

MEETING OF THE PARLIAMENT

Thursday 6 December 2007

Session 3

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Scottish Parliament

Thursday 6 December 2007

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

Devolution Review

The Presiding Officer (Alex Fergusson): Good morning. The first item of business is a debate on motion S3M-976, in the name of Wendy Alexander, on a new agenda for Scotland.

09:15

Ms Wendy Alexander (Paisley North) (Lab): Today's debate goes to the heart of our nation's future. Look back over the past two decades. The Labour Party, in partnership with others, 20 years ago breathed life into the fledgling Scottish Constitutional Convention. Ten years ago, the party legislated to create the Scottish Parliament. Now, a decade later, we are ready to lead on the constitutional debate once more.

Think of all the women and men, from all parties and none, who fought for devolution over the years. This Parliament stands as fine testimony to their work. If we are to continue to pay tribute to their memory, we should be willing to reflect on where we are 20 years after the convening of the Scottish Constitutional Convention and almost a decade after the Scotland Act 1998 was passed, which Donald Dewar himself openly acknowledged would not be the last word on the devolution settlement.

Tricia Marwick (Central Fife) (SNP): I am curious about your embracing of devolution. Only two years ago, you sent an e-mail to Jim Sillars saying that there had not been an original idea from the Labour Party in Scotland for 50 years.

The Presiding Officer: I would be grateful if members remembered to speak through the chair, not directly to other members.

Ms Alexander: Ms Marwick's comment is an example of the fact that the SNP clearly has its own agenda. It is a perfectly honourable agenda, but, more important, it is not Scotland's agenda. As the SNP knows only too well, the people of Scotland did not vote for independence in May. Indeed, the SNP gained success only by promising that a vote for the SNP would not lead to independence. [*Interruption.*]

The Presiding Officer: Order, Mr McNeil.

Ms Alexander: I believe that Scots seek a future that gives them the chance to walk taller without having to walk out. Scotland wants a future

that is built on discussion and dialogue, not on division and dissent. There is desire in Scotland for further change—devolution is a process not an event. However, for us, that will always be in the context of a union, which we believe has the interests of Scotland at heart.

This historic motion provides that opportunity. It is a bold, cross-party and cross-border initiative to look again at how this place best serves the interests of Scotland. It is an historic motion with an historic purpose. The motion is, I think, the first time that the principal Opposition parties have worked together not merely on a reactive basis but on a proactive one. And despite the bluster that we will hear shortly from SNP members, the truth is that it scares them stiff.

Offering Scotland what it wants—speaking for Scotland, standing up for Scotland, siding with Scotland—is much more attractive to Scots than using them to push a party's own political agenda.

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): Does Wendy Alexander think that doing what she did during the Scottish election campaign—telling Scotland that it was subsidised and could not stand on its own two feet—constituted standing up for Scotland?

Ms Alexander: The difference between Nicola Sturgeon and me is that she wants to tell Scots what country to live in, whereas we want them to have the chance to have the country that they live in work better. That is why the motion proposes setting up a new Scottish constitutional commission, which could embrace the very best thinking across the country—cross-border, cross-party and constructive, right for the times and right for the nation. It is perhaps little surprise that the Scottish Government cannot go along with those sentiments.

Nicola Sturgeon: Will the member give way?

Ms Alexander: I have given way already.

The SNP amendment predictably calls for us to participate in the national conversation, but how can the SNP possibly claim to be leading a conversation when it has already decided what the only acceptable outcome will be? Worst of all, it has no parliamentary mandate whatsoever for the conversation. How can the SNP possibly justify the use of taxpayers' money on something that is little more than propaganda? To those who doubt that that is happening, I suggest a look at the Minister for Environment Mike Russell's thoughts on "unionist sophistry" on the Government's website.

There is a shortage of many things in the Government's programme, for example 1,000 policemen, smaller class sizes, properly funded

universities, student grants and first-time buyer grants. However, there is apparently no shortage of green ink. Alex Salmond said at the start of the session that he wanted a new politics and respect for Parliament, yet on one of the SNP's flagship policies, which is using taxpayers' money, he failed even to consult the Parliament. That does not constitute either respect or a new approach. It is a mistake that the motion's supporters will not repeat. That is why we are having today's debate.

I believe that the Parliament will offer its backing to the motion and that it will allow us to take forward a genuine national conversation—one that is in tune with the views of mainstream Scotland. The people of Scotland wish to remain part of the United Kingdom. We share a common identity and a common citizenship, and we have shared interests. At a time of growing concern over issues that know no borders, such as the fight against global warming or global terrorism, why cannot we continue as one country on this one small island?

Alasdair Allan (Western Isles) (SNP): If, in its separate national conversation, the Labour Party has no fear of the answer to the question of independence, why is it afraid to ask it?

Ms Alexander: Many of us are interested in knowing whether the Government believes that its bill on the referendum is competent or incompetent, legal or illegal. We have spent three months asking the question, and still we have not got an answer. Let us ask again: is the SNP's flagship bill on the referendum competent for this Parliament?

Nicola Sturgeon: The answers to Wendy Alexander's questions are: competent and legal.

Ms Alexander: I simply have to ask the Deputy First Minister why, for three months, she has refused to give that response in a parliamentary answer. I worked for an Administration that brought forward a referendum within three months, so why has the SNP been so slow to make progress?

It is clear that Scotland wants to walk taller within the United Kingdom, not to walk out. How do we move forward? How do we align power and responsibility more closely within this place? Let us address the case for greater financial accountability. The review of Scotland's future should be about more than party politics, which is why the leaders of the three main Opposition parties in Scotland—I pay generous tribute to Annabel Goldie and Nicol Stephen—have worked together not only in this place but with our UK counterparts to agree this approach.

Today, the Parliament has the chance to offer its support for an independently chaired commission

“to review the provisions of the Scotland Act 1998”.

We are actively encouraging Westminster colleagues to support the commission. However, it begins today with this Parliament backing the initiative.

Alex Neil (Central Scotland) (SNP): Will the member take an intervention?

Ms Alexander: No. I have taken a large number of interventions. Let me move to the end of my remarks.

One aspect of the original Scottish Constitutional Convention was the way in which it harnessed the expertise of civic Scotland to the cause of home rule. To succeed, the new commission must take the debate beyond the Parliament. It must build on what we have learned over the past decade. It should draw upon business leaders, the public sector, trade unions, voluntary groups and academia. Moreover, Scots of all walks of life should have the chance to contribute to the debate. If the new commission is set up early in the new year, it can deliberate for a period of months, and consider the detail of how Scotland should move forward.

Alex Salmond once said that he would not trust my party to deliver a pizza, let alone a Parliament. Well, we delivered a very successful Parliament, in which we sit today. [*Interruption.*]

The Presiding Officer: Order.

Ms Alexander: The Scottish National Party should be careful before it attempts to strangle at birth an initiative that is based on what the people of Scotland want. It is depressing that the SNP has not allowed the initiative to proceed. We have a different viewpoint. We want to make the United Kingdom work, and we understand that the SNP wants to make it fail. That is the other dividing line between us. Many of us, in all other parts of the Parliament, favour constitutional discussions not for their own sake, but because it is right to ask whether improvements can be made. If the only reform alternative that people can see is separatism, they can be forgiven for assuming that that is their only choice. Today is the start of providing a better alternative. A new Scottish constitutional commission will help us on the road to doing just that.

I move,

That the Parliament, recognising mainstream public opinion in Scotland, supports the establishment of an independently chaired commission to review devolution in Scotland; encourages UK Parliamentarians and parties to support this commission also and proposes that the remit of this commission should be:

“To review the provisions of the Scotland Act 1998 in the light of experience and to recommend any changes to the present constitutional arrangements that would enable the Scottish Parliament to better serve the people of Scotland, that would improve the financial accountability of the

Scottish Parliament and that would continue to secure the position of Scotland within the United Kingdom”,

and further instructs the Scottish Parliamentary Corporate Body to allocate appropriate resources and funding for this review.

09:27

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): I begin by assuring the chamber that everything that I am about to say is intentional. No third parties have been involved, and every word is entirely permissible. [*Interruption.*]

The Presiding Officer: Order.

Nicola Sturgeon: I have listened carefully to what Wendy Alexander has said over the past few days—that is, of course, when she has not been asserting her right to remain silent.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): On a point of order, Presiding Officer. Will you rule on whether that comment constitutes discourtesy to another member?

The Presiding Officer: Given that it was made in the very early part of the speech, I will not rule it as discourteous, but I ask Nicola Sturgeon to stick to the subject matter of the debate.

Nicola Sturgeon: On the subject matter of the debate, I was extremely interested to read Wendy Alexander’s speech to the University of Edinburgh just last Friday. I strongly echo the sentiments that were expressed in that speech, in which Wendy Alexander called on Parliament to take

“greater responsibility for financial matters.”

She expressed great concern about the exercise of power without financial accountability. In the light of recent events, I am not sure whether she was talking about Scotland or Wendy Alexander and the Labour Party. I suppose that that is open to question. [*Interruption.*]

The Presiding Officer: Order.

Nicola Sturgeon: To be serious for a minute, I doubt whether there is anyone in Scotland right now who is prepared to take lectures or advice from Wendy Alexander or the Labour Party on matters of responsibility or accountability. [*Applause.*]

The Presiding Officer: Order.

Jackie Baillie (Dumbarton) (Lab): On a point of order, Presiding Officer. Is it in order for the Deputy First Minister to continue not to address the terms of the motion but to wander on to other subjects?

The Presiding Officer: I have asked members to try to stick to the subject matter of the motion. Given today’s political temperature, it would be very helpful if they did so.

Nicola Sturgeon: Presiding Officer, I am sure that you will be aware that I was referring to Wendy Alexander’s speech on the constitution that was delivered just a few days ago.

As I said, I doubt whether anyone in Scotland today would be prepared to take lectures and advice from the Labour Party on questions of responsibility and accountability—anyone, that is, except the Conservative and Liberal Democrat parties. The membership and supporters of those two parties might be sitting at home this morning scratching their heads, wondering why they are bailing out a discredited Labour Party that is in total and utter meltdown.

Murdo Fraser (Mid Scotland and Fife) (Con): If it is so bad for us to engage with people who are accused of breaking the law, what are the SNP and its leader doing writing to Robert Mugabe, seeking support for their nuclear policy? [*Interruption.*]

The Presiding Officer: Order in the chamber, please.

Nicola Sturgeon: This Government is extremely proud of its non-nuclear stance. We are proud to say that we do not want nuclear weapons on the River Clyde.

I return to the constitution, which is what everybody wants me to talk about. The truth is that Wendy Alexander is not leading the debate about Scotland’s constitutional future: the debate is being led by the SNP Government, through the national conversation. The truth is that Wendy Alexander is following the debate, and the other parties are, frankly, trailing along in its wake. Do not get me wrong—I warmly welcome that. It is a sign of enormous progress that the Labour Party, so stout in its defence of the status quo just a few months ago in the Scottish election, is now arguing for more powers for the Scottish Parliament. Whether Wendy Alexander has managed to persuade any of her bosses in London of the argument is an entirely different question. Only a few weeks ago, Des Browne described devolution as an event, not a process, before going on to remind Scotland, in rather threatening tones, that Westminster could take powers away again if it wanted to. Perhaps Wendy Alexander has some persuading to do in her own party before she can come along here and start lecturing the rest of us.

I welcome the conversion of Scottish Labour, and indeed the other parties, to the cause of more powers for the Parliament.

Malcolm Chisholm (Edinburgh North and Leith) (Lab): Does Nicola Sturgeon accept that the views that Wendy Alexander expressed last week were views that she has articulated for a very long time? Those views are shared by a large

number of people in the Labour Party, including me. Will Ms Sturgeon give Wendy Alexander credit for leading the campaign for greater powers for the Parliament?

Nicola Sturgeon: I had the pleasure—and it was a pleasure, most of the time—of debating with Wendy Alexander on many occasions during the Scottish election, and I did not once hear her articulate the argument that she has articulated this morning. Instead, I heard her repeatedly tell the people of Scotland that they were somehow uniquely incapable of having financial powers and standing on their own two feet. So I think that this is a conversion, albeit a welcome one. All three Opposition parties now support more powers for the Scottish Parliament, which is a huge step forward.

Robert Brown (Glasgow) (LD): Will the cabinet secretary take an intervention?

Nicola Sturgeon: No. I have taken a number of interventions. I will make some progress now.

The Opposition parties should make an effort to define what they mean by more powers for the Scottish Parliament. The SNP and the SNP Government know what our preferred option is—it is independence for Scotland. We want Scotland to have the same rights and responsibilities—no more, no less—as every other country in the world. As we have shown over the years, we will always support more powers for Scotland, but our preferred option is independence, and the ability for Scotland to compete and succeed on the basis of equality with other countries throughout the world.

I accept that not everyone in the chamber or in Scotland agrees with our position. That is why the national conversation is so open and inclusive. The reason it has been the most successful consultation ever undertaken in Scotland is that a range of views have been asked for and a range of views have been expressed.

If we all now accept—as we seem to—that the status quo is not an option, the onus is on the Labour Party, the Conservatives and the Liberal Democrats to define their alternative to independence. If the debate is a sign that the Opposition parties are prepared to engage in that task, it is indeed welcome.

Dr Richard Simpson (Mid Scotland and Fife) (Lab): Will Nicola Sturgeon give way?

Nicola Sturgeon: No, I will not just now.

There is another question that the Opposition parties must address, and it is fundamental: once the various politicians and parties in the Parliament have decided their preferred option, how do we ensure that the people of Scotland get to decide theirs? It is legitimate for us to have

different views, but the future of Scotland is not a matter to be decided by the so-called great and good behind closed doors; it should and must be decided by the people of Scotland.

Margaret Curran (Glasgow Baillieston) (Lab): Will Nicola Sturgeon give way?

Nicola Sturgeon: No.

As Wendy Alexander rightly said, the Parliament was created by democratic mandate, but the idea that its powers could be substantially changed without a democratic mandate is inconceivable to me. The real question for the Opposition parties today is this: once they have decided what their preferred option is, will they be prepared to put it before the people of Scotland in a democratic referendum? Will they have the courage to do that? Let them answer that question. If the answer is no, nothing else that they say in the course of the debate will deserve to be taken seriously.

Jackie Baillie: Will Nicola Sturgeon give way on that point?

Nicola Sturgeon: Perhaps Jackie Baillie should listen to this important democratic point: the evidence is that, regardless of their views on the best future for Scotland, the vast majority of people in Scotland believe that the issue should be decided in a democratic referendum. Let us hear the Opposition parties answer the question today. Will they put their preferred option to a referendum—yes or no?

Dr Simpson *rose*—

The Presiding Officer: The member is in her last minute.

Nicola Sturgeon: I welcome the debate. It is probably the best sign yet of the enormous progress that Scotland has made since the election of this SNP Government in May. Scotland is moving forward—this Government is leading it forward—and I welcome converts to the cause of more powers for Scotland wherever they come from. I look forward very much to the debate and to the day when Scotland wins her independence again.

I move amendment S3M-976.2, to leave out from “recognising” to end and insert:

“welcomes the Scottish Government’s National Conversation which has reinvigorated the debate on Scotland’s constitutional future and caused the Labour, Conservative and Liberal Democrat parties to seek an agreement on more responsibilities for the Scottish Parliament; congratulates those parties on their changed position; believes that independence and equality offer the best future for Scotland, and supports a referendum in this parliamentary term in which the people of Scotland have the right to choose independence, the status quo, or more responsibilities for Scotland.”

09:38

Annabel Goldie (West of Scotland) (Con): If a week is a long time in politics for some people, 10 years can take us to a different era. Ten years ago, the Conservative party had lost the general election and was opposed to devolution, but 10 years on it looks forward to winning a general election—not something that the SNP can anticipate. [*Interruption.*]

The Presiding Officer: Order.

Annabel Goldie: Ten years on, the Conservatives are positive participants in devolution. That is why we are well placed to be objective but constructive in contributing to a review of devolution.

We are in a new era, and political debate must reflect that. That is why I open the debate for the Scottish Conservatives with great pleasure. Over eight years in the Parliament, I have spoken on important matters on many occasions, but today is different: this debate is the most important in which the Scottish Parliament has so far engaged, because it is the start of devolution phase 2, a process that will chart the direction of the Parliament and the future of Scotland in the 21st century. The process is more important and bigger than any one political party, and the challenges that individual parties or politicians face at this time are secondary to the overstraddling political importance of taking it forward.

Alex Neil: I congratulate Annabel Goldie on travelling over 10 years from being anti-devolution to being pro-devolution. At that rate of travel, will she be in favour of independence in 10 years' time? As former minister Allan Stewart pointed out, independence is more logical than devolution.

Annabel Goldie: In eight years in this Parliament, I have always found Mr Neil's taste to be too racy for my comfort, and I would certainly not pledge my or this country's future to the direction in which he wants to travel.

In this Parliament and in Scotland, there are two approaches to Scotland's constitutional status. The minority Administration, comprising the Scottish National Party as the Scottish Government, seeks independence; the majority presence in the Parliament, comprising the Labour Party, the Scottish Conservatives and the Liberal Democrats, supports our continuing partnership with the United Kingdom. The minority view—the SNP view and the nationalist conversation—is all about tearing up our constitution and ripping Britain apart. My desire—our desire and the majority desire—is to build on what we have and take it forward.

There we have it: the minority political presence that wants to weaken, waste and wreck is on the

margins of public opinion, while the mainstream of Scottish public opinion—the majority view—is our view, which seeks to strengthen, support and secure.

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): I have a question on public opinion. According to Wendy Alexander's speech, the constitutional commission could be set up and report in a matter of months. If Annabel Goldie's view is that the people of Scotland should not thereafter be asked for their view via a referendum, what should happen to the report's conclusions?

Annabel Goldie: It is clear to me that what the motion embraces and what the commission would be charged to do would all operate within the existing constitutional framework of the United Kingdom. That would not require a referendum.

I do not support the Scottish National Party's objective of independence, but I support the present constitutional status of Scotland and I share the other two unionist parties' objectives of wanting to secure that position and explore any possibilities that will improve our devolved governance.

I will make it clear how I, as a Scottish Conservative, regard Scotland in 2007. I am proud to be a Scot and I am proud to be British. The two are not mutually exclusive—indeed, they happily co-exist. During the Scottish Parliament elections, I argued that being part of the United Kingdom opens doors for Scotland, that it gives us influence in world affairs and that that influence, if wisely exercised, gives us authority in world affairs. At the same time, devolution has responded to our country's desire for a greater say over its domestic issues. As a Scottish Conservative, I am driven by an overarching goal of creating a strong and prosperous Scotland within a strong and prosperous United Kingdom. I am driven by what unites us in these isles, but the nationalists are driven by a desire to divide the nations of the United Kingdom.

Rejecting independence is not anti-Scottish or unpatriotic; it is quite simply wanting the best for our country. I say clearly to Alex Salmond—wherever he is—that the Scottish National Party does not have the monopoly on Scottish patriotism. It is a proud and deep emotion, shared by millions of people outwith the Scottish National Party. Our saltire and the lion rampant are the symbols of our nation, not the badges of nationalism.

The Scottish Government's nationalist conversation is not the one that matters; what matters—the real debate and the real challenge—is taking devolution forward. Independence is a minority aspiration, and the Scottish Conservatives

represent the majority aspiration. Precisely because of that, we acknowledge that, after eight years of devolution, it is appropriate to examine where the process has got to and to support debate about where it goes. That was our manifesto commitment in May. The Liberal Democrats also considered such a review timely, and I commend the Labour Party for now recognising the merit in, and need for, such a review.

This tripartite agreement is significant. Strengthening devolution while continuing to secure the position of Scotland within the United Kingdom is not just an honourable but a highly important commitment. It is bigger than any one political party, because it dwarfs party politics. We are talking about shaping the constitutional direction of travel of our nation for the future, not just because it is sensible and pragmatic to do that eight years on, but because it overwhelmingly reflects what Scotland wants to happen.

Today's debate gives Scottish parliamentary breath to that overwhelming public aspiration. I thank Jack McConnell for his initial support of the process and I thank my counterparts, Wendy Alexander and Nicol Stephen, for the constructive discussions that have brought us to the stage of agreeing the need for an independently chaired commission to review devolution in Scotland. I also thank them for agreeing that the remit of the commission should be to review the provisions of the Scotland Act 1998 in the light of experience and to recommend any changes to the present constitutional arrangements that would enable the Scottish Parliament to serve the people of Scotland better, that would improve the financial accountability of the Scottish Parliament or that would continue to secure the position of Scotland within the United Kingdom. This debate and tonight's vote represent significant political progress for Scotland.

It is not for us to prejudge the outcome of the commission or any of its recommendations. When the day comes, the Conservatives will give serious and careful consideration to those outcomes before judging what will best serve the interests of Scotland and what will continue to secure our position within the United Kingdom.

I said earlier that this is the start of devolution phase 2. The next stage will involve our colleagues at Westminster. However, today is about a new watershed in Scottish politics as we embrace the political reality of 2007 and the desire of the overwhelming majority of people in Scotland to take devolution forward. Tonight, we will cast an historic vote; tomorrow, we will take forward a secure future for our country. I reject the SNP amendment and support the motion in the name of Wendy Alexander.

09:47

Nicol Stephen (Aberdeen South) (LD): It is right to call this an historic day. Liberal Democrats favour the conferral of more powers and a better, more effective Parliament. We think that that would lead to a stronger Scotland in a stronger United Kingdom.

Over the past few years, we have been the only party campaigning for more powers for the Parliament but rejecting independence. It is 10 years since the passage of the Scotland Act 1998, and now is the right time to consider gaining those new powers. There may be some members—perhaps on the SNP benches, as we have heard already this morning—who would like to think that this cross-border, cross-party campaign to gain more powers will drift away because of the trauma and uncertainty that are hanging over the Labour Party. My response is this. The powers that we seek, the reforms that we propose and the commission that we support are intended to be substantial, far-reaching and permanent. The benefits for Scotland and for the rest of UK will resonate well beyond this Parliament and this generation of political leaders. However far public confidence in Labour has fallen because of its spinning over the date of the general election and the party funding scandal, the process that is proposed for Scotland must and will outrun that. It is simply that significant. Labour's time in office at Westminster will end, but the changes that we are initiating today should be profound. They will outlast and thrive under any future UK or Scottish Government. The powers that we seek on new legislative matters and wide-ranging financial control will provide a real opportunity for Scotland to succeed in the 21st century.

Brian Adam (Aberdeen North) (SNP): Given the fact that, prior to the initial attempt at devolution, there was agreement among some of the parties to have the Constitutional Convention, the financial affairs of which were dealt with by the political parties, why does Nicol Stephen now think that the public purse should pay for his policy development? Opposition parties already receive money from the public purse for policy development.

Nicol Stephen: I should, perhaps, remind Brian Adam of who is paying for the national conversation, which has no democratic or parliamentary support. Our new initiative will have wide-ranging support—the majority support of the Parliament—and that is what marks it out as significant. We created the Parliament through cross-party support—cross-party support that the SNP walked away from.

I want the 21st century to be internationalist, a century of co-operation between parties, nations and people working together. That is something

that the SNP knows too little of. Too often, the 20th century was a century of narrow nationalism, and people paid a terrible price for that. Our challenge is to create the foundations for Scotland's success in an internationalist 21st century.

The Conservatives' support for the motion and the wider process is welcome—we have not seen that since Edward Heath proposed legislation for Scottish devolution in the late 1960s. One or two noble voices have spoken out, including Malcolm Rifkind in the 1970s and the late, and still missed, Alick Buchanan-Smith. However, this wholesale agreement brings the Conservatives into the debate in a way that we have not seen for two generations. Annabel Goldie is to be congratulated on a very positive move.

For Labour, the devolution principles of John Smith and Donald Dewar are being built upon. Many in the Labour Party do not share those hopes, and that will remain a challenge. However, today should be recognised as a big move forward for the Labour Party. As recently as August, the Secretary of State for Scotland said that the devolution settlement should remain as it is. In September, when I suggested greater fiscal powers for the Scottish Parliament, I was rounded on by UK Labour ministers. I am pleased that Donald Dewar's doctrine that devolution is a process, not an event has held sway on the Scottish Labour benches. As Annabel Goldie said, Jack McConnell and Wendy Alexander should be given credit for that.

By voting for the motion, the Parliament will permanently unlock the door to progress on home rule. The process begun by the motion should deliver long-term benefits to Scotland that will run well beyond the present generation. The Liberal Democrats were proud to be part of the Constitutional Convention. We had wanted home rule for Scotland for 100 years and, under the leadership of Malcolm Bruce and Jim Wallace, we helped to make it happen. Our Steel commission report is widely regarded as a significant and substantial piece of work. It provides a framework for progress and a blueprint for action.

It is vital that the initiative that we are proposing has the widest possible support. I welcome support from all around the chamber, some of it fresh and new, some of it unexpected. I also welcome wider support from all parts of Scotland. Scottish business, civic Scotland, the churches and the voluntary sector should have significant, direct involvement in the process.

To deliver the Scotland that we want, we need a stronger, more effective and more responsible Parliament. That means granting more powers to our Parliament, including tax-raising powers. As an enthusiastic European, I am keen to learn from the experience of our neighbours. Last month, I

met the Spanish ambassador, who told me that Spain now has 17 autonomous regions, each of which has a degree of devolved power to suit its needs. The process of devolving power is constantly evolving, with more and more decisions being made close to the people on whom they impact. We talked about how Navarre enjoys maximum autonomy from central Government, with very wide tax-raising powers over both business and personal taxes. Far from inviting independence, that has secured and strengthened the Spanish state. Navarre is on course to generate 100 per cent of its electricity from renewable sources by 2010. Such gutsy initiatives can be achieved only when governments are equipped with the necessary powers.

Two Spanish regions, of which Navarre is one, have almost complete fiscal control. In fact, Navarre keeps everything that it raises in tax and makes a payment to Madrid for the costs of defence, foreign relations and other issues that are the province of the Madrid Government. That is not what was proposed by the Steel commission, but it proves that we can deliver far bolder, more ambitious devolution in Scotland that strengthens our position in the UK and in the world.

I do not believe that a self-respecting parliament can exist permanently on a single grant from another parliament. The United Kingdom is currently the developed country that takes the greatest proportion of taxation centrally. I am determined to bring government as close to local communities as possible, which leads me to campaign to end the centralisation of the UK state.

Static devolution, by its very inflexibility, encourages nationalism. That is why proposals to build on the current settlement with new responsibilities must offer powers for a purpose. The proposals must be significant and substantial. Standing still is not an option for Scotland.

I propose that personal taxation be determined by the Parliament. That would mean that the introduction of a local income tax to replace the discredited council tax would be straightforward. Such a tax would be fair and would benefit the low paid and pensioners. It would also avoid the regressive side-effects of the SNP's council tax freeze, which will benefit the poorest least.

On corporate and business taxation, there is no reason why the power, the accountability, and the innovation should not come from the Parliament. How much more attractive to business that will be than the SNP proposals that will erect barriers between Scotland and our biggest market, creating separation, division and disruption.

Scotland can seize the opportunities presented by the 21st century in fields such as renewable

energy and life sciences. We need to be gutsy and bold.

The motion sets out proposals to achieve forward-looking, modern home rule for Scotland. It rejects backward-looking nationalism that wants the past more than it wants the future.

Most people in Scotland support more powers for the Scottish Parliament. They want a stronger, better Parliament with new tax-raising powers. That is what we can deliver: a stronger Scotland in a stronger UK.

09:57

Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): I confess that, unlike Wendy Alexander, in the run up to the 1979 referendum I was not stuffing envelopes. My interests were perhaps more like those of my favourite Englishman, Billy Bragg—wondering when the Clash's next concert was going to be. In 1979, I moved to live and study in London. That shaped my view of politics. I worked in a centre for homeless people and then in a large hospital, and lived in a multicultural area, and it became clear to me that the problems of poverty, unemployment, poor health and educational disadvantage did not stop at the border.

In many years in the Labour Party, I have heard several keynote speeches about devolution, and I have participated in the debates and discussions. We must not miss the significance of Wendy Alexander's speech last Friday in which she outlined the challenges ahead for all of us who believe in devolution. Neither must we miss the significance of today's debate, in which Opposition parties are putting aside their differences—and there are many—to try to reach common ground on a way forward that will be in the broader interests of the people of Scotland.

We have heard people arguing about whether devolution is a process or an event, but we must now recognise where the Scottish people are at. Like others in Scotland, I am proud to be Scottish. We are all proud of our heritage and history and of the contribution that we have made in the world, but that pride does not translate into a desire to walk away from the United Kingdom, or to throw out all that has been achieved. It means that people want to review and improve the relationship between Scotland and the rest of the UK.

Nicola Sturgeon: We can probably all agree that we do not agree on Scotland's constitutional future, and that is perfectly legitimate in a democracy. A moment ago, Cathy Jamieson said that we should take stock of where the Scottish people are at. Would it therefore not be right to have a referendum to allow the Scottish people to decide on the issues that divide us?

Cathy Jamieson: If Nicola Sturgeon genuinely believes that, why has she not brought it forward?

I talked about the need to review and improve the relationship between Scotland and the UK. To return to my favourite Englishman, in Billy Bragg's book "The Progressive Patriot: A Search For Belonging", he argues that devolution has had an impact on national identity in other parts of the United Kingdom and that people want to have that debate as well.

Labour has led constitutional change and it will and should lead it again by building on consensus rather than by creating conflict and division. It cannot be done through a one-sided, one-way conversation in which, whatever the question, the Government believes that it already has the answer, and that that answer is independence. The debate is not just about what goes on here in Scotland, but about Scotland's wider relationship with the UK. We must have that discussion. It is complex, it needs detailed consideration, and it needs to engage directly with everyone in Scotland.

Today's debate seeks a mandate on a way forward. The remit of the proposed commission should be to consider how to improve devolution. However, the difference between the SNP and the three parties that are joining together today to support the motion is that for us, as Wendy Alexander outlined in her speech on Friday, the fundamental principle is that the common interests of the various parts of the UK require that we work together to share risk and resources, including in the crucial areas of security and counter-terrorism. Of course, as Nicol Stephen said and as others will no doubt say, we must learn from the experiences of those elsewhere, but in the context that the Scottish people's priorities are similar to those of other countries throughout the world—health, education, law and order, housing, and the environment.

Bruce Crawford (Stirling) (SNP): We have now heard from two Labour members, but we have yet to hear one utterance on what powers they think should be devolved. They should tell us about some of the substantial powers that they think should be devolved. At least Nicol Stephen gave us some ideas.

Cathy Jamieson: That is exactly why we need a commission: to consider the issue in detail, to debate with people and not to give a knee-jerk reaction and a list.

I will return to my favourite Englishman, Billy Bragg, whom I have spoken about a couple of times. He said:

"Defending our rights, campaigning for greater accountability, fighting for social justice, standing up for the traditional values of fairness—these are the things that mark me out as a patriot."

That is what we ought to be considering in this Parliament. The challenge for us is to build on Donald Dewar's legacy, not by becoming more insular, closing borders or slamming the door on our neighbours, but by continuing to make the best use of devolution to create a fairer society. That is why I support the motion.

I call on the SNP to recognise that the Labour motion better reflects the will of the Scottish people than its pursuit of independence at all costs.

10:03

Roseanna Cunningham (Perth) (SNP): We have just heard nothing from the Labour Party—no ideas, no policy and no future.

I agree with Cathy Jamieson on one thing: all of us can agree that poverty and hardship do not recognise borders. I know that because I lived in Australia for 16 years. That does not mean that I think that we should be electing members to the Canberra Parliament. That is the difference between us and the Labour Party.

What have we here this morning? We have an uncoded commitment, not for the Government but for Parliament. That uncoded commitment did not appear in any manifesto of which I am aware, and it shows no understanding of the implications for the rest of the parliamentary budget. Does Wendy Alexander care? No, she does not. Today is not about moving anything forward except herself, preferably as far away from the rest of the news agenda as possible.

The sad thing is that it could all have been so different. Wendy Alexander is turning consensus into its opposite while claiming to move the debate forward. Her so-called vision starts and ends in her own kailyard. Her motion shows that, rather than have something around which the whole Parliament could unite and that would resound across Scotland, she is much happier with her own silly games. I am sorry that both the Lib Dems and the Tories are colluding in this nonsense.

As Nicola Sturgeon mentioned, Des Browne threatened Scotland only recently that Westminster could take back powers from Holyrood. We now appear to be in a situation in which all parties in the Parliament want to move on by giving the Parliament more powers—true, some of us might want more powers than others—after an election result in which the SNP was left only one seat ahead in minority Government. Just think what will be achieved when we come back in 2011 with a much-increased majority. Make no mistake that that is what will happen. Members need only look at today's opinion poll if they do not believe me.

Robert Brown: Amid all this furore, does Roseanna Cunningham recognise a place for consensus and a national agreement on the way forward? That is part of the issue. That is why today's debate is taking place.

Roseanna Cunningham: Those whose idea of consensus would ensure that the preferred option of the majority party is not included should look to themselves. In the meantime, we have this proposal in front of us—

Annabel Goldie (West of Scotland) (Con): On a point of order, Presiding Officer. This point needs to be clarified. If I heard correctly, Ms Cunningham referred to her party as being the majority party—

Roseanna Cunningham: I said that our party is a minority Government.

Annabel Goldie: I withdraw the point of order.

Roseanna Cunningham: As I was about to say, the SNP might have been happy to sign up to the proposal and its sentiments, but that is not what any of the other three parties wanted. That would have spoiled the fun.

