



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

MEETING OF THE PARLIAMENT

Thursday 25 March 2010

Session 3

Thursday 25 March 2010

CONTENTS

	Col.
BUSINESS MOTION	25001
<i>Motion moved—[Bruce Crawford]—and agreed to.</i>	
PUBLIC SERVICES REFORM (SCOTLAND) BILL: STAGE 3	25002
SCOTTISH EXECUTIVE QUESTION TIME	25084
General Questions.....	25084
Teachers (Workforce Planning)	25084
Speech and Language Therapy Services	25084
NHS Tayside (Meetings)	25086
Beauly to Denny Power Line (Community Engagement)	25087
Transport (Ayrshire)	25088
Central Heating Scheme	25089
“The Government Economic Strategy”	25091
FIRST MINISTER’S QUESTION TIME	25093
Engagements.....	25093
Secretary of State for Scotland (Meetings)	25096
Cabinet (Meetings)	25098
Mephedrone.....	25100
Child Protection	25101
United Kingdom Budget.....	25102
SCOTTISH EXECUTIVE QUESTION TIME	25104
Justice and Law Officers	25104
Central Scotland Fire and Rescue Service	25104
Victims and Witnesses (Rights and Protection)	25105
Police Numbers (Highlands and Islands)	25106
Knife Crime (Lothian and Borders)	25107
Parades (Strathclyde)	25109
Cashback for Communities (Lothians)	25110
Community Safety	25111
Rural Affairs and Environment.....	25112
Integrated Maritime Policy	25112
Recycling (Glasgow)	25113
Illegal Waste Disposal	25114
“Inquiry into Future Support for Agriculture in Scotland: The Interim Report”	25115
Farming (Regulatory Burden)	25117
Commonwealth Games 2014 (Environment)	25118
Flood Protection (Aberdeenshire).....	25119
POINT OF ORDER	25120
PUBLIC SERVICES REFORM (SCOTLAND) BILL: STAGE 3	25121
PUBLIC SERVICES REFORM (SCOTLAND) BILL	25164
<i>Motion moved—[John Swinney].</i>	
The Cabinet Secretary for Finance and Sustainable Growth (John Swinney)	25164
David Whitton (Strathkelvin and Bearsden) (Lab)	25166
Derek Brownlee (South of Scotland) (Con)	25168
Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD)	25170
Linda Fabiani (Central Scotland) (SNP)	25172
Malcolm Chisholm (Edinburgh North and Leith) (Lab)	25172
Christina McKelvie (Central Scotland) (SNP)	25173
Pauline McNeill (Glasgow Kelvin) (Lab)	25175
Margo MacDonald (Lothians) (Ind).....	25176
Jeremy Purvis	25176
Gavin Brown (Lothians) (Con)	25177
Andy Kerr (East Kilbride) (Lab).....	25178
The Minister for Culture and External Affairs (Fiona Hyslop)	25180

UNITED KINGDOM BUDGET	25183
<i>Statement—[John Swinney].</i>	
The Cabinet Secretary for Finance and Sustainable Growth (John Swinney)	25183
DECISION TIME	25194
GILMERTON CORE STORE	25197
<i>Motion debated—[Mike Pringle].</i>	
Mike Pringle (Edinburgh South) (LD).....	25197
Lewis Macdonald (Aberdeen Central) (Lab).....	25200
Gavin Brown (Lothians) (Con)	25201
Shirley-Anne Somerville (Lothians) (SNP)	25203
The Minister for Enterprise, Energy and Tourism (Jim Mather)	25204

Scottish Parliament

Meeting of the Parliament

Thursday 25 March 2010

[The Presiding Officer *opened the meeting at 09:00*]

Business Motion

The Presiding Officer (Alex Fergusson): Good morning. The first item of business is consideration of business motion S3M-6051, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, which sets out a timetable for stage 3 of the Public Services Reform (Scotland) Bill.

Motion moved,

That the Parliament agrees that, during Stage 3 of the Public Services Reform (Scotland) Bill, debate on groups of amendments shall, subject to Rule 9.8.4A, be brought to a conclusion by the time limits indicated, each time limit being calculated from when the Stage begins and excluding any periods when other business is under consideration or when a meeting of the Parliament is suspended (other than a suspension following the first division in the Stage in the morning and afternoon being called) or otherwise not in progress:

Groups 1 and 2: 55 minutes

Groups 3 to 5: 1 hour 25 minutes

Groups 6 to 9: 2 hours

Groups 10 to 13: 2 hours 40 minutes

Groups 14 and 15: 3 hours 15 minutes.—[*Bruce Crawford.*]

Motion agreed to.

