



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

MEETING OF THE PARLIAMENT

Wednesday 11 May 2011

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Scottish Parliament

Meeting of the Parliament

Wednesday 11 May 2011

[The Scottish Parliament Clerk and Chief Executive opened the meeting at 09:30]

Oaths and Affirmations

Paul Grice (Scottish Parliament Clerk and Chief Executive): I declare the fourth session of the Scottish Parliament 2011 to 2016 duly constituted. The only item of business this morning is members' oaths and affirmations. I call first the Presiding Officer, who will then take the chair for the ceremony.

The following member took the oath:

Alex Fergusson (Galloway and West Dumfries) (Con)

The Presiding Officer (Alex Fergusson): I will now call each member in turn. When a member is called, they should proceed to the well of the chamber where they will take the oath or make an affirmation.

I call Alex Salmond, Aberdeenshire West.

Alex Salmond (Aberdeenshire East) (SNP): The Scottish National Party's primary loyalty is to the people of Scotland, in line with the Scottish constitutional tradition of the sovereignty of the people.

The following member took the oath:

Alex Salmond (Aberdeenshire East) (SNP)

The Presiding Officer: Just for the record, Alex Salmond of course represents Aberdeenshire East.

The following members took the oath:

Iain Gray (East Lothian) (Lab)
Annabel Goldie (West Scotland) (Con)

Tavish Scott (Shetland Islands) (LD)

The following members made a solemn affirmation:

Patrick Harvie (Glasgow) (Green)
Brian Adam (Aberdeen Donside) (SNP)

The following members took the oath:

George Adam (Paisley) (SNP)
Clare Adamson (Central Scotland) (SNP)

The following member took the oath and repeated it in Gaelic:

Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP)

The following member took the oath:

Jackie Baillie (Dumbarton) (Lab)

The following member made a solemn affirmation:

Claire Baker (Mid Scotland and Fife) (Lab)

The following member took the oath:

Richard Baker (North East Scotland) (Lab)

The following member made a solemn affirmation:

Claudia Beamish (South Scotland) (Lab)

The following member took the oath:

Colin Beattie (Midlothian North and Musselburgh) (SNP)

The following member made a solemn affirmation and repeated it in Italian:

Marco Biagi (Edinburgh Central) (SNP)

The following members made a solemn affirmation:

Neil Bibby (West Scotland) (Lab)
Sarah Boyack (Lothian) (Lab)

The following members took the oath:

Chic Brodie (South Scotland) (SNP)
Gavin Brown (Lothian) (Con)
Keith Brown (Clackmannanshire and Dunblane) (SNP)

The following member made a solemn affirmation:

Margaret Burgess (Cunninghame South) (SNP)

The following members took the oath:

Aileen Campbell (Clydesdale) (SNP)
Roderick Campbell (North East Fife) (SNP)
Jackson Carlaw (West Scotland) (Con)
Malcolm Chisholm (Edinburgh Northern and Leith) (Lab)

The following member made a solemn affirmation:

Willie Coffey (Kilmarnock and Irvine Valley) (SNP)

The following member took the oath:

Angela Constance (Almond Valley) (SNP)

The following members made a solemn affirmation:

Bruce Crawford (Stirling) (SNP)
Roseanna Cunningham (Perthshire South and Kinross-shire) (SNP)

The following member took the oath:

Ruth Davidson (Glasgow) (Con)

The following members made a solemn affirmation:

Graeme Dey (Angus South) (SNP)
Nigel Don (Angus North and Mearns) (SNP)

The following member took the oath:

Bob Doris (Glasgow) (SNP)

The following members made a solemn affirmation:

James Dornan (Glasgow Cathcart) (SNP)
 Kezia Dugdale (Lothian) (Lab)

The following members took the oath:

Helen Eadie (Cowdenbeath) (Lab)
 Jim Eadie (Edinburgh Southern) (SNP)
 Annabelle Ewing (Mid Scotland and Fife) (SNP)
 Fergus Ewing (Inverness and Nairn) (SNP)

The following members made a solemn affirmation:

Linda Fabiani (East Kilbride) (SNP)
 Mary Fee (West Scotland) (Lab)

10:07

Meeting suspended.