To be honest, I doubt that the motion is much more than a bit of fun. If we were meant to take it seriously, strenuous attempts would have been made to reach agreement on a form of words to which everyone could sign up. Clearly, the possibility of that was discussed and disregarded in an attempt to be clever—too clever by half. Not for the first time, Wendy Alexander has outsmarted herself.

Here is the truth: the SNP is ferociously ambitious for Scotland. We have always made that clear and, yes, we have also talked about increasing the powers of the Parliament short of independence. After all, was it not Jim Mather who proposed the idea of fiscal autonomy? Surely my memory is correct. The motion contains nothing new that has not already been canvassed by the SNP. There is no dithering or prevarication about what we want, and no hiding it.

And—guess what—we are out there talking to the people of Scotland and asking them to join the debate. Frankly, the national conversation encompasses everything in the motion but sets no boundaries on the debate. As ever, Labour wants to allow discussion only on its own terms. When will it learn? Has Wendy Alexander even bothered to submit her views to the national conversation? I am curious. Has anyone on the Labour benches engaged with the discussion? Indeed, has anyone on any of the Opposition benches engaged with it? Tens of thousands of ordinary Scots have done exactly that. There have been 43,734 hits on the home page, a staggering 245,000 hits on all national conversation-themed web pages, 20,935

call-ups of the white paper for reading online, and a further 6,999 downloads of the white paper. Has there ever been a Government consultation in Scotland as extensive as that?

I wonder whether Wendy Alexander, Annabel Goldie and Nicol Stephen are part of that enthusiastic response. If so, they would have joined a variety of organisations across civic Scotland that have enthusiastically participated. All those people have taken the opportunity that has been offered and they have grabbed it. Perhaps they sense that, this time, the idea of a two-way conversation with Government is real. Wendy Alexander wants just another round of meetings with the usual suspects reading out their press releases and ultimately boring everyone into the ground. The last thing that she wants is for the debate to catch alight. She wants to exclude the preferred option of the largest party in Parliament and she leaves all the detailed questions unanswered.

The SNP can certainly agree on moving things forward. We can agree on the need for more powers, on the need for a debate and on the need to ask the voters of Scotland. Annabel Goldie may assert that rejecting independence is not undemocratic, but excluding it from the debate is undemocratic and prejudices the outcome. She knows that. The SNP will not agree to a stunted debate on the basis of Wendy Alexander's "thus far, but no further" so-called vision. Vision? I suggest that she goes out and invests in a pair of specs. On the evidence of this morning, her vision is woefully short-sighted.

10:10

Sarah Boyack (Edinburgh Central) (Lab):

What a contrast in tone between the SNP speeches and those of the rest of us in the chamber.

Home rule has given us the best of both worlds: issues such as health, education, the legal system, developing our environmental policies, economic development and transport are controlled by the Scottish Parliament; foreign affairs, pensions and social security are dealt with at UK level. We have delivered on the principles that underpinned decades of campaigning for home rule by providing better Government that is closer to home, more responsive and more in tune with the majority of Scottish opinion. We have also made time to listen to the minorities in Scottish opinion and to ensure that they are part of the picture. We have provided time to focus on Scottish issues while remaining part of the UK. Our Scottish Parliament has delivered on people's aspirations.

The Scottish Constitutional Convention drew up our Parliament's operating principles, which were

built on by the consultative steering group. Who would argue that we have not dramatically transformed the access that individuals and organisations have to our committee discussions, to shaping our laws and to influencing our policy discussions? We have a family-friendly Parliament in which equal opportunities are part of our ethos. Look at the debates that we have had on domestic violence as part of the focus on the 16 days of activism against gender violence campaign. Equal opportunities are not a side issue but are central to the politics and work of the Parliament. Scotland has a voting system on which the Labour Party compromised because we agreed that people throughout Scotland—whether from urban or rural constituencies—must be part of the Parliament's decision making. People's views now direct how we operate. People in Scotland voted on devolution and have given it legitimacy.

Contrast that with the idea of leaving the debate on our future to one party. Even in their first two speeches this morning, SNP members have demonstrated that the issue cannot be left just to them. We cannot leave our constitutional future to be directed by a party that has only one answer waiting, whatever submissions are made to its review. The tone and substance of Nicola Sturgeon's speech demonstrated eloquently that we cannot leave this important issue to a party with a narrow agenda. That is why I welcome today's debate and Wendy Alexander's initiative.

Eight years into our new Scottish Parliament, surely this is a good time for us to reflect on the success of devolution and to have a constructive, cross-party, across-the-country discussion on how we improve our constitutional settlement. That discussion needs to involve a range of views and must not predetermine the answer. It must be directed by our Parliament, with the legitimacy of our Parliament.

Twenty years ago, it was not possible to have that range of cross-party discussion in Scotland and it was certainly not possible to have such a debate with the UK Government. I welcome Annabel Goldie's speech today. It is testament to the success of devolution that our principal opponents then are now in favour of being wholeheartedly involved in building on and improving our devolution settlement.

A UK Labour Government gives us the chance to broaden that dialogue so that we can have a discussion across the UK that is led by our debate in Scotland. Eight years on, we can feel and see that our Parliament is maturing. It is worth feeding into that debate. Over the past decade, we have had other significant constitutional changes across the UK that should also be plugged into our discussions. We have the new Greater London Assembly, the National Assembly for Wales—

which has also gained powers and grown in stature—and the Northern Ireland Assembly.

Bruce Crawford: Will Sarah Boyack reflect on the fact that the document “Choosing Scotland's Future: A National Conversation” includes a chapter entitled “Extending Scottish devolution”, which goes on for eight pages and is longer than the chapter on independence? We have been inclusive in our conversation. Why do the Opposition parties want to lock independence out of their agenda?

Sarah Boyack: I put the question straight back to Bruce Crawford. Why cannot the SNP accept a debate that builds on the views of Labour, the Liberal Democrats and the Conservatives? Why cannot the SNP, which is a minority in the Parliament, join us? A degree of humility from SNP members would be welcome.

Over the past few years, we have seen different policy approaches across the UK. Our Parliament was put in place to ensure that we decide on Scottish solutions for Scottish priorities. We can see that the debate on sustainable development has developed a different tone and flavour in each legislature in the UK. On higher education, transport and renewables, others are catching up with us, and we must not lose our advantage. On health, we have the ability to set different policies, which is matched by the ability to set our own funding priorities.

Much has been achieved in the past eight years and we need to move the debate forward. SNP members complain about the debate. They have the choice to join in the discussion with the majority of public opinion. If they wanted to be a part of that debate, that would be a step forward, but they should not stand aside and attempt to hold the debate on their own.

We need to review our success in Scotland and to look to the future. It cannot be right to leave the discussion to be driven by a nationalist, separatist Government. We can see our Parliament maturing. The challenge is to support the motion and to develop the debate on our constitutional future—to vote to strengthen home rule, to work with the grain of Scottish opinion, to build on the legacy of the work that was done by our first First Minister, Donald Dewar, and to ensure that that progress involves people from across political divides and UK colleagues. I hope that the whole Parliament will vote for the motion in Wendy Alexander's name.

10:16

Kenneth Gibson (Cunninghame North) (SNP): Fasten your seat belts—it is going to be a bumpy ride. This morning, the Labour Party has dipped its toe in the water of what it considers might be

delivered constitutionally for Scotland. That is not, of course, because it thinks that Scots should have more control over their lives—no, not one bit of it. If Labour members had thought that, they would have waxed lyrical on the subject during this year's election campaign, instead of trying to scare Scottish voters by making our country out to be a nation of subsidy junkies and parasites who depend on handouts from south of the border—a myth that *The Herald* exposed on 2 November.

Labour members have continued their scaremongering tactics by talking today about borders being closed—as if that happened between Sweden and Denmark or between Holland and Belgium. We want to be friends with England and every other country in Europe and beyond, on a basis of equality.

The Labour Party made it clear during the election that its policy was that we could go not one step further. The motion is about establishing nothing more than a vague talking shop to discuss matters that Labour can safely concede in order to regain power.

Who would have credited it? A few short years after devolution was introduced with the express intention of killing the SNP stone dead, this corpse of a party has set the political agenda in Scotland. Now, Labour members must bend to it reluctantly—if not kicking and screaming, then certainly mumping and moaning, grumping and groaning. How could their birthright have been so impudently usurped last May?

No longer the ostrich of Scottish politics, new, old, borrowed and blue Labour is willing to think the unthinkable and to throw the Jocks some crumbs after a few years of bumping gums with fellow unionists over nothing more than Scotland's future devolution settlement. I can hardly restrain my excitement at Labour's conversion to what it previously considered to be constitutional navel gazing.

We welcome cautiously Labour's intention to let 100 flowers bloom, but it should not thrill us too much. After all, despite 300 years without asking Scots their opinion in an independence referendum, Labour and its unionist allies still have no faith in the Scottish people's ability to vote in what they consider to be the right way in a referendum, let alone—I am sorry, Presiding Officer. I have lost my train of thought temporarily. [*Laughter.*]

Labour does not want to do what 50 other European nations take for granted: to dare to run our own affairs as independent members of the family of nations. It is shameful that some politicians in the Parliament do not even consider Scotland to be a nation at all—the Lib Dems, for example.

On St Andrew's day at the University of Edinburgh, in a speech that *The Herald* last Monday castigated—perhaps unfairly—as being cast into “outer darkness”, acting Labour leader Wendy Alexander said:

“the trends in Scottish politics are all going in the direction of the SNP, and the cause of equality”.

That is the nub. We in the SNP want only equality for Scotland. Why anyone should have such a catastrophic lack of faith in the Scots by opposing that I cannot comprehend.

Of course, the independence train has left the station. The First Minister set the route via the national conversation and the north British parties are playing catch-up—and what we have heard from the Lib Dems is that that is not as far as Navarre has gone.

Labour—Scotland's political King Canute—can no longer hold back the Scots' ambitions or aspirations. So what powers would be up for grabs should the vague, independently chaired commission ever see the light of day? Does the Labour Party still believe that it is beyond the ken of Scots to have control over—from the host of reserved powers—dealing with the misuse of drugs; the classification of films; scientific procedures on live animals; the designation of assisted areas; the regulation of architects; public lending rights; and equal opportunities?

If we can be trusted with those matters, how about the Post Office, research councils, the Ordnance Survey, road transport, consumer protection, judicial remuneration and broadcasting? I am pushing the boat out, but will financial services, immigration, international relations, social security, nuclear energy, air transport and abortion law be on the table for discussion? Who will take the final decision? The Scots or Labour bosses—our London masters? Can we expect a quantum leap in Labour thinking or will just some feeble tinkering take place around the edges?

As a way of moving forward, what about considering as a first step acquiring the powers of Jersey, Guernsey and the other Channel Islands or the Isle of Man? Let us be a little bold in our thinking. Despite having fewer than 200,000 souls between them, those islands enjoy full fiscal autonomy, full social security powers, full employment law powers, full health and safety powers and full control over postal services and communications. Those islands are entirely self-supporting and receive no subsidies from the UK, to which they make an annual contribution for defence and overseas services. Public revenues on the islands are raised by income tax, duties on imports and other taxes, all of which are determined by each island's legislature. Surprise,

surprise—each island has a strong and vibrant economy that is based on finance, tourism, retail, construction and agriculture. All provide high standards of social benefits and of living. How sad it is that the unionist parties are too timid and lacking in ambition even to attempt to emulate our smaller neighbours here in the British isles.

Perhaps Ms Alexander should listen more to her spouse. What did he say? I quote:

“full fiscal autonomy was ‘an absurdity’ found nowhere else in the world. ‘Against that option, full-blown independence might be better, because ... you can do ... more things,’ he added. ‘If you're being forced to balance your books, then I think the logic is “be independent”, don't do it within the Union. So you heard it here first—the argument for independence.”

If Ms Alexander cannot convince her own husband of the merits of her case, she will not convince us.

The cobbled-together, anything-but-independence motion talks of better serving the people of Scotland and improving the financial accountability of the Scottish Parliament. Labour and other unionist members will, no doubt, therefore be keen to secure the 26 billion barrels of oil that are left in the North Sea and their revenues for the Scottish people, but then again, pigs might fly.

10:22

George Foulkes (Lothians) (Lab): Presiding Officer, as you know, I am an eternal optimist. I had hoped that we might have a debate today instead of a series of party-political polemics, such as we have just heard. Frank McAveety tells me that Kenneth Gibson gave exactly the same speech in the City of Glasgow District Council in the early 1990s—he has not progressed.

As you also know well, Presiding Officer, in participating in the debate, I return to one of my long-standing passionate interests. As the chair of the Labour campaign for a Scottish assembly, I campaigned through the 1960s and 1970s for a Scottish parliament. We got legislation—albeit flawed—for the 1979 referendum. Like other supporters, I was deeply disappointed when, despite winning a majority in the referendum, we failed to reach the artificial threshold of gaining the support of 40 per cent of the electorate. However, in the words of the song, we picked ourselves up, dusted ourselves off and started all over again.

Jim Boyack, Donald Dewar, many people here and I reformed that Labour campaign—renamed as the campaign for a Scottish Parliament—and trod the boards in every corner of Scotland. That resulted in the establishment of the Scottish Constitutional Convention, but the SNP was nowhere to be seen.

Alasdair Allan: Will the member take an intervention?

Sandra White (Glasgow) (SNP): Will the member take an intervention?

George Foulkes: No.

The greatest triumph was putting the convention's conclusions in the Labour Party manifesto, particularly—as Wendy Alexander reminded us—as not all the provisions, such as those on proportional representation, were in the Labour Party's interests.

After our success in the 1997 election, Labour delivered legislation in double-quick time. To his credit, Donald Dewar achieved the maximalist position, as promised by the manifesto, outlined by the Constitutional Convention and endorsed by the people of Scotland in the referendum.

Sandra White: Will the member take an intervention?

George Foulkes: No.

Sometimes I wonder whether SNP members understand the Parliament's huge potential—which has not yet been realised—to deliver for the people of Scotland in the areas of education, health, crime and housing and in other important devolved areas. The Parliament has huge potential to deliver on matters of real concern to our constituents, who sometimes despair at the constitutional wrangling that goes on.

Sandra White: Will the member take an intervention?

George Foulkes: Wait a minute.

I am astonished when I hear Sandra White and others call for fiscal autonomy and moan about tight settlements. Has she forgotten about the second question in the referendum?

Sandra White: Will the member take an intervention?

George Foulkes: Wait a minute.

The second vote in the referendum resulted in the Parliament getting fiscal powers, but the SNP is afraid to use those powers. Which taxation powers would it dare to use? We considered all the fiscal powers—a local sales tax, for example—before the Scotland Act 1998 was passed. The devolution settlement has been almost unbelievably flexible when the Scottish Parliament has decided that it would be better to legislate at Westminster on devolved areas and Sewel motions have been used. Above all, there has been flexibility in administrative devolution through the use of orders in council in not dozens or scores, but hundreds of areas. Most spectacularly, there was the ceding of all control of Scottish

railways to the Scottish Parliament. The Labour Government gave that flexibility, and it can be developed further.

The referendum took place only 10 years ago. Its result was rightly described as

“the settled will of the Scottish people”.

Members: No.

George Foulkes: Wait a minute. Notwithstanding what I have said, I agree with the motion. It is right to reconsider arrangements and find out how they now operate. However, as Annabel Goldie said, we should not prejudge the outcome of that reconsideration or what changes are necessary—or, indeed, whether any changes are necessary. The proposed commission could advise on further flexibility or, indeed, on whether it would be better to return any powers to Westminster. Some people in the universities are already talking about that.

We should not be unduly distracted by the so-called West Lothian question, which is better described as “the English dimension”. For around 300 years, Scottish legislation was determined by an English majority at Westminster. That majority gave us the poll tax a year ahead of England and against the will of Scottish MPs and the Scottish people. Incidentally, the poll tax gave the greatest boost to the devolution cause.

Mike Rumbles: I am enjoying George Foulkes's speech very much, but I wonder whether he has read the part of Labour's motion that states that the proposed commission's aim would be to

“improve the financial accountability of the Scottish Parliament”.

George Foulkes: Absolutely. I agree with that, but does Mike Rumbles understand what the result of the second vote in the referendum meant? I am talking about financial accountability. He had power as an MSP for eight years—he was a member of a majority Government that declined to use the power that it had. Perhaps it was right not to use it, but the SNP considers itself to be bolder. If it is, why is it not willing to use that power?

As I said, Scottish legislation was dealt with at Westminster for around 300 years. Therefore, we should not be bothered if it takes us a few more years to deal with the English dimension.

We should consider changes that may be necessary, but let us not damage the union in doing so. The United Kingdom has been the most successful political and economic union in the world. I say to Cathy Jamieson that I am not a Clash fan—I am a Strawbs fan. They said:

“you don't get me I'm part of the union”.

I say to my comrades that it does not matter what union it is: unity is strength.

10:29

Tricia Marwick (Central Fife) (SNP): We are an hour and 15 minutes into the debate and we have already heard George Foulkes and Mike Rumbles arguing about what the motion means.

I am not speaking in this debate for the Scottish Parliamentary Corporate Body—I am speaking as a member of it. If the Opposition's motion is agreed to, that body will be instructed

“to allocate appropriate resources and funding for this review.”

I am astonished that a motion that seeks to set up a commission to recommend changes that would

“improve the financial accountability of the Scottish Parliament”

also contains an instruction for the SPCB to find the resources and funding for that commission without specifying how much money is required, how long the commission would last or what its membership should be.

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

Annabel Goldie rose—

Tricia Marwick: I will not give way. Let me make progress.

How can the Opposition parties expect to be taken seriously when they support a financially irresponsible motion? In their winding-up speeches, Opposition members must tell us how much the proposed commission would cost and where that money would come from. We are not surprised at the financial delinquency of the Opposition parties, which, after all, voted to spend £500 million on the Edinburgh tram project. That money could have been spent on the police, universities or housing. Doing so would have been of more benefit to the people of Scotland than the vanity projects of Tavish Scott and Sarah Boyack.

The Labour Party and the Liberals have always been profligate with other people's money. However, I am surprised that the Conservatives, who boast that all their manifesto commitments were fully costed, are now prepared to cast that aside for a motion that I would not dignify with the suggestion that it was drawn up on the back of a fag packet.

The SPCB's budget for this year is already in place. Staff must be paid and the outreach and education projects are well advanced. The Opposition should tell us what costs are involved in its proposals and what cuts it wants to be made to pay for the commission.

Jackie Baillie: Will the member take an intervention?

Tricia Marwick: Let me continue. I will take an intervention if I have enough time at the end of my speech. I am sorry. [*Interruption.*]

The Deputy Presiding Officer (Trish Godman): Order. The member is not taking an intervention.

Tricia Marwick: The Opposition is going to hear what I have to say about financial accountability. The SPCB's budget is top-sliced from the consolidated fund. In simple language, that means that the Parliament gets its money before the Government gets its own money. Do the Opposition parties want the additional amount—the unspecified costs—that will be needed for the proposed commission to come off the Government's budget?

Members: Yes!

Tricia Marwick: Now we are getting there. What cuts do the Opposition parties want to be made to pay for the proposed commission? [*Interruption.*]

The Deputy Presiding Officer: Order. Members should not intervene from a sedentary position, Ms Baillie.

Tricia Marwick: The Government's national conversation has already been fully costed, but the Opposition is asking for funding from the SPCB. The SPCB's budget for 2008-09 has already been considered by the Finance Committee. Ms Alexander and her friends should not solicit money from the Parliament for their projects—whether for trams or commissions—without saying where that money will come from. Will funding come from the money for the Parliament's work with schools, its information technology function or its building maintenance? Perhaps, in this family-friendly Parliament, money for the crèche might be cut. However, I have a better idea.

Iain Smith rose—

Tricia Marwick: Just wait for it. [*Interruption.*]

The Deputy Presiding Officer: Order.

Tricia Marwick: Members are well aware that there is an on-going allowances review. I hope that it will conclude that members need more money for our staff and offices and that it will report in time for changes to be made in April. Any increase in allowances will have to be met from the SPCB's budget. Members will be aware that a submission has been made to that review on behalf of Ms Alexander. It seems that she cannot do the job of leader of the Opposition without having a massive increase in her leader's allowance, which, it has been said, should rise from around £22,000 a year to up to £63,000 in

order to match David Cameron's allowance at Westminster. That is despite the fact that SNP Opposition leaders had to make do with minimum staff and resources for eight years.

I have a challenge for Ms Alexander. If the allowances review concludes that the office of the Labour Opposition leader—whoever that may be at the time—should have more Parliament money, is she prepared to say today that she will forgo that amount, to allow the constitutional commission to be funded by the SPCB? By the time that we vote tonight, Ms Alexander needs to have told the Parliament and the people of Scotland what she considers more important. Is it money for the Labour leader's office or, in the words of her motion, does she recognise "mainstream public opinion" and support

"the establishment of an independently chaired commission to review devolution in Scotland"?

The Deputy Presiding Officer: You should finish now, Ms Marwick.

Dr Simpson: On a point of order, Presiding Officer. If a member resolutely refuses to take interventions, should she be allowed to progress beyond the six minutes that are allocated to her?

The Deputy Presiding Officer: It is for the member to decide whether she takes interventions. I have already warned her that she should sit down, and I am about to do so again. You should finish, Ms Marwick.

Tricia Marwick: Politics is about priorities. What will Ms Alexander choose—the commission or more money for the Labour leader's office?

The Deputy Presiding Officer: I remind members again that, if they run over their time, one of their colleagues will not be called. That is their responsibility, not mine.

10:36

David McLetchie (Edinburgh Pentlands) (Con): This important debate is firmly focused on improving the government of Scotland, in the context of our partnership within the United Kingdom. That is what distinguishes Conservative, Labour and Liberal Democrat members from the separatists of the SNP, whose nationalist conversation—otherwise known as wee Eck's big blether—is firmly focused on the goal of independence. I put on record, for the benefit of Tricia Marwick, that if we need money to fund our commission, which the Parliament will have sanctioned and approved, we can fund it from her nationalist conversation, which the Parliament has not sanctioned or approved.

Independence is a perfectly honourable position, for which some people have argued with passion and conviction in the past. However, the same

cannot be said of the timorous faint hearts in the modern SNP, for whom demonstrating competence in devolved Government is apparently a precondition of independence. For them, the long march to independence and freedom depends on how many potholes they can fill in on the road along the way. That is a strategy known as William Wallace meets Clarence.

One of the big problems with the constitutional debate is the language in which it is often conducted, which plays into a nationalist agenda. A prime example is the notion of "unfinished business", which encourages the view that, incrementally and inexorably, we are on a road to independence. However, from all tests of public opinion, not least this year's election to the Parliament, we know that that view is not shared by the overwhelming majority of our fellow Scots, who instinctively believe in and appreciate the value of the union and of being both Scottish and British. It is time that we spoke up for them, by defining the limits of devolution, the essence of the United Kingdom as a nation state and how that impacts on the division of competences and responsibilities between the Westminster Parliament and this Parliament.

I have no hesitation in saying that among the fundamental characteristics of the union are a constitutional monarchy; a united, democratically elected Government and Parliament; common defence and security arrangements; a common citizenship; a common currency; a UK central bank; a UK single market; common taxes to fund the responsibilities of national Government; and social security and welfare programmes that promote cohesion and unity and ensure equitable treatment across the nation as a whole. I do not pretend that that is a definitive list, but the principle behind my comments is that we need to demarcate the red, white and blue lines, because they define the essence of the united nation. If we do that, we achieve two highly desirable objectives. First, we define the essential difference between unionism and nationalism, and what that means in modern Scotland. Secondly, we are able to have a sensible debate about the distribution of competencies and responsibilities up to that line.

Another area that has been bedevilled by sloppy thinking is the assertion in the claim of right that Scotland has the unilateral right to determine its form of government. On that, I beg to differ. All peoples have the right of self-determination, and Scotland has the right, if it so decides, to choose independence. However, anything short of independence implies the continuance of a partnership with the other countries in the United Kingdom, as part of a unitary British state. It is an elementary principle that no one partner can dictate the terms of a partnership, which require the common consent of all parties. Let us

recognise that the future government of Scotland is not a matter for simple assertion by Scots, but a matter for determination by all of us in the United Kingdom. That is why the commission to which the motion refers should be established by Her Majesty's Government, as part of a wider constitutional review that properly considers our neighbours' interests, as well as our own.

Another sloppy notion that should be banished forthwith is the concept of fiscal autonomy. As some have noted, that is an excellent name for an Irish folk singer but a wholly inappropriate description of the financial arrangements that should apply to a devolved or semi-federal system of government such as that which we have in the United Kingdom today. In principle, I think that we should have responsibility for raising a higher proportion of the revenues that we spend on devolved services, but let us recognise that the tartan tax is a dead letter. Only one party in one election since 1999 has been daft enough to propose increasing the rate of income tax in Scotland. That party was the Scottish National Party, with its ill-fated penny for Scotland policy, which was dreamed up in the happy days when Michael Russell ran SNP election campaigns.

The tartan tax should be finally and decently interred, and we should look to other taxes that might more appropriately be assigned to the Parliament—for example, taxes that are more likely to be decreased than increased. One such tax is stamp duty, a reduction in which would support our desire to help people on to the rungs of the home ownership ladder. Another is excise duties, as there is little prospect of a Scottish Government of any complexion increasing the taxes on whisky and petrol—it is far more likely to reduce them.

All the issues that I have raised are matters for consultation and careful consideration. Let us work with the mainstream of public opinion, not at its margins, and consider all these matters in partnership with our friends, neighbours and fellow citizens in the United Kingdom. That is the sensible way in which to proceed.

10:42

Iain Smith (North East Fife) (LD): Being able to speak in this historic debate, which will help to determine the future direction not only of the Parliament but of our country, is a great opportunity for me.

There is a stark choice before us today, between a new constitutional commission to review and renew the devolution settlement and to create a stronger Scottish Parliament within the United Kingdom, and the cul-de-sac or siding of the neverendum and isolation of separation. We can

have a genuine debate with civic Scotland and the Scottish people about the powers and responsibilities of the Parliament, or we can talk to ourselves on an internet chat site—the so-called national conversation. At 5 o'clock tonight, the Parliament can take control of the constitutional debate away from the minority Government and take control of our future, killing the national conversation stone dead.

The Government's amendment is wrong in what it aims to do, but it is also factually wrong. I cannot speak for the other parties, but we Liberal Democrats have not changed our position. Like the majority of Scots, we favour a strengthened Scottish Parliament and reject independence. It has been our consistent view that, during the third session of the Scottish Parliament, the devolution settlement should be reviewed in the light of experience. The Liberal Democrats have led the debate on the powers and responsibilities of the Scottish Parliament. For the benefit of Roseanna Cunningham, I say that in our manifesto we called for the establishment of a new Scottish constitutional convention.

In 2006, we published the report of the Steel commission, which sets out the arguments in favour of establishing such a convention. The report identifies areas in which the case for additional powers for the Scottish Parliament is already established and areas in which there is a need for further debate. It makes a clear case for the Parliament to have responsibility for raising most of the money that it spends, shows why it remains in Scotland's interest to be part of the United Kingdom and rejects the case for fiscal autonomy.

Alasdair Allan: I thank the member for giving way and apologise for interrupting his Ciceronian flow of rhetoric. Does he really take the view that the Government's national conversation is in some way exclusive and unhelpful, when it includes all the options, from giving the Parliament more powers to independence? The option that the member favours is that we should have a conversation purely about the constitutional options with which he happens to agree.

Iain Smith: As the SNP's national conversation wants only one answer, it is not a conversation—I will come on to discuss that later in my speech.

The work that the Liberal Democrats have already done through the Steel commission will form the basis of the work of the new constitutional commission, just as it was our work in the Scottish Constitutional Convention that paved the way for the Parliament. While the SNP sat on the sidelines sniping, it was the Liberal Democrats who helped to deliver Scotland's Parliament. Now we will work with the constitutional commission that is

proposed in the motion to improve and strengthen the Parliament.

Scottish Liberal Democrats will propose a range of new powers for the Parliament. For example, it is self-evident that the Scottish Parliament should determine the rules on how we operate. We should not need an act of the UK Parliament to decide how many Deputy Presiding Officers we need. Those powers must include the ability to determine the electoral system for elections to the Scottish Parliament—subject to the proviso that it must continue to be a proportional system—and how those elections are run. After the fiasco of May, why should we trust the Scotland Office to run our elections again?

We should have full control over energy policy to enable us fully to develop our renewable energy potential and to resist nuclear power. Although we control our health service, we do not control the contracts of the doctors, nurses, dentists and other health professionals who work in it. We are now surely mature enough to take responsibility for Scotland's civil service.

The Liberal Democrats will ask the commission to look into whether there should also be devolution of powers in areas such as betting and gaming, marine policy and broadcasting. Powers could be shared with the UK Parliament to a greater or lesser extent in a range of other areas, particularly those in which UK-wide powers have a direct impact on devolved services.

The most fundamental area that needs to be addressed is that of the taxation powers of the Scottish Parliament, because the present arrangement is unsatisfactory and unacceptable. No democratically elected body should be wholly reliant on another for its revenue. To have our budget decided elsewhere—in effect, that is what happens—and to be responsible only for decisions on how to spend the money and not for decisions on how to raise it is not acceptable. Incidentally, that is as true of local government as it is of the Scottish Parliament. The SNP Government's decision to remove, in effect, local taxation from local government is wrong in principle and it will be resisted by our party.

To be properly accountable to the people who elect us, we must have responsibility for raising the money that we spend. That is why the Steel commission proposes a radical new fiscal settlement for Scotland that is based on the principles of transparency and accountability; of raising as much of our spending as practical ourselves; of having substantial authority over the levers of power that most affect the Scottish economy and protection of the environment; of having borrowing powers and fiscal responsibility within an agreed UK set-up; and of equalisation on

the basis of need across the UK. The Steel commission rejects so-called fiscal autonomy.

I am sure that, in the course of its work, the commission will discuss the role of Scottish MPs at Westminster. I reject the suggestion that MPs who are elected to Westminster from Scotland should be restricted in what they can vote on. It is ultimately for England to determine what type of devolution, if any, it wishes to have. The UK Parliament must be just that—it must not be a hybrid, whereby it is a UK Parliament one minute and a Parliament for England or England and Wales the next.

I turn to the SNP's amendment. Today's debate is the first opportunity that the Parliament has had to pass judgment on the national conversation, which, according to what the minister in charge, Nicola Sturgeon, said in her letter to the European and External Relations Committee, is not a conventional consultation exercise and does not have "a specific end date." Indeed, she went on to say:

"The Government has not set a closing date for the consultation on the form of the conversation".

I ask Tricia Marwick how the Government can have a budget for the national conversation when it does not even know what it is or how long it will last. We are told that it is a two-way conversation with Government, but the truth is exposed on the national conversation blogsite, which states:

"The overall aim of the Government is to gather support for a referendum in the course of this Parliament."

It is not a conversation; it is simply a ruse to prevent debate on a referendum from being held in the Parliament.

The Deputy Presiding Officer (Alasdair Morgan): The member must wind up.

Iain Smith: The motion's proposal for a constitutional commission is the most significant proposal since the Scotland Act 1998. The national conversation, on the other hand, is a farce that should be kicked into touch.

10:49

Patrick Harvie (Glasgow) (Green): I welcome the Labour motion, even though it is drafted in such a way that I cannot vote for it. After the waves of negativity that we have had in previous Labour Party debates, it is genuinely good to see a motion that is positive in tone and which makes a genuine proposal.

Wendy Alexander's speech struck a similar note. In talking about having constructive dialogue and mature debate, she echoed Alex Salmond's words on the day that he formed a minority Government. It is funny that we can all strike that note when the

circumstances require it but that we then descend back into skirmishes along the usual battle lines.

However, Labour's position contains contradictions. Wendy Alexander says that the SNP should not push its own agenda, but the remit of the proposed commission deliberately restricts its work and binds its hands, while calling it independent. If it were to be an independent commission, it would be given a free hand to consider all the options. If it were genuinely to seek to generate the broadest debate, it would be inherently inclusive. If it were genuinely to attempt to find common ground, it would welcome into its discussions every strand of political opinion.

There is another problem with the motion—the lack of any mention of a referendum. There is a well-established principle that major constitutional change should be put to the people for a vote. Beyond that, we should take care when we consider some of Wendy Alexander's comments. She said that the Parliament was a fitting tribute to the efforts of those who campaigned for it and that many people in Scotland take pride in it, but we should be careful not to overestimate the esteem in which the Parliament or, indeed, our entire political culture is held by the public. It would be wrong for Scotland's constitutional future to be determined by politicians alone or by commissions that we appoint. It should be determined by the people in a vote, which should include all the options. Those options should be clearly worked out in detail, which I am sure a commission such as the one that has been proposed could do.

I would have been happy to support the motion if it had incorporated slight changes along those lines but, sadly, it deliberately avoids being inclusive of all strands of political opinion. If such a commission is established following today's vote, I hope that it will work in a way that is more in keeping with the inclusive spirit of the Constitutional Convention.

There is nothing in the text of the SNP amendment that makes it impossible for me to support it, but I regret the fact that the SNP has not taken the opportunity to lodge an amendment that at least sought to elicit the support of all, even if that could not be achieved, rather than one that simply sets out its own stall. In such a debate, the right tone for the Government to have struck would have been for it to agree to the idea of a commission, albeit one that was genuinely independent and which had a free hand, even if such a proposal would have been rejected by other parties.

The initiative that we are discussing is the product of three political parties—the Labour Party, the Tory party and the Liberal Democrats, which are the three main parties at Westminster. Those parties will need to make genuine efforts to

make the initiative more inclusive and truly free from political control. If they do not, the perception will grow that it is not a Holyrood initiative at all but a Westminster initiative, which is taking place at the behest of—or at least with the consent of—leaders in London.