Public Services Reform (Scotland) Bill: Stage 3

09:00

The Presiding Officer (Alex Fergusson): The next item of business is stage 3 of the Public Services Reform (Scotland) Bill. In dealing with amendments, members should have the bill as amended at stage 2, which is SP bill 26A; the marshalled list of amendments, which is SP bill 26A-ML; and the groupings, which I, as Presiding Officer, have agreed. The division bell will sound and proceedings will be suspended for five minutes before the first division this morning. The period of voting for the first division will be 30 seconds. Thereafter, I will allow a voting period of one minute for the first division after a debate. All other divisions will be 30 seconds.

Section 2A—Transfer to certain bodies of functions of Waterwatch Scotland

The Presiding Officer: Group 1 is on regulation of the water industry. Amendment 1, in the name of Patrick Harvie, is grouped with amendments 4, 79 to 81, 5, 84, 85, 91, 2, 3 and 92.

Tricia Marwick (Central Fife) (SNP): On a point of order, Presiding Officer. There are no printed copies of the marshalled list or groupings of amendments at the back of the chamber for the benefit of members. Can somebody look into that?

The Presiding Officer: There should be. We will put that right as soon as possible, if that is the case. I call Patrick Harvie.

Patrick Harvie (Glasgow) (Green): Presiding Officer, I cannot tell you how pleased I am to be the first member to speak in the stage 3 debate on this mess of a bill—at least I could tell you, but we have rules against the kind of language that I would use.

My amendments deal with one organisation that the Government wants to change, but they also speak more widely to the bill as a whole. Stage 2 amendments transferred

“Waterwatch Scotland’s customer representation and complaints handling roles to Consumer Focus Scotland and the Scottish Public Services Ombudsman ... to allow for the transfer of staff to either body and to require those bodies together with the Water Industry Commission for Scotland, to form co-operation agreements.”

My amendments propose to reverse those amendments.

The Cabinet Secretary for Finance and Sustainable Growth may well make the case in favour of the amendments that he proposed and persuaded the Finance Committee to accept at stage 2—indeed, surely he will make that case—

on the basis of the better functioning of arrangements or lower costs, but there is also a case against. As we have heard, the present complaints handling function is working well. Complaints are down by around 75 per cent and the arrangements, which allow one body to cover both the public and private sectors and are funded by a levy on the industry, have genuine benefits. The current arrangements do not cost a lot. Indeed, Waterwatch has identified savings that could be made if it was allowed to retain its current powers. In short, there is a case against, and it boils down to if it ain't broke, don't fix it.

I lodged my amendments not because I am utterly persuaded of either case—for or against change—but because the first that I knew of the changes, as the convener of the Transport, Infrastructure and Climate Change Committee, which scrutinises water industry bodies in Scotland, was after stage 2, by which time the amendments had been made. If the Scottish Government wishes to inspire people with confidence that any order-making powers that the bill creates will be used responsibly and that consultation will be meaningful and in advance to give everyone the chance to make their view heard, that was not the way to go about things.

My committee takes evidence regularly from Waterwatch and other water industry bodies, after which we follow up by taking evidence from ministers. At no point did the cabinet secretary or ministers say, "By the way, I am thinking about abolishing this body. What does the committee think?" The Government should have sought our views in that way. That would have been the responsible way to go about making this change and perhaps would have inspired confidence among members that any order-making power will be used responsibly and consistent with the principles of transparency and accountability that members will no doubt debate later. That is my objection to the stage 2 amendments, and it is why I am seeking to reverse them.

I move amendment 1.

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): I turn first to the Government amendments. Amendments 79 to 81 are technical amendments. They amend the Scottish Public Services Ombudsman Act 2002 to ensure that the ombudsman can handle complaints from customers against licensed providers. Amendment 92 is a consequential amendment that was omitted at stage 2. It removes the convener of the water customer consultation panels and the panels themselves from schedule 3 to give consistency with the current text of the bill.