10:30

On resuming—

The Presiding Officer: Before we recommence the oaths and affirmations ceremony, I ask everyone in the well of the chamber and in the gallery to ensure that their mobile phones are turned off, please.

We continue the oaths and affirmations ceremony.

The following member took the oath:

Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab)

Neil Findlay (Lothian) (Lab): Before taking the oath, I state that I believe that the people of Scotland should be citizens, not subjects and that I hold firmly that my allegiance should first and foremost be to them. However, I recognise that to serve my constituents in the Parliament I must meet the legal requirement of taking the oath and will therefore do so.

The following member took the oath:

Neil Findlay (Lothian) (Lab)

The following member took the oath and repeated it in Gaelic:

John Finnie (Highlands and Islands) (SNP)

The following member made a solemn affirmation:

Joe FitzPatrick (Dundee City West) (SNP)

The following member took the oath:

Murdo Fraser (Mid Scotland and Fife) (Con)

The following member made a solemn affirmation:

Kenneth Gibson (Cunninghame North) (SNP)

The following member made a solemn affirmation and repeated it in Gaelic:

Rob Gibson (Caithness, Sutherland and Ross) (SNP)

The following member made a solemn affirmation:

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP)

The following members took the oath:

Rhoda Grant (Highlands and Islands) (Lab)
 Mark Griffin (Central Scotland) (Lab)
 Hugh Henry (Renfrewshire South) (Lab)

The following member made a solemn affirmation:

Jamie Hepburn (Cumbernauld and Kilsyth) (SNP)

The following member took the oath:

Jim Hume (South Scotland) (LD)

The following members made a solemn affirmation:

Fiona Hyslop (Linlithgow) (SNP)
 Adam Ingram (Carrick, Cumnock and Doon Valley) (SNP)

The following member took the oath:

Alex Johnstone (North East Scotland) (Con)

Alison Johnstone (Lothian) (Green): I, Alison Johnstone, do solemnly, sincerely and truly declare and affirm, that I will be faithful and bear allegiance to Her Majesty Queen Elizabeth, Her heirs and successors, according to Law.

The following member made a solemn affirmation:

Colin Keir (Edinburgh Western) (SNP)

The following member took the oath:

James Kelly (Rutherglen) (Lab)

The following members made a solemn affirmation:

Bill Kidd (Glasgow Anniesland) (SNP)
 Johann Lamont (Glasgow Pollok) (Lab)

The following member took the oath:

John Lamont (Ettrick, Roxburgh and Berwickshire) (Con)

The following member made a solemn affirmation:

Richard Lochhead (Moray) (SNP)

The following member took the oath:

Richard Lyle (Central Scotland) (SNP)

The following members made a solemn affirmation:

Kenny MacAskill (Edinburgh Eastern) (SNP)
 Angus MacDonald (Falkirk East) (SNP)
 Gordon MacDonald (Edinburgh Pentlands) (SNP)

The following members took the oath:

Lewis Macdonald (North East Scotland) (Lab)
 Margo MacDonald (Lothian) (Ind)
 Ken Macintosh (Eastwood) (Lab)
 Derek Mackay (Renfrewshire North and West) (SNP)

The following member made a solemn affirmation:

Mike MacKenzie (Highlands and Islands) (SNP)

Hanzala Malik (Glasgow) (Lab):

Hanzala Malik prayed in Arabic and provided the following translation:

I seek the protection of God against evil. I start in the name of Allah, the beneficent, the merciful.