I note with regret that all three of the leaders of those parties who spoke in the debate have decided that they have more important things to do for the rest of the debate. Nicol Stephen said that he wanted the commission to have the widest possible support. That is the right tone to adopt. For example, there is no democratic mandate for federalism, but it would be quite wrong for any such commission to rule out that option before the debate has begun. The same should apply to other options.

Cathy Jamieson began her speech by talking about some of the problems that have beset Scotland. She mentioned poverty, disadvantage and ill health; to those I would be bound to add still-growing inequality, prejudice, environmental degradation and the harm that our lifestyles will inflict on the generations to come, whose representatives may sit in this chamber and curse our names for our inaction. All those issues and more are the responsibility of a Parliament and a Government but, sadly, the future of our constitutional powers seems to be debated only in the context of one objective of Government—economic growth. Leaving aside whether that should be an objective—my party is sceptical about that, although other parties believe that it should be—surely we agree that it is only one objective of Government.

My hope is that the debate about Scotland's future is broad, not only in participation but in vision. What kind of Scotland do we want? Do we want a Scotland that continues to permit growing inequality or one that places the health and cohesion of our communities on as high a pedestal as the one on which material wealth sits? Do we want a Scotland that continues to live unsustainably, storing up death for future generations, or a Scotland that challenges the culture of me, me, me; greed, greed, greed; and more, more, more—the culture of overconsumption?

Regardless of the text of the motion that is agreed today and whether we pursue the debate through a conversation, a commission, a referendum or an election, may the debate not be bound and blinkered by the narrow interests or prejudgments of today's generation of politicians of any party. Our public stock is not so high.

10:55

Pauline McNeill (Glasgow Kelvin) (Lab): I have supported home rule for Scotland for most of

my adult life. I believe in and campaigned for devolution for Scotland. I never wavered from the idea that Scotland should be responsible for some of its affairs and that the best deal for Scots involves sharing some powers with the UK.

To listen to SNP members' speeches in the debate, we might think that that party is the only one that has a conviction about Scotland's future. Members of the Labour Party—indeed, members of all other parties—disagree. The parties that support devolution firmly believe in the devolved settlement. We have made it work and we want to make it better. That is why we are debating the motion.

Like other Labour Party members, I joined the Labour Party to bring about social change, not to fight for the constitution. However, when I was a student I volunteered to sit on the campaign for a Scottish assembly, which George Foulkes mentioned. The Parliament should honour the many people who contributed to that campaign and to the devolution settlement who are not often talked about—people such as Bob MacLean, Jim Boyack and Brian Duncan. I firmly believed then, as I do now, that devolution would improve the lives of Scots.

The campaign for a Scottish assembly did the groundwork for the establishment of the Scottish Constitutional Convention, which brought together political parties and organisations that had an interest in developing a blueprint for a framework that could be incorporated into an act of Parliament. It is to the credit of the political parties, churches, trade unions and people involved in civic life who participated in the convention that full agreement was reached. Those people ensured that there was a big difference between the 1979 proposal and the 1997 proposal, which became the Scotland Act 1998. It is incredible that the 1998 act adopted most of the convention's framework and that the Labour Government moved to a referendum within five months of coming into power. Of course, the Labour Government had the support of the people in holding a referendum—that is the difference. As members said, all that work took place without the involvement of the SNP, which stood on the sidelines. However, SNP members are patronising us about our conversion to the cause. What a cheek.

The debate is about the view of the vast majority of Scots, who support the devolution settlement but think that perhaps we should refine it. The real debate is how we can do that. The issue is too important to be reduced to a slugging match. The three main Opposition parties need to take on the real debate, which is how we respond to the people of Scotland and the improvements that they want in their lives. The motion sets out a

position that I think the vast majority of Scots will support.

We cannot take new powers just for the sake of it; we must find out what changes would benefit Scotland, and we need a mechanism that can do that. The proposed commission would be such a mechanism and there is no reason why there could not be a mature discussion among participants, in partnership with the UK Government. If the Parliament agrees to set up a commission, we will enter a new phase of the devolution settlement, because there will be a review of the Constitutional Convention's blueprint, 20 years on. That seems to be the right direction of travel, but we should not get carried away with the idea that we should review the settlement every 10 or 20 years; we need to ensure that we get it permanently right.

The work of the leaders of Scottish political parties who have a mature relationship with their UK counterparts led to the lodging of the motion. We do not support the establishment of a commission for the sake of it; the approach is the right way forward. Devolution has changed along the way and we have transferred powers from the UK to Scotland without the need to use a mechanism such as a commission. At times we have thought it appropriate for the UK to legislate for Scotland.

I agree with Annabel Goldie that it is about time that we reclaimed the notion that the SNP has a monopoly on securing Scotland's future. The SNP is not good at sharing and does not want to do so in this debate. The introduction to the national conversation document gives the impression that there was no constitutional debate before the advent of the SNP Government. Scots are invited to support independence, although the SNP knows that they do not do so and that support for independence is falling dramatically.

We must start from the premise that devolution works and can work better and we should not collect powers from the UK for the sake of it. We must ascertain the best way forward.

We have been charged with proposing an uncostered commitment in the motion. Is that the best that the SNP can do? Cannot SNP members debate the politics—[*Interruption.*] Tricia Marwick is interrupting. She thinks that the Parliament's IT budget is more important than the constitution—such was the level of her contribution to the debate—

Tricia Marwick: Will the member give way?

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

Pauline McNeill: We should continue to improve the lives of the people of Scotland,

tackling poverty and addressing the issues that people care about. The best way of doing that is by supporting the motion.

11:01

Rob Gibson (Highlands and Islands) (SNP): If the idea behind the debate is to regain the trust of the Scottish people, we will not do so by rewriting history or by saying that everything that happened after an arbitrary starting point in history was the result of action that was taken at that point. Wendy Alexander and her friends in the unionist parties have past form in ensuring that Scotland does not get the powers that the people want.

The Parliament is an example of that past form. Its chamber has 131 seats: 129 for members and two for the law officers. There would have been 147 seats if the Scottish Constitutional Convention had had its way. However, the Labour Party did not want the Parliament to be so democratic, so it was agreed to reduce the number of members to 129. There was a proposal to reduce the number further, to 110. Of course, the Tories did not want a Parliament at all. Such attitudes belittle Scotland and its potential.

The start of the devolution era was triggered by Scottish resources, when oil was found in Scottish and Norwegian waters in the 1970s.

Karen Gillon (Clydesdale) (Lab): Will the member give way?

Rob Gibson: Not at the moment.

Labour members talked about the Constitutional Convention, but we should consider the convention's origins. When Labour responded to Scotland's demands to control its resources, we got the Scottish Development Agency and a proposal for an assembly that would have no law-making powers. That was what was on offer from London Labour in the 1970s.

Then we got the Thatcher and Blair years, during which we were led into the Falklands war, the first Iraq war, the Afghanistan war and the second Iraq war. We got Trident, and now we are to get the son of Trident—that is the form of the party that lodged the motion.

Karen Gillon: Will the member take an intervention?

Rob Gibson: No.

Karen Gillon: You're feart!

The Deputy Presiding Officer: Order.

Rob Gibson: The Labour Party's platform is summed up by Gordon Brown and Douglas Alexander's call for social justice not separatism. Where is the social justice in a Britain in which the rich get richer, the poor get poorer and the whole

UK edifice is built on peerages for cash? Why are we not debating that?

Wendy Alexander has one big idea: to protect and promote Great Britain. There is a lack of clarity in the motion. Labour and all the UK parties must make clear which powers they want to be devolved to the Scottish Parliament. The SNP is clear about that, but the Labour Party is clear about only one thing.

Gordon Brown said earlier this year:

"I continue to reach out to all those who work hard and play by the rules, who believe in strong families and a patriotic Britain who may have supported other parties but who like me want to defend and advance British values and our way of life."

I am sure that Labour members agree with practically every word of that. However, that is the primary reason why they are holding back the Scottish people—

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): Will the member give way?

Rob Gibson: No.

That is why Labour members want to hold the Scottish people back from having the full range of discussions that are taking place in the national conversation.

As long as the options on offer relieve us of any potential for a say about the Scottish nation's fundamental requirements and as long as we stick with proposals that are based around the devolution settlement, we can never say no to a British-proposed war. That is the kind of power that the Scots require.

How can we take seriously the arguments that have been advanced this morning? How can we trust the people who have broken so many promises in the past? We need only look at their record. If we could not believe them before, how can we believe them now? What we need to do is to go for the maximum break—147 seats.

The Deputy Presiding Officer: I call Elaine Murray, to be followed by Brian Adam. I will need to restrict each of them to five minutes.

11:06

Elaine Murray (Dumfries) (Lab): I hope that it was not Tricia Marwick who had my minute.

George Foulkes: Yes, it was.

Elaine Murray: Apparently it was.

In his opening speech, Nicol Stephen referred to the situation in Spain. A dozen years or so ago, I had an interesting discussion about national identity with a friend from Madrid, who said that he was perfectly comfortable with his triple identity as

a madrileño, a Spaniard and—most important for him—a supporter of Real Madrid.

In the eight years since the advent of the Scottish Parliament, I and—I believe—the majority of the Scottish people are becoming easier with our identity within the UK. Like Annabel Goldie, I have no problem with supporting Scotland at the Commonwealth games and Britain at the Olympic games. I do not believe that patriotism is exclusive.

The relationship between Scotland and the rest of the UK is developing and maturing and we need to move away from acting like a jealous younger sibling, perpetually whingeing and complaining that big brother is bullying him. I am sorry to say that Kenny Gibson exemplified that very attitude in his speech. Scotland is better than that; we can have an adult partnership of equals in respect if not in size. In the same way, the relationship between this Parliament and the UK Parliament must also develop and mature, despite the Scottish Government's propensity for picking fights with Westminster.

If devolution is growing up, it is appropriate for both partners to review progress. As Pauline McNeill pointed out, since 1999, powers have transferred from Westminster to Holyrood without the need for a referendum or a national conversation. However, today's motion, which is supported by three parties in the chamber, proposes the establishment of a commission to reflect on the experience of devolution. The reason why we have not come forward with a series of proposals is that we expect the commission to consider all the possibilities.

However, we must also recognise that any subsequent action must necessarily be a matter for discussion, negotiation and agreement between the partners in the UK. The national conversation, on the other hand, is nothing more than a Trojan horse designed to bring in independence.

As England is Scotland's largest trading partner, our relationship with England is integral to the Scottish economy's performance. However, that relationship is not just about the economy but about people. Two million people of Scottish origin reside south of the border, and half a million English people live in Scotland. As I represent a border constituency, it is not surprising that a significant number of my constituents are English—including, indeed, my own favourite Englishman. I believe that, in the SNP's proposed independence referendum, the treatment of those half a million English people living in Scotland and the 2 million Scots living in England would be seriously asymmetrical. For example, much as I would have liked to, I was unable to vote in the 1979 referendum simply because I was living in

Cambridge. However, in a referendum on Scottish independence, my English husband would be able to vote on whether he became a foreigner in his nation of residence, while my Scottish sister, my Scottish aunt and my Scottish second cousin, who all live in England, would be deprived of a vote on their national status.

Changes in the relationship between Scotland and England affect both nations and should be discussed and negotiated between them. *[Interruption.]*

The Deputy Presiding Officer: Order. There is too much noise in the chamber.

Elaine Murray: If there is ever to be a referendum on ending that partnership—

Ian McKee (Lothians) (SNP): On a point of order, Presiding Officer. I am an Englishman; I am present in this chamber. As a result, what the member has said is incorrect.

The Deputy Presiding Officer: That is not a point of order—and I do not appreciate points of order that are clearly not.

Elaine Murray: The member's point of order was not the point that I was making. As an Englishman in Scotland, he will get to vote in a referendum on independence, whereas a Scot who lives in England will not.

The history of the nations that make up the UK before and since 1707 is long and complex. It is a history of evolution and devolution. If agreed to, the proposals in this motion will begin the next chapter of the history of both Scotland and the UK.

11:11

Brian Adam (Aberdeen North) (SNP): It should by now be clear to everyone—apart, perhaps, from Elaine Murray—that the SNP is a civic nationalist party that welcomes people from different countries who want to contribute to Scotland. We want Scotland to work. However, unlike Wendy Alexander, we do not want it to work within the UK, because we are not beholden to London-led politicians making decisions about how we live our lives in Scotland. We do not have to go cap in hand to London leaders for permission to have a different view about how we want our country to progress.

We are undoubtedly going in a certain direction of travel.

Jeremy Purvis: Will the member give way?

Brian Adam: If the member allows me to develop my point, I might let him in.

We are clearly travelling in the direction that is indicated in our national conversation. We are giving people the opportunity to express views that

are different from our own, which will be taken into account prior to the publication of any draft bill on a referendum. We are willing to let the people choose in a referendum; nothing that I have heard from any of the parties that are in favour of the motion suggests that they are willing to do the same. We are not afraid of the people's choice.

Alex Johnstone (North East Scotland) (Con): Will the member give way?

Brian Adam: I ask the member to let me develop my point.

We are not afraid to allow the people to choose and are quite happy to ask them questions that we might not like the answer to. Unfortunately, the whole history of devolution is that other parties have not been prepared to allow the choice of independence to be put to the people. Indeed, the SNP did not take part in the Constitutional Convention because the reason for the party's existence was excluded even from discussion.

In fact, the thrust of the motion is to prevent the choice of independence from being put before the people. What are these parties afraid of? We have heard some witty speeches this morning, but the debate should be about the fundamental point of democracy: letting the people choose. It is not about dragging the Scottish Labour Party, the Tory party and the Liberal Democrat party along behind the people. The fact is that we are leading; the other parties are only following. I am delighted that they are moving along that path and that some people have changed their minds about the direction of travel—although, after hearing George Foulkes's speech, I find it hard to see that he has moved anywhere on this issue. He continued with the line that was taken by the Labour Party in the run-up to the election, although he conceded that he might be able to accept the very modest proposals in the motion.

However, there has been little or no detail about the proposals in the motion. I am concerned that the way in which they might be implemented would have serious implications for the Parliament's budget. None of the speakers from the Opposition parties has explained how that will be done.

David McLetchie: Will the member give way?

Brian Adam: I will give way to Mr McLetchie if he will explain that to us.

David McLetchie: I thought that I had explained it. With the approval of Parliament, we can assign to the commission all the money that the SNP is spending on its nationalist conversation, which has no approval from the Parliament. There is more than enough money to do the job.

Brian Adam: I must disagree with you. Parliament approved the appointment of the

Government and the Government is acting. You may not like it—

The Deputy Presiding Officer: Speak through the chair, please.

Brian Adam: You may not like it either, Presiding Officer—I apologise for that.

Kenneth Gibson: Does the member agree with me—

The Deputy Presiding Officer: The member is in his last minute, Mr Gibson. Will you sit down, please?

Kenneth Gibson: If Brian Adam is willing to take an intervention, why will you not let me make one?

The Deputy Presiding Officer: The member is winding up. Sit down, Mr Gibson.

Brian Adam: Presiding Officer, I understood that what I do with my time is at my discretion.

The Deputy Presiding Officer: You are in your last quarter of a minute, Mr Adam.

Brian Adam: In that case, I urge the members of the Conservative and Liberal Democrat groups to think long and hard before they vote for the motion. They will be rescuing the Labour Party from the misery that it is in and giving it a credibility that it does not deserve. I do not believe for a minute that the Conservative and Liberal Democrat members believe in the proposals.

11:16

Ross Finnie (West of Scotland) (LD): The debate is important and the subject is of extreme importance to everybody in the Parliament, although some of the speeches have been a little difficult to understand. Most difficult of all to understand was the speech by Kenneth Gibson—he not only deafened everybody in the chamber, but deafened himself to the extent that he lost his train of thought. However, there have been some serious speeches and some that have misunderstood what the debate is about. The debate is serious and we ought to recognise the different views in the Parliament.

Roseanna Cunningham: Why exclude us?

Ross Finnie: The debate about nation, nationalism and the nation state is a serious constitutional debate. With all due respect, I say to Roseanna Cunningham that to suggest that those who are part of the debate and who support the motion because we believe in it are "colluding in ... nonsense" is not a helpful contribution.

Roseanna Cunningham: The motion is undemocratic.

Ross Finnie: We should understand that, as Annabel Goldie rightly put it, even those who

believe in nationalism but not necessarily the nation state do not have a monopoly on Scottish patriotism. That is an extremely important point. The points of division between us are about where we see ourselves sitting in the debate.

Roseanna Cunningham: It depends on how democratic the member wants to be.

Ross Finnie: The constant sedentary interventions are interesting.

Kenneth Gibson: Will the member take an intervention?

Ross Finnie: No. Roseanna Cunningham has made several interventions from a sedentary position, so I will not take the member's intervention.

The debate is not nonsense. If SNP members think that a debate on nationalism, the nation state and the nation is nonsense, that explains why they cannot take part sensibly.

Kenneth Gibson: On a point of order, Presiding Officer. The member says that we are not participating in the debate, but I do not recall seeing Mr Finnie here for the debate while we were listening to other members' points of view—he came in at the last minute to sum up.

The Deputy Presiding Officer: That is not a point of order.

Ross Finnie: It is also profoundly untrue. I have been sitting in my seat for the whole debate—not only can Kenneth Gibson deafen himself, but he is blind.

If I may, I will return to the serious issue that is before the Parliament. The Liberal Democrats have always believed in and campaigned for home rule and we were delighted to be part of the Constitutional Convention. Way back in 2003, our then leader, Jim Wallace, realised that it would be right and proper, after a period of the existence of the Parliament, for it to reconsider its precise situation; that is why he established the Steel commission. Further, as Iain Smith pointed out, our 2007 manifesto called for a new convention. The suggestion that the Liberal Democrats have suddenly and at the last minute caught up is absolute nonsense and does not bear close examination.

The issue is where we go now and where we see ourselves. As a Liberal Democrat, I do not define my nationalism simply by reference to arbitrary borders, but more by reference to my culture, history, education system and system of law. Like Liberal Democrats generally, I also see myself as sitting in an increasingly globalised world in which the notion of the nation state is not the single most important issue. However, it is important that we review and consider the powers

of this evolving Parliament, which has made substantial progress in its first eight years as a new institution. It is right and proper that we learn lessons from other constitutional arrangements throughout the world. On the evidence of the Steel commission, the question of greater fiscal federalism is important. Mr McLetchie will be relieved that I am not talking about fiscal autonomy, because I know that that issue vexes him very much. I hope that he has read the Steel commission report—if he has, I am sure that he found it a good read.

As Iain Smith pointed out, other powers ought properly to be examined, because the situation is evolving. There is a division between the Government party and the Opposition parties, but we should not trivialise the issue by making silly points between the parties. The debate is serious, so I hope that the Government spokesman, in winding up, will treat it a little more seriously throughout and acknowledge that there are two legitimate points of view. I am absolutely clear that establishing a new constitutional convention, with the authority of Parliament, which is democratically elected, is the correct way in which to proceed.

11:22

Murdo Fraser (Mid Scotland and Fife) (Con): As has been said, today is an historic day on which three parties in the Parliament have combined to agree a way forward for devolution. That is an unprecedented move in the history of the Parliament and of devolution and we should not underestimate its importance. It is 10 years since the referendum on devolution in 1997—10 years on, now is the right time to look again at the Parliament's powers.

Ian McKee: Will the member take an intervention?

Murdo Fraser: Not at the moment—I want to make progress.

It is important that consideration of the Parliament's powers be done not only in Scotland, but throughout the United Kingdom. David McLetchie made the important point that devolution is a bilateral arrangement between Scotland and the UK. One party in a bilateral relationship cannot unilaterally decide to change its terms. That is why it is important that we engage with colleagues at Westminster and involve the UK Government in the discussion.

As Ross Finnie said, it is important that we have parliamentary endorsement for the process, which represents the mainstream view of Scottish politics. I hope that, tonight, 78 of the 129 members of the Parliament will endorse the proposal. I believe that it has the majority support of the Scottish population. Does not our positive

and forward-looking initiative contrast with the narrow and backward-looking stance that we have seen today from the SNP members who have spoken?

Ian McKee: Will the member give way?

Murdo Fraser: No.

Where is Alex Salmond? Where is the First Minister, the man who wants a national conversation, but who cannot even be bothered to turn up to engage in a debate? That just confirms what we always knew about Alex Salmond: the only conversation that he wants is one in which he does all the talking. I say to Mr Salmond that it is not a conversation when it is all one way. Of course, the SNP does not really want a conversation on the issue, because its mind is closed—the only answer that it wants is independence. It has not come to the Parliament to seek endorsement for its so-called national conversation, but it has committed funds from the Government.

Nicola Sturgeon: I think that I follow the logic of Murdo Fraser's argument, but how can his commission be any less closed than he alleges our national conversation is when it specifically excludes independence as an option?

Murdo Fraser: There will be a parliamentary majority for our conversation—that is the difference between what we are doing and what the SNP is doing. If the SNP wants to lodge its referendum bill and seek support for it, bring it on. Where is the bill? We were promised it in the first 100 days of the session, but it has not appeared.

Today, the SNP has been outfoxed and outgunned. Its nationalist conversation has been left irrelevant and in tatters. It has been left behind by the new ambition of three Opposition parties. There has been a fundamental divide in outlook between us and the SNP, as has been evidenced in the tone of many speeches. We have had fine, well-constructed speeches from Conservative, Labour and Liberal Democrat members. They have been positive, forward looking and optimistic. What a contrast with the SNP speeches this morning, which have been negative, carping, narrow minded, backward looking and full of party-political point scoring. Whether it is Nicola Sturgeon, Roseanna Cunningham or Kenny Gibson, SNP members would rather attack than engage, and they would rather grandstand than debate—they refused interventions. The SNP troops are left bewildered and confused. The SNP is on the run. Its leader is hiding in his bunker. If I was the Salmond family dog today, I would be very worried. However, it is not too late for the SNP to change. Even now, it can leave behind its ideological baggage and come and join our conversation.

In the last minute available to me, I will say a little bit about the Conservative position. As Annabel Goldie explained, we have come a long way as a party since 1997. Now, we are not just signed up to devolution but willing to discuss further powers for the Parliament. We have moved faster than we have been given credit for in the SNP amendment, which refers to our "changed position". If ministers had bothered to do their research and look at our manifestos for 2003 and 2007, they would have read that we talked then about considering additional powers for the Parliament. We spoke previously about a royal commission on tax powers. Members know that I personally have long believed in improved financial accountability for the Parliament. Sometimes, in saying that, I was a rebellious voice; sometimes I got myself into trouble. On a personal level, I am delighted to have this issue, which is of great significance, debated. This is an historic day, with three parties working together to take the Parliament forward. I am delighted to support the motion in Wendy Alexander's name.

11:27

The Minister for Environment (Michael Russell): The debate has clearly been more about heat than light. I was entertained, however, by the vying for who was one's favourite Englishman. I am sure that Elaine Murray's husband, whom I know, is an effective councillor. He would be on my shortlist. Members of my family would be on my shortlist. However, I will be voting for Cathy Jamieson's nomination. As you know, Presiding Officer, when I hum along to my favourite songs, I often hum along to this particular verse from Billy Bragg:

"Britain isn't cool you know, it's really not that great.
It's not a proper country, it doesn't even have a patron saint.
It's just an economic union that's passed its sell-by date."

Those are the words of my favourite Englishman.

Time is short, and I want to mention two speeches in particular. George Foulkes made the best speech that I have heard him make in this chamber.

Nicola Sturgeon: That is not saying much.

Michael Russell: That is indeed not much, as the Deputy First Minister says, but it was a good speech. If I may use this term kindly, it was the bellowing of a devolutionist mammoth. George Foulkes has a long history in the movement to move Scotland forward. He has given distinguished service. Obviously, however, he represents part of the Labour Party that is deeply uncomfortable with continued change.

I enjoyed the contribution from Kenny Gibson. If I am to call George Foulkes a mammoth, I should

probably call Kenny Gibson a tyrannosaurus rex. He made an important point about scaremongering, which has dragged the debate down from time to time. Members should remember the reality of modern Europe, as Kenny Gibson said. This March, I travelled from Copenhagen to Malmö by train in 45 minutes. There were no border guards; there was no need for us to show our passports. People commute from one country to another. That is modern Europe, and modern Europe needs a modern Scotland as an independent country.

Like the Deputy First Minister, I am delighted that other parties are converted to the Parliament's having more powers. I acknowledge that there are members, not just in the SNP, who have always fought for more powers in the Parliament. Some of us were converted to supporting more powers for the Parliament even before it existed. I was converted in February 1974, when I joined the SNP. Others are even longer in the tooth in their support for more powers for this Parliament.

If members are genuinely in favour of more powers for the Parliament, they must be converted to another concept as well: the primacy of the Scottish people to decide their future. Those two things go hand in hand. The real problem with the motion is that it has no place for the Scottish people. It has a place for the great and the good, and a place for the independent expert, but it has no place for the voters of Scotland. If members believe in the primacy of the Scottish people, they cannot vote for the motion.

Annabel Goldie *rose*—

Michael Russell: I am sorry, but I want to make progress.

There is a substantial difference between the content of the motion and the national conversation. The motion would set up a commission with no public involvement. Let me tell members about the public involvement to date in the national conversation: 43,734 hits, 245,567 hits on the theme pages, 20,993 call-ups for the white paper and 6,999 downloads. There have even been 2,639 comments on the ministers' blogs. This morning I noticed six on mine.

Murdo Fraser: They were all mine.

Michael Russell: Only one comment was from Mr Fraser.

Failure to recognise the fact of democracy holes the motion below the waterline. Its programme, when it is examined in the cold democratic light of day, fails. It fails in another light, too. Presiding Officer, I know that you are familiar with the concept of Occam's razor: all things being equal, the simplest solution is often the best. If we pare

down the motion, we find that what it offers is far from being the best solution.

First, the motion's content fails. It proposes a commission. For how long? The motion does not say. How many members should it have? How will we choose them? It does not say. How much will it cost? It does not say. Where will the money come from? It does not say. What will the role of Westminster be? It does not say. At the end of the process, to whom will the commission report? The motion does not say. What mechanism exists to translate any conclusions into law? It does not say. The only thing that the motion tells us is that the Scottish people will have no role in the process.

Iain Smith: Despite the fact that the member is talking absolute nonsense about the Scottish people not having a role in the proposed commission—they will have—could he tell us—*[Interruption.]* This is about the remit of the commission, not how it will work. How can the member possibly say all that when, even after all these months, the Government has still not set a closing date for the consultation on the form of national conversation, let alone said what the national conversation will do and how much it will cost?

Michael Russell: I suggest that Mr Smith add that to our blog, and we will give him an answer.

The motion fails the test of Occam's razor in another, very significant way. If I may introduce another medieval philosopher to the discussion, the motion is the equivalent of angels dancing on the head of a pin. There is no logic or sense in what it proposes. The simplest and best solution to the problems that Scotland faces is not another commission, nor is it a debate on devolution. The simplest and best solution is independence, and that is the choice that the Scottish people should be asked to make. That is the time-honoured, tried and tested way in which nations throughout the world go about their business. The mental contortions that we have heard from other parties prove that independence is the best way forward. Independence is about freeing Scotland, but it is also about freeing the minds of the people of Scotland and freeing the democratic potential of the people of Scotland.

I invite the parties behind the motion to think again. If they can come up with a genuine way of discussing Scotland's future, this party will take part in that. We invite them to take part in and contribute to the national conversation. We invite them to move out of the cloudy valleys of constitutional guddling that they are locked into and to come up on to the heights, where they can see a real vision for Scotland.

What we have heard today has been deeply disappointing. The motion contains another trap for the Scottish people. The only way that the Scottish people move forward is to vote. They voted on 3 May and chose a new Government. They will vote to choose a new nation.

11:35

Jackie Baillie (Dumbarton) (Lab): The Scottish Labour Party, in partnership with others, supported and worked with the Constitutional Convention, campaigned to win the referendum, and brought forward the Scotland Act 1998, which created the Scottish Parliament. As many have said, Donald Dewar regarded devolution as a process, not an event. Let us not forget that the SNP was absent for much of that process. The SNP claims to stand up for Scotland, but there were empty chairs with its name on them during the years of hard work of the Constitutional Convention. Let us not forget that context. We should remember the Scottish Parliament elections. “Don’t worry,” they said, “a vote for the SNP is not a vote for independence. It’s simply a vote for a referendum.” They said, “Don’t worry. The referendum won’t be now. It’ll be at some time in the future,” so that they could keep the fundamentalists on their back benches in line for as long as possible.

I welcome the speeches from Annabel Goldie and the Conservatives. They are right to remind us that the overwhelming majority of the people of Scotland want not to rip Scotland out of Britain, but to build on a partnership within the constitutional framework of the United Kingdom. Nicol Stephen rightly wants Scotland to be forward and outward looking rather than, as the SNP would have it, constantly looking over our shoulder at history. The SNP’s only vision is about division and separation.

We have heard lots of musical references this morning. I hesitate to get involved, but we heard references to the Clash, to Billy Bragg—I pay tribute to Mike Russell’s researcher, because I am sure that Mr Russell has never seen Billy Bragg—and the Strawbs. Let me offer two more. My hero, Ronan Keating, has advice for the SNP’s Kenny Gibson, Tricia Marwick and Roseanna Cunningham. He said:

“You say it best when you say nothing at all.”

Also, I say to Mike Russell that we need, to quote the king himself,

“a little less conversation, a little more action”.

That is fitting advice for the SNP.

I will stick with Mike Russell for a moment. We are not afraid of the people’s choice, but he is. The SNP should hold its referendum now. It should not do so at the fag end of the session of Parliament

because it expects to lose. Brian Adam, wonderfully, let the cat out of the bag. The reason for the SNP’s existence is independence and nothing else—[*Interruption.*]

The Presiding Officer (Alex Fergusson): Order.

Jackie Baillie: The reason is not social justice, tackling poverty, economic justice or environmental justice. It is one thing only, and that is independence.

Rob Gibson’s history is appalling. He said that the discovery of oil is somehow linked to devolution. I remind him that the discovery of oil, I think, was in the early 1970s. Is he not aware that Keir Hardie called for home rule all round some 70 years earlier than that? Of course, the SNP was not here then.

What have we had from the SNP? A so-called national conversation that appears to be more like a nationalist conversation. It is populated in large part by the SNP’s green-ink brigade, who, as we know, are regular contributors to blogs. It is a one-sided conversation and a so-called dialogue with the SNP Government, which is deaf to any view other than its own. David McLetchie got it right—it is “wee Eck’s big blether.” [*Interruption.*]

The Presiding Officer: Order.

Jackie Baillie: I turn to the white paper on independence and the SNP’s proposed bill on a referendum. That will not be competent, because it will be outwith the provisions of the Scotland Act 1998. I remind the Cabinet Secretary for Health and Wellbeing of the ministerial code of conduct. If she is being accurate when she says that the referendum bill will be competent, she should publish the legal advice in full. Does she have something to hide?

Wendy Alexander, Annabel Goldie and Nicol Stephen are right. This is an historic moment for the Parliament. The motion is an unprecedented cross-party and cross-border initiative. It places Scotland and the interests of the Scottish people at the heart of working within a partnership with the United Kingdom. It calls for an independent commission that is focused on what matters to the people of Scotland—not simply the constitution, but what devolution delivers and how it makes people’s lives better in their communities day to day.

Left to the SNP, we will get the politics of grudge and grievance. Murdo Fraser rightly said that the SNP is backward looking. It is more interested in symbols than in improving people’s lives, and more interested in flags and fights with the UK Government than in making progress.

The Presiding Officer: You should close now.

Jackie Baillie: The majority of MSPs are interested in making devolution work for the people of Scotland. The SNP, on the other hand, is interested only in itself. I ask members to support the motion.

Question Time

SCOTTISH EXECUTIVE

General Questions

11:40

The Presiding Officer (Alex Fergusson): We move to the comparative serenity of general question time.

Schools (Funding)

1. Mr Frank McAveety (Glasgow Shettleston) (Lab): To ask the Scottish Executive what funding has been allocated for schools in the recent spending review statement. (S3O-1542)

The Minister for Schools and Skills (Maureen Watt): Details are given in chapters 22 and 27 of the "Scottish Budget Spending Review 2007". Direct investment by the Government in schools policy will be £409 million in total from 2008-09 to 2010-11. Most public sector expenditure on school education is channelled through local authorities. As such, it is important to recognise our partnership with local government and the increased resources and flexibility that it has been given to enhance education in schools throughout Scotland.

Mr McAveety: Given the recent announcement about the Glasgow Commonwealth games, what additional resources will be made available to Glasgow City Council in particular to improve the level and range of sports activity in schools? Given that children from poorer economic backgrounds are 65 per cent more likely to develop obesity, and given the commitment, which all members share, to the success of the Commonwealth games, does the minister concur with her colleague, Fiona Hyslop, who said in January 2006:

"there must be significantly more investment in physical education in our schools"?

Does the minister support Glasgow City Council in making every school in the city a school of sport? Will she provide it with the tools to do the job and the resources that it needs?

Maureen Watt: In taking forward the concordat with local government, the Scottish Government will engage with every local authority on single-outcome agreements. I have no doubt that the issue will arise when we discuss the matter with Glasgow City Council.

Elizabeth Smith (Mid Scotland and Fife) (Con): What plans does the Scottish Government have within its share of the education budget to improve pupils' reading, writing and arithmetic skills?