I turn to Patrick Harvie's and Derek Brownlee's amendments. Patrick Harvie raised concerns

about the lack of Parliament scrutiny of the Waterwatch proposals. I welcome the opportunity that he has given the Parliament to discuss the matter. Waterwatch has two functions: to consider complaints about Scottish Water and to represent the views of water customers. It is a small organisation that employs seven staff, and although it has performed its functions well, as a small organisation it has disproportionate overheads and limited access to specialist advice.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): For clarification, can the cabinet secretary confirm that the effect of the amendments of that the ombudsman can now be involved in contractual disputes involving Scottish Water, Scottish Water solutions, and subcontractors?

John Swinney: As I have set out, the ombudsman will be able to take forward the functions of Waterwatch.

The provisions in the bill will transfer Waterwatch's complaints handling function to the Scottish Public Services Ombudsman and its representative role to Consumer Focus Scotland, both of which are significantly larger bodies than Waterwatch and operate across a wide range of sectors.

Jeremy Purvis: Will the cabinet secretary give way?

John Swinney: No. I have to make progress.

The transfer will create a number of benefits for consumers. It will simplify access by moving towards a one-stop shop for consumer complaints handling and representation. It will allow the Scottish Public Services Ombudsman and Consumer Focus Scotland to bring to bear the expertise and experience that they have built up in related fields and will ensure that the lessons that are learned from complaints handling and customer representation in any service can lead to improvement across all services. The proposals will also save money. The Parliament has now seen the updated financial memorandum. The transfer of Waterwatch's functions to the Scottish Public Services Ombudsman and Consumer Focus Scotland will save water customers £300,000 a year—more than a third of Waterwatch's budget. In light of my comments, I hope that Patrick Harvie will agree not to press amendment 1 and not to move his other amendments in the group.

Derek Brownlee's amendment 91 proposes that the transfer of Waterwatch's functions should not occur until one year after royal assent is received. I am perfectly happy to support that. It will ensure that there is sufficient time for careful transition planning, thereby ensuring an uninterrupted service for consumers and allowing time for Mr

Harvie's committee to consider the issue and report on it. Mr Brownlee's amendments 84 and 85 would introduce either affirmative or negative procedure into the process for commencement of the Waterwatch provisions, which would be a highly unorthodox process for commencement. Of greater concern is the uncertainty that those amendments would create for Waterwatch, particularly when combined with his amendment 91 to delay commencement for a year. In effect, Waterwatch as an organisation and its staff would be left in limbo, unsure of what the future would be. That would be hugely unsettling and would be likely to result in poor staff morale and lower service to customers. In short, Mr Brownlee's approach is not the correct one. On that basis, I invite him not to move amendments 84 and 85.

The purpose of the Government simplification programme is to declutter the public bodies landscape in Scotland to improve the quality and efficiency of the services that are provided to the people of Scotland. In the current financial climate, we must explore every avenue of public service reform that will improve services and reduce cost. The transfer of Waterwatch's functions to the Scottish Public Services Ombudsman and Consumer Focus Scotland achieves both. I commend it to Parliament.

Derek Brownlee (South of Scotland) (Con): I am perhaps not quoting Patrick Harvie directly, but he suggested, if I picked him up correctly, that the issue is finely balanced, which is what the Review of SPCB Supported Bodies Committee and the Finance Committee found. On the general issue of Waterwatch, there are questions about whether what is proposed is a meaningful simplification. The sums of money involved are relatively small. I appreciate, though, that that does not take away the need to consider savings.

The cabinet secretary said that my amendments are unorthodox. They may be, but I still believe them to be competent. Delaying commencement until 12 months after royal assent is received would effectively move the issue into the next session. I think that we all accept that there is a significant possibility that Scottish Water, as an entity, will not be in the same position in the next session. At that point, we may take a different view on the appropriate regime for complaints handling. Amendment 91 would allow Parliament to reconsider the issue in the next session of Parliament.

Patrick Harvie's concerns in relation to the Transport, Infrastructure and Climate Change committee are fair. Malcolm Chisholm has made the same point in connection with other provisions in the bill. The issue comes down to the fact that, rather unusually, the Finance Committee was the lead committee for the bill. However, that reflects

the fact that the bill is a rag-tag of various issues rather than a coherent whole. I intend to press amendments 84 and 91, and encourage members to support them.