The following members took the oath:

Hanzala Malik (Glasgow) (Lab)
Jenny Marra (North East Scotland) (Lab)
Paul Martin (Glasgow Provan) (Lab)

The following members made a solemn affirmation:

Tricia Marwick (Mid Fife and Glenrothes) (SNP)
John Mason (Glasgow Shettleston) (SNP)
Michael Matheson (Falkirk West) (SNP)
Stewart Maxwell (West Scotland) (SNP)

The following member took the oath:

Joan McAlpine (South Scotland) (SNP)

The following member made a solemn affirmation:

Liam McArthur (Orkney Islands) (LD)

The following member took the oath:

Margaret McCulloch (Central Scotland) (Lab)

11:07

Meeting suspended.

11:30

On resuming—

The Presiding Officer: I repeat my request for members on the floor of the chamber, guests in the gallery and our friends in the press gallery to turn off their mobile phones—I would be very grateful if they did so.

I recommence our oaths and affirmations ceremony by calling Alison Johnstone, Lothian. As her affirmation was not properly recorded the first time, she has kindly agreed to make it again.

The following member made a solemn affirmation:

Alison Johnstone (Lothian) (Green)

The following member made a solemn affirmation and repeated it in Doric:

Mark McDonald (North East Scotland) (SNP)

The following members took the oath:

Margaret McDougall (West Scotland) (Lab)
Jamie McGrigor (Highlands and Islands) (Con)

The following members made a solemn affirmation:

Alison McInnes (North East Scotland) (LD)
Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP)
Aileen McLeod (South Scotland) (SNP)
Fiona McLeod (Strathkelvin and Bearsden) (SNP)

The following member took the oath:

David McLetchie (Lothian) (Con)

The following members made a solemn affirmation:

Michael McMahon (Uddingston and Bellshill) (Lab)
Siobhan McMahon (Central Scotland) (Lab)
Stuart McMillan (West Scotland) (SNP)

The following members took the oath:

Duncan McNeil (Greenock and Inverclyde) (Lab)
Anne McTaggart (Glasgow) (Lab)
Nanette Milne (North East Scotland) (Con)
Margaret Mitchell (Central Scotland) (Con)
Elaine Murray (Dumfriesshire) (Lab)
Alex Neil (Airdrie and Shotts) (SNP)

The following member made a solemn affirmation:

John Park (Mid Scotland and Fife) (Lab)

The following member took the oath:

Gil Paterson (Clydebank and Milngavie) (SNP)

The following member made a solemn affirmation:

Graeme Pearson (South Scotland) (Lab)

The following members took the oath:

John Pentland (Motherwell and Wishaw) (Lab)
Willie Rennie (Mid Scotland and Fife) (LD)
Dennis Robertson (Aberdeenshire West) (SNP)

The following member made a solemn affirmation:

Shona Robison (Dundee City East) (SNP)

The following member took the oath and repeated it in Scots and Gaelic:

Michael Russell (Argyll and Bute) (SNP)

The following members took the oath:

Mary Scanlon (Highlands and Islands) (Con)
John Scott (Ayr) (Con)
Dr Richard Simpson (Mid Scotland and Fife) (Lab)

The following member made a solemn affirmation:

Drew Smith (Glasgow) (Lab)

Elaine Smith (Coatbridge and Chryston) (Lab): Before taking the oath, I state that I believe that the people of Scotland should be citizens and not subjects, and that I hold firmly that my allegiance should be first and foremost to them. However, I recognise that to serve my constituents in the Parliament I must meet the legal

requirement of taking the oath, and I will therefore do so.

The following members took the oath:

Elaine Smith (Coatbridge and Chryston) (Lab)
Liz Smith (Mid Scotland and Fife) (Con)
Stewart Stevenson (Banffshire and Buchan Coast) (SNP)
David Stewart (Highlands and Islands) (Lab)

The following member took the oath and repeated it in Doric:

Kevin Stewart (Aberdeen Central) (SNP)

The following member made a solemn affirmation:

Nicola Sturgeon (Glasgow Southside) (SNP)

The following member took the oath:

John Swinney (Perthshire North) (SNP)

The following member took the oath and repeated it in Doric and Gaelic:

Dave Thompson (Skye, Lochaber and Badenoch) (SNP)