Maureen Watt: The member will be aware of the good work that is being done by all local authorities to increase attainment in literacy and numeracy. That is a matter of continued discussion with local authorities.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): On 13 September, the Minister for Schools and Skills told Robert Brown that education ministers had made a funding bid to the Cabinet Secretary for Finance and Sustainable Growth to implement in full the promise to reduce class sizes in primary 1 to primary 3 to a maximum of 18. Will she place in the Scottish Parliament information centre a copy of that request and a statement of how much she got?

Maureen Watt: The member fails to recognise how matters have moved on since September. We now have the historic concordat with local government and ring fencing has been removed from many areas. Local authorities can decide how best to spend the money in their areas.

Ken Macintosh (Eastwood) (Lab): When can we expect an announcement on the Scottish futures trust? In particular, is the Government committed to continuing Labour's school building programme? Will the Government match that programme brick for brick, as the minister promised during the election campaign?

Maureen Watt: Significant extra funding has been placed with local authorities. An increase of £40 million has already been allocated this year for school capital programmes. There is £115 million of extra capital in the first year for local government, which can be invested in schools. The Cabinet Secretary for Finance and Sustainable Growth will make an announcement on the work of the Scottish futures trust when the information is available.

Armed Services Veterans

2. Keith Brown (Ochil) (SNP): To ask the Scottish Government what proposals it has to review and improve services to armed services veterans. (S30-1497)

The Minister for Communities and Sport (Stewart Maxwell): We are committed to supporting veterans in Scotland and are working in partnership with the Ministry of Defence and the veterans community to identify their needs and to ensure that mainstream services are sensitive to those needs or, when appropriate, that specialist services are available. On Monday, I met Derek Twigg, the Minister for Veterans in the Ministry of Defence, to discuss how we might work more closely together to ensure that veterans can access the services they need, when and where they need them.

Keith Brown: The minister will be aware of the continuing and, indeed, increasing problem of homelessness among ex-service personnel. Recent evidence suggests that between 6 and 8 per cent of all those who are homeless are drawn from the ex-services community. He will also be aware from his work with the housing supply task force that a major problem for organisations, including charitable organisations, that seek to provide housing for ex-service personnel is land supply and the affordability of land. I heard about that first hand from representatives of Whitefoord House, which is directly across the road from the Parliament, this week.

Given the Ministry of Defence's substantial landholdings in Scotland and the huge number of disposals that have already taken place, will the minister undertake to write to the Secretary of State for Defence to request that any future land disposals by that department should include provision for charitable organisations seeking to provide accommodation for ex-service personnel, whether that is by the direct transfer of such land at no cost or by legal obligations on successful bidders or developers to provide a proportion of the land sold for those purposes?

Stewart Maxwell: We are aware of the small but significant number of veterans who leave the armed forces and, unfortunately, end up homeless. People who are vulnerable as a result of having been a member of the armed forces are afforded priority under Scottish homelessness legislation, and they are entitled in the main to permanent accommodation if they are homeless.

MOD officials have advised that there is no priority for veterans and/or veterans organisations in obtaining surplus MOD land, but I am happy to write to the MOD to seek clarification of its position on its surplus land. Surplus land, whether it is from the MOD or anywhere else in the public sector, should be closely examined. That is what the housing supply task force will be doing in the next few months, with the intention of bringing as much of it into use as possible so that we can increase the number of houses available for all our citizens, including veterans.

Trish Godman (West Renfrewshire) (Lab): I recently asked the minister about representations to the MOD and NHS Scotland on the recruitment of medical specialists and ancillary staff with the most appropriate medical skills to treat service personnel returning from Iraq and Afghanistan. The answer was that the Government had made no representations or had any dealings with the MOD and the national health service on that matter.

Will the minister seriously consider talking at least to the NHS in Scotland about the essential specialist services that are needed to treat the

personnel who are returning with specific medical needs and wounds from peacekeeping missions in Iraq, Afghanistan and elsewhere?

Stewart Maxwell: As I made clear, we are keen to work with the MOD, NHS Scotland and other partners to improve access to structured care and support that reflects the priority of need among veterans. It is only reasonable, right and proper that those specialist services are part of the overall NHS supply to people in general, although there are clearly particular difficulties for those who are returning wounded from overseas.

Specialist services are available in some parts of England—that information came up in conversation with Derek Twigg this week. I am happy to look at the situation again and to speak with the MOD in England to see whether those services can be rolled out in Scotland. Clearly—and unfortunately—this is a reserved matter for the United Kingdom Government, but I will make representations to ensure that there is equal access to such services for Scottish veterans, whether they are here or elsewhere.

Broadband Connections

3. Tavish Scott (Shetland) (LD): To ask the Scottish Executive what progress it is making towards the provision of broadband connections to homes and businesses currently out of reach of broadband. (S3O-1566)

The Minister for Enterprise, Energy and Tourism (Jim Mather): We are making considerable progress after announcing a new open procurement exercise that aims to bring broadband to all the homes and businesses that notify us of access problems. The procurement, worth up to £3.5 million, has proceeded as quickly as possible, and we have just shortlisted potential suppliers. They have now been asked to submit their proposals for solutions.

We have also launched a press and radio marketing campaign to increase awareness of our procurement and to encourage everyone with access problems to register for inclusion in our project.

Tavish Scott: Is the minister aware of the recent development, involving Faroese Telecom, of the laying of a fibre optic cable connecting Faroe, Iceland, Shetland and the Scottish mainland? Does he agree that that project has the potential greatly to improve broadband connections in those island areas, and will he undertake to speak to British Telecommunications about the roll-out of its 21st century programme, which, as he knows, businesses and homes in the islands will not benefit from until 2011? Will he undertake to see what can be done to improve and increase the speed of that roll-out?

Jim Mather: I welcome the Faroese opportunity and the first fibre link to the northern isles. We have liaised closely with Faroese Telecom and local parties, and we are encouraging others to consider how the opportunities can be best explored. We understand that BT has signed a deal to lease cable capacity, but I can confirm that we are in conversation with BT on the 21st century networks and accelerating the roll-out across Scotland.

Kenneth Gibson (Cunninghame North) (SNP): Does the minister agree that it is unacceptable that my constituents in Arran have had to wait more than a month to have a major broadband fault not even repaired, but surveyed? What discussions will the minister instigate to ensure that that state of affairs is not repeated?

Jim Mather: I share the member's consternation, but repair times of broadband connections are a matter for consumers' internet service providers in conjunction with BT. The responses to such disruptions are required to be handled by them. If the repairs are not being properly addressed by the ISP, consumers may complain to Otelco—the Office of the Telecommunications Ombudsman—and to the Office of Communications, the regulator.

Edinburgh South Suburban Railway

4. Mike Pringle (Edinburgh South) (LD): To ask the Scottish Executive whether it will welcome and endorse petition PE1080 by the Capital Rail Action Group, calling for the Edinburgh south suburban railway to be reopened as an effective and environmentally friendly way of easing congestion problems in the Edinburgh South constituency and the city as a whole. (S3O-1564)

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): The City of Edinburgh Council is refreshing its business case for the scheme and carrying out an appraisal under Scottish transport appraisal guidance of all potential solutions to the transport problem. I welcome that approach and will consider the report through the strategic transport projects review.

Mike Pringle: Given the considerable public transport investment in other parts of the city and that more than £8 million of funding for the project has already been secured by E-Rail—more than 45 per cent of the total costs—can the minister offer my constituents an equally environmentally friendly and cost-effective plan to ease south Edinburgh's congestion problems?

Stewart Stevenson: The member will know that the reworking through the STAG process is in part to address the relatively poor return on investment that has so far been identified. He will also be

aware of the work that is successfully being concluded at Waverley station to upgrade its capacity from 24 to 28 trains per hour, but that the four additional trains per hour are already committed for other purposes. We have to work out whether there is capacity, in particular in the corridor between Waverley and Haymarket, but I remain on board to look at what the council brings forward.

Sarah Boyack (Edinburgh Central) (Lab): I welcome the minister's commitment at least to consider the project in the context of the strategic transport projects review. What he said about capacity constraints actually makes the case for the project being included in the review. Many of us believe that a further upgrade at Waverley station is essential. Will he commit to consider that in the context not just of a south suburban railway but of improving rail services across south-east Scotland generally? Will he consider that as an urgent priority? It is something that Scottish National Party candidates talked about during the election campaign and that we in the Labour Party have been committed to for some time.

Stewart Stevenson: I am sure that the member will recognise the commitment and enthusiasm for railway travel that I share with her—I have made some 30 railway journeys in the past two months on my own account; I am an enthusiastic rail user—but substantial problems remain in trying to increase capacity at Waverley. I am open to looking at how capacity could be increased, but the fundamental constraints between Waverley and Haymarket are likely to be a considerable barrier to forming a complete loop. However, there may be other options for delivering benefits to Edinburgh.

The Presiding Officer: Too many conversations are taking place around the chamber.

Railways (Glasgow-Shotts-Edinburgh Line)

5. Charlie Gordon (Glasgow Cathcart) (Lab): To ask the Scottish Executive what the fastest possible end-to-end journey time was on the Glasgow to Edinburgh via Shotts rail line during the Executive's recent examination of the case for electrification of the line. (S3O-1532)

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): The plans for faster diesel services would reduce the journey time to around 67 minutes. That includes time for some intermediate stops. Electrification would reduce the time by a few minutes more, subject to detailed timetable planning.

Charlie Gordon: Will the minister ask Transport Scotland to investigate whether further improvement to the electrification option could

come from combining that work with the re-laying of the track and the resignalling of the line?

Stewart Stevenson: The member makes some reasonable points. Some 22 miles of the line remain unelectrified. At the moment, the service that leaves Glasgow Central at 6 in the morning takes 55 minutes. As we introduce new diesel-based rolling stock, we will see improvements.

Electrification of the whole line would create the opportunity for further improvements. We have not yet considered the re-laying of the line, but I would be happy to engage with my officials to examine what scope there might be for that in the middle of the next decade, after the control period for which we have recently put in the higher-level output specification. That could play an important role in improving communications in central Scotland and in addressing the climate change agenda. It would therefore deliver significant benefits.

Sandra White (Glasgow) (SNP): The minister will be aware of the proposed price rises for rail travel, which will result in the price of a journey between Glasgow and Edinburgh rising to £17. That link is vital to the economy of both cities and of Scotland as a whole. Does the minister share the public's concerns about the price rises? Will he meet me to discuss those concerns?

The Presiding Officer: I am afraid that that question was not relevant to the question that was lodged.

Karen Whitefield (Airdrie and Shotts) (Lab): Does the minister agree with my constituents that, irrespective of whether the line is electrified or whether improvements are made to the diesel service, the line must be improved to speed up the service?

The rail link between our two major cities must be improved to provide a high-speed service. If the economies of North Lanarkshire and West Lothian are to improve, and if residents are to benefit, transport links for those areas must also improve. Does the minister agree that, when the line is improved, there will have to be limited stops in Shotts and Livingston?

Stewart Stevenson: The member will be aware of the four lines that connect the west with the east and of the very substantial investments that this Government has committed to in order to improve journey times. We will look for improved rolling stock for the line, and we hope that it will be delivered in 2009.

As I said to Mr Gordon, I am of course prepared to engage with my officials and consider what benefits may derive from the re-laying of track on the line. Should Ms White wish to pursue the matter that she raised, I would of course be happy to meet her to discuss any matters of interest.

Universities (Funding)

6. Marlyn Glen (North East Scotland) (Lab):

To ask the Scottish Executive when it will next meet representatives of universities to discuss funding. (S3O-1531)

The Cabinet Secretary for Education and Lifelong Learning (Fiona Hyslop): I will meet Universities Scotland for the first meeting of the joint future thinking taskforce on 20 December 2007.

Marlyn Glen: Following her meeting with university principals last month, the cabinet secretary said that the Cabinet was sympathetic to universities' needs and that extra funding might be available to them at the end of this financial year. How much will the universities now receive, and when? Will the cabinet secretary name all the other, numerous, organisations that the SNP Government has promised to give extra funding to from the very same source?

Fiona Hyslop: The joint statement issued by the Scottish Government and Universities Scotland indicated that Universities Scotland was committed to providing more detailed information to the Scottish Government on the issue. I expect to see that on 20 December. I do not recall the member complaining about the previous Administration's similar settlement, as a share of national spend. This Government is providing a slightly higher share of national spend for our universities.

First Minister's Question Time

12:00

The Presiding Officer (Alex Fergusson): We come now to First Minister's question time. I call Wendy Alexander. [*Applause.*] Order.

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-326)

The First Minister (Alex Salmond): Later today, I will have a range of meetings, particularly concentrating on the energy sector. This morning, I have been working on the implementation of the decision by the Scottish Government fully to implement the police pay award—a decision that I am sure is widely welcomed throughout the chamber. [*Applause.*]

The Presiding Officer: Order.

The First Minister: I think that everybody in the Parliament should always be willing to help the police with their inquiries.

Ms Alexander: Will the First Minister tell the chamber what meetings he has had with representatives of disability groups prior to the publication of the Scottish budget, and what meetings he has had with them since the publication of the budget?

The First Minister: The ministerial team will be pursuing meetings with all sections of Scottish society, including the important disability groups, which are held as a high priority by the Government.

Ms Alexander: I will take that as a no.

In October, the United Kingdom Government allocated an extra £340 million to provide after-school and respite care for families whose children have disabilities. Scotland's share of that money was £34 million, which was to fund a step change in respite care and accessible child care, and to help young disabled people leaving school. Last month, when the Minister for Children and Early Years was asked how the £34 million would be spent in Scotland, he said that the money

"will become part of the total funding available to the Scottish Government."—[*Official Report, Written Answers*, 6 November 2007; S3W-5613.]

Parents of children with special needs are now concerned that that money will not be spent on their children. Will the First Minister today give an early Christmas present to the 50,000 disabled young Scots and their families by guaranteeing that that money—which they campaigned for—will indeed go to them?

The First Minister: The Government is fully committed to supporting children with special needs. Of course, if Wendy Alexander cares to look at the outcomes and indicators in the budget process, she will see that that is identified. This area is very much part of the discussions that we are having with every single local authority in Scotland as part of the new relationship between central and local government in Scotland.

Ms Alexander: The disability organisations are clear. The review was in May, and the Government received the cash in October. The Government promised an answer by mid-November, but we are now into December and, as of today, there is no clear indication of how the £34 million will be used. The parents of vulnerable children are waiting. I ask the First Minister again whether he will guarantee that the £34 million that his Government received from the UK Treasury to go into respite care for those families will indeed be used for that purpose.

The First Minister: The concordat and outcomes are quite specific about increasing respite hours. Labour members in the chamber will have to accept at some point that the historic deal between the Scottish Government and local government throughout Scotland means that shared outcomes will work to the benefit of all the people of Scotland, including disabled people and children with special needs.

Ms Alexander: The parents of those 50,000 disabled children, from throughout Scotland, have written to MSPs of all parties, asking us to raise the issue directly and personally with the Government. The Government promised an answer in mid-November. We have still not had it. I give the First Minister a final opportunity to give those parents and children the reassurance they need that the £34 million will not be diverted to other purposes, and will be spent on the respite care that those families campaigned for and which they were promised.

The First Minister: The increase in respite care is specified in the concordat and in the outcome agreements that will be negotiated with all local authorities. I know that Wendy Alexander did not have that answer before she went through her questions but perhaps, now that she has had it three times, she will finally accept that disabled children and children with special needs are covered by the respite care increase that is specified in the agreements. That is part of the new relationship between central Government and local government that will work to the benefit of all the people of Scotland.

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-327)

The First Minister (Alex Salmond): I hope to meet the secretary of state before long to discuss how to take forward the recommendations of the Gould report.

Annabel Goldie: Amidst all the recent turmoil, we must not forget what we are here to do, which is to hold the Government to account. I remind the First Minister of another pledge from his party's manifesto:

"it is time that we dealt firmly and effectively with the crime and anti-social behaviour that disrupts the lives of ... our citizens."

That was the rhetoric; what is the reality? Will the First Minister please explain how making early release even earlier and putting more criminals into the community is dealing "firmly and effectively" with crime? Surely the sentence should fit the crime, not the available prison space.

The First Minister: I got the impression that, yesterday, the Conservatives saw the wisdom in what the Cabinet Secretary for Justice proposes. Making home detention curfew available for long-term offenders who are assessed by the Parole Board for Scotland as safe to be released on licence is a policy that carries substantial merit.

On the subject of law and order, given all that Annabel Goldie has asked me about in the past, I thought that she might take the opportunity to welcome the decisive Government action on the police pay award, which will greatly increase morale in the police forces of Scotland.

Annabel Goldie: The last lot were bad enough, but this lot are beyond the pale. The First Minister is failing to uphold the most fundamental obligation of government—the protection of the public—and he is blatantly breaking another pledge from his already tattered manifesto. He mentions police; by Jove, he has a brass neck. Let us go back to that manifesto. On police numbers, the Scottish National Party's pledge has gone from 1,000 plus to 500 maybe. On early release, the SNP has stuck with the Lib-Lab pact's scheme for even earlier release and made it even earlier release plus. There are get-out-of-jail-free cards for all.

The First Minister wants to empty our jails and the SNP believes in convicts in the community, not prisoners in prison. The SNP is soft on crime and softer on criminals. Is the sad and simple truth not that the First Minister, Alex Salmond, and his SNP minority Government are now the law breaker's best buddies and the criminal's new best friends? *[Interruption.]*

The Presiding Officer: Order.

The First Minister: Let us see what the Scottish Police Federation says. Joe Grant, the general secretary of the SPF—someone whom Annabel Goldie has been keen to quote in the past—said today:

"I would like to congratulate the First Minister and the Cabinet Secretary for Justice on their independent stance on this important issue"

of police pay. [*Interruption.*]

The Presiding Officer: Order.

The First Minister: Joe Grant continued:

"This decision reflects the co-operative and constructive approach towards policing that the Scottish Government has demonstrated since coming into office."

That is what the Scottish Police Federation thinks, but I wonder what the voters think of Annabel Goldie's assessment of the Government's performance. The YouGov poll that was released today shows not only that an overwhelming majority of Scottish people approve of the Government's record, compared with that of the Westminster Government, but that a decisive majority of the remaining Conservative voters in Scotland think that the Government is doing a great job.

Cabinet (Meetings)

3. Nicol Stephen (Aberdeen South) (LD): To ask the First Minister what issues will be discussed at the next meeting of the Cabinet. (S3F-328)

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

Nicol Stephen: Yesterday, on the steps of the Parliament, carol-singing students, who came to protest about the Scottish Government's real-terms cut in higher education spending next year, were met by ranks of paid SNP researchers and MSPs armed with placards and megaphones. Is that what we can expect from Alex Salmond's 21st century nationalist party?

The First Minister: The vast majority of Scottish students approve of the abolition of the student endowment and the restoration of free education in Scotland.

On the subject of the YouGov poll— [*Interruption.*]

The Presiding Officer: Order.

The First Minister: I think that this information should be widely disseminated throughout Scottish society. A mighty 4 per cent of the population are impressed with the performance of Nicol Stephen as an Opposition leader.

Nicol Stephen: I have seen that poll and I am pleased that support for the Liberal Democrats has gone up three points since the election—even in an SNP poll. I have here the last poll that was not paid for by the SNP in Scotland. It shows that, of the views expressed about all the leaders of all the

parties, the most common was that Alex Salmond is "arrogant" and "patronising". [*Interruption.*]

The Presiding Officer: Order.

Nicol Stephen: Why does the First Minister think that people say that?

The First Minister might try to brush off what was a serious incident yesterday, but does he agree that it was an ugly development? It is one thing for ministers to stand here and be evasive about figures, make the numbers up and generally fail to give straight answers to straight questions; it is another thing completely for them to order paid SNP staff out to disrupt and shout down student campaigners. Will Alex Salmond give a guarantee that, in future, young students and all other peaceful campaigners who come to the Parliament will not be jostled, barracked and abused through megaphones by state-funded supporters of his Government?

The First Minister: Nicol Stephen should try to get serious about the issues, and the issue is the restoration of free education for the Scottish people.

The poll shows that SNP support is at 40 per cent, whereas Liberal Democrat support is at 13 per cent. I agree that that Liberal Democrat performance is a triumph in comparison with Nicol Stephen's personal rating. I suppose that, on the basis of what he says, it must be a triumph for the SNP that it can overcome the deficiencies of my leadership to have such substantial support in Scottish society.

Malcolm Chisholm (Edinburgh North and Leith) (Lab): Can the First Minister tell us why his Government is forcing the Scottish Arts Council to end the highly regarded cultural co-ordinators scheme, which has ensured wider access to the arts for a large number of young people and which has massive support from the artistic community and local authorities throughout Scotland? Why do we have to read about that on the front page of a national newspaper this morning when I specifically asked the Cabinet Secretary for Finance and Sustainable Growth about the future of the scheme in questions on the spending review statement on 14 November? Following the Government's rejection of cultural rights and entitlements, which were at the heart of the previous Administration's ground-breaking work on extending access to culture, will the youth music initiative be next for the chop? Will there be no end to the Government's destruction of the wider access agenda?

The First Minister: There is substantial support for arts and culture, including the youth music initiative. I hope that Malcolm Chisholm accepts that, in the expanded budget for arts and culture that was announced by the Cabinet Secretary for

Finance and Sustainable Growth, there is substantially more opportunity to encourage the development of arts and culture throughout the country. I could list the Government's substantive moves in that direction. The youth music initiative is not under any threat whatever. Malcolm Chisholm should desist from scaremongering on that issue.

Hugh O'Donnell (Central Scotland) (LD): Given the SNP's alleged commitment to reducing class sizes, will the First Minister arrange to meet East Ayrshire Council to talk about the closure of rural schools, particularly Crossroads primary school in Kilmarnock, as a matter of urgency, and take at least some positive steps towards ensuring that, unlike so many others, that commitment is not broken?

The First Minister: The deployment of schools policy in relation to individual schools is a matter for individual councils. The commitment to class size reductions is enshrined in the historic agreement between the Scottish Government and the Convention of Scottish Local Authorities, and it will be reinforced by individual outcome agreements with every local authority across Scotland. I would have thought that even Hugh O'Donnell would have welcomed that approach by the Scottish Government.

David McLetchie (Edinburgh Pentlands) (Con): Will the police pay rise about which the First Minister was boasting earlier during question time apply to the 1,000 extra officers that the SNP manifesto promised, or only to the 500 maybe that we are apparently now getting?

The First Minister: As David McLetchie well knows, there will be recruitment, retention and redeployment. I know that increasing the morale of the police force in Scotland will help enormously with the SNP's progressive measures to make communities in Scotland safer and more secure.

The Presiding Officer: Before we move to question 4, I am sure that members will wish to join me in welcoming from the Isle of Man Mr Steven Rodan MHK, the Speaker of the House of Keys, and a parliamentary delegation of members of the Tynwald. [*Applause.*]

Trump International Golf Links Project

4. Nigel Don (North East Scotland) (SNP): To ask the First Minister what steps the Scottish Government is taking to ensure that the opportunity presented by the Trump international golf links project is not lost to Scotland. (S3F-344)

The First Minister (Alex Salmond): I heard some members say that the Isle of Man Parliament has some very impressive financial powers that this Parliament might well envy.

On Tuesday of this week, the Scottish Government called in the outline planning application by the Trump Organization for future determination by ministers. That was done in recognition of the fact that the proposal raises issues of importance that require scrutiny at a national level. Calling in the application has given the Government the opportunity to give consideration to the various issues raised before it reaches a final decision.

I am, of course, familiar with the proposal, because the site is in my own constituency. As such, I am personally debarred from any involvement in the Scottish Government's consideration of the proposal. It would be inappropriate for ministers to debate the merits of a planning application that they are currently considering

Nigel Don: Although I understand that the First Minister is restricted in what he can say, those restrictions do not apply to back benchers such as me. Will the First Minister ensure that his ministers give speedy consideration to this project, which could be positive for the north-east region and the country as a whole?

The First Minister: The reporter who is appointed will give proper consideration, in the normal manner, to the variety of options that are open to him. Nigel Don is quite correct: restrictions on speaking about this issue do not apply to individual back benchers. I am sure that his contributions, and those of all others, will be heard and considered by the reporter as part of the normal process.

Patrick Harvie (Glasgow) (Green): What about the implications of the decision—which is unprecedented in the circumstances—for the wider planning system? What criteria has the Government used to apply the distinction of “national significance” after the fact in this case? What criteria might be applied in future to other proposed developments? Given the lateness of the determination that the development is of national significance, is there not a clear and pressing need for a public inquiry to allow those who have opposed the development to have their say?

The First Minister: Without saying anything that would put me on either side of the debate, there has been full debate and consideration of the issue in the north-east of Scotland. The terms under which the Scottish Government calls in planning applications are well known and not unusual. In relation to my earlier answer, it is well within the Government's competence to call in this particular development. I note that the decision was widely welcomed across parties and by many groups in Scottish society.

Lewis Macdonald (Aberdeen Central) (Lab):

Does the First Minister agree that the situation arose only because the planning authority in Aberdeenshire had so far delegated its powers that it no longer had authority over vital decisions in its area? Does he agree that the best way to protect the local decision-making process in future would be for the council urgently to review its rules so that never again will a project of regional and national importance be rejected on the say-so of barely 10 per cent of its elected members?

The First Minister: I have noted a variety of concerns that have been expressed, in particular about the fact that many Aberdeenshire councillors did not get an opportunity to vote on the proposal. However, Lewis Macdonald should accept that our whole approach to planning is under substantial review following the legislation that was passed last year. When we come down to looking at the detail of various statutory instruments, I am sure that, across the planning process, there will be lessons that we will all want to learn to bring about an improved planning system throughout Scotland. I do not think that it is helpful to attack an individual local authority or that there was any intent in terms of the procedures to arrive at a situation that has caused widespread criticism.

Council Tax Freeze

5. Elaine Murray (Dumfries) (Lab): To ask the First Minister which household income deciles will benefit most from a freeze in council tax at its 2007-08 level. (S3F-334)

The First Minister (Alex Salmond): The most substantive examination of the impact of council tax was provided in the Burt report, which was commissioned by the previous Administration and published in November 2006. The authors of the report showed that the burden of council tax falls most heavily on those with modest incomes. They concluded that they could not recommend the retention of the council tax in its present form, nor could they recommend any way in which it could be reformed. The fact is—Elaine Murray should accept this—that most people in Scotland will be better off in real terms as a result of the council tax freeze, which is incredibly popular across Scottish society.

Elaine Murray: I say with respect to the First Minister that my question was about the effect of freezing council tax at its current level. He may be aware of a research paper that was published a week ago by the Finance Committee's independent budget adviser, Professor David Bell of the University of Stirling, on the effect of freezing council tax. Professor Bell advised not only that those in council tax bands F, G and H would gain most from a freeze in council tax but

that the poorest 20 per cent of households would not gain at all from freezing council tax. How does the First Minister reconcile that policy with his Government's objective of making Scotland fairer? Would it not be fairer to use the £70 million that has been allocated to freezing council tax to help Scotland's pensioners instead, for example by discounting their water rates?

The First Minister: Elaine Murray should accept that many people of very modest incomes bear the full burden of council tax and are not eligible for council tax benefit. If she looks in detail at the evidence in the Burt report, she will find two statements. The first is:

"Help the Aged in Scotland also expressed strong concern about the effect of council tax on many pensioner households, particularly ... 'asset rich but income poor' households".

The second is:

"The burden of council tax appears to be high in the lowest income decile compared with the second decile."

One of the advisers to that report was Professor David Bell.

I know that members from across the chamber have expressed concern about the onerous burden that the council tax places on people in Scottish society. For example, just a few weeks ago, Wendy Alexander said:

"The problem is it has become unduly onerous. That's one of the things I want our virtual think tank to do some creative thinking about."

John Swinney did not need a virtual think-tank; he has taken decisive action to relieve that substantial burden, which has been oppressing the people of Scotland.

Alex Neil (Central Scotland) (SNP): Can I draw the First Minister's—*[Interruption.]* Presiding Officer, if Labour members listen, they will learn. Can I draw the First Minister's attention—*[Interruption.]*

The Presiding Officer: Order.

Alex Neil: For the third time, I draw the First Minister's attention to the evidence that the Convention of Scottish Local Authorities, led by Labour's Pat Watters, presented to the Finance Committee on Tuesday. COSLA confirmed that the council tax freeze will save the average family more than £70 in year 1 and more than £200 a year by the end of the three years.

The Presiding Officer: Quickly please, Mr Neil.

Alex Neil: Is it not the case that if the Labour leadership's attempt to sabotage the agreement with COSLA succeeded, average families would not benefit from that money?

The First Minister: I always listen closely to Alex Neil and I suspect that other members should

do the same. There are two important points. The council tax is—to quote—an “onerous” burden, because it increased by 60 per cent during the Labour Government’s term. If it is an onerous burden on relatively poor people, freezing it should benefit those people.

Liam McArthur (Orkney) (LD): Time and again, the SNP has portrayed the concordat with local government as a deal to freeze council tax for three years, but will the First Minister confirm that Alex Neil’s new-found friend, COSLA president Councillor Pat Watters, was right to say unambiguously in evidence to the Finance Committee and other parliamentary committees this week that no deal exists with local government to freeze council tax for three years? Who is right—Pat Watters, who says that there is no deal, or the First Minister, who says that there is?

The First Minister: Councils throughout Scotland set their council tax levels annually but, in the budget, John Swinney as the Cabinet Secretary for Finance and Sustainable Growth has provided finance over three years to freeze council tax.

It is wonderful when other parties rail against the policy of freezing the council tax. My goodness—how will members explain to their constituents that their answer to every problem is to increase the council tax level even further?

Derek Brownlee (South of Scotland) (Con): Given that only local authorities can deliver the council tax freeze, if a freeze were, in cash terms, to benefit disproportionately the upper deciles of the income scale, would the appropriate resolution for councillors who feel that that is inappropriate be to vote against a council tax freeze and for a council tax increase?

The First Minister: I am not certain whether I fully followed the question, but I take it as a criticism of the Labour and Liberal parties, which seem unduly anxious to have even more council tax rises. That proposition will be difficult to sell to the Scottish people.

Tackling Anti-Semitism

6. Jackson Carlaw (West of Scotland) (Con): To ask the First Minister what steps the Scottish Government is taking to tackle anti-Semitism. (S3F-332)

The First Minister (Alex Salmond): The Government is committed to tackling all forms of bigotry and intolerance, including anti-Semitism. We are working with all of Scotland’s faith communities to develop a balanced and holistic approach to ridding Scotland of religious bigotry once and for all.

Scotland’s Jewish communities contribute enormously to our civic life. Yesterday, I had the

pleasure of revisiting Calderwood Lodge primary school in Newlands—the only Jewish faith school in Scotland—after which I met representatives of Scottish Jewish communities. That meeting was informative and I look forward to continuing our close working relationship.

Jackson Carlaw: The First Minister’s visit yesterday to the Jewish community in Glasgow’s south side was hugely appreciated.

Although it was not specifically anti-Semitic, the terrorist attack at Glasgow airport led Strathclyde Police to recommend to Scotland’s Jewish community—most of whose members reside in the west of Scotland—that it review security at synagogues and other Jewish community facilities. Given that few places of worship of any faith have been designed in anticipation of such a threat, it is not surprising that that review showed the need to take prudent action that it would be irresponsible to ignore.

Will the First Minister undertake to give sympathetic consideration to providing financial support to the Jewish community as it acts on Strathclyde Police’s recommendation to review security, which would allow him to blow his trumpet not just three times on police pay, but in support of police recommendations?

The First Minister: I pledged yesterday to give sympathetic consideration to requests that the Scottish Government receives. Security is important, as is dealing with any religious, sectarian or bigoted attack in Scottish society. The criminal law of Scotland pays particular attention to racially and religiously motivated attacks, of course, and it is right to do so. Therefore, yes, the Scottish Government will indeed give sympathetic consideration to requests as they come forward.

We should compliment the Scottish Inter Faith Council for its work. It is not simply a matter of responding to events and ensuring that our communities are safe from harm. Scotland’s faiths have taken a positive approach, which every member endorses as we seek to bring about one Scotland with many cultures.

Ken Macintosh (Eastwood) (Lab): I add my support to Jackson Carlaw’s request.

Does the First Minister agree that it is important that all of Scotland—not just its Jewish community—commemorates national holocaust memorial day and learns the lessons that can be learned from a horrific period in our history? Will he continue to support the efforts of East Renfrewshire Council and the Jewish community to establish a permanent memorial and a learning centre in Scotland to provide a centrepiece for that national and annual remembrance and a source of information to counter and combat the vicious and destructive prejudices of anti-Semitism?

The First Minister: The member makes a fair point for consideration. He may be aware that the Deputy First Minister has accepted an invitation to a special debate to mark holocaust memorial day. As a result of yesterday's meeting, we have agreed to consider how more members of the Scottish Parliament could take part in the United Kingdom national holocaust memorial day initiative. We will certainly sympathetically consider the points that the member has made.

12:31

Meeting suspended until 14:15.

14:15

On resuming—

Question Time

SCOTTISH EXECUTIVE

Health and Well-being

The Presiding Officer (Alex Fergusson): This afternoon, for the first time, the sole subject of themed question time is health and well-being.

National Health Service (Scottish Budget)

1. Derek Brownlee (South of Scotland) (Con):

To ask the Scottish Executive what impact the decisions in the Scottish budget will have on the NHS. (S3O-1488)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): As a result of decisions made in the Scottish budget, spending on health will increase by an annual average of 4.1 per cent over the next three years. That increased funding will support the people of Scotland to lead longer and healthier lives, with a particular focus on the areas and communities with the worst health records.

