments about the current range of initiatives, including the warm deal and the central heating programme. We must raise awareness of the concept in the context of the climate change agenda—which, in any case, has to be based on reducing carbon dioxide emissions not only through using energy more wisely but, as Robin Harper pointed out, through using more sustainable forms of energy—and we must tie that agenda to our agenda for tackling fuel poverty.

In that respect, the energy efficiency measures that are set out in Kenny Gibson's motion make sense. As a constituency MSP, I am aware of the excellent pilot project that has been established by Changeworks, an energy action organisation, and the local authority to encourage people to get advice on how best to insulate their houses and make more use of available grants. The fact is that the people who are the most fuel poor have least knowledge about the available opportunities. One interesting approach that came out of my background work for the debate was that, instead of looking at individual households, we should engage with communities and build their support for these schemes.

A staggering fact is that 700,000 households in Scotland could get—but do not have—cavity-wall insulation, although I realise that people face financial barriers and that there is a lack of access

to information. People might not know, for example, that there is a two-year payback scheme for putting in loft or cavity-wall insulation. Many people do not, however, have the cash up front to take advantage of that. The Scottish Parliament can certainly help to progress the fuel poverty agenda in that respect.

Grants are also important, and I know that many energy companies make small grants available. Moreover, my local Citizens Advice Scotland office, which carries out a lot of debt work, has been able to access help from power utilities.

I very much welcome the implication in Kenny Gibson's motion that, instead of seeing the work as being the job of a single agency, we should involve a range of people. In that regard, I urge the minister to examine the current network of energy advice centres; I receive regular complaints that the system is neither as efficient nor as effective as it could be. If he cannot respond to me in his summing-up, I will find a letter more than acceptable. We also need to ensure that there is a readily accessible market for installations and that there are people who are able to do the work.

We can learn other lessons from down south on how to address energy efficiency issues. For example, 57 local authorities in England are working with British Gas to give council tax rebates to people who install accredited energy efficiency measures. I ask the minister to examine that really good way of boosting the number of people who have energy-efficient houses. I realise that his Cabinet colleague John Swinney has, for the moment, rejected the idea in principle, but a cross-party coalition of members is keen to push the agenda with all ministers, which is why I am raising it today. I also agree with Robin Harper that sustainable community energy has to form part of any energy efficiency approach to the construction of new houses and retrofitting of old homes.

The Department of Trade and Industry estimates that we could get 30 to 40 per cent of our energy from microgeneration combined heat and power programmes. That is a real challenge not just for the minister, but for the whole Executive. I hope that it will take that agenda on.

There is a potentially big win for fuel-poor households if we can tackle their energy consumption, give them lower energy bills and enable them to create their own energy in their houses. That could be through, for example, heating of water by solar panels on the roof. I have seen some fantastic projects in the Western Isles—I hope that Alasdair Allan will be able to go and look at some of those housing association projects during his time as a member here. Bills are going down from £500 a year to £200 a year, which is a huge saving for fuel-poor households.

Let us tie up the agendas of energy efficiency and microgeneration, which will create a win-win situation for fuel-poor households. I urge the minister to consider that seriously.

17:40

The Minister for Communities and Sport (Stewart Maxwell): Like other members, I congratulate Kenneth Gibson on securing the debate, which has raised interesting issues that I am keen to explore further. It has been an excellent debate, with a lot of good contributions from all parties.

I am interested in the Warm Zones approach, but it is just one approach; it is not an end in itself. I ask members to turn their thoughts to what the end is—many have done so. The goal is:

“To ensure, so far as reasonably practicable, that people are not living in fuel poverty in Scotland by November 2016.”

I reaffirm my commitment to that goal.

The number of households in fuel poverty has been rising every year since 2002, which is a cause for concern to us all. We need serious debate about what is effective and what is not—about what can be done differently and what new avenues are open to us. I am grateful to Mr Gibson for moving the debate on with a discussion about the Warm Zones approach.

The Warm Zones approach has met with various levels of success. Although I am interested in it, we must study both what has worked and what has not worked before we come to any conclusions about its effectiveness. Taking forward the fuel poverty agenda, I am keen to encourage ideas that can lever in additional funding to support our own. In that regard, I am particularly determined that Scotland should get its fair share of resource from phase 3 of the energy efficiency commitment funding. I am also keen to encourage the development of robust partnerships to achieve our common goals. Tackling fuel poverty requires the combined action of public bodies, voluntary organisations and the energy companies. I agree with the many members who raised that point.

I also want to see a sharper focus on hard-to-reach households—vulnerable households that might not apply to Government programmes without encouragement—and I aim to ensure that people are not disadvantaged because of where they live. There must be fair treatment of people in both urban and rural areas and a logical response to local circumstances.

It is clear from the concerns that have been expressed to me by members from all parties that people are worried by the fact that many of our

rural island communities are suffering from the worst rates of fuel poverty in Scotland. It would be a dereliction of duty on my part if I did not examine the programmes that are in place and ensure that they are enhanced so that they help those communities that are suffering most from fuel poverty.