The following member took the oath:

David Torrance (Kirkcaldy) (SNP)

The following member made a solemn affirmation:

Jean Urquhart (Highlands and Islands) (SNP)

The following member took the oath:

Bill Walker (Dunfermline) (SNP)

The following member took the oath and repeated it in Doric:

Maureen Watt (Aberdeen South and North Kincardine) (SNP)

The following member took the oath:

Paul Wheelhouse (South Scotland) (SNP)

The following members made a solemn affirmation:

Sandra White (Glasgow Kelvin) (SNP)
John Wilson (Central Scotland) (SNP)

The following member took the oath and repeated it in Urdu:

Humza Yousaf (Glasgow) (SNP)

The Presiding Officer: That completes the oaths and affirmations ceremony.

I inform members that nominations for the position of Presiding Officer will open at 12.30 pm. Nomination forms can be collected from the parliamentary business team, whose office is situated in T1.03. Completed nomination forms should be returned to the parliamentary business team no later than 2.15 this afternoon. Nomination forms will be valid only if they detail the name of the candidate, the member nominating the

candidate and the member seconding that nomination.

Nominations for Deputy Presiding Officers may be submitted only following the election of the Presiding Officer. The period during which nominations may be submitted will be announced by the Presiding Officer and the sitting will be adjourned for that purpose.

I further remind members that, in order to be eligible to stand for the positions of Presiding Officer and Deputy Presiding Officer, they must have taken the oath or made an affirmation before the commencement of the voting period, which will begin at 2.30 this afternoon.

12:11

Meeting suspended.

As directed by rule 1.2.5 of the standing orders of the Scottish Parliament, the text of the oath of allegiance, in accordance with section 2 of the Promissory Oaths Act 1868, is as follows:

I, [name of Member], do swear that I will be faithful and bear true Allegiance to Her Majesty Queen Elizabeth, Her heirs and successors, according to Law, so help me God.

The text of the solemn affirmation, in accordance with section 6(1) of the Oaths Act 1978, is as follows:

I, [name of Member], do solemnly, sincerely and truly declare and affirm, that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth, Her heirs and successors, according to Law.

14:30

On resuming—

Presiding Officer

The Presiding Officer (Alex Fergusson): The first meeting of the fourth session of Parliament is resumed for the election of the Presiding Officer. I have received three valid nominations for the position of Presiding Officer. I will announce the nominations and invite each candidate to make themselves known to the chamber as their names are announced. In alphabetical order, they are Christine Grahame, Hugh Henry and Tricia Marwick. *[Interruption.]*

The Presiding Officer: I ask people to turn off their mobile telephones.

The election will proceed in accordance with rule 11.9 of standing orders. If no member receives an absolute majority in the first round of voting, there will be subsequent rounds. Members should remain in their seats until I invite them to collect their ballot papers from the clerks at the back of the chamber. Members with surnames beginning A to F should collect their ballot papers from the desk to my left. Members with surnames beginning G to M, up to McGrigor—as in “Jamie”—should use the desk at the back, and members with surnames from McInnes to Z should use the desk to my right.

Members should confirm their name with the clerks before being issued with a ballot paper. For members’ privacy in marking ballot papers, voting booths are available at the back of the chamber. Under rule 11.9.5 of standing orders, members may not receive more than one ballot paper in each round. Ballot papers should be marked with an X, before being folded and placed in one of the ballot boxes provided at the rear of the chamber.

At the end of each voting period, I will invite any scrutineers who have been nominated by each candidate to monitor the counting of votes at the back of the chamber. There, clerks will empty the ballot boxes and begin counting the votes. Candidates may also observe the count. I will announce the results of each round of voting when all the votes have been counted and verified.

I declare the election of the Presiding Officer open. Members should proceed to the appropriate desk to receive their ballot papers.

Members voted by secret ballot.