The total health budget in 2008-09 will be £10.65 billion, rising to £11.52 billion in three years' time. The majority of that funding will be passed to NHS boards to take forward our key health priorities, with a specific emphasis on measures to improve health and prevent illness. Additional funding will be targeted to deliver further improvements in quality and the speed of access to health-care services.

Derek Brownlee: Dentistry is a major issue in rural Scotland as well as in the rest of the country. What impact will the budget have on the provision of national health service dentistry? Will the proportion of adults and children who are registered with an NHS dentist increase over the period of the spending review? If so, to what percentage will it increase?

Nicola Sturgeon: I thank Derek Brownlee for that important question. I am sure that he is aware that there will be specific questions on NHS dentistry later in this question session. I assure him of the importance that we attach to increasing access to NHS dentists, which has been a particular problem in recent years. The action plan that we will publish shortly will make specific suggestions and set specific targets for the proportion of children whom we want to be registered with an NHS dentist. The Minister for Public Health will expand on those issues later.

Aileen Campbell (South of Scotland) (SNP):

The Government has announced a significant increase in expenditure on the prevention and treatment of alcohol abuse. What will that increased expenditure achieve? How will progress be measured?

Nicola Sturgeon: As the member is aware, in its budget—this is obviously subject to parliamentary approval—the Government has dedicated an additional £85 million over the next three years to assist us in tackling alcohol misuse, which I hope everyone in the chamber recognises is a key priority. Those resources will be allocated through health boards to alcohol and drug action teams. The exact details of the allocation of that money have not yet been set out, but the type of initiatives that it is intended to support are initiatives to improve prevention and treatment and initiatives to support brief interventions in primary care in line with Scottish Intercollegiate Guidelines Network guideline 74, which is recognised as extremely important.

Margaret Curran (Glasgow Baillieston) (Lab):

I would like to press the minister a bit more on the announcement that she made yesterday on free prescriptions and the implications that that will have for the budget. She seemed quite sure yesterday that her calculations were right. I ask her to think again about the evidence that might come from general practitioners about the prescribing budgets. If there is pressure on those budgets, particularly if there seems to be a shift in spend on minor ailments, will she meet GPs to discuss how they address such pressures? Will she give us some indication of how she is monitoring her calculated spend and how she will act on that appropriately?

Nicola Sturgeon: As the member is aware, those issues were addressed in detail yesterday. I reassure Margaret Curran that I will continue to meet GPs regularly to discuss a range of issues. If she cares to check, I think that she will see that the British Medical Association is positive about the abolition of prescription charges. The issues that she raises will be carefully monitored by the Government. However, I am more than happy to repeat that I believe that it is right to abolish prescription charges so that people with serious long-term conditions are no longer penalised and, in some circumstances, unable to take their prescribed medication because they cannot afford it. That is not a set of circumstances over which this Government is prepared to preside.

Antidepressants

2. Robert Brown (Glasgow) (LD): To ask the Scottish Executive what steps it intends to take to achieve the aim of reducing the use of

antidepressants by 10 per cent by 2009. (S3O-1573)

The Minister for Public Health (Shona Robison): We will ensure that those who need antidepressants will continue to receive them while we invest in alternatives that increase choice for clinicians and service users through improved access to evidence-based interventions, including psychological therapies.

We continue our aim to reduce the annual rate of increase to zero by 2009-10, and will put in place the required support framework to achieve a 10 per cent reduction in an appropriate timeframe.

Robert Brown: The 10 per cent reduction was, of course, an SNP manifesto pledge and it was accompanied by the statement that it would be backed by ring-fenced funding to health boards and local authorities. Can the minister give us a bit more guidance on whether that is to be the structure? Does she agree that the reduction in the use of antidepressants and the prevalence of mental health problems that underlie it represents a key challenge that stands a good chance of being dumped if there is no agreement on tackling it on the part of councils and health boards? As the issue is not dealt with specifically in the concordat, and in the absence of stringent procedures to ensure that it remains a top priority, does the minister agree that there is a good chance that mental health services will fall off the edge?

Shona Robison: I do not agree that mental health will fall off the edge because we will ensure that it is a top priority for health boards and their partners in local government.

The member might be interested to know that our forward direction for mental health improvement, moving towards a mentally flourishing Scotland, is currently out for consultation. I look forward to receiving responses to the proposals that have been made, including, I hope, suggestions from the member. We will consider the most appropriate timeframe for the 10 per cent reduction in the context of that consultation.

I can assure Robert Brown that with record levels of investment in the health service, mental health will continue to receive the high priority that it has had to date. I am sure that that will reassure the member.

Mary Scanlon (Highlands and Islands) (Con):

As many younger children are now being diagnosed as depressed, will the minister confirm that the Government intends to honour its manifesto commitment to double the number of school nurses, which would help?

Shona Robison: We are working up a model that will deal with the increase in the health care resource in schools. It will include other professionals because, although we recognise that school nurses are some of the key professionals, there are other professionals—particularly those involved in mental health—whom we want to bring into the health care resource base in our schools. We will be able to provide further details in the new year as that model is worked up.

Johann Lamont (Glasgow Pollok) (Lab): I would like to clarify a point of information. You said that mental health will not fall off the edge because you will ensure that that will not happen. For the benefit of those of us who are not clear about this, could you explain how you will ensure that?

The Presiding Officer: I am sorry, Ms Lamont, but I cannot explain that. Could you please refer to the minister in the third person?

Johann Lamont: My apologies. Could the minister explain the process by which she will back up her claim that she will ensure that that funding will be provided?

Shona Robison: We have confidence that our local authority partners see mental health as a priority, as we do. They have demonstrated that. Why would they not invest the additional resources that are required, in addition to the work that they have done so far, when they also see mental health as a priority? They will work alongside their health partners to deliver these important services. I obviously have more confidence in our local authority colleagues than the member has.

Affordable Housing

3. Patricia Ferguson (Glasgow Maryhill) (Lab): To ask the Scottish Executive how many affordable houses it expects will be built during the current spending review period. (S3O-1528)

The Minister for Communities and Sport (Stewart Maxwell): We expect that, during the current spending review period—2005 to 2008—funding approvals for around 21,500 new affordable homes will be issued.

Patricia Ferguson: It is interesting that that answer is slightly different from the information Mr Maxwell gave during a meeting of the Local Government and Communities Committee, when he was reluctant to give any figure. I have to say that if we have to wait for the next spending review period for those houses, the problems that will arise during this spending review period will mean that we will have difficulty reaching the 2012 target. Can the minister define what he understands by the term “affordable housing”?

Stewart Maxwell: For the sake of clarity, I should point out that the member’s question is about the current spending review period, which is why my answer deals with the current spending review period. At the committee meeting, the questions were about the next spending review period. If Patricia Ferguson wanted to ask about that, she should have worded her question slightly differently.

Spending on affordable housing in 2008 to 2011 will be more than £1.5 billion, which is up 19 per cent on the planned budget for 2005 to 2008—a big increase in a tight settlement. It will deliver more new affordable homes, including homes for affordable rent and low-cost home ownership, than are planned for 2005 to 2008.

My definition of affordable homes is homes across all tenures that people can afford.

Bob Doris (Glasgow) (SNP): The minister will be aware that, over the next three years, 19 per cent more will be spent on affordable housing—despite average growth in the Scottish budget from London Labour of only 3.8 per cent. That was confirmed by Professor David Bell, the adviser to the Finance Committee. Does the minister consider that a fair deal for affordable housing under such a tight financial settlement? Will he provide more detail on how housing associations might use their housing association grants better, to provide more new social rented properties at a better price to the public purse?

Stewart Maxwell: I agree in no uncertain terms that it was an incredibly tight settlement, and the worst since devolution—that is in no doubt, despite the noises. It is clear that we have invested considerable resources in affordable housing over the next three years. As the member said, there is a 19 per cent increase for planned expenditure, like for like, over the amount the previous Administration planned for affordable housing. That shows our priority in terms of affordable housing.

Jim Tolson (Dunfermline West) (LD): Will the minister confirm today that the Government’s budget for housing and regeneration will not rise by 19 per cent over the comprehensive spending review period—as the First Minister stated last week in response to my question, and as the minister has stated today—but by only 10 per cent? Does he agree that using cash values rather than real-terms values when discussing the budget is unhelpful to Parliament and the public? Will the minister confirm whether the Government even has a target for the social housing that is to be built by 2011, in addition to its target for house building across the entire sector, which cannot be measured until 2015?

Stewart Maxwell: I will not agree with the member because he is wrong about the increases,

but even if he was right, such an increase would show the priority that we put on housing as it is a much bigger rise than was planned for the previous review period. The like-for-like comparison is 13 per cent for the 2004 spending review and 19 per cent for SR 2007. That is a clear indication of this Government's priority in providing housing for Scotland.

The Presiding Officer: Question 4 has been withdrawn.

National Health Service Dental Care

5. Jim Hume (South of Scotland) (LD): To ask the Scottish Executive what action it will take to increase access to NHS dental care across Scotland. (S3O-1565)

The Minister for Public Health (Shona Robison): A revised Scottish dental access initiative was introduced earlier this year to encourage the establishment of new NHS dental practices and the expansion of existing ones. It builds on a range of existing measures to recruit and retain dentists in the NHS.

I launched a school-based preventive service in Fife on 3 December 2007, and good progress is being made towards the establishment of a third dental school, in Aberdeen.

We will work to continue to increase the dental workforce and to improve dental facilities.

Jim Hume: I welcome the plan to build a dental school in Aberdeen—it is something the Liberal Democrats have campaigned for vigorously.

Christine Grahame (South of Scotland) (SNP): But they never built it.

The Presiding Officer: Order.

Jim Hume: Will the minister look into the problem of practices deregistering NHS patients, which has resulted in 31,000 patients being deregistered in 2006 and 2007?

Shona Robison: There is a difference between the Scottish National Party Government and the Liberal Democrats—the Liberal Democrats might have campaigned for a third dental school, but we are delivering a third dental school. That is a sizeable difference.

We are very concerned about the level of registrations and deregistrations. The member will be aware that a major expansion in facilities is coming on stream, particularly during the next year. He will be aware of the new Dumfries dental centre that is scheduled to open in his constituency in late January. That centre will provide an outreach training facility for dental undergraduates and dental therapists. In addition, the salaried service wing of the new centre will

operate with extended hours, and four dental officers will be employed there—initially to provide general dental services. The community dental service will also relocate to the new centre. I am sure the member will appreciate that that will be a major step forward in his constituency.

Nigel Don (North East Scotland) (SNP): Can the minister please outline any plans that there may be to develop a school-based dental service and tell us which communities will benefit first?

Shona Robison: As I said earlier, the school-based dental service was launched successfully in Fife this week. It will focus on the most deprived communities. We will roll the service out to Tayside in the new year, and then to the Borders and to Ayrshire and Arran. We will focus on the communities with the highest levels of deprivation to ensure that we give our children the best oral health start in life.

Alasdair Morgan (South of Scotland) (SNP): The minister will be aware that there is a specific problem with registration in rural areas. The level of registration in Dumfries and Galloway is 8 per cent below the Scottish average of 46 per cent, and most other predominantly rural health boards are even further behind. Will the minister consider what special measures she could put in place to encourage registration by adults in rural areas, and to make it easier?

Shona Robison: Alasdair Morgan will be aware that we already offer substantial allowances to attract dentists to deprived communities and rural areas. We recognise the problems and will lay out in the action plan that will be published shortly some additional measures that we believe will help to address the issue he raises.

Cabinet Secretary for Health and Wellbeing (Meetings)

6. Margaret Curran (Glasgow Baillieston) (Lab): To ask the Scottish Executive when the Cabinet Secretary for Health and Wellbeing last met NHS board chairs. (S3O-1526)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): I last met NHS chairs as a group at my regular monthly meeting with them on Monday 26 November.

Margaret Curran: I am sure that, through her many discussions with health boards, the minister will be aware of the evidence from NHS Greater Glasgow and Clyde on the profound impact of inequality on health outcomes and health services. Particularly given the fact that she is a Glasgow MSP, does she believe that the NHS in Glasgow should get extra resource to recognise the disproportionate burden that it carries in meeting the challenge? Further, does she believe that the

health board should be required to target its resources on deprived areas?

Nicola Sturgeon: I assure Margaret Curran that as I am the Cabinet Secretary for Health and Wellbeing, and particularly as I am the MSP for a Glasgow constituency, I am well aware of the continuing problems of poverty and deprivation and the consequent inequalities in health that exist in that city. It is extremely important that health boards' funding recognises deprivation. The Arbutnott formula recognises deprivation. The member will also be aware that I am currently considering the findings of the NHS Scotland resource allocation committee—NRAC—which has made recommendations to refine the Arbutnott formula as well as other recommendations beyond that. I will make a decision on the implementation of that in due course.

It is important that boards target resources to tackle health inequalities. When I chaired the annual review of NHS Greater Glasgow and Clyde in the summer, I was reassured to hear of the work that the health board is carrying out to tackle health inequalities. I encourage it to continue and to intensify that work. Increasingly, community health partnerships—or, in Glasgow, community health and care partnerships—have a vital role to play in ensuring that resources get into the community and into primary care, where they can have the biggest impact in tackling inequalities.

Des McNulty (Clydebank and Milngavie) (Lab): I am not sure whether we have a new health board chair in Glasgow yet. It would be good if the minister could let us know when that will happen.

Jackie Baillie (Dumbarton) (Lab): It is Andrew Robertson.

Des McNulty: Oh. Good. When the minister meets the new chair, will she discuss the situation that is faced by the St Margaret of Scotland hospice? The hospice has been placed in a difficult position because of the plans that are being put forward by NHS Greater Glasgow and Clyde. Will she meet me and representatives of the hospice to discuss a way forward?

Nicola Sturgeon: It is good to see that Des McNulty's finger is on the pulse, as usual. The new chair of NHS Greater Glasgow and Clyde was announced on Monday. It is Andrew Robertson, who was, until now, the vice-chair of the health board. I am sure that he will do a fantastic job. I put on record my thanks to John Arbutnott, who has been the chair of NHS Greater Glasgow and Clyde over the past few years. I am sure that everyone agrees that he has done a splendid job.

Des McNulty's finger is slightly off the pulse on the issue of the St Margaret of Scotland hospice.

The particular issues around the hospice are for the health board to address, and I expect it to do so, but I have agreed to meet representatives of the hospice early in the new year, and I look forward to that meeting.

Ian McKee (Lothians) (SNP): When the cabinet secretary last met the NHS board chairs, what discussions did she have about the health needs of veterans of our armed forces, who experience a much higher than average liability to physical and mental illness?

Nicola Sturgeon: I confirm that the needs of veterans in the health service were discussed at my most recent meeting with the health board chairs as well as at the one before it. That is a sign of how important the Government considers the issue to be.

As members are aware, I announced—I think it was two weeks ago now—that all veterans with a medical condition associated with their service in the armed forces are to have priority treatment in the NHS. Prior to that announcement, only veterans who were in receipt of a war pension got priority treatment. The Government's announcement, which was mirrored by a similar one south of the border, is a good step forward and, as members would expect, it has been welcomed by veterans' organisations around the country.

Jackie Baillie: The cabinet secretary will be aware of the welcome conclusions of the Clyde scrutiny panel report, which states quite clearly that NHS Greater Glasgow and Clyde should think again about the proposals for the maternity unit, the medical assessment unit and mental health services at the Vale of Leven hospital. Will the cabinet secretary comment on NHS Greater Glasgow and Clyde's press release, which is either an interesting piece of spin or an indication that the board has not read the scrutiny panel's report? When the cabinet secretary next meets Andrew Robertson, will she insist that NHS Greater Glasgow and Clyde, which is an agency of the Government, fully implements the recommendations of the panel's report?

Nicola Sturgeon: I am sure that Jackie Baillie did not mean to forget to congratulate the SNP Government on putting in place the independent scrutiny process, which led to, in her words, a welcome report. That process is designed to build the public's confidence in the process of major service change in our NHS. It is a welcome development.

As Jackie Baillie indicated, the independent scrutiny panel that was asked to review NHS Greater Glasgow and Clyde's proposals published its report earlier this week. I put on record my thanks to Professor Angus Mackay and his entire

panel for the hard work they have done in producing a comprehensive report. I expect the board of NHS Greater Glasgow and Clyde to take full account of that report before deciding on the proposals that it puts out to public consultation. The final decision on any proposed change will come to me, so it would not be appropriate for me to say any more at this stage.

The Presiding Officer: Question 7 has been withdrawn.

Central Heating Programme (Additional Funding)

8. Bill Kidd (Glasgow) (SNP): To ask the Scottish Executive how the recently announced extra £7 million for the central heating programme will benefit pensioners concerned that they may have to wait until after Christmas to have their heating installed. (S3O-1505)

The Minister for Communities and Sport (Stewart Maxwell): The funding will be used to accelerate installations for pensioners who are eligible for a central heating system and in the meantime are without heating and hot water. This is in addition to funding made available in August to install around 1,500 extra systems.

Bill Kidd: I have a number of constituents who have real concerns about their heating this winter, including one pensioner couple in Baillieston, both of whom are receiving treatment for cancer and other serious illnesses, who will be without heating and hot water as their central heating was condemned. Can I offer them hope that the situation will be readily resolved? May I meet the minister to discuss the situation?

Stewart Maxwell: I am more than happy to meet the member to discuss the issue that he has raised, and I would appreciate it if he would write to me about that particular case and I will take it up with the managing agent.

The central heating programme is extremely popular. It has had waiting times of approximately six months associated with it since it began in 2001. The priorities and extra money for the programme have been welcomed around the country during the past month, and will lead to many more people getting central heating systems before Christmas. Our intention is to maximise that.

The managing agent is working as hard as possible so that the maximum number of people get their heating before Christmas. That effort will carry on into the new year, but we have put a priority on those who are living without heating and hot water, who are over 80, who have a medical condition and whose ability to live independently could be significantly impaired if they did not have a central heating system. Those extra criteria will

help more people to get their central heating system earlier without disadvantaging those who are currently on the list.

Mary Mulligan (Linlithgow) (Lab): One of my constituents has not been so fortunate, as he has been told that the replacement of his central heating system is unlikely to take place until June 2008. Scottish Gas tells me that it cannot find subcontractors to address the workload and reduce waiting times. What is the Scottish Government doing to encourage properly registered local contractors to come forward and do the work, so that my constituent does not have to wait eight months?

Stewart Maxwell: I cannot comment on the individual case that the member raises, but the fact remains—the member may not like to have this pointed out—that this has been the situation since Labour put the programme in place in 2001.

I will go over the situation yet again. In 2001, the first year of the programme, the average waiting time was eight months. In the second year of the programme, the average waiting time was eight months. In the third year, it was about six months, and it has been about six months ever since. Those are the facts, although Labour members want to create the impression that something has changed since the election in May.

We are reviewing the system. An internal review is currently under way to try to improve the system and minimise the length of time people have to wait. We have put in additional resources twice this year, to take the figure up from 12,000 installations to a planned 15,000 or more. This Government is tackling the problem; the previous Government left us with an inheritance of enormous waiting lists and a difficult situation to deal with.

Jamie McGrigor (Highlands and Islands) (Con): The change from Eaga to Scottish Gas was meant to bring improvements. Why do the concerns about the delivery process still exist? Aside from the financial aspect, what will the minister do to ensure that pensioners and people who really need the heating get it in a shorter time than is currently the case for some of them? They have to wait for months and even years.

Stewart Maxwell: I am not aware of a case in which a person has had to wait for years, but I understand people's concern about the system. As a result of such concerns we are carrying out an internal review to ensure that we minimise the length of time people have to wait.

The member will be aware that two announcements have been made this year—one in August and one on 21 November—of additional money for the programme, which will raise the number of installations from 12,000 to 15,000 this

year. That will bring forward a large number of installations so that people get their systems much earlier. We have introduced additional criteria to bring forward the most urgent cases.

Over and above that, I have had meetings with Scottish Gas to discuss particular problems in the process. It is working on the matter, and it assures me that it can drive down the length of time it takes for individual cases to go through the system, but clearly the process must ensure that we have proper checks in place, that proper surveys take place and that the systems installed are of a suitable standard for the kind of people for whom we are putting them in. We must ensure that they get a good high-standard central heating system that is installed within a reasonable timescale. We are doing everything we can to try to ensure that that happens.

Health (Consultation)

9. Karen Whitefield (Airdrie and Shotts) (Lab): To ask the Scottish Executive how it will plan to ensure effective consultation on health matters. (S3O-1559)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): Revised informing, engaging and consulting guidance has recently been produced for national health service boards. It is currently out for consultation.

NHS boards must routinely communicate and involve the people and communities they serve, to inform them about their plans and performance. That is part of boards' patient focus and public involvement responsibilities.

Karen Whitefield: I hope that people will respond to the consultation.

The minister will be aware of my concerns about the handling of the process to provide general practitioner services to the 1,800 patients who belong to the South Nimmo practice in Airdrie. I am concerned that NHS Lanarkshire failed to consult and involve patients effectively.

In my constituency, NHS Lanarkshire has had to manage the process of selecting GPs to take over two separate GP practices. On neither occasion has the process been handled properly or effectively to engage patients fully in the decision-making process. Therefore—

The Presiding Officer: A question please, Ms Whitefield.

Karen Whitefield: —does the minister agree that, in future, health boards around the country will have to intervene in similar circumstances—

The Presiding Officer: A question, please.

Karen Whitefield: —and that agreed national guidance on patient involvement will therefore be of benefit to the process to ensure that patients are not needlessly worried at a very anxious time?

The Presiding Officer: I am not sure whether a question has been asked, but if the minister would like to answer, she may.

Karen Whitefield: There was a question.

Nicola Sturgeon: I will be charitable—*[Interruption.]* If Labour members give me a chance, I will give them the answer for which they bellow from sedentary positions.

As Karen Whitefield knows, the matters that she raises are for NHS Lanarkshire. People who have concerns about those matters can and should take them up with NHS Lanarkshire. When I chaired the annual review of NHS Lanarkshire just a couple of weeks ago, at which I do not recall seeing Karen Whitefield, people turned up—I do not know whether they were from her constituency or other parts of Lanarkshire—to put their concerns direct to Lanarkshire NHS Board, and they were given answers.

I take public involvement and engagement seriously. That is why the Government has established the independent scrutiny process that Jackie Baillie has praised highly and why we will consult shortly on a local health care bill to embed public involvement further and on proposals for elections to health boards. I hope that all members will participate in those consultations.

As Karen Whitefield knows, even under current procedures, every board has a statutory obligation to show year on year how it consults and engages the public. I expect all boards to take that responsibility seriously.

Modernising Medical Careers

10. Michael McMahon (Hamilton North and Bellshill) (Lab): To ask the Scottish Executive what progress is being made on modernising medical careers. (S3O-1546)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): Planning is under way for selection and recruitment to medical specialty training posts under modernising medical careers in 2008. NHS Education for Scotland is developing a Scottish system for the application process, which opens on 4 January next year.

We have developed our own mechanisms to ensure that MMC is fit for Scotland's purposes. Work continues with all key stakeholders, particularly the British Medical Association, the royal colleges and junior doctors' representatives. I am grateful for the commitment and support that they have shown.

Michael McMahon: In common with other parties, the Scottish National Party endorsed the direction of travel that was outlined in the Kerr report on modernising the national health service in Scotland. That report focused on the development of specialisms in the NHS and said that primary care needed to be given greater priority. Will the cabinet secretary reaffirm her support for the Kerr report's conclusions? Will the development and improvement of expertise among palliative care specialists be ensured through appropriate support for and resource allocation to palliative medicine?

Nicola Sturgeon: I do not know whether Michael McMahon's complete ignorance of health matters is why his supplementary question bore no relationship to the question in the *Business Bulletin*, which was about modernising medical careers, but I am more than happy to answer his question. I will say what I have said many times in the chamber: the SNP Government endorses the direction of travel that was set out in the Kerr report, but that does not mean that we will endorse everything that is done in the Kerr report's name if we think that something is wrong for the communities and people of Scotland.

Soon, I will publish the new Government's action plan for health, which will build on the Kerr report's work. When Michael McMahon has the chance to read that, I am sure that he will be encouraged by the range of proposals that are designed to support the shifting of the balance of care into community and primary care, about which I hope there is consensus. I also hope that, when he reads that plan, he will be reassured about the importance that the Government attaches to improving the standards of palliative care for everybody who needs it, regardless of their diagnosis.

Ambulances (Infection Control)

11. Christine Grahame (South of Scotland) (SNP): To ask the Scottish Executive what efforts are being made to control the spread of infection in ambulances, given reports in England that ambulance crews are complaining about a shortage of cleaning products to sterilise their vehicles properly. (S3O-1503)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): The Scottish Ambulance Service operates a national infection control policy that has clear processes for cleaning vehicles. Those processes allow for appropriate cleaning of ambulances after each response and a regular full deep clean. Specialist cleaning materials are issued to all stations and crews and new cleaning arrangements, such as the use of specialist

cleaning teams, are being trialled at busier stations.

Christine Grahame: The cabinet secretary's answer will reassure not only passengers and patients in ambulances, but ambulance crews themselves. Through appropriate agencies, will her department continue to monitor the cleanliness of our ambulance fleet to ensure that an all-encompassing approach is taken to avoiding what we hope is avoidable—the spread of MRSA?

Nicola Sturgeon: I thank Christine Grahame for that extremely important question and assure her that I will continue to monitor closely the Scottish Ambulance Service's compliance with infection control procedures, just as we will continue to monitor the performance of the national health service generally in complying with infection control procedures.

As Christine Grahame will be aware, I announced last week that £54 million will be available over the next three years to equip us to tackle infection in hospitals better. Those resources will fund a pilot programme and then the roll-out of a national MRSA screening programme. They will help us to boost hand hygiene procedures in our hospitals. I also said last week that we are reviewing the cleaning standards that apply in hospitals and, by extension, in ambulances and other health care settings, to ensure that they are as robust as they can be.

Osteoporosis (Ayrshire and Arran)

12. Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): To ask the Scottish Executive what steps it is taking to improve the detection and treatment of osteoporosis in Ayrshire and Arran. (S3O-1536)

The Minister for Public Health (Shona Robison): We encourage all boards to support early diagnosis of osteoporosis by ensuring that there is ready access to dual energy X-ray absorptiometry—DEXA—scanning. That is in line with Scottish intercollegiate guidelines network—SIGN—guidelines and the audit that NHS Quality Improvement Scotland published in 2005. In addition, NHS Ayrshire and Arran intends to take up the option of choosing falls and bone health under the Scottish enhanced services programme for primary care, which will mean that falls co-ordinators will be appointed in each community health partnership area to improve awareness of the incidence of falls and address bone health as a health improvement issue.

Cathy Jamieson: I hope that the minister will join me in congratulating Janette Leitch and the other members of the Cumnock osteoporosis support group, who celebrated that group's 10th anniversary this week. Is she aware that that

group is concerned that patients in Ayrshire, unlike those in many other parts of Scotland, have been unable to benefit from a full fracture liaison service? When will all patients who have been diagnosed as having osteoporosis and low-impact fractures enjoy a complete service, including a DEXA scan, full results, support and the follow-up services that are available in other parts of Scotland?

Shona Robison: I join Cathy Jamieson in congratulating the Cumnock osteoporosis support group on its hard work. I suggest that she write to me giving me the full details of the issues in Ayrshire and Arran. I will certainly make it my business to get back to her with full and detailed answers to her questions.

Dr Richard Simpson (Mid Scotland and Fife) (Lab): Is the minister aware that Forth Valley is the only area in Scotland that does not have a DEXA scanner? Patients from my constituency have to travel to the Golden Jubilee national hospital for testing. Is she prepared to join me in an approach to Forth Valley NHS Board to invite it to use some of the new money that will be available to ensure that it will not be the only health board in Scotland that does not have such a service?

Shona Robison: Richard Simpson is correct. However, boards have been encouraged to improve access to DEXA scanning, especially in the light of the results from the audit that NHS QIS published in 2005, which I mentioned, and good progress has been made. Only one mainland board—Forth Valley NHS Board—does not provide a DEXA scanning service, as Richard Simpson said. I will certainly follow up that matter with that board and find out what plans it has to make improvements to that service. I will keep the member informed about what happens.

Central Heating Programme (Scottish Gas Contract)

13. Michael Matheson (Falkirk West) (SNP): To ask the Scottish Executive whether it is satisfied with the way that Scottish Gas is handling the central heating programme. (S3O-1507)

The Minister for Communities and Sport (Stewart Maxwell): The managing agent has said that it will meet the target for installation this year, which includes a total of 3,000 installations announced in August and on 21 November. However, we recognise that more can always be done to improve performance, and regular meetings are held between the managing agent and officials that are aimed at improving programme delivery.

Michael Matheson: I appreciate that the minister inherited the central heating contract from

the previous Executive, but is he aware of the serious concerns about how Scottish Gas is administering the contract? In particular, I draw his attention to its withholding payments from contractors who have carried out installations on its behalf. It has not paid contractors until the very last moment, which I understand has already caused several companies to go under. I understand that an increasing number of contractors are looking to withdraw from such work as a result of that policy.

In addition, I draw the minister's attention to the fact that Scottish Gas is failing to pass on work to contractors who are prepared to work for it. I know of one contractor who has a contract with Scottish Gas to install 40 systems per week, but who in the past two weeks has received only 14 requests for installations. Will the minister ensure that, as part of his review, contractors are consulted on what can be done to improve the system?

Stewart Maxwell: The member raises a serious issue. As the managing agent, Scottish Gas is subject to a contractual requirement to ensure that contractors are paid within 30 days of satisfactory completion of work and on submission of a valid invoice. Communities Scotland has made it clear that it should comply with that requirement. If the member has evidence that that requirement is not being complied with, I would be interested to see it and will take the issue up with Scottish Gas personally and through official channels.

Johann Lamont (Glasgow Pollok) (Lab): Will the minister confirm that he recently extended the contract with Scottish Gas, despite the fact that waiting times are at an all-time high? Did he seek or receive advice that would have allowed him to place conditions on Scottish Gas in the contract? How will his internal review of the central heating programme address the concerns of contractors who want to support the programme—concerns that Michael Matheson, a back bencher from his own party, has raised?

Stewart Maxwell: I am keen that as many contractors as possible should subcontract to the managing agent, to ensure that we install as many systems as possible as quickly as possible. We have extended the contract for one year while we carry out the review; that is the sensible approach to take.

If Johann Lamont and other members have evidence that Scottish Gas is in breach of contractual arrangements, they should make us aware of such breaches. Thus far, I have seen no factual evidence of that. I have made it clear that it is unacceptable if contractors have not been paid, if companies have gone under for that reason or if the managing agent has failed to supply the work that it is contracted to supply to subcontractors. If contractors have evidence that that is happening, I

will take the matter up immediately with the managing agent.

The Presiding Officer: Before we move to the next item of business, I acknowledge the fact that Karen Whitefield's supplementary included a question. I am afraid that I lost it while I was exhorting her to ask a question. I say to members from all parties that I expect supplementaries to be short, sharp and to the point. There is a growing tendency for members from all parties to turn them into brief speeches, which is not particularly welcome.

Summary Justice Reform

The Presiding Officer (Alex Fergusson): The next item of business is a debate on motion S3M-983, in the name of Kenny MacAskill, on summary justice reform.

14:57

The Cabinet Secretary for Justice (Kenny MacAskill): We welcome this debate. Summary justice reform is vital and has been debated before.

I start with an anecdote, which comes not from my position as Cabinet Secretary for Justice or from having been a defence agent for approximately 20 years, but from witnessing an assault almost exactly a year ago today. I am still waiting to give evidence in the trial for that assault, which was nasty but is not a matter for a sheriff and jury; I understand that it is being dealt with as a summary matter. I was first cited in May, but the trial was cancelled. I was cited again in October, but again the trial was cancelled. I have been cited a third time for next week, and I hope that the trial will proceed. However, it is approximately a year since the incident, there has been no closure for the victim and there has been considerable inconvenience for me and numerous other witnesses, not all of whom reside in Scotland and who include members of the public as well as serving officers. That is why summary justice reform must proceed and why, back in January, Parliament passed unanimously the Criminal Proceedings etc (Reform) (Scotland) Bill, as members will recall.

I pay tribute to Sheriff Principal McInnes and his committee for their work, to the previous Administration and to the former Justice 1 Committee for creating the platform for the changes that the Government is seeking to make. In January, as now, everyone was in no doubt that we needed to get our summary justice system working better, smarter and in the way in which its name suggests it should work. It should be a truly summary justice system—a system that is quicker, more efficient and more effective.

We are building on the legislative platform that we inherited from our predecessors and we are happy to give credit where credit is due. We supported the programme in opposition because it was correct, and we are delivering it in government because it is right.

More than 90 per cent of all criminal court cases call in our summary courts, which are the first contact with courts for most offenders. By reforming the system so that that critical first contact is effective in dealing with offending behaviour, we can improve on Scotland's poor

reoffending rates, which remain a major problem not just for Scotland's justice system but for the nation as a whole.

The provisions in the Criminal Proceedings etc (Reform) (Scotland) Act 2007 will improve procedures; result in a redistribution of cases to an appropriate level in the system through changes to sheriff sentencing levels and the increased use of direct measures; free up court time through more administrative enforcement of fines, which Mr Aitken is quite correct to go on about; and revitalise the practice of lay justice through improved training and appraisal. Lay justice is often maligned—I see similarities between it and community councils. At the end of the day, they are necessary if we are to have local democracy, accountability, a better judicial system and public involvement at appropriate levels. However, we must ensure that they work better and smarter, if not harder. In addition, we must allow the Scottish Court Service to use its expertise to run all of Scotland's criminal courts.