Some of the features in a well-thought-out Warm Zone make the idea worth exploring, but not all Warm Zones have been equally well thought out. Indeed, some have struggled to deliver real achievements. For example, the target for Warm Zones in England was a 50 per cent reduction in fuel poverty over three years. As many members will know, the best performer was Stockton, with a reduction in fuel poverty of 23 per cent over three years. That was an excellent return, but the worst performer, Hull, managed a reduction in fuel poverty of just 2 per cent. Clearly, there are lessons to learn both from areas that have done well and from areas that have, unfortunately, not done so well.

Similarly, there may be other approaches to fuel poverty work that demonstrate the same and other attractive principles and may be worth considering. I am willing to listen to constructive ideas about various approaches. We have heard about many such approaches tonight. We need to seek opportunities to engage with those who deliver policy and those who influence delivery. One such opportunity will present itself shortly, when I meet the chief executive of Energy Action Scotland. As I have said to many members, especially the members of the Local Government and Communities Committee, I will also soon meet representatives of the Office of Gas and Electricity Markets.

We must be clear. Warm Zones are not a panacea—I do not think that anybody is suggesting that they are. However, they suggest an approach to fuel poverty work that deserves further investigation. In fact, that investigation is already under way. My officials recently visited the Warm Zone in Gateshead, which seems to be working well and is based on the successful Stockton model.

Mary Scanlon mentioned that she is an energy-efficient MSP. I think that the idea behind that programme—which I know Robin Harper is also involved in—is interesting. It is unfortunate that Mary Scanlon had to leave the chamber for an appointment at 5.30, as she made some excellent points. She laid out clearly the extent of the challenge that we face in tackling fuel poverty, especially in the Highlands and Islands. Both she and Alasdair Allan mentioned the use of smart meters, which I have seen in some houses. As Mary Scanlon pointed out, it is important that we

all take personal responsibility for our energy efficiency.

Like Johann Lamont, I look forward to the Local Government and Communities Committee's short inquiry into fuel poverty. I absolutely agree with her that every layer of government needs to be involved in the process. As I have said before and repeat now, I am keen to have a dialogue with fuel companies in the not-too-distant future to ensure that they are aware of our determination to ensure that they play their part in tackling fuel poverty.

Johann Lamont also raised the issue of the pilot in Dundee. It is fair to say that the Dundee pilot had very mixed results but, although it was not quite as successful as it could have been, I think that many lessons can be learned from it.

Johann Lamont also asked about marketing. The warm deal programme is currently being promoted through the managing agent and the installer network as well as, of course, through organisations that have an interest in fuel poverty or energy efficiency.

Johann Lamont: I recognise what the minister has said about the Dundee pilot, but my understanding is that no proper evaluation of it was ever carried out. We know where the responsibility for that lies, but will the minister consider studying what happened in Dundee by seeking an independent evaluation of the pilot? That might inform any action that is taken as a consequence of the other points that have been raised tonight.

Stewart Maxwell: I had not intended to raise the issue of where the responsibility for the Dundee pilot lies, but I agree that any pilot that is taken forward must be properly assessed. If that has not been done, I will certainly look at the issue. Perhaps it would be more helpful for me to write to the member with some of the details, rather than attempt to give an answer off the top of my head tonight.

Robin Harper made an extremely interesting speech with very interesting statistics. He made good points about decentralised energy generation and local micro-energy production, as did Sarah Boyack. I certainly welcome those contributions on what is an interesting area for exploration, especially as we move forward with renewable energy. The example from the Netherlands that Robin Harper cited was extremely interesting. It seems a perfectly logical idea that small energy generation schemes will not suffer the massive outage that can occur when a big scheme goes down. I understand the point that he made.

The statistics that Alasdair Allan cited about 42 per cent of his Western Isles constituents living in fuel poverty are, frankly, shocking. That is one

reason why we as a Parliament must seriously tackle fuel poverty.

Sarah Boyack gave a very thoughtful and detailed speech—that did not surprise me given her background and her interest in the subject. On the issue of energy advice centres, I think that the best thing is for me to take that away tonight and write to her about it in due course. She also mentioned that Mr Swinney had rejected the idea of the council tax rebates that have been provided by local authorities in England. Frankly, I think that we want to consider all options and get the best way forward for tackling fuel poverty. As I have made clear before, the central heating programme and the warm deal have done a lot of excellent work in helping people over the past few years, but we need to move forward. We need to ensure that fuel poverty is at the centre of our attention. Fuel poverty has been on the rise since 2002. We must do all that we can within our powers to try to tackle that difficult problem.

Warm Zones are a concept that provides many models of implementation. Like any concept, it stands or falls according to how well it is interpreted in practice. Our consideration of Warm Zones and any other new ideas for tackling fuel poverty must be extensive and thorough to ensure that we provide the best possible deal for those who live with the unacceptable burden of fuel poverty. I am sure that we can all agree that fuel poverty is unacceptable in 21st century Scotland.

Meeting closed at 17:49.

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