The Presiding Officer: In the first round of voting in the election of Presiding Officer, the number of votes cast for each candidate was: Christine Grahame 32, Tricia Marwick 45 and Hugh Henry 49. There was one spoilt ballot paper. Accordingly, as no candidate has received an

overall majority of the votes cast and as Christine Grahame has received the fewest votes, she is eliminated from the election and a further vote will take place between Tricia Marwick and Hugh Henry.

There will be a short break while new ballot papers are printed. Accordingly, I suspend the meeting for five minutes.

14:52

Meeting suspended.

14:55

On resuming—

The Presiding Officer: Ballot papers for the second round of voting are now ready. Members should use the same voting procedure as before. I remind members to use a single cross to indicate their preferred candidate.

The voting period is now open.

Members voted by secret ballot.

The Presiding Officer: In the second round of voting in the election of the Presiding Officer, the number of votes cast for each candidate was as follows: Hugh Henry 55, Tricia Marwick 73. Accordingly, as Tricia Marwick received more votes than the total number of votes that the other candidate received, and as more than 25 per cent of members voted, Tricia Marwick is elected as the Scottish Parliament’s Presiding Officer. *[Applause.]*

I thank all the candidates in the election of the Presiding Officer, as we come to yet another first in the series of firsts that have come to the fore in the past week. Scotland’s electorate seem to take great delight in delivering a Parliament with significantly different challenges at each and every election.

First, in 1999, the electorate delivered our first coalition Government. In 2003, they delivered what became known as the rainbow Parliament, with originally six and, ultimately, seven parties and groupings recognised on the Parliamentary Bureau. In 2007, they delivered our first minority Government and now, in 2011, they have delivered yet another first—a single party has gained an outright majority for the first time.

The Parliament itself seems to have taken the road of firsts to heart by electing a female member as the Presiding Officer for the first time. Furthermore, it has elected a member from the likely party of Government for the first time. In itself, that will present fresh challenges.

Having worked with Tricia Marwick on the Scottish Parliamentary Corporate Body over the

past four years, I can testify to her ability to put the Parliament's interests before the interests of any party in it. I know that I join all members in wishing her, her husband Frank, and her family our very best wishes as she takes on this vitally important role.

I would not dream of offering my successor any advice—except perhaps this: if, Tricia, you find after a few months that you are not quite as well known to the public as you would like to be, get yourself involved in a live television draw for a football cup semi-final and make a complete hash of it. I guarantee that you will be a household name after that. *[Laughter.]*

More seriously, the role of Presiding Officer carries with it a cloak of great privilege and even greater responsibility. It is one that I have worn to the best of my ability, but I am now delighted to pass it on to my elected successor. I have great pleasure in inviting the Presiding Officer to come forward and take the chair for the fourth session of our Scottish Parliament. *[Applause.]*

The Presiding Officer (Tricia Marwick): First, I thank all my parliamentary colleagues from all parties for their support today. I also thank my predecessor, Alex Fergusson, for his work in the past four years. His was a most difficult period, with the potential to have to use the casting vote every day. I hope to be spared that difficulty. He was a class act and a difficult one to follow; I will do my very, very best.

There are some special people who deserve my thanks, because it is only with their support and love that I can do this job: my husband Frankie, my children Louise and Steven, and my lovely grandchildren Róisín and Odhrán. I love you all.

As Presiding Officer, I will be fair to all members. I will always act in the interests of the Scottish Parliament. Now we have work to do. Thank you. *[Applause.]*

Deputy Presiding Officers

15:15

The Presiding Officer (Tricia Marwick): We move to the election of Deputy Presiding Officers. Nominations for the position of Deputy Presiding Officer will open now. Members may collect nomination forms from the business team in room T1.03, which is located within the office of the chamber desk. Completed nomination forms should be returned to the business team no later than 3.45. When submitting nomination papers, candidates or their representatives may wish to provide the name of any member who will act as scrutineer on behalf of the candidate.

I look forward to this, and I suspend the meeting until 4.15.

15:16

Meeting suspended.