The CPR act is only one part of the story. We recently published a summary justice reform system model, which details how criminal justice partners will work together to help to make our summary justice system live up to its name and make Scotland safer and stronger. No one can disagree with the aims of the system model, which are to have a summary justice system that is

“Fair to the accused, victims and witnesses ... Effective in deterring, punishing and helping to rehabilitate offenders ... Efficient in the use of time and resources ... Quick and simple in delivery”.

The system model builds on legislative changes to address a wider need for change. In case any of us need reminding of that need for change, I will mention some of the indicators that were provided in the McInnes report, to supplement the anecdotal evidence that I gave on a summary case in our capital city. The report said that a system that fails to dispose of more than half of cases within six months of the offence cannot truly be considered summary, and that no evidence was led in around 90 per cent of cases that were set for trial. The system is not in crisis, but it is capable of being much better.

Summary justice must preserve fundamental aspects and core tenets, such as the presumption of innocence, but it must also reflect the speed and ease that are appropriate to the lesser nature of the offending with which it deals. The system model will help to bring about

“Greater use of direct measures (non-court options)”,

thereby removing—appropriately, we believe—cases from the courts. It will help cases to come to court more quickly and will allow early, effective preparation of court cases. It will be possible for

cases to be dealt with at the earliest possible stage in proceedings.

Culture change is critical. Everyone who is involved in the system has a part to play. The police will provide high-quality information in their reporting of cases. The Crown will have more options for appropriate action and will use high-quality information to communicate with the defence to discuss cases ahead of hearings. Since October this year, the Crown has provided a disclosable summary of evidence to enable the defence to assess effectively the weight of evidence against their client.

Other changes are also vital. We recently launched a consultation on changes to summary criminal legal assistance, which are designed to complement the system model. The proposed changes have generated considerable debate. Let me be clear on one of the main objectives of summary justice reform: we want cases to be resolved sooner, not after several hearings, and we do not want preparation to be done for trials that do not go ahead, because there is too much delay and inefficiency in the system. From my days as a defence agent, I recall that far too many trials were scheduled that did not go ahead after the plea changed to guilty at the last minute. As Sheriff Principal McInnes said when he gave evidence on the Criminal Proceedings etc (Reform) (Scotland) Bill to the Justice 1 Committee in May 2006, too much effort goes into preparing for trials that do not go ahead because a guilty plea is entered, often on the day of the trial itself. As well as causing huge inconvenience to individuals, that has a cost to the public purse.

We must address the inconvenience to witnesses who turn up at court for a trial that does not take place; the stress that victims suffer through unnecessary delays in cases' progress, which prevent people from getting on with their lives and, in some instances, having closure; and the waste—which is not cost free in time or money—for court staff, judges, the prosecution, the police and the defence. The situation undermines the public's faith in the justice system, which must be paramount.

It has been suggested that the proposed reforms to legal aid and the wider summary system, which seek to encourage the early resolution of cases, will in some way infringe civil liberties. Let me be clear: anyone who wants to have their day in court will continue to have a right to it, and anyone who wants to plead not guilty will continue to be able to do so—that fundamental right remains sacrosanct. However, the system must also take into account the rights of the community. The process must be visible, speedy and efficient.

We want to reward solicitors fairly for the critical work that they do in advising and representing accused persons and protecting their rights. We

want a system in which justice is upheld and the taxpayer receives the best possible value for money.

On Margaret Smith's amendment, we do not believe that the proposed changes will create substantial problems in relation to eligibility for legal aid, but we are happy to consider the matter further, to ascertain whether there are genuine cases of hardship for which special allowance must be made. On that basis, I am happy to accept her amendment.

On Monday, I had a constructive meeting with the Law Society of Scotland and representatives of local bar associations to discuss the proposed legal aid reforms. The people whom I met have concerns about the proposals and want to put forward an alternative approach. Any such approach must support the system model and be affordable, given the tight financial constraints that we face. I am hopeful that we can reach agreement and that it will not be necessary for me to impose a solution, so I have agreed to extend the consultation period until the end of January, to allow for further discussion. After all, it is good to talk—as the saying goes—and reaching agreement is better than enforcing a solution.

The 2007 act received unanimous support, and work has been going on to prepare for the implementation of its provisions. The first phase of implementation will take place from next Monday and will include reforms to bail and remand, criminal procedures, sentencing levels and lay justice.

The bail reforms were welcomed in the Parliament as a sensible way of making the law more transparent. It is correct that the court should decide, on the circumstances of each case, whether an accused should be remanded or bailed. It is right that the Parliament should set a framework within which the court reaches such decisions. Public safety must be considered by the court when it is deciding whether to bail or remand. Judges will be obliged to give reasons for bail decisions. The accused will be left in no doubt about the responsibility that is placed on them when bail is granted, and there will be increased penalties for breach of bail orders, coupled with tough enforcement. We want there to be increased respect for bail, so that breach rates fall.

Lay justice is critical. Much important progress has been made in taking forward reforms. Since March 2007, 470 existing justices of the peace have accepted new appointments, which they will take up from Monday. Almost all of them have attended three-day refresher courses. Feedback has been excellent and reflects their enthusiasm about improving their skills. Strengthened lay justice will play a key role in the reformed summary justice system.

We are happy with the amendment in Mr Aitken's name, which is perfectly reasonable and acceptable. The Government is already on the case in the context of the enforcement of fines, the review of community penalties, the requirement for custodial sentences to be reduced in some instances and the requirement for offenders to be dealt with through firm, tough punishment in communities. As the amendment says, for some offenders the only suitable punishment is prison. The sacrosanct principle is that it is for the judiciary and the presiding sheriff or magistrate to decide whether a sentence should be custodial.

More of the 2007 act's provisions will be implemented in March, with reforms to fines enforcement, court unification and procurator fiscal direct measures. By working together, criminal justice agencies can make the changes that we all want. As people on the ground will see the effects of the changes before anyone else, the national and local criminal justice boards will play a crucial role in monitoring and evaluating them.

Of course, the impact of these extensive and complex changes will not become apparent overnight. When, in due course, sufficient data become available, this Parliament, and in particular the Justice Committee, will want to scrutinise them. I believe that when that time comes, we will have a summary justice system that lives up to its name and ensures that any citizen—no matter whether they are a Cabinet Secretary for Justice or anyone else—who is the victim of or a witness to an assault or other minor summary incident does not have to be cited to court on three separate occasions. The least that we can do is to ensure that a summary trial is held less than a year after the incident. Our job is not only to make better law for our communities but to provide some justice to victims.

As I have said, I am happy to accept both amendments.

I move,

That the Parliament recognises that a summary justice system should deal with offending behaviour quickly and effectively; believes that the implementation of the provisions contained in the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 will help bring about improvement in how the summary justice system deals with offending behaviour; considers that the legal aid system should complement the reformed summary justice system and ensure that solicitors receive fair remuneration for their work in advising clients while also providing best value to taxpayers, and looks forward to the Justice Committee providing effective post-enactment scrutiny on the impact of the programme of summary justice reform.

15:11

Bill Aitken (Glasgow) (Con): In telling the chamber about his personal experience of an incident in Edinburgh, the cabinet secretary has

somewhat upstaged me. In February, on a Glasgow bus, I witnessed a nasty assault. The case has still not been disposed of and, like Mr MacAskill, I have experienced a considerable amount of personal hassle. The idea behind summary justice is that the minor—or comparatively minor—matters involved should be dealt with quickly, but clearly that is not happening.

Today's debate is simply a corollary of the debate that we had earlier this year in passing the Criminal Proceedings etc (Reform) (Scotland) Bill. Although we might have had some misgivings about certain aspects of the legislation, we felt that it was, on the whole, worth while. Mr MacAskill has already mentioned bail. It was apparent to us all that urgent measures had to be taken on that matter in the public interest, and the provisions in the 2007 act moved in that direction.

Under the legislation, sentences for summary matters have been increased from six months to a maximum 12 months. I pressed for such a move for many years; however, even as recently as 2003, it was always voted down by the previous Administration. Of course, the measure suddenly became a bit more acceptable when the Administration introduced it. That is a good thing—I am a great believer in praising people who convert to the side of common sense.

That said, we are not happy with certain other measures, and we will have to see how they work. For example, diversions might make sense in many instances, but I find it regrettable that in certain other instances we will lose the salutary effect that a court appearance might have. I can appreciate that the cabinet secretary, like his predecessors, does not wish to clutter up the courts with comparatively minor matters. Of course, it all comes down to the definition of "comparatively minor". We might well have to revisit the issue.

Diversions will reduce the flow of activity in the sheriff summary and district courts. I find it interesting that many more cases will not be cited but will come to the court through letters of undertaking. Although that move will speed up the process, one very real problem is that, at the moment, many such letters are not answered and people simply do not show up at the required time. As a consequence, the number of warrants and remands in custody will increase, but I do not see any way around the issue.

The high number of no responses in cited cases has been a problem for many years and, if things do not improve significantly, we will have to come back to the issue somewhere down the line.

When a letter comes back pleading not guilty and a trial diet and intermediate diet are fixed, it is

all very well to think that everything will go swimmingly but, frequently, the accused does not turn up for the intermediate diet, which results in a discharge of the trial diet and the fixing of a notional diet, to which the accused has to turn up, but more court time is wasted. The 2007 act does not deal with that problem, which might continue—again, we will have to wait and see.

We all want non-custodial disposals in summary cases to work. I am sorry Mr MacAskill, but I must revisit the question of fines, because the system that is being introduced is unnecessarily complex. There is a problem with fines not being paid, although it does not necessarily show up in the statistics. The last time that I looked, there was between £3 million and £4 million of unpaid fines. In percentage terms, that amount is artificially low, because the substantial monetary penalties that are imposed under health and safety at work legislation, which are paid by diligence, tend to be collected, as do those penalties for motoring offences that attract high-tariff fines. However, payment issues arise with fines of £200 or £250 for crimes such as theft by opening lockfast premises or breach of the peace. I accept that, under the 2007 legislation, steps are being taken to beef up the collection process, but I return to the simple option that successive Administrations have been reluctant to consider—namely, negotiating with the benefits agency so that fines can be deducted in instalments from wages or benefits. That would put an end to all the problems.

Community service is a valid disposal and part of the summary courts. The problem is that many of us—and not exclusively Conservative members, I suspect—are not convinced that community service orders are being enforced sufficiently robustly. The breach rate is high, and social work departments are lenient with breaches to the point of indulgence. I am convinced that only a fraction of the community service that the courts order is being completed. We must consider that.

Custodial sentences must always exist as the last resort. A while back, a Labour member—I think that it was Margaret Curran—pointed out that some of the cases that go before the summary courts will be fairly serious, particularly now that the courts can give sentences of up to 12 months. There could be cases of repeated drunk driving, domestic violence or common-law assault, all of which will need to attract reasonably high-tariff sentencing on a summary complaint. We must recognise that, but we must also recognise that a great many people are eventually jailed in the district court, not because what they have done is terribly serious, but because they have done it 40 or 50 times previously, frequently while under a succession of bail orders. I am sorry, but the custodial alternative must always exist.

I am pleased that Mr MacAskill—in what he said today and in one of his more constructive contributions to the Justice Committee the other day—has dealt with the legal profession's concerns about legal aid. Margaret Smith has properly pointed out that issue in her amendment. We are perhaps going down a reasonably constructive route on that.

Delays in court proceedings must be considered seriously. In my experience in Glasgow sheriff court, 16 or 17 summary trials were sometimes allocated to one court in a day. If everybody had turned up and maintained their not guilty plea, the court would have been sitting *ad infinitum*. In practice, very few trials proceeded. However, one device that is beloved by many accused is to turn up on the day, to wait for the call-over for the trial to end and only at that stage—once the witnesses have been checked and are all there—to change their plea. That is not acceptable, so we must consider how the situation may be tightened up.

As I have already said to the cabinet secretary and other members informally, I commend the New York system of summary justice. I would like the community court system to be trialled in Glasgow or somewhere else. I appreciate that our two systems would not necessarily be totally compatible, and that there would have to be some hard thinking about how to make the arrangements compatible here. However, it could work. If it works in midtown Manhattan or Red Hook, I really think that it could work here. However, it would work here only if it was a straightforward facsimile of what is done in New York.

I am afraid that a lot of sacred cows would have to be slain in order for that system to be implemented. We would have to recognise that the vast majority of people who would appear before community courts would do so from custody, and that there would be no question of deferring sentencing for a social inquiry report or of assessing people's fitness for community service. Instead, they would be out on the streets that day with their uniform on, carrying out their work. The recent celebrated cases of Boy George and Naomi Campbell are classic illustrations. We cannot deny the facts: the levels of minor crime in the areas concerned have plummeted. Let us consider the use of that system.

We welcome the proposals that are before the Parliament today, although we will have to measure their success. I am sure that the Justice Committee will wish to carry out an inquiry, once the measures have bedded in and have had time to work. At that stage, we can consider the system, accept and build upon what has worked, and reject or toughen up what has not worked. Subsequently, we will probably get by with a bit of

tweaking. Let us hope that we can prepare legislation and a system that works to the benefit of the people of Scotland.

We will not be dividing the chamber at decision time.

I move amendment S3M-983.1, to insert after second "behaviour":

"and recognises also that the success of a revised summary justice system will be dependent on fine payments being enforced and a much tighter and rigorous control of community service orders, and that in some cases custodial sentences are the only appropriate disposal".

15:22

Margaret Smith (Edinburgh West) (LD): I begin by apologising to the Parliament for the absence of my colleague Mike Pringle, who has had a minor accident. Unfortunately, members are going to have to listen to me twice this afternoon.

I welcome the debate and the Scottish Government's commitment to taking forward the work of the previous Executive and Parliament on the summary justice system. It is undoubtedly the shared aim of everyone in the chamber to ensure that our summary justice system, which accounts for 96 per cent of criminal court business, deals with offending behaviour quickly and effectively. That point was well made in the cabinet secretary's personal anecdote—perhaps topped only by Bill Aitken's. I have already related to colleagues the fact that I witnessed an assault earlier this month. The message to the general public from all that is that they should not be in our company or have anything to do with us, as we are obviously dangerous people to be around.

The changes that were introduced under the Criminal Proceedings etc (Reform) (Scotland) Act 2007 had a great deal of cross-party support. I am pleased that the Government intends to build on those reforms, which will free up the time of our courts and legal practitioners and will allow resources to be concentrated where they are most needed and can be most effective. They will enable courts and prosecution resources to be used more efficiently. Crucially, they will protect victims and witnesses from the needless distress of unnecessary court appearances.

Bill Aitken was right to highlight the potential use of letters of undertaking. That is just one of the many areas that we will have to examine carefully as the legislation beds down. It is vital for the reforms to be closely monitored and scrutinised as they come into effect and embed themselves in the system. We cannot simply pass legislation and then walk away, patting ourselves on the back for a job well done. As the motion says, there is definitely a place for scrutiny by the Justice

Committee. I am sure that the cabinet secretary knows that we like to scrutinise him a great deal at the Justice Committee. There is a role for the Government there, too.

Bill Aitken's amendment reminds us that one of the most important reforms of criminal justice legislation was the establishment of fines enforcement officers. They form a critical part of the new system. It is essential that the public have faith that fines will be paid and that breaches of community sentences, alternatives to prosecution or bail conditions will be dealt with effectively and swiftly. Those of us who support greater use of alternative disposals must take them seriously. That is not just the concern of Mr Aitken and others; it should be our concern, too.

When I read again the *Official Report* of the stage 3 debate on the Criminal Proceedings etc (Reform) (Scotland) Bill, two things were clear. First, there was a fair amount of consensus and all parties supported the legislation. Secondly, there were concerns throughout the Parliament about how the various reforms would bed down, including the deemed acceptance of fiscal fines and compensation orders, trials in absence, and the wider powers of the police and Crown Office in relation to direct measures and undertakings. Time and again, ministers and others said that we would need to monitor the impact of the guidelines and legislation. I agree. That is why we welcome the Scottish Government's consultation and the announcement of an extension to its timing.

We also welcome the fact that the minister has been meeting interested parties. The Edinburgh and Glasgow bar associations and others have raised a number of concerns. Some of them are procedural and relate to the implementation of the legislation. We all agree that there is a need to ensure that cases are prepared as soon as possible to allow resolution as soon as possible. It is hoped that early disclosure will lead to earlier guilty pleas. However, the Crown's disclosable summary is a new feature of the system and, as yet, it is untested. It should be monitored for a period of time to ensure that it is of sufficient quality for the purposes of the Crown, the defence and the court. Proper training for the police who will write the short summaries is vital.

Concerns have also been raised about the proposed changes to legal aid. It is important not to lose sight of the key point that the provision of legal aid is not an end in itself but a means to an end. That end is access to justice. There is concern that linking legal aid applications to four different points in the system will add to bureaucracy. That is the opposite of what the Government intends. I appreciate that the Government wants to reduce the number of accused—50 per cent in some courts—who plead

guilty on the day of the trial. There are understandable concerns that the present system of legal aid encourages not guilty pleas because the accused can then access legal aid. The process continues until the trial, at which point there is a guilty plea. However, there is also concern that the proposed reforms will put pressure on solicitors to encourage guilty pleas from their clients because such pleas will attract higher fees.

The criminal legal aid budget is not spiralling out of control. There has been a 35 per cent reduction in the cost of the average court case in the past 10 years, partly as a result of fixed fees. I hardly expect the country's teachers, police officers or unemployed to sympathise with the financial concerns of the legal profession, but it is not the bank balances of individual lawyers that concern me and my party. The suggested payments could mean a loss of up to 20 per cent in turnover for some firms, and four out of six might be worse off. There will be a reduction in the legal aid budget anyway, because fewer cases will go to court and more will be dealt with by fiscals. However, if the reduction in the legal aid budget and the proposed changes to legal aid mean that more legal practices believe that it is not financially viable to provide criminal legal aid, we might find a replication of the current situations with civil legal aid—I have spoken about that on many occasions in the past few weeks—and national health service dentists.

Looking further ahead, practitioners including members of the Edinburgh Bar Association suggest that the changes might lead to fewer trainees going into criminal law and more going into commercial law instead. That would leave future generations with reduced access to justice. Inability to access criminal legal assistance might lead to more self-representation, which could also be a serious barrier to justice, given that some people are unable to defend themselves effectively. It could also lead to the frightening prospect of perpetrators of domestic abuse cross-examining their victims.

It is also important to ensure that access to justice is not restricted by the eligibility criteria for legal aid. A reduction in the savings allowance will mean that fewer people will be able to receive representation through legal aid. That is likely to affect thousands of people. Practitioners have also raised with me their concern that the financial restrictions on access to assistance by way of representation will mean that no working man—if I can use that phrase—will qualify. The income limit is £208 a week. The minimum wage for a 40-hour week is about £220. When a partner's income is added, and given that no allowance is made for outgoings, we can see that even the poorly paid will be denied access as a result of the limits.

Under the existing system, allowances are permitted for rent, mortgage payments, council tax and other types of debt, and a wife's or partner's income is not counted.

Make no mistake about it—practitioners use the Scottish Legal Aid Board key card and will not even put someone forward for aid if they are financially ineligible. I appreciate that the Government needs to be prudent with taxpayers' money in relation to the legal aid bill, but it must seriously consider whether the new eligibility criteria will create barriers to justice. I am reassured by the cabinet secretary's comments on that today.

We all want a swifter resolution of summary criminal cases, but none of us wants that at the expense of our right to a fair hearing. We all want to ensure that taxpayers' money is spent effectively, but none of us wants that at the expense of access to justice. We all want to keep people out of court and out of prison if at all possible, but there will always be occasions when that is not possible. That is why we need to ensure that our reformed summary justice system is effective.

I welcome the cabinet secretary's acceptance of my amendment. I commend the motion and my amendment to Parliament.

I move amendment S3M-983.2, to insert at end:

"and further calls on the Scottish Government to ensure that the views of professionals are taken into account in the consultation on summary justice to ensure that access to justice for the weakest and most disadvantaged in society is protected."

15:30

Pauline McNeill (Glasgow Kelvin) (Lab): It feels as if there is a fortnightly afternoon session with the Cabinet Secretary for Justice—he must like our company. Although the debate is not well attended, it is important and I welcome the chance to discuss summary justice.

It was as far back as Jim Wallace's time as justice minister that the decision to review summary justice was taken. The starting point was that our courts must meet the expectation of being modern, efficient, fair and just. Meeting the needs of the 95 per cent or more of people who will come into contact with the summary justice system required a shake-up of that system. As Bill Aitken and Margaret Smith have illustrated, the balance of probability is that, as so many people come into contact with summary justice, members will have had experience of it too.

It is no longer a summary justice system if it is not a summary of events. The correlation between being prosecuted and coming to court without delay to face the charges and hear the evidence is

fundamental if summary justice is to work. Following the setting-up of the McInnes committee, its recommendations found their way into the Criminal Proceedings etc (Reform) (Scotland) Bill, now the 2007 act. At the time, the Justice 1 Committee members thought that it was about time that we had a bill with a different name, rather than just another criminal proceedings bill, but I guess that we cannot move away from form.

As others have said, the reform is the work of the Labour-Liberal coalition Government. Although we will work with the Scottish National Party, we will not let it claim the reform as its work. However, we want to talk to it about the implementation, because the SNP Government will be responsible for that.

Let me say a few words about scrutiny of the 2007 act. The act includes changes to bail and remand for solemn and summary procedure. It suggests that sheriffs should be able to explain their decisions about bail and remand and bring transparency in sentencing—that is an important part of the agenda.

However, the main provisions of the act do the following: extend the range of alternatives to prosecution; reform the fines and other financial penalties that can be collected and enforce the collection of those fines; allow the police to move away from the collection of means warrants, freeing up their time to pursue other warrants, which is part of the agenda to free up police time; establish justice of the peace courts from the former district courts; and give the power to ministers to increase the sentencing levels in district courts if and when the time comes.

The changes to summary justice will not be a big bang, as the reform of the High Court might be described. They will be done differently because reform is much harder to achieve. We will see many wholesale smaller changes that are designed to make the system faster and better.

When the Justice 1 Committee scrutinised the bill, it did not let the Executive off the hook. I am sure that, under Bill Aitken, the new Justice Committee will not let the Executive off the hook in scrutinising the implementation of the act. Like Margaret Smith, I believe that there is an awful lot of work to be done in scrutinising how the changes will be made. I must confess that there was a bit of frustration when we were asked as a Parliament to give far-ranging powers to the Crown and the police without having the detail of how those powers might be used. It was down to the perseverance of the Justice 1 Committee that we forced some of the detail that is critical when deciding the framework. An amendment in my name reduced the amount of the fiscal fine from £500 to £300, which was the right decision. I think that £300 is more than adequate. We know that

we want to take offenders out of the system and divert them from prosecution where that is appropriate, but we must be clear about which offenders we are talking about.

Section 39, entitled "Fixed penalty and compensation offers", extends the range of offences for which a fixed penalty can be offered. There are clear public policy issues in that, which we would expect the Crown Office to make us aware of, given that it is adopting much more of a quasi-judicial role in deciding which offenders will be diverted from prosecution in court.

The fiscals raised minor concerns about the recall process, which is the process that is used when someone challenges the decision to impose a fiscal fine on the ground that they did not receive communication of it. Members of the Justice 1 Committee raised the issue of the effect that deemed acceptance of fiscal fines will have on people with learning difficulties. We must ensure that the system is right and that nobody can claim that they did not know that they were offered a fiscal fine.

Fine enforcement is an essential part of the act. The ability to collect the full extent of fines on time is an important issue. Section 43, which amended the Criminal Procedure (Scotland) Act 1995, set out further variations in relation to time to pay, deduction from benefits, powers of diligence and further reference to the court if it is needed. The creation of fines enforcement officers was the right way to proceed and it should lead to a greater collection of fines.

The Labour-led Executive began two pilots on fine defaulters. I would like to hear more about whether the Government intends to roll out those programmes so that if people fail to pay their fines, they are not sent to jail in the first instance but receive supervised attendance orders or other alternatives to custody.

It is right that Crown Office marking policy will remain confidential, but we should be kept informed of the general areas of prosecution—I believe that the code of practice will be published.

I want to say a word about the liberation on an undertaking procedure, which Bill Aitken mentioned. That is an extension of the procedure whereby a person is released from police custody on the undertaking that they will appear at court on a specified day and at a specified time. That procedure is already used in cases of drunk drivers and a few other instances, but there will be a huge extension of it. The mechanism will be central to bringing accused persons to the court speedily.

We spent quite a bit of time trying to understand how the process would work. In essence, there is a tight timescale for the police to be able to

complete their summary report and for the procurators fiscal to mark the cases. It will be a huge piece of work for the police and the Crown Office. We would like to be kept informed about how it is going. I know that modelling is taking place. If the procedure works, the benefit will be that cases will be brought to court more quickly and the accused person will get a summary of the case against them much more quickly. It is important that we get that right.

I turn to the role of the procurator fiscal. Many years ago, when the Justice 2 Committee carried out its inquiry into the Crown Office and Procurator Fiscal Service, it came to the conclusion that we perhaps do not value our fiscals as we should. They are very much on the front line—I know that others are, too. The fiscals briefed some members last night on the prospect of a ballot on pay. I hope that the Cabinet Secretary for Justice will meet the First Division Association on the matter and that the strike can be averted. I hope that it is accepted that, in order to deliver this kind of legislative change, we need to resource our fiscals and our Crown Office properly. More experienced fiscals are going to be needed to take decisions about fiscal fines, the value of which we have increased from £100 to £300.

I see that I should be closing soon, so I will conclude on the important issue of the unification of the district courts. Sheriff McInnes took the view that lay justices should disappear from the system, but the Parliament decided that lay justices were important to the system, with some provisos about the kind of system that we wanted to have in place. It is important to examine in detail what is likely to happen with some of the powers that are contained in the act. It is suggested that some business will move from the sheriff court to the district court and there is nothing wrong with that. The Justice 1 Committee, when dealing with the bill, was clear that it did not want public confidence in the system to be dented, which it might be if the public perceived that crimes were being downgraded to a lower court. Therefore, it is vital that we get an assurance that proper JP training is taking place and that decisions to move marking policy from the sheriff court to the district court are acted on and that we know about that when it is happening. I urge that no decision on extending the sentencing powers of the new JP courts be taken without the whole Parliament being satisfied that the training has been done and that we have a court system that is up to the job.

There is much more to say about what is contained in the act, but the central message is that we must continue to be vigilant about the implementation of the act. Although, clearly, there are responsibilities for the Crown Office and the police, we have given them huge and wide-ranging powers. It is up to us to ensure that those

powers are used in the way in which they were intended to be used.

We will support the motion. I hope that we get a further chance to discuss some of the key issues. It is important that we also consider the legal aid issues because we cannot change the system without talking to all those who are involved in making the system work, to ensure that they are reasonably happy with the outcome. We have the potential to make a huge difference to summary justice. I am sure that we can all make it work.

15:42

Stuart McMillan (West of Scotland) (SNP): Summary justice reform is a matter of great significance to the running of an efficient judicial system, as we have heard, so it is important that the Parliament makes progress on it. As all members will testify, the issue is rather technical. I am sure that, as a consequence, this debate will be somewhat tamer than this morning's debate on the Scottish constitutional issue.

There are various issues in summary justice reform that will be discussed, some of which have been highlighted already. I will focus my attention on the proceedings of summary justice.

According to the McInnes report, which was published in 2003, the percentage of cases that were disposed within 10 weeks of the date of the offence was a mere 6 per cent. Inversely, 98 per cent of cases were completed within 100 weeks. Some 500 work days were used to dispose of those cases. Simply put, a system that fails to dispose of more than half of all cases within six months of the date of the offence cannot truly be considered to be summary justice. Summary trials are generally shorter and much less likely to take place over more than a day. That means that the proportion of summary trials in which an accused will have the opportunity to abscond part way through the trial will be smaller than is the case in relation to solemn trials.

That is why, when we are considering the provision of summary justice, a main focus of concern should be the more efficient and effective delivery of that justice. Improving the speed at which summary justice operates is likely to deliver significant benefits to the victims and witnesses in at least two ways: earlier access to justice; and a reduction in wasted court appearances.

Summary justice not only benefits the victims and witnesses; it benefits the court system. Swifter judicial action is also likely to contribute to reducing reoffending and deterring criminals who might have benefited from the drawn-out judicial process. Certainly, there is little doubt that delays in the system have allowed some offenders to believe that there is little to no effective sanction

against their behaviour. On the other hand, with an increased efficiency in summary justice, disposals can be more appropriately tailored to fit the offending behaviour in a shorter timescale after the offence has been committed.

It has been suggested that a statutory time limit should be instituted for summary cases. Such an idea has many positive aspects. Setting a time limit of some months from when a person is charged with an offence within which the case must be brought to trial or dropped could be very effective at improving the speed of summary justice. Sub-targets could be presented within the overall target that relate to individual facets of the system, such as the time that is taken by the police to report cases to the procurator fiscal; the time that is taken by the procurator fiscal to get cases ready for court; and the ability of the court to accept such cases when they are ready. That would institute an idea of competition that would ideally propel each affected body to effectively and efficiently accomplish its course of action.

Although time limits could of course be extended for unique cases that demanded an extension, the negative aspects of the idea of time limits are quite obvious. The principal beneficiaries of a statutory time limit would be neither the victim nor the witnesses. It would be the accused person who managed to delay their case by taking advantage of systemic delays to have the case dropped. There would be widespread, and very justified, public concern if large numbers of cases fell because a time barrier had been passed.

There are several simple solutions to the delays in summary justice. Primarily, there should be greater and more effective communication between all levels of the judicial process. As the number of judges is limited, certain administrative proceedings could be more efficient if a judge's presence were not necessary. If a clerk were allowed to fix a date for trial in response to a written plea of not guilty, that would immediately lighten the load for the judges. To speed up the sentencing procedures for a convicted offender, the relevance of previous convictions could be taken into account to properly penalise the person in question.

To bring about further efficiency, a trial could be permitted to proceed in the absence of the accused, provided that the court was satisfied that the accused had been properly cited to appear and considered it to be in the interests of justice to proceed. Given that roughly 8 per cent of accused fail to appear on the day of their summary trial, which means that more than 4,000 hearings result in a warrant for the arrest of the accused, allowing the court to proceed in absence would dramatically hasten summary trials.

It is intended to provide the courts with more extensive powers when a witness fails to appear

for a court hearing, such as the power to release the witness on bail when they have been apprehended following a failure to appear. That provision, which was inserted into solemn procedure legislation in the Criminal Procedure (Scotland) Act 1995 by the 2007 act, would also assist in speeding up summary trials.

The overload of appeals in the High Court is increasingly a factor in preventing efficient summary justice. The High Court is under a severe burden from dealing with appeals. Given that all the appeals are dealt with at the High Court, the process becomes slower. The McInnes committee recommended that there could be a separate court to deal solely with summary justice appeals. That was not in the 2007 act and so has not been established—it might be something to be considered at some point in the future.

To adequately provide justice, the summary justice system should be fair to victims, witnesses and accused; effective in deterring, punishing and helping to rehabilitate offenders by taking action against an offender as quickly as possible, which maintains a link between the crime and consequence in the offender's mind; and, of course, efficient in the use of time and resources by ensuring that the flow of information between those involved in the system is streamlined. Considering the elements that have been put forward today and following those three principles will drastically facilitate a better summary justice system.

15:49

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): It is a fact that most people who experience involvement with the courts—whether as victim or accused—will be dealt with through the summary justice system. Summary justice deals with the offences that affect people who live in the communities that members seek to represent—cases that range from breach of the peace and antisocial behaviour through to weapons offences. It is an important matter to the people in my constituency of Cumbernauld and Kilsyth, as I know it is for people who live in other members' constituencies.

The previous Labour Executive introduced legislation that will come into force this month to ensure that the Scottish system is fairer, more visible and more effective so that our communities can see its effect. We had to ensure that there were more practical measures to make the system fair and efficient.

There appears to be very little disagreement between members on the need to drive ahead with reforms of our summary justice system. The Procurators Fiscal Society section of the First

Division Association in principle supports the changes to the way in which summary justice is dealt with in the criminal justice system. Like everyone else, it seems to have reached a level of agreement; it knows that the current system is not working efficiently and that it must change. Like us, it wants the system to change for the better.

The SNP Administration must ensure that the legislation is properly implemented with proper investment and full involvement of the public and the hard-working people who form Scotland's justice system. The current Crown Office and Procurator Fiscal Service is running on good will and constant overtime, but that is not an acceptable way for it to operate. As well as the changes to the system, there must be improvements to pay and conditions for staff if we really want to retain experienced, motivated and hard-working people.

The hard-working lawyers—I am not trying to sulk up, as they say in Kilsyth, to the minister, who is a lawyer—who work in the public service and who have enormous responsibility placed on them by the Scottish people to deliver justice, must be fully involved and properly valued by the Scottish Government if any justice reform is to work. I understand that there is a recruitment and retention problem in the Crown Office, with vacancies not being filled and good, experienced people moving on to other career paths. If that problem is not addressed, we can forget about getting in place the reform that we all agree is needed. People must be valued—part of that must be proper remuneration and support for them in the job that they do.

A poor comparison can be drawn between the salaries of Government lawyers and prosecutors. In April, agreement was reached between management and staff that there was a problem and that we had to move forward, so terms of reference for a pay and grading review were produced and agreed. That review involved management and staff but, sadly, later in the year, when it came to drawing up the conclusions of the review, the FDA representatives were not involved. I am gravely concerned because members are now being balloted on industrial action, which would take place on 3 January—one of the busiest court days of the year.