16:15

On resuming—

The Presiding Officer: The next item of business is the election of two Deputy Presiding Officers. I have received four valid nominations for the position of Deputy Presiding Officer. I will now announce the nominations and ask the candidates, as their names are announced, to make themselves known to the chamber. In alphabetical order, the nominations are Patricia Ferguson, Duncan McNeil, John Scott and Elaine Smith.

The election will again proceed in accordance with rule 11.9 of standing orders, with the same voting procedures as those used in the election of the Presiding Officer. If no member receives an absolute majority in the first round of voting, there will be subsequent rounds. That procedure will also be followed for the election of the second Deputy Presiding Officer. When the first Deputy Presiding Officer is elected, voting rounds will begin for the election of the second Deputy Presiding Officer, involving all candidates who were unsuccessful in the election of the first Deputy Presiding Officer.

I declare the election of the first Deputy Presiding Officer open. Members should proceed to the appropriate desk to collect their ballot papers.

Members voted by secret ballot.

The Presiding Officer: In the first round of voting in the election of the Deputy Presiding Officers, the number of votes cast for each candidate was as follows: Patricia Ferguson 22,

Duncan McNeil 14, John Scott 54 and Elaine Smith 35. Accordingly, as no candidate received an overall majority of the votes cast, and as Duncan McNeil received the fewest votes, he is eliminated from the election and a further round will take place with the following candidates: Patricia Ferguson, John Scott and Elaine Smith.

There will be a short break while new ballot papers are printed. I suspend the meeting for five minutes.

16:36

Meeting suspended.

16:41

On resuming—

The Presiding Officer: The voting period is now open, and I ask members to use the same voting procedure as before.

Members voted by secret ballot.

The Presiding Officer: In the second round of voting in the election of the Deputy Presiding Officers, the number of votes cast for each candidate was as follows: Patricia Ferguson 32, John Scott 56, Elaine Smith 36, abstentions 2. Accordingly, as no candidate received an overall majority of the votes cast, and as Patricia Ferguson received the fewest votes, she is eliminated from the election and a further round will take place with the following candidates: John Scott and Elaine Smith. There will now be a short break while new ballot papers are printed. I suspend the meeting for five minutes.

16:59

Meeting suspended.

17:07

On resuming—

The Presiding Officer: The next round of voting is now open.

Members voted by secret ballot.

The Presiding Officer: In the third round of voting in the election of the Deputy Presiding Officers, the number of votes cast for each candidate was as follows: John Scott 58, Elaine Smith 64, abstentions 3. Accordingly, as Elaine Smith received more votes than the total number of votes received by the other candidate, and as more than 25 per cent of members voted, Elaine Smith is elected as Deputy Presiding Officer of the Scottish Parliament. Congratulations. [*Applause.*]

Voting rounds will now begin for the second Deputy Presiding Officer, involving all candidates

who were unsuccessful in the previous election of the Deputy Presiding Officer. There will now be a short break while ballot papers are printed. I suspend the meeting for five minutes.

17:22

Meeting suspended.

17:30

On resuming—

The Presiding Officer: In declaring the election of the second Deputy Presiding Officer open, I must inform the chamber that Duncan McNeil has withdrawn from the competition. Voting procedures are the same as before. Members may proceed to the back of the chamber to collect their ballot papers.

Members voted by secret ballot.

The Presiding Officer: In the first round of voting in the election of the second Deputy Presiding Officer, the number of votes cast for each candidate was as follows: Patricia Ferguson 40, John Scott 82, abstentions 1. The total number of votes cast was 123. Accordingly, as John Scott received more votes than the total number of votes received by the other candidate, and as more than 25 per cent of members voted, John Scott is elected as the second Deputy Presiding Officer of the Scottish Parliament. [*Applause.*]

I offer my congratulations, too. I thank all the candidates who took part in the Deputy Presiding Officer contest and the Presiding Officer contest earlier today. I now close this first meeting of the fourth session of the Scottish Parliament.

Meeting closed at 17:46.

Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice to SPICe.

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