The cabinet secretary said that

“The system is not in crisis”.

It is not, but if we are not able to resolve the disagreement between management and staff, it will be. He and Bill Aitken both talked about the length of time it takes for cases to come to court: if there is industrial action, then the delays will be even longer. Action in the form of work to rule will mean that some work will not be done, which will

also make the process longer. The cabinet secretary said that everyone will continue to have the right to their day in court, but people might forget exactly what they are meant to be in court for if we are unable to get this matter resolved.

The cabinet secretary wants to reward solicitors fairly. I want to be able to fairly reward solicitors who work in the Crown Office and Procurator Fiscal Service, too. The agreement was drawn up in April, after which people were supposed to get around the table, come to conclusions and bring the matter to the Lord Advocate and then on to ministers. That has not happened, so we must ask why the matter has not been resolved when it is, at this time of year, necessary to budget resources for the service.

If the SNP really wants summary justice reforms to work it must provide the proper resources to the people who make Scotland's justice system work. It needs to ensure that the people of Scotland can see justice being done, which also means properly valuing the people who implement and deliver the justice service, so that swift action can be taken against criminals, and so that victims can see that justice has been done. The cabinet secretary must intervene in the dispute to deliver on the legislation in order to make Scotland's justice system faster and more effective in the communities that it serves, and to get a motivated workforce who want to go out and do the job that they love.

15:56

Michael Matheson (Falkirk West) (SNP): I am no longer a member of a justice committee, so it has been some time since I have been involved in a justice debate. However, it is interesting to see that some of the familiar faces from the past eight and a half years are still involved in the debate. Yes—I am referring to Mr Aitken and Ms McNeill.

One of the real benefits of the past eight years of the Scottish Parliament is that all the reforms of our criminal justice system have come about because the Scottish Parliament exists. During the first two sessions, justice legislation made for one of the largest volumes of legislation going through Parliament. That was because, for many years reform of our justice system had been ignored for practical, rather than party-political, reasons. It was at times difficult to get the required time at Westminster to ensure that the necessary reforms to the Scottish justice system were given an opportunity to be debated and considered. It is therefore fair to say that the reforms within the Criminal Proceedings etc (Reform) (Scotland) Act 2007 are long overdue and will help to improve the system in order to benefit our constituents and communities.

I said that the justice system has benefited from the Scottish Parliament's existence and the fact

that we have been able to extend the reform programme in our justice system. That programme has been accelerated during the past eight years, and there are anxieties in certain quarters that some of the reforms have moved forward too hastily. However, that accusation would not stick in relation to the Criminal Proceedings etc (Reform) (Scotland) Act 2007, given the considerable time over which it was considered. Pauline McNeill said that the process was initiated by Jim Wallace, the former Minister for Justice, but he initiated it back on 19 September 2001, when he established the McInnes committee to review summary justice in Scotland.

The McInnes committee was made up of individuals who had considerable experience of the summary justice system in Scotland. They gave two and a half years of their time to examine the matter in detail before they passed the report to the justice minister for his consideration. After that, the Executive gave us a period of consultation on what the McInnes review proposed, followed by committee consideration of the bill.

A considerable amount of time has been devoted to reform of our summary justice system. I am confident that the reforms have been well thought out and will make a significant difference. I will pick up in particular on court reform, which is dealt with in part 4 of the 2007 act. Some of the important changes that the act intends to make to our district court system will help to provide a more effective local justice system.

I welcome the unification of the summary court system under the Scottish Court Service, which Pauline McNeill mentioned. When I have visited district courts, I have been struck by the significant variations in how they have operated and in how justices have operated. Local authorities have tried their best to operate the courts as effectively as possible, but my impression has often been that the district courts were not among their highest priorities.

An issue that was often raised with me by justices on the bench in district courts was the great variation in the support that they received as they carried out their role. The McInnes report highlighted the lack of any minimum training standards or competence levels for lay justices. A number of years ago, the then District Courts Association introduced a training framework to try to achieve some consistency, but there was no statutory obligation on local authorities to continue to give their lay justices updated training or to monitor their competence. One of the benefits of a unified system is that it offers opportunities—now that it falls under the sheriff principal—to achieve greater consistency, to ensure that competence is actively monitored, and to have a much more

effective local justice system through the new justice of the peace courts.

I welcome the fact that the 2007 act maintained a role for lay justices within our justice system, and that the Government is continuing with that policy. I am aware that the McInnes report was not unanimous on the issue—there was a note of dissent, and the report itself recommended that there should be a professional judiciary at all levels, including all levels of our summary justice system. I welcome the fact that the previous Executive went against that particular recommendation and that this Government is continuing that approach to ensure that people from the local community who are affected by the issues that the court will consider are involved in dispensing justice.

It is in everyone's interests to ensure that there is a quick and effective justice system. It is important that we ensure that the right individuals have responsibility, which is why I welcome the fact that the clerks to the new justice of the peace courts will also come under the Scottish Court Service: the problem with their coming from the local authority side is that they can often be drawn off into other issues. I am happy to support the Government's motion.

16:03

Bill Butler (Glasgow Anniesland) (Lab): The subject of the debate is important to the people of Scotland. I always enjoy hearing Michael Matheson talk on justice matters—he obviously got time off for good behaviour, but those of us who remain on the Justice Committee are always attentive to what he has to say, because he speaks good common sense.

There is little—in fact, nothing—in the Government's motion or in Mr MacAskill's speech with which I could disagree. The debate has, correctly, been consensual. Given that the focus of the debate is implementation of the Criminal Proceedings etc (Reform) (Scotland) Act 2007, that is hardly surprising.

The consensus that the act generated when it was passed at stage 3 is nowhere better illustrated than in the following wise words from the Cabinet Secretary for Justice—perhaps the minister could pass them on to him. Mr MacAskill said:

"As far as we are concerned, summary justice has to be speedy and efficient. It must balance a variety of factors. Pre-eminent among those are the interests of justice and the rules and regulations that must be followed, but we must also consider costs, time and effectiveness."—[*Official Report*, 18 January 2007; c 31305.]

Mr MacAskill's words at that time chimed exactly with the then ministerial team of Cathy Jamieson and Johann Lamont and with the Justice 1

Committee, which had the task of dealing with a complex and—as Stuart McMillan said—technical bill that dealt with difficult issues.

The reforms of the summary justice system in the 2007 act are critical. I hope that the act's various provisions—some will come into operation in the first phase of implementation, which will begin on 10 December, while the second phase is planned for 10 March 2008—will ensure that the vast majority of offenders who come into contact with the criminal justice system for the first time will be dealt with quickly and effectively, because that provides a better chance of stopping a life of crime in its tracks. The summary process can and must play its part in reducing offending and reoffending. Implementation of the act's provisions will play a vital role in achieving that objective.

Successful implementation of the act will put public safety and the interests of the law-abiding majority first in an expeditious and practical manner. That is how it should be. For example, the act introduces fines enforcement officers to enforce fines strictly against people who can pay but who choose not to. That is a good thing. The act enables fines to be deducted directly from salaries and from moneys that are held in bank accounts. Coupled with the fact that officers will be dedicated case managers for enforcement of fines, that provision will ensure that fine defaulters cannot frustrate the aims of justice by refusing to pay their fines and ending up incarcerated.

I voted for that provision in the previous session because recognition was afforded to the fact that some people who wish to pay their fines face genuine difficulty in doing so. Such individuals will be offered advice and assistance to enable them to pay in a way that they can manage. The balance that has been struck between hard-edged enforcement and access to advice means that imprisonment for fine default will be a genuine last resort. That is a good thing. The act deals with the problem in a practical, humane and commonsense way. I take it that the budget will provide enough money to allow effective implementation of that aspect of the act. Perhaps Mr Ewing can give that assurance in his summation—I would be grateful for that—as, I am sure, would other members.

Another aspect of the act that was welcomed when it was passed—and which will form part of the Justice Committee's post-enactment scrutiny of the impact of the summary justice reform programme that the previous Labour-led Executive initiated—is an essential refocusing of the role of district courts, which will be renamed justice of the peace courts. The relevant provisions, along with the move to bring the courts under the auspices of the Scottish Court Service, are eminently reasonable. The act's requirement that all JPs receive regular training is a necessary and

sensible part of the reform programme, to which Mr Matheson was right to refer. I would be grateful if Mr Ewing would say in his summation under which phase of implementation those changes will be introduced.

I bring to members' attention information that I and other members have received from the FDA, which is the only union that represents prosecution lawyers in Scotland and of which the Procurators Fiscal Society forms a section. Members have raised the issue, and I understand that a ballot on industrial action will be held to seek support for a one-day stoppage on 3 January 2008, as my colleague Cathie Craigie said. The union's grievance is about what it calls

"the failure of the 'Crown Office and Procurator Fiscal Service' ... management to resolve the issues of fair pay for 'its' members over more than five years."

That is a serious allegation and concern. Given that fiscals play an important role in various aspects of summary justice, will the minister say what the Scottish Government is doing to resolve their grievances and prevent damaging industrial action? I am sure that all members would urge the Government to do all in its power to help to achieve a negotiated settlement and allow the business of justice to proceed. I hope that we would all agree on that.

I will end on that cautionary note. I support the motion.

16:10

Alison McInnes (North East Scotland) (LD):

Of course I, too, fully endorse the desire to speed up the summary justice system and ease the process for victims and witnesses, but I also endorse the idea that access to the justice system needs to be available to everybody in Scotland.

Following the passing of the Criminal Proceedings etc (Reform) (Scotland) Act 2007, the Scottish Court Service made a number of recommendations on court unification in the Grampian, Highland and Islands sheriffdom. Mr MacAskill recently endorsed those plans, which signalled the closure of the local district court in Inverurie. From 2 June, the business that would have been heard in Inverurie will be transferred to Aberdeen city, which will leave Grampian without a court to serve the rural area.

The simple fact that the population of Aberdeenshire is steadily increasing while that of Aberdeen city is on the decline seems to have been overlooked when the decision to close the court in Inverurie was taken. More and more people are moving away from the city to rural areas, and Inverurie is becoming a new centre for local services. However, as a result of the decision, people will be forced to travel back into

the city to attend court, often when there is heavy traffic on the roads. Many people will be forced to rely on infrequent and unreliable public transport. The decision also apparently ignores the recent trend in the court business: as the consultation paper showed, far from steadily declining, court business has climbed back in recent months to the level at which it was five years ago. It is likely that it will rise further still with more people moving to the region.

In the minister's most recent reply to my representations on the matter, he informed me that

"new JPs will be appointed to serve Grampian Highland and Islands as a whole but it is our intention that when possible JPs from a local area will handle business from their own local areas, so that they can bring their local expertise to bear."

Grampian, Highland and Islands sheriffdom's area is very large, so it is not only likely that that approach will prove to be impractical, but, as I have pointed out to the minister, several local justices who currently sit in Inverurie have said that they would not want to transfer to the Aberdeen court. The change will deprive the justice system of a wealth of local knowledge and experience, and surely the same trend will be seen with future recruitment. How many people from rural Aberdeenshire will be willing to serve as JPs knowing that they will have to trek across the region to do so?

The minister also informed me that

"This should also make reporting local cases in local newspapers easier."

I, for one, would be fascinated to hear how moving services away from a region makes it easier for that region's local paper to report on them.

The Minister for Community Safety (Fergus Ewing): I am familiar with the arguments that the member has advanced. However, are the Liberal Democrats opposed to the court unification process?

Alison McInnes: Absolutely not—although a number of consultees made the point that, for Inverurie, there are alternatives to a unified court. I am disappointed that their suggestions were not explored. The fundamental strength of the lay justice system is that it means that there is local justice—justice is done and is seen to be done in the community. Whatever claims to the contrary are made about the decision, the simple fact is that, as a result of relocating Inverurie hearings to Aberdeen, justice will no longer be done or be seen to be done in the community. The closure of the Inverurie district court is another example of the continuing erosion of local services in rural areas.

The goals of the reforms to summary justice are to make things easier for witnesses and victims, to

speed up the process and to ensure that access to justice is available to everybody in Scotland. Forcing people to make long journeys, alienating experienced local justices and removing important local services will not achieve that goal. By agreeing to the closure of the court at Inverurie, the Government has acted to make lay justice more difficult and more inconvenient for the people involved, and it has cast a shadow over the important work of the summary justice reform process. I urge the cabinet secretary and the minister to reconsider the decision, to lend their support to the communities in Aberdeenshire that wish to retain the local court in Inverurie, and to ensure that summary justice is not only quick and effective, as members have said they want it to be, but is also—which is just as important—accessible.

16:14

Christina McKelvie (Central Scotland) (SNP):

It was a fairly uncomfortable experience when a whip stopped me in the corridor and said the words “summary justice”. It was a relief to find out that he was talking about a debate. It has also been a relief to me that the debate on justice in Scotland has not followed the *Daily Mail* agenda of wild-eyed ranting; rather, it has followed the far more sensible course of seeking to find what works and ensuring that we aim for that.

Parties may have different attitudes on the proper solution—there is even evidence that there are different attitudes within parties—but the general desire in Parliament is for a justice system that works. Such a system would protect us and increase our security, punish wrongdoing, help to maintain society’s values and, most important, reduce recidivism. That is why I was pleased by the announcement that the Cabinet Secretary for Justice made a while back that he is considering more imaginative uses of sentencing. He is looking to address reoffending behaviour, rather than just jerk the knee and lock people up.

It was recently reported that there are about 7,500 people in Scottish jails. I cannot help but question whether that is not a terrible waste of human life. The number of crimes that are reported has fallen by about 40,000 compared with 20 years ago, but the prison population has increased by a third. Scotland is spending incredible amounts of money on hosting offenders in prisons, and a substantial percentage of that money is being spent on repeat offenders. Addressing recidivism is not only about saving individuals—it is about changing the face of the justice system and transforming people from offenders who are a drain on public finances into people who make a valid contribution to our society. The argument for addressing offending

behaviour is as much about improving the country’s economic outlook as it is about protecting society.

I welcome the strengthening of sheriffs’ hands in sentencing. The current restrictions seem to leave sheriffs in the invidious position of not having the necessary tools at their disposal to play their part in protecting society and punishing wrongdoing. I am not certain that the additional powers go far enough, but I am prepared to accept that the cabinet secretary has considered the issue carefully and will continue to keep a beady eye on our courts’ performance. I note that the potential increase in powers of JP courts may lead those courts to take on some elements of sheriff courts’ current work. I trust that the matter will be kept under review as development of the courts proceeds, and that we will hear regularly from the cabinet secretary about their performance—not that I want to check up on his work, of course. The cabinet secretary’s experience of the law from the other side—as a solicitor, before he became a legislator—and the experience of our law officers gives me confidence that our justice system is in the hands of people who will consider the issues carefully, rather than seek a news headline.

Alongside sheriffs’ increased powers to impose imprisonment and to levy financial penalties, a number of other disposals will be available to them. I am aware that there are issues relating to resourcing of support for some non-custodial disposals. Over the past few years, there have been a few instances of courts commenting on the paucity of support that is available, but I am convinced that non-custodial sentences are more effective than custodial sentences at reducing recidivism, and I believe that the research supports my view. I look forward to seeing alternatives to custody used more widely and am pleased that the cabinet secretary has pledged Government support for such disposals.

I admit to feeling some disquiet about the work orders for which section 51 of the 2007 act provides. It may be the phraseology—“work orders” smacks of chain gangs to me—but I will seek reassurances about how those orders are working once the pilots start. I agree with the intention of depriving offenders of their free time—a variation on depriving them of liberty—but I hope that the orders will not be used inappropriately. While I am on that subject, I make it clear that I welcome Mr MacAskill’s recent comments that there will be no uniform for people who are subject to work orders—there will be no orange jump suits. I agree with him that ridicule should not be part of the effort to rehabilitate offenders.

The fixed penalty provisions have obvious upsides and possible downsides. Although the freeing up of court time and increased collection

rates are obvious benefits to the running of our courts, there are two areas of immediate concern. First, there is a possibility that the fixed penalty will be seen by some people as an easy option—pay and walk, if you will—and that the seriousness of accumulating a criminal record will be lost on some members of society. Secondly, there is a possibility that some will see paying the fixed penalty as being an easier option than going to court, where charges may have been dismissed, and that small miscarriages of justice will become commonplace. Although we should look to improve the performance of our justice system, we should remain vigilant to ensure that the pursuit of justice remains at the centre of the system. I look forward to getting an assurance from the cabinet secretary that he will keep those points under review.

With the small caveats that I have issued, I will support the motion.

16:19

Nigel Don (North East Scotland) (SNP): This is one of those interesting debates in which I find myself batting at number 11. In another format, that would suggest that I might be going to bowl the new ball, but on this occasion it means that I must find an issue that has not already been covered to speak about. I find such an issue in the subject of bail.

The act that we are talking about—the Criminal Proceedings etc (Reform) (Scotland) Act 2007—sets out the law on bail properly for the first time. It sets out that there is a general entitlement to bail and sets out the grounds for bail being refused when serious offences are involved. It streamlines the appeals procedure, provides extra protection for witnesses and, we hope, deters people from offending while they are on bail.

Bail is essential—we simply could not operate without it—but, as many members have said, it is an area on which we need to keep an open watch. I am sure that, as time goes by, the Justice Committee will want to see how all the provisions are working.

The act puts into primary legislation the grounds on which bail can be refused, thereby making the position clear for the first time. Such changes were essential. In 2005, the Sentencing Commission for Scotland said:

“We found that in some instances the law itself was unclear; that reasons for bail decisions were not always apparent; and that sanctions for breach of bail were not always applied or were applied inconsistently.”

In a recent communication to several members, the Law Society of Scotland said:

“the system should be just and fair, certain and predictable and effective and efficient.”

That is quite a neat way of summing up what we are trying to achieve.

I note that there are grounds for bail being refused when serious offences are involved. Bail can be refused when someone who has a previous conviction for a sexual or a violent offence, or for drug trafficking, is charged with such an offence. Those provisions are clearly designed to improve the safety of the public and to remove from the public sphere people who pose a serious risk to the public.

If the accused is denied bail, the reasons for bail being denied must be given. Equally, if the accused is granted bail, the reasons why bail is being granted must be given. In particular, the accused must be left in no doubt about their responsibilities under those circumstances. That brings me to my first concern.

As practical politicians, we issue a lot of leaflets, which a sizeable fraction of the population do not read. My advice from teachers is that at least 10 per cent, and perhaps as many as 20 per cent, of the population are functionally illiterate—in other words, they tend not to read. I hope that it is not unkind to suggest that those people are slightly more likely to finish up in front of the bench. I am concerned that written documents should not be our only way of communicating with folk in that position. If the accused is to be left in no doubt about what is going on, we might have to ensure that they are told what is going on rather than merely being given something that is written down.

Remand is another issue that I would like to discuss. At present, there are approximately 1,200 prisoners on remand in Scotland; they account for about 18 per cent of the total prison population and almost 50 per cent of the total number of prison receptions. Given that 50 per cent of prisoners who are held on remand are cleared anyway, a significant amount of time is spent in dealing with people who will subsequently be found to be innocent.

One of the bodies that is concerned about the number of people who are held on remand, Sacro, has estimated that the current process costs about £35 million a year. Perhaps we should give serious consideration to that aspect of our system and look at an alternative to remanding people who will not be granted bail, such as home detention. I encourage the cabinet secretary to consider whether that issue should be examined.

Time is against me, so I will not talk about the streamlined appeals procedure other than to say that it will be welcomed.

Victim Support Scotland, which covers all courts in Scotland and offers free services to witnesses, has broadly welcomed the changes that will be brought about by the 2007 act. However, the

organisation has raised issues. First, when a court decides whether to grant bail the accused's solicitor can put across an argument, but the victim has no say unless an argument is made via the police or the PF. There is perhaps an issue to do with balance in that regard. Secondly, victims who do not attend court are given no notice that an accused has been granted bail. The courts could provide better information to victims via the police.

We all acknowledge that bail is a necessary part of the process and that every now and again the courts will get it wrong and the tabloids will have their day. It is always a matter of balance. I welcome the changes, which I am sure will significantly improve the system.

16:26

Margaret Smith: As Pauline McNeill said, during the past few weeks we have had debates on justice in the Thursday afternoon debate slot—perhaps the Parliamentary Bureau pencils in such debates at its weekly meetings. I have enjoyed hearing the range of contributions to the issues. Over the piece, members have made good speeches and proposed good ideas, and there has been a level of consensus. Today's debate has been no different.

One point that has emerged is that our justice system as it stands is without question failing the population of Scotland and consumers of legal services. The Parliament has recognised failings in the summary justice system, which is why the system is being reformed.

Stuart McMillan and other members said that more than half of all cases are not disposed of within six months of the offence taking place. What message does that send to victims? What inconvenience does it cause for witnesses? If we turn that statistic around, what benefits will follow through reduced reoffending? What benefits will follow a successful reform of summary justice, which creates a public perception that justice is swift? The purpose of the debate is for us to consider how we take the legislation that was supported by the Parliament in the previous session through the difficult period in which it is put into practice.

Many members talked about the people at the heart of the criminal justice system—victims, witnesses and practitioners in the public and private sectors. Much of what I say will be about the people on whom our communities depend to ensure that justice is done. Recently, John Scott, of the Edinburgh Bar Association, asked a group of around 150 law students how many of them planned to go into the criminal sector. Only one hand in the room went up, which illustrates the

size of task that we face if we want to encourage well-qualified and ambitious people to go into the criminal justice system—I mean the right side of the system.

The system model builds on Sheriff Principal McInnes's work and the 2007 act, which provided for an expansion in alternatives to prosecution, a range of procedural reforms, including allowing prosecutors to roll up charges into a single case, and an increase in sheriffs' sentencing powers. It was principled legislation that sought to save costs and free up court time to relieve the pressures that are inherent in the system.

The legislation not only safeguarded lay justice, which was an area of concern for many members, but, as Nigel Don pointed out, greatly—and quite rightly—clarified the issue of bail. It gave fiscals greater powers through direct measures and introduced fiscal fines to take minor offences out of the court system.

We have seen some new and some old faces in this interesting debate. Michael Matheson escaped the chamber as soon as he could, but he was right to highlight that one important provision in the legislation was the unification of the district courts under the banner of the Scottish Court Service. He was also right to say that the legislation provides an opportunity for greater consistency, crucially with regard to training. That was a concern, even for those who fought long and hard to retain lay justices.

I am sorry that my colleague Mike Pringle is not present for the debate, as he has many interesting stories to tell from his many years as a JP. We should not underestimate the extra pressures that these reforms will put on those who work in the criminal justice system. In that respect, I hope that the minister will respond to Alison McInnes's concerns about the potential loss of experienced local JPs.

Cathie Craigie, Pauline McNeill and Bill Butler expressed concerns about pay and conditions in the Crown Office and Procurator Fiscal Service. The future of the summary justice system and the reforms that the Parliament has approved will be put at risk if we do not properly reward legal practitioners in the public and private sectors. A career as a public prosecutor must be seen as a viable alternative for law students and others in the legal fraternity.

Bill Butler was right to mention the importance of the new fines enforcement officers. At the moment, about 80 per cent of fines are collected, which still leaves many millions of pounds uncollected. I hope that the minister will confirm that the budget will provide for both enforcement and assistance. We should pursue those who choose not to pay fines, not those who cannot

pay. It would be helpful if the minister could tell us what is happening with the fine defaulter pilots.

Other colleagues highlighted the importance of community disposals and alternatives to court and custody, which must be seen as a good way forward. Although, as Bill Aitken and others constantly remind us, we should be concerned about the monitoring of breaches, a bigger prize awaits us if we get all this right. We might well be able to ensure that community disposals and alternatives to custody result in lower recidivism rates and are better suited to deal with reoffending.

I am pleased that the cabinet secretary will accept our amendment, which is a genuine attempt to ensure that the reforms result in communities and individuals getting access to justice. Of course, that is all bound up with the current legal aid system. Practitioners have expressed concerns about this very complex issue, and I welcome the fact that the cabinet secretary is discussing it with them. If we can find a way forward that addresses many of those concerns, it will not only mean better access to justice but give a fair wind to the summary justice reforms. After all, that is what we all want.

I commend the motion and my amendment to the chamber.

16:34

Gavin Brown (Lothians) (Con): Step 1 in summary justice reform was the passing of the Criminal Proceedings etc (Reform) (Scotland) Act 2007. Step 2 is implementing that act in practice, starting next week and going forward to March and April next year. However, step 3, which is just as important as steps 1 and 2, is the continual clear and careful review of what happens on the ground. It is vital that the legislation that the Parliament passed in January results in effective, efficient and proper justice on the ground, as was intended. The cabinet secretary mentioned the statistic that the vast majority of criminal cases—more than 90 per cent—are summary cases. That is why it is critical that we get the system right.

There are positive aspects in the latest instalment of the process, which is described as the summary justice system model. One or two of those aspects have been mentioned, but others have not. The first thing that is good about the model is the clear aim of reducing the time between charge and first calling at court. In the past, there has been far too big a gap between a person being charged and them ending up in court in front of a sheriff. The clear indication that the time will be cut dramatically is to be welcomed. Let us hope that that truly works in practice.

Another important aspect is the positive emphasis that the model puts on proper

investigation by both sides—the Crown and the defence—at a much earlier stage of the proceedings. Far too many cases drift on and on without either party really looking into the facts, when much of the narrative could be agreed earlier. That could result in guilty pleas and cases being taken out of the system. When I was at law school, I remember hearing that

“An incompetent lawyer can delay a trial for months or years. A competent lawyer can delay one even longer.”

There is a nub of truth in that statement.

A third good thing about the summary justice system model is the idea of holding the intermediate diet four weeks, rather than two weeks, before the trial. That will give a crucial extra two weeks in which to resolve difficulties and to ensure that statements are agreed, sorted out and passed round the various parties, thereby decreasing the chances of a trial being stopped, which is to be welcomed.

All the measures will be underpinned by a more proactive judicial approach—asking probing questions, demanding information and ensuring that cases stay on track. There is to be more of an inquisitorial style, rather than the purely adversarial style that we have at present.

Before I talk about our amendment and what we see as the important issues, I will pick up on two issues that have been raised. Nigel Don, in a very good speech, talked about the high number of people in the country as a whole who are unable to read or write. When I volunteered in Saughton prison, it was estimated that about 50 per cent of people there were unable to read or write. Sending letters and using the written word for everything can put people at a major disadvantage. However, I point out to Mr Don that it is not only people who cannot read or write who do not read political leaflets—I am told that one or two people who can read and write also put them straight in the bin.

Stuart McMillan made a point about a mandatory time target for summary justice. I am not sure, in the end, whether he called for such a target—I think that he put both sides of the argument. It is perfectly acceptable to have an aim or a target, but I would have deep concerns if we were to make the target mandatory to the extent that an accused could be released purely because the courts were busy. I hope that the Minister for Community Safety will address that in his speech and rule out such a target.

The Scottish Conservatives want to raise three issues. One is the collection of fines, which my colleague Bill Aitken discussed ably. Fines are often tacked on to the end of the list of disposals, but they are extremely important because, in 64 per cent of convictions, the disposal is a fine. Fines are the most common disposal anywhere in

the criminal justice system, but they are particularly common in summary cases. The most recent figures that I have are those for 2003, which were published in 2006. In 2003, sheriff courts set fines of about £15 million, of which £3 million was left unpaid that year. That is the average sum that is left unpaid, so there is an issue about fines not being paid.

The new fines enforcement officers could be part of the solution. They have teeth: they have the power to apply to the court for deductions of benefits, for the arrestment of earnings and for the power to seize vehicles. However, we must assess how sharp those teeth turn out to be in practice. We are keen to review that area closely. It is all well and good giving the powers to the officers, but if the officer has to go back to the court to apply for a deduction of benefit or for the arrestment of earnings, that is something of a circuitous route. We might need to examine and tighten up those arrangements.

We have concerns about how community service orders have worked out in practice. In 2005-06, 32 per cent of community service orders had a breach application—that is 1,892 orders out of 5,937. I do not doubt for a second that there have been some good community service orders, nor that there have been some very appropriate ones, but if so many orders have been breached, the option must be examined extremely carefully. Community service orders cannot be seen as a soft option, but if 32 per cent of them are being breached, the bucket is very leaky. The system needs to prove itself far beyond reasonable doubt.

No mention was made in the Government's motion or in the cabinet secretary's speech of some of the rhetoric that we have heard about abolishing prison sentences of six months or less. I hope that the cabinet secretary does not want to pursue that. The disposal of a short-term custodial sentence needs to be on the table for all judges to use. A range of disposals is needed, of which the short-term sentence ought to be one that is reserved for appropriate circumstances. In practice, it is used most often as a last resort, except for persistent or serious offenders, but the option must be kept on the table.

The idea of rehabilitation in prison has not been talked about; that is something to debate another day. We talk about prison not working and about trying to rehabilitate people out of prison, but some excellent work is being done in Saughton prison, where staff are trying very hard to rehabilitate prisoners. That includes prisoners who can read and write teaching those who cannot.

We accept the terms of the Government's motion, and we have lodged an amendment that we think is sensible and right. We hope that the solutions that have been advanced will work; it is critical that we review them.

16:42

Paul Martin (Glasgow Springburn) (Lab): Labour members will support the amendments in the names of Bill Aitken and Margaret Smith. We think that they make good sense. Bill Aitken amplified a number of the greater public's concerns about ensuring that fines on individuals are effectively enforced. Margaret Smith's amendment speaks volumes, and it will help to ensure that the profession is with us and is part of the reforms. The cabinet secretary will be encouraged by the fact that we will also support his motion, which Labour members are greatly encouraged by. Of course, the motion is on the implementation of a piece of work that was carried out by the Labour ministers Cathy Jamieson and Hugh Henry. We want that legacy to be taken forward, and we thank the cabinet secretary for the kind words in his speech that acknowledged the work of the previous Executive and for his assurance that it will be implemented.

Labour members want to ensure that the new legislation is enforced effectively and is resourced. We can see from the financial memorandum to the Criminal Proceedings etc (Reform) (Scotland) Bill that the Government will face a number of challenges in the upcoming spending review period to ensure that some of the financial commitments relating to courts are met. We will be holding the cabinet secretary to account in that respect.

The public perception—sometimes unfair—is that justice is not being done, that it is not being done within the timescales that are required to secure public support and that it is not being effectively enforced. I am not in a position to give any personal experiences of having being cited as a witness, but many of us have heard from constituents who have endured very difficult experiences. The minister referred anecdotally to his own experience.

During the passage of the Antisocial Behaviour etc (Scotland) Bill, we heard about the experiences of many communities and their frustration with the justice system. Their perception was that the justice system works in favour of the accused—the perpetrators—rather than the victims. The 2007 act addresses that. It will help us to strike the right balance and consider the victim's point of view.

A number of specific matters were raised during the passage of the 2007 act, and the cabinet secretary mentioned some of those today. A key element of ensuring that the legislation works is the early preparation of cases. It is fair to say that there should be early preparation anyway and to ask why it was necessary to bring forward a new initiative. Perhaps we should have considered more effective early preparation of cases, which

perhaps should have been happening before the bill was passed. However, we want to look forward rather than back. Labour members are confident that the Lord Advocate and her team will ensure that the time framework is delivered.

Resources will be required, and I ask the Minister for Community Safety to clarify how the challenges will be resourced. For example, we have heard many times about the cost of preparing social inquiry reports and the difficulties associated with that. We have heard from the Scottish Police Federation about the challenges, including information technology challenges, that it faces in preparing for cases. We have to ensure that the resources are in place. That is a challenge for the Government.

We have heard anecdotal evidence of the need to ensure that hearings are more effective. I am sure that we all hope that the change in the period between hearings from four weeks to two weeks will improve the system. We want the timescales to be fine tuned. The minister must make a commitment to provide the funds that are required to do that. We also want to ensure that the timeframe is enforced locally. Stuart McMillan was right to say that we need to take steps to ensure that we enforce the timescales. However, I do not agree with his specific point, because individuals could take advantage of statutory timescales. I do not want such difficulties in our justice system, so I do not think that that is the way forward.

It is crucial that our JPs and sheriffs work with the system and us to implement the reforms; otherwise, they will not work. The previous Government signed up to provide significant resources to ensure that training was provided to assist with the process. I ask the minister to provide the necessary resources to train both new and existing sheriffs and JPs so that they are aware of the reforms. We must be clear that, unless those at a senior level in public services sign up to the reforms that the Parliament legislates for, they will not work.

I disagree with Christina McKelvie's comments on work orders. We believe that there is a time and a place for work orders. In fact, in the financial memorandum to the Criminal Proceedings etc (Reform) (Scotland) Bill, we set out the costs of the work orders, which we saw as a way forward. I seek assurances from the minister that the pilots that were set out in that financial memorandum are in place and that, if they are successful—as the evidence that was brought forward showed they would be—they will be effectively resourced in the future.

The cabinet secretary is well aware of the challenges that face him in ensuring that the legislation is effectively enforced. We want an effective justice system—one in which the greater public have absolute confidence.

16:50

The Minister for Community Safety (Fergus Ewing): This has been an excellent debate, with a remarkable degree of consensus—uncharacteristic of this place, if I may say so.

The debate illustrates that we are all committed to improving the system of summary justice in Scotland. We all accept that it needs to operate more quickly and to become more efficient and effective. The speeches have tended—rightly—to focus on the practical aspects and problems and on the need to monitor the operation and implementation of the 2007 act. It has been extremely useful for the Government to hear contributions from all parties.

I should declare an interest in that, like the cabinet secretary, I was a criminal solicitor, although I had far less wide-ranging experience: most of my clients pled guilty—and most of those who did not were found guilty. There is a tendency in human nature, which I detected among the clients who were unwise enough to select me as their defender, to procrastinate. They would often leave things until the last possible minute and defer changing their plea until the fateful day when they appeared in court.

We all recognise that the right to a trial is fundamental. It is a right that, despite some commentary to the contrary, is not eroded by the new system. As we have heard from Mr Aitken and others, courts operate in very different ways. The system is a trundling vehicle that we need to transform somehow into a sleek, shiny and new Ferrari.

I want to respond to as many of the points that were raised in the debate as possible. Resources were mentioned by several members, including Paul Martin and Bill Butler. The financial settlement resulted in a significant increase in the amount allocated to the Scottish Court Service. That reflects the additional demands of summary justice reform, including the creation of fines enforcement officers. To answer Margaret Smith's question, I can say that fines enforcement officers will be introduced on 10 March 2008.

Margaret Smith also mentioned legal aid—the Liberals were right to mention that issue, because it has been raised widely outside Parliament. She repeated the statement that law firms would lose 20 per cent of their business, a figure that some have paraded in the press. We cannot know the effect of measures when that has not yet been gauged, but the estimated average savings to the legal aid fund will be about 7 per cent. Against that, solemn fees are to rise by 7 per cent.

On eligibility for legal aid, which is as important, Margaret Smith asked whether a working man would qualify for assistance, given a limit on

income of £208 a week. We understand that the shift of some cases from legal aid to ABWOR may remove eligibility in perhaps only 1 per cent of cases. In fact, I have information that suggests that, in 2005-06, the changes would have affected 290 out of 78,677 cases, which is 0.36 per cent. I do not know whether Mr Stevenson provided that information, but it sounds like he did.

Stuart McMillan raised the issue of summary appeal courts. High Court reform has delivered improvements in efficiency, so we hope that, to some extent, the need for a summary appeal court will be reduced.

Margaret Smith made the point that we often hear elsewhere that solicitors are under pressure to enter guilty pleas because of higher payment. The payment for not guilty pleas is not being reduced—the standard fee for a not guilty plea is being raised from £500 to £525—and we are paying more to solicitors who enter early guilty pleas, which I believe are better for everyone.

Pauline McNeill and Margaret Smith raised the treatment of fine defaulters, which has been a perennial problem for the justice system. I am sure that they will be pleased to know that mandatory supervised attendance orders have now been rolled out nationally by an order made in September. An SAO, rather than imprisonment, will be imposed on someone who defaults on the payment of a fine of under £500. We will have to see how that works out. The message about that, and about so many other aspects of the implementation and delivery of the 2007 act, is that we have an open mind. If things are not working as we would all hope, we are willing to listen to reasoned argument—which we are about to get from Mr Aitken.

Bill Aitken: Is the minister aware of the growing problem that some of those who are required to undergo supervised attendance are simply not doing so? The social work department then sends the offender who has breached the order back to the court, whose only sanction is to tell the offender to go back to the supervised attendance centre. Things carry on in that way until the court eventually runs out of patience and remits the fine.

Fergus Ewing: We recognise that that problem exists in some—perhaps even many—cases. However, we have information that tends to suggest that rigorous, regular and regulated court appearances, as happens under drug treatment and testing orders or supervised bail orders, are having some success. Nigel Don referred to supervised bail orders, about which I heard a great deal when I visited Sacro at the new community link offices in Edinburgh, which I opened this week—there is a nice brass plaque to evidence that.

I do not want to duck the question of the proposed strike action, which Pauline McNeill, Cathie Craigie and Bill Butler raised. We all hope that there will not be a need for industrial action and that such action will not take place. However, that is a matter for the Crown Office and Procurator Fiscal Service to negotiate and it would be inappropriate for us to intervene. We hope that the matter will be resolved, but it is freestanding and separate from the implementation of the summary justice reforms.

Cathie Craigie: Will the minister give way?

Fergus Ewing: I am just about in my last minute. I am very sorry.

I have been to jail a lot recently—[*Interruption.*] Not enough, I hear. [*Interruption.*]

The Presiding Officer: Order.

Fergus Ewing: Members might think that I am over the upper age limit for Polmont, but I was there more than a week ago. I was at Saughton this week and I am visiting Porterfield later this month. Next year I hope to visit Barlinnie and Cornton Vale—I have a vista of pleasure ahead of me.

One of the issues that prison officers raise is the sheer frustration of dealing with prisoners on short sentences; it is not easy to deal with them, which bolsters the Liberal Democrats' arguments that support our case for more effective community disposals.

I welcome the contributions made in the debate. Many people have claimed credit for the Criminal Proceedings etc (Reform) (Scotland) Act 2007: Sheriff Principal McInnes and his committee; the former Administration and ministers, to whom I pay tribute; the former Justice 1 Committee; and many other individuals. It is a baby with many parents. My name might not be on the birth certificate, but I find myself thrust into the locus of having responsibility for the upbringing of this infant.

Our aim is to ensure that summary justice is just that: short and effective. We want to ensure that it is not a long, interminable tale, as though written by Count Leo Tolstoy, but, rather, that it proceeds swiftly from offence to disposal with the least possible expense.

It is a great privilege to take part in this debate, which has been excellent. As always, the Scottish Government has listened to and will learn from the contributions of all parties in the Parliament.

Committee of the Regions and the Regional Chamber of the Congress of Local and Regional Authorities of the Council of Europe (Membership)

17:00

The Presiding Officer (Alex Fergusson): The next item of business is consideration of one Government motion. I ask Bruce Crawford to move motion S3M-982, on membership of the Committee of the Regions and of the regional chamber of the Congress of Local and Regional Authorities of the Council of Europe.

Motion moved,

That the Parliament endorses the Scottish Government's proposal to nominate as representatives of the Parliament Alex Neil MSP as full member and Malcolm Chisholm MSP as alternate member on the UK delegation to the regional chamber of the Congress of Local and Regional Authorities of the Council of Europe, and Keith Brown MSP and Irene Oldfather MSP as full members and Alison McInnes MSP and Ted Brocklebank MSP as alternate members on the UK delegation to the Committee of the Regions for the remainder of the current session to 2010, and notes that the representation from local government to the Committee of the Regions will be Councillor Corrie McChord and Councillor Roger Knox as full members and Councillor Graham Garvie and Councillor Jim McCabe as alternate members.—[*Bruce Crawford.*]

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

Decision Time

17:00

The Presiding Officer (Alex Fergusson): There are six questions to be put as a result of today's business.

The first question is, that amendment S3M-976.2, in the name of Nicola Sturgeon, which seeks to amend motion S3M-976, in the name of Wendy Alexander, on a new agenda for Scotland, 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)
 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)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 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)

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)
 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)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Elaine (Dumfries) (Lab)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 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)

Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

ABSTENTIONS

Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 MacDonald, Margo (Lothians) (Ind)

The Presiding Officer: The result of the division is: For 46, Against 76, Abstentions 3.

Amendment disagreed to.

The Presiding Officer: The next question is, that motion S3M-976, in the name of Wendy Alexander, on a new agenda for Scotland, 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)
 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)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)

McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Elaine (Dumfries) (Lab)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 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)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 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)
 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)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 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)

ABSTENTIONS

Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 MacDonald, Margo (Lothians) (Ind)

The Presiding Officer: The result of the division is: For 76, Against 46, Abstentions 3.

Motion agreed to.

That the Parliament, recognising mainstream public opinion in Scotland, supports the establishment of an independently chaired commission to review devolution in Scotland; encourages UK Parliamentarians and parties to support this commission also and proposes that the remit of this commission should be:

“To review the provisions of the Scotland Act 1998 in the light of experience and to recommend any changes to the present constitutional arrangements that would enable the Scottish Parliament to better serve the people of Scotland, that would improve the financial accountability of the Scottish Parliament and that would continue to secure the position of Scotland within the United Kingdom”,

and further instructs the Scottish Parliamentary Corporate Body to allocate appropriate resources and funding for this review.

The Presiding Officer: The next question is, that amendment S3M-983.1, in the name of Bill Aitken, which seeks to amend motion S3M-983, in the name of Kenny MacAskill, on summary justice reform, be agreed to.

Amendment agreed to.

The Presiding Officer: The next question is, that amendment S3M-983.2, in the name of Margaret Smith, which seeks to amend motion S3M-983, in the name of Kenny MacAskill, on summary justice reform, as amended, be agreed to.

Amendment agreed to.

The Presiding Officer: The next question is, that motion S3M-983, in the name of Kenny MacAskill, on summary justice reform, as amended, be agreed to.

Motion, as amended, agreed to.

Resolved,

That the Parliament recognises that a summary justice system should deal with offending behaviour quickly and effectively; believes that the implementation of the provisions contained in the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 will help bring about improvement in how the summary justice system deals with offending behaviour; recognises also that the success of a revised summary justice system will be dependent on fine payments being enforced and a much tighter and rigorous

control of community service orders, and that in some cases custodial sentences are the only appropriate disposal; considers that the legal aid system should complement the reformed summary justice system and ensure that solicitors receive fair remuneration for their work in advising clients while also providing best value to taxpayers; looks forward to the Justice Committee providing effective post-enactment scrutiny on the impact of the programme of summary justice reform; and further calls on the Scottish Government to ensure that the views of professionals are taken into account in the consultation on summary justice to ensure that access to justice for the weakest and most disadvantaged in society is protected.

The Presiding Officer: The final question is, that motion S3M-982, in the name of Bruce Crawford, on membership of the Committee of the Regions and of the regional chamber of the Congress of Local and Regional Authorities of the Council of Europe, be agreed to.

Motion agreed to.

That the Parliament endorses the Scottish Government's proposal to nominate as representatives of the Parliament Alex Neil MSP as full member and Malcolm Chisholm MSP as alternate member on the UK delegation to the regional chamber of the Congress of Local and Regional Authorities of the Council of Europe, and Keith Brown MSP and Irene Oldfather MSP as full members and Alison McInnes MSP and Ted Brocklebank MSP as alternate members on the UK delegation to the Committee of the Regions for the remainder of the current session to 2010, and notes that the representation from local government to the Committee of the Regions will be Councillor Corrie McChord and Councillor Roger Knox as full members and Councillor Graham Garvie and Councillor Jim McCabe as alternate members.

Scouting

The Deputy Presiding Officer (Alasdair Morgan): The final item of business today is a members' business debate on motion S3M-639, in the name of Robert Brown, on 100 years of scouting. The debate will be concluded without any question being put.

Motion debated,

That the Parliament congratulates the Scottish Council of the Scout Association on the centenary of the Scout Movement being celebrated throughout 2007, on the level and commitment of volunteers to the delivery of the scouting programme in all 32 local authority areas and on the contribution made by scouting to the lives of young people in Scotland and worldwide; recognises the contribution of scouting to non-formal and outdoor education and applauds the commitment to engaging young people in decision-making through its Voice for Young People initiative and the participation of 120 young people in its recent annual conference; notes that the 1st Glasgow Scout Troop was the first officially recognised Scout group in the world; notes also the achievement of Carrie Gibson, a Scout leader from Greenock, on being the first person ever to have scaled Mount Everest through scouting as part of the Scottish Scouts 7 Summits Expedition; welcomes the work put into the £2 million centenary 7 on Appeal to help put scouting on a solid footing for the next centenary; is concerned at the difficulties that the major youth organisations have in accessing capital development funding; applauds the increase in membership across all sections of the Scouts in Scotland, and believes that scouting continues to make a major contribution to the development of citizenship and leadership and to life-enhancing opportunities for young people in Scotland and across the world.

17:05

Robert Brown (Glasgow) (LD): It gives me great pleasure to open this debate, which celebrates the centenary of the scouting movement. I welcome to the gallery a number of scouts, volunteers and headquarters staff, including Carrie Gibson from Greenock, who is mentioned in the motion. Her achievement in being the first person to scale Mount Everest through scouting demonstrates that the ambitions of scouting and the achievements of scouts and scout leaders have no limits, even if it did take 100 years and the admission of girls to the scouts to do it. I also welcome Eleanor Lyall MBE, the Scottish chief commissioner of scouts, and Sally Pitches, the executive director of Girlguiding Scotland, which is the sister organisation.

We have had many debates on the contribution of the voluntary sector—in all its diversity—to Scottish civil life, but few voluntary movements have had the impact that scouting has had on the development, the motivation and the lives of so many young people. When I was convener of the Education Committee, I asked its members how many of them had been in the scouts or in kindred

organisations. Every single one had been either a scout, a guide, or in the Boys Brigade or the Girls Brigade—apart from our former colleague Lord James Douglas-Hamilton, who had of course been in the cadets.

My family association with scouting goes back to 1908, when my granda was in the scouts in the movement's early days. He attended the second scout camp in Northumberland—the first was, of course, held on Brownsea island in 1907. As a member of the 1st Huntley scouts, I wore the old Baden-Powell hat until it was replaced by the beret, at which point the hat had a second life as a cowboy hat for my younger brother. For me and many others, scouting was a substantial and positive formative experience, and I pay tribute to the many scout leaders and volunteers who gave their time and their talents over the years to young people through scouting and through the other uniformed and non-uniformed organisations as well.

I also mention, as the motion does, the 1st Glasgow scout troop, which was the first officially recognised scout troop in the world. It was registered in January 1908—it still has a thriving scout group, and a scout hall in Downhill. Scouting has gone through a number of major changes over the years, in its uniform, programme, training programme and also its membership, with the admission of girls in recent years. It is perhaps no coincidence that this year saw the first increase in numbers for 20 years—an increase that is likely to be maintained this year—and an increase that was no less than 15 per cent in the crucial 14 to 18 age group. There are currently 450,000 scouts across the United Kingdom, and 35,000 in Scotland who operate through 594 local scout groups in all 32 local authority areas, covering an age range from five and three quarters to 25. The work is supported by 6,150—or thereabouts—adult volunteer members, and by many more thousands of parents and supporters. Members may be interested to know that there are nine professional staff at the Scottish Scout headquarters, and three national activity centres at Lochgoilhead in Argyll, at Meggernie in Glen Lyon in Perthshire, and at Fordell Firs in Fife. In addition, there are some outdoor centres that are run by area scout organisations, such as the Greater Glasgow scout centre at Auchengillan—but if you visit, you have to be sure to take plenty of midge repellent, as midges are one of its more notorious features.

As part of the centenary celebrations, Scottish scouts have organised an appeal called 7 On. I am wearing the tie to celebrate that. The appeal aims to raise £2 million to fund local and national development priorities. I will tell members a little about the opportunities and the challenges in that area, and I will make some gentle but—I hope—

important points to the minister. The key challenge, as with any organisation, is to recruit more volunteers and to reduce the waiting list—the current waiting list has no fewer than 2,000 people on it—as well as to expand opportunities for scouting into new areas. Scouting has a presence in many communities—there are, for example, scout troops in Springburn, Baillieston and Maryhill. In my area of Rutherglen and Cambuslang, there are no fewer than seven scout troops, and the M8 corridor project, which is currently being taken forward, aims to restart scouting in communities such as Easterhouse, Airdrie and Coatbridge, and to make it a viable option for young people in areas where it currently does not have a presence.

It is important to recognise the role of the HQ staff in youth organisations such as the scouts. There is a fashion—in many areas—of going for area provision through local authorities and the community planning process and so forth, and that is valid. However, in my experience, neither youth nor sport organisations fit very well into those structures. Headquarters organisations provide vital training and recruitment support that is tailored to the specific needs and programme of the scouts. What is needed is not generic training, although that has a role, but specific training that is best supported by HQ.

Earlier this year, as the then Deputy Minister for Education and Young People, I launched the national youth work strategy. I was glad to provide a little more HQ support in that area as well as to the other initiatives that are funded under the strategy's year of action—the youth work facilities improvement fund, the youth opportunities fund and the voluntary organisations support fund, in particular. I would appreciate hearing from the minister today whether and how those funding streams are being continued. In particular, I wish to be reassured about HQ support. Like many other organisations, the scouts are essentially self-funding, but the small assistance that we provide through those methods has disproportionately large benefits both to their agenda and to the Parliament's.

One of the fruits of the youth opportunities fund has been work that is designed to increase youth participation in policy development and decision making, backing up its voices for young people initiative and developing youth empowerment in the scout movement, which has been a notable presence in recent years.

I ask the minister about the future of Project Scotland, the national support for which is going to be stopped. Volunteers supported by Project Scotland have been invaluable, not least at Fordell Firs. I hope that the minister can tell us whether there will be on-going support or whether support

will be provided in some other way. The lack of such volunteers would inhibit what we might otherwise be able to do in that connection.

I will conclude with a word about capital projects. Fordell Firs is not just a vital outdoor facility for scouting. The majority of its visitors come from outside scouting—from other youth groups and from primary and secondary schools—and it supports a number of organisations that work with marginalised young people. The Big Lottery Fund has ruled that Fordell Firs is ineligible for the current capital funding programme, growing community assets, because the Scout Association is a national membership organisation. The Scottish Government must ensure that, in one way or another, scouting and other organisations can access development funding for capital projects that also serve the wider community and provide a level of expertise that is often not available in a local organisation.

As the scouts start their second 100 years, it is worth saying that they are needed more than ever before. They are today a modern co-educational youth movement that provides—as it always has—excitement and adventure to young people from all backgrounds. It builds self-confidence, enhances skills and, not unimportantly, helps to anchor a moral compass in young people that encourages support for the community, emphasises obligations as well as opportunities and is based on giving something back. As I said at the beginning, scouting is boundlessly ambitious for young people. I am delighted to speak to the motion in my name on this auspicious occasion.

17:12

David Whitton (Strathkelvin and Bearsden) (Lab): I welcome Robert Brown's motion and congratulate the Scottish council of the Scout Association on reaching its centenary.

I confess that I was not a scout, but a member of the 16th company of the Boys Brigade in Dundee; however, there is a history of scouting in my family. My uncle is a Queen's scout and a scout leader in Fife. My son was in the cubs and scouts—the 45th Glasgow 1st Kirkintilloch, one of the 594 troops throughout Scotland. It was when he joined the cubs that I became involved in scouting as a member of the parents fundraising committee, helping to raise cash for the troop by organising jumble sales, dances, plant sales and sponsored events. I also helped to coach a cup-winning cub football team, which was probably the highlight of my sporting career.

Back in 1988, one of those sponsored events involved erecting a scaffolding tower in the middle of Kirkintilloch and having the boys climb the equivalent of the height of Everest—so, I am sorry,

but Carrie Gibson was not the first to do that. On that day, we were honoured by a visit from Sir Edmund Hillary, the first man to climb Everest, who was on his way to the Glasgow garden festival. I join Robert Brown in congratulating and paying tribute to Carrie Gibson, who is the first person through scouting to climb the world's highest mountain—a fantastic achievement. Carrie is a scout leader in Greenock, and it is the huge number of men and women—6,150 of them, we are told—who give up their free time to be leaders that makes the scout movement special and keeps it going today, 100 years on from its birth.

I mentioned my uncle. I will also mention one of my constituents, Jim McLaren, who also lives in Kirkintilloch. I am sure that many of the scouting representatives who are in the public gallery today will know him. Jim will not thank me for mentioning him as he is not one to shout about himself, but he has been involved in the scout movement for almost 50 years, as a cub, scout, scout leader, venture scout leader, group scout leader, district commissioner and then area commissioner for Glasgow, a post he only recently relinquished. I was coaxed into being a member of the Glasgow area committee for a time, thanks to Jim. He led the Scottish contingent to two world jamborees and was involved in organising major events held earlier this year to mark the centenary. He also helps to train the new generation of scout leaders. Jim has won every honour that scouting can bestow, including the silver wolf, the highest honour, for his outstanding service to the movement.

I am not singling Jim out because I know him and because of the huge amount of time he has given to scouting; his family are following in his footsteps. His son and daughter are now scout leaders, and his long-suffering wife, Morag, has also played her part by supporting him in his activities. People like the McLaren family are involved with scout troops all over Scotland, Britain and, no doubt, elsewhere in the world. That is why scouting has lasted for 100 years.

Robert Brown's motion also calls for support for the centenary 7 On appeal to help raise that £2 million. It is a bit of an Everest to climb, but just as the boys of the 1st Kirkintilloch climbed their Everest all those years ago, I am sure that the scout movement can make it—and I urge the Government, and particularly the minister, to consider giving the scout movement a helping hand.

Scouts turn up everywhere, even in this Parliament. Indeed, the man who came to instruct me on how to use my office equipment on my first day in this place is involved in scouting, but I will spare him the embarrassment of naming him. The movement has played and continues to play a

major part in developing and guiding young people, as Robert Brown mentioned. I hope that that will continue for a long time. I am positive that, 100 years from now, the people in this place will be declaring the second centenary of the scout movement.

17:16

Elizabeth Smith (Mid Scotland and Fife)

(Con): I congratulate Robert Brown on securing tonight's debate and reiterate the welcome to the representatives of Scouts Scotland who are in the public gallery.

It is testament to the success and dedication of the scouting movement in Scotland that we are celebrating its centenary. The fact that, during those 100 years, scouting has grown to become the world's largest co-educational voluntary youth movement is very special. Living in rural Perthshire, I know at first hand about the commitment of local volunteers and how much the organisation enriches the lives of young people in our communities.

The scouting movement has always played a significant role in helping to nurture a sense of responsibility within our young people. It gives them a sense of belonging and recognises that we will be able to tackle the big challenges that our society faces if we nurture a sense of pride in and responsibility for the local communities in which we live. It demonstrates that we can all play an active role in making Scotland a better place to live.

In my home area of Perth and Kinross, 1,300 young people are active members of the scout movement. If anyone needs proof of what they do, they only need pick up a copy of the local newspaper to read about all the various activities that take place throughout the community, whether it be building mountain paths—maybe not quite on the scale of Everest, but they have been doing it in Perthshire—or delivering the Christmas post at a very competitive price.

The role that the scouting movement plays in the development of our young people can never be overlooked. From the learning stages of the beavers at age six through cubs to scouts to scout explorers and on up to age 25, it is an impressive framework in which to develop the well-rounded young people of tomorrow. Sadly, too many people now seem desperate to wrap our young people in cotton wool and keep them away from life's challenges. The scouting movement has played and always should play an important role in keeping that trend at bay and giving our young people the opportunities to develop, most particularly when they are given the responsibility of working in teams.

As a former girl guide and brownie teacher who is still involved with outdoor education, I am conscious of the many challenges that face the scout movement as it looks towards the next 100 years. That was discussed at the recent centenary Scottish conference, which was held at the Aviemore highland resort, where more than 100 scouts took the opportunity to have their say on the future of the movement as part of the youth summit.

The scouting movement in Scotland must look towards the challenges that the organisation will face and develop innovative ideas to ensure that scouting in Scotland continues to reflect the needs of our young people.

In this digital, high-tech age, the founding concept of giving our young people the opportunity to try activities that they would not otherwise have the chance to do perhaps takes on a new and more challenging dimension, but I have no doubt that Scouts Scotland has the determination and vision to meet those challenges.

As Robert Brown said, perhaps the greatest challenge that faces Scouts Scotland and other youth development groups is finding an adequate number of volunteers. I hope that the minister will take the issue very seriously.

Over the past 100 years, Scottish scouting has evolved and changed considerably to accommodate the changes in our society and the world in general. I congratulate all those involved in the Scottish scout movement on the achievements of the past 100 years, and all that I can say as they look to the next 100 is, "Be prepared."

17:20

Jim Tolson (Dunfermline West) (LD): There are 35,000 Scout Association members in Scotland. They operate mainly through 594 local scout groups, which are in all 32 local authority areas. The Scout Association was established in 1907 and is still going strong. As we have heard, total membership in Scotland rose this year for the first time since 1988. It is now the world's largest co-educational voluntary youth movement, with 28 million members.

The programme for young people in Scotland is delivered by 6,150 adult volunteer members and numerous parents and supporters. To become a volunteer for the scout movement involves stringent vetting, which includes an enhanced level of disclosure, compulsory training and a commitment to further training dependent on the role undertaken by the volunteer.

Scouting is a partnership between young people and adults. It enables them to learn through

participation in activities, take responsibility, work in groups, make choices and, most important, enjoy what they do.

In many cases, joining the movement is a family activity. Often, children join the movement and their parents then become involved and end up as leaders. In other cases, parents or siblings are already involved as members. The movement has something to offer all age groups. As Robert Brown said, the youth programme is delivered from the age of five and three quarters to 25. It is a remarkable achievement to span that age group.

I was a member of the cubs and the scouts in Balingry some years ago. I have memories of attending day activities in the area and of going to Fordell Firs, in Fife, with my group. More recently, I have had connections with another of the scout activity centres in Scotland—Meggernie, in Glen Lyon. The staff at Meggernie are dedicated to providing the very best for both scout and non-scout groups. The centre offers activities such as archery, walking, orienteering, pioneering, first aid courses, star gazing and even bat watching—to name but a few. Where else could someone have a go at archery for the first time, at a very reasonable cost, under the eye of qualified instructors? I certainly enjoyed the opportunity when it was offered.

The movement demonstrates a strong commitment to making scout facilities and expertise available to the wider community. The Scottish scout headquarters at Fordell Firs is just outside my constituency boundary. Fordell Firs activity centre welcomed more than 15,000 visitors last year. More than half of them were from outwith the scout movement, such as those from other voluntary youth groups, schools, at-risk groups, and the guides. In addition, the centre is used as a training resource for Fife Fire and Rescue, the police and the Mines Rescue Service and it is used by many other organisations and companies for team-building activities. Project Scotland is working in partnership with the centre to provide full-time volunteering opportunities for young adults.

Each of the three Scottish activity centres is unique—their location, accommodation, staff and volunteers make them so. The experiences that young people have at those centres stay with them for life and may influence the rest of their lives in their selection of future careers and leisure-time activities.

The excellent work that the movement carries out needs our support now and in the future. I look forward to meeting representatives of the movement later at the reception and to finding out how we can best support them in their future developments. I hope that the minister, too, will be there to listen.

17:24

Karen Whitefield (Airdrie and Shotts) (Lab): I am pleased to have the opportunity to participate in the debate in recognition of the centenary of the scout movement in Scotland and around the world. I congratulate Robert Brown on securing the debate.

As the convener of the Education, Lifelong Learning and Culture Committee, I cannot confess to having been a scout, as I was in the Girls Brigade. However, my first abseiling experience was the result of a joint venture between the Girls Brigade and the scouts in Shotts quite some time ago.

Throughout the centenary year, national, local and worldwide events have taken place. They have been aimed not just at scout members but at all who would like to become involved in and to experience scouting in the 21st century. Scout leaders in my constituency and throughout Scotland have been particularly active throughout the year to involve as many young people as possible in the centenary celebrations, which showcased the scout movement's work and proud history, and to pursue the movement's aims and purposes.

I have always been a strong supporter of the uniformed youth organisations and I have taken a keen interest in all of them in my constituency of Airdrie and Shotts, including the scouts, such as the 8th Airdrie (Chapelhall) scout group. That is the largest scout group in the Monklands district and it is also the youngest, as it was established only a few years ago through the efforts of parents who had had a great time in the scouts and who wanted their children to experience the opportunities of scouting.

The 8th Airdrie scout group provides valuable opportunities for young people to explore new activities and to make new friends. In an average year, young people have the opportunity to participate in a wide range of exciting and challenging activities, including outdoor pursuits such as climbing, abseiling, orienteering and hiking. That teaches young people new skills, equips them with greater self-confidence and helps them to develop leadership and teamwork skills and more understanding of environmental issues, their local community and the contribution that scouting makes throughout the world. Such activities help to make our young people into responsible citizens, not just in our own communities but nationally and internationally.

In a recent survey of the scout troop in Chapelhall, young people spoke about the difference that scouting had made to their lives. They said that it had made them more confident, allowed them to make new friends and to spend

their free time having fun, learning and trying new things and enabled them to experience a once-in-a-lifetime opportunity.

The group has a strong record of achievement and has received numerous awards and badges to recognise its hard work. I am proud that, next year, 31 scouts from Chapelhall will attend the permanent jamboree at Kandersteg international scout centre in Switzerland. That will be the experience of a lifetime for those who are involved and the local scout leaders will work extremely hard between now and their departure to ensure that every participant can make the most of the opportunity and bring back memories that will last them a lifetime.

I know that the 8th Airdrie scout group's success is replicated throughout Scotland. Earlier this year, I was delighted to attend the centenary mass that was hosted in Shotts by the scouts' national chaplain, Father Brian Lamb. That mass was a celebration of scouting that highlighted how scouting makes a vital difference not just to the young people who are involved but to the whole community. Scouting develops citizenship and leadership skills that prepare our young people for success throughout their lives.

The scouting movement has made an important contribution in the past 100 years and I am confident that the next 100 years and beyond will be just as successful, as a new generation realises the huge benefits that involvement in scouting can bring personally, for the community and for our country.

17:29

The Minister for Children and Early Years (Adam Ingram): I thank Robert Brown for initiating the debate and for his continuing support and enthusiasm for the scout movement's work in Scotland.

As a former member of the 21st Ayrshire troop, I share that enthusiasm, and I am delighted to be able to acknowledge in the Scottish Parliament the world centenary of scouting, which was celebrated this year, and the contribution that the scouting movement makes in Scotland locally and nationally.

I have been highly impressed by the scale and ambition of some of the activities that have taken place this year in Scotland and around the world. The centenary has offered a unique opportunity for scouts to showcase their achievements and demonstrate the positive impact that they have had on local communities and at national level. The array of achievements is so great that it is difficult to single out specific ones, but I want to mention a few individually.

The first is Carrie Gibson's phenomenal achievement as only the fifth Scottish woman to reach the summit of Everest and the first person in the world to do so through scouting as part of the Scottish scouts seven summits expeditions team. I can only imagine how proud the scouting movement in Scotland is of her achievement. I congratulate her.

The second achievement is the scouts' involvement, for the first time, in the Edinburgh military tattoo's nightly finale. I understand that 50 scouts took part each night. They highlighted the contribution that scouts make and their role, and they showed to our many foreign visitors that they are highly valued and respected in Scotland.

The third achievement was the series of sunrise ceremonies on the morning of 1 August in which scouts celebrated the dawn of a new century of scouting. In particular, I want to mention the ceremony in Glasgow, which was hosted jointly with the 2014 Commonwealth games bid team.

It is fitting that the new century of scouting in Scotland will begin with the seven-year lead-up to one of the most exciting events that we will ever have seen for our young people in Scotland. We are keen to get across the message that the Commonwealth games are not just for elite young athletes, important as those athletes are, but that they also present an amazing chance for young people throughout the country to get involved in shaping them and reaping the benefits that they offer. I am not surprised that the scouts have been involved from the beginning. I hope that they will continue to participate in promoting the games and the potential of the games for young people and communities alike.

The Government places great importance on the role and value of children and young people. We are committed to offering all our young people more choices and more chances to develop their potential and make a success of their lives. School and formal education are important for most young people to achieve their ambitions, but we also recognise the opportunities that informal learning and youth work offer. The best youth work opportunities let young people expand their horizons, develop their confidence and practise leadership and team-working skills. They involve young people in designing programmes and are clear about the outcomes that they want to achieve. The scouts have promoted and demonstrated in their work the qualities that I have mentioned for many years, and it is encouraging to see how the scouts organisation has modernised and adapted to reflect social change. The Scottish council of the Scout Association has increasingly been active and constructive in shaping and delivering national policy, most recently on youth work and the protection of vulnerable groups.

In particular, I have been impressed by how the scout movement has embraced the possibilities of the youth work strategy year of action and has contributed to its overall success. It has worked with YouthLink Scotland and other partners from the voluntary and local authority sectors to develop a peer assessment and grant distribution model for the youth opportunity fund and the youth facilities fund. I thank Jim Duffy in particular for his contribution to the development of the youth work volunteering action plan, which I launched at Youth Scotland's conference on 24 November. The Government progressed that work with active input from the voluntary sector. Jim and his colleagues from a range of national voluntary organisations have impressed me greatly with their ideas, expertise and desire to share their experiences and resources. The action plan supports the voluntary sector in developing the practical resources and support that it knows will work to enhance the experience of volunteers who work with young people. With the continuing input and support of the scouts and others, it can have a positive impact for many years to come.

Robert Brown asked about Project Scotland, which has been successful in raising the profile of volunteering among young people. We are keen to broaden it out to a wider range of people—to slightly older people who have more life experience and who can make a significant contribution to youth organisations. All the commitments that have been made to Project Scotland up to 2008-09 will be fulfilled.

Another avenue of support this year has been the voluntary organisations support fund. The fund, which is delivered through YouthLink Scotland, was intended to help national voluntary organisations to provide better training and to build their capacity, as Robert Brown mentioned. I know that they have found it valuable and that it has enabled them to progress work that enhances the quality and extends the scope of what they can provide to our young people. I am therefore pleased to announce today that the Scottish Government intends to continue the fund at the level of £0.5 million a year for the next three years, to 2011. As a national fund, it will continue to be delivered through YouthLink, which is the national youth work agency. The fund will continue to support training and capacity building, but we will also explore with YouthLink and voluntary youth organisations the possibility of expanding its criteria. There may be scope to include initiatives by national voluntary organisations that are designed to support local groups' and volunteers' work with local authorities to deliver their agreed outcomes for young people.

I realise that I am out of time, so I conclude by re-emphasising that the Government is committed to offering more choices and more chances to

young people across Scotland. This year we celebrate 100 years of the scouts achieving just that. I welcome this opportunity to join parliamentary colleagues in congratulating them on 100 successful years. I trust that they will achieve continuing success and impact for many years to come.

Meeting closed at 17:37.

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