The Presiding Officer: Four members wish to speak in the open debate. I can give them no more than two minutes each.

Jackie Baillie (Dumbarton) (Lab): I speak in support of amendments 1 to 5, in the name of Patrick Harvie, which seek to reverse the amendments made by the cabinet secretary at stage 2 and keep Waterwatch Scotland intact. It is worth recalling the context of our discussion on Waterwatch. Members will be aware of the work of the Review of SPCB Supported Bodies Committee, which was ably led by the Deputy Presiding Officer Trish Godman. The committee reported in May 2009 after spending some time considering a range of bodies and their value and governance arrangements. Of course, Waterwatch was included in that. The committee concluded that

"Waterwatch should not be transferred as proposed."

Joe FitzPatrick (Dundee West) (SNP): Will the member take an intervention?

Jackie Baillie: No, I do not have time.

Mr Swinney's plan to split Waterwatch Scotland's functions between the SPSO and Consumer Focus Scotland was therefore denied, after due consideration, by the Review of SPCB Supported Bodies Committee. His decision to fly in the face of that considered position by introducing amendments at stage 2 was disappointing and perhaps had a touch of "the cabinet secretary knows best". Of course, the cabinet secretary knows his own mind, because did he not say that he was happy for the future of Waterwatch Scotland to be considered and decided by the Scottish Parliamentary Corporate Body? We now realise that he meant that only if the SPCB agreed with his view. So, out went the dummy from the pram and in came a raft of stage 2 amendments. I am sure that the cabinet secretary will tell members—he has done so—that the abolition of Waterwatch will have no impact on services and will save money. Well, that is not entirely accurate, because savings will be generated not by the proposed merger but by dismantling the statutory regional panel and national committee structure.

The Parliament amended the Water Services etc (Scotland) Bill at stage 2 in 2005 to set up Waterwatch, including its consumer consultation panels. I observe that Waterwatch has stated that the saving would be greater if it was required only to investigate complaints. However, the cabinet secretary has ignored that view, because it is a case of his way or no way.

The Presiding Officer: I must hurry you.

Jackie Baillie: Finally, Presiding Officer—

The Presiding Officer: I really must hurry you.

Jackie Baillie: Okay. I simply add that when the then Environment and Rural Development Committee considered the issue, Rob Gibson, Richard Lochhead and, indeed, Alex Johnstone actively supported the measure. We believed in an holistic approach in 2005 and we believe in it now. I urge support for Patrick Harvie's amendments.

Jeremy Purvis: The cabinet secretary said on 9 December 2008:

"I do not think that it would be appropriate for the Government to add something else to the remit of the Scottish Public Services Ombudsman, as that would begin to contaminate the sense of judgment that members of the public will want to have."—[*Official Report, Review of SPCB Supported Bodies Committee*, 9 December 2008; c 29.]

When he appeared in front of the Finance Committee only a month later, the Government's view had turned 180 degrees. That is why the Finance Committee was surprised when it was given the amendments for consideration. Committee members abstained during that consideration because we wanted to know why the cabinet secretary had changed his view. We did not receive an explanation, and we have not subsequently received one. The cabinet secretary has not convincingly explained why what he said on 9 December 2008 no longer stands.

There is an issue of substance that is of concern, which the cabinet secretary has not addressed fully in the Government's amendment 81. That amendment makes the SPSO a body that will be involved in and

"investigate contractual or commercial transactions"

relating to Scottish Water, any of its subcontractors and Scottish Water Solutions. I know that the minister responsible, Mr Stevenson, has been involved in a flurry of activity with his officials at the back of the chamber. I am not sure what the results of that relating to—

Joe FitzPatrick: He is sitting there.

09:15

Jeremy Purvis: And Mr FitzPatrick will, no doubt, contribute to this debate, if he is so confident.

There are concerns with regard to amendment 81 and the justification that the Government has not provided. That is why we will support Patrick Harvie's amendments.

Dr Richard Simpson (Mid Scotland and Fife) (Lab): I rise to speak because Waterwatch is in my constituency and that of Keith Brown. We will

be interested to see how he votes on amendment 81. Waterwatch was part of the dispersal policy of the previous Administration, and dispersed jobs to an area with relatively poor employment. Thirty jobs in the constituency will go back to the centre if the bill is enacted as it is. I am not going to repeat other members' points, but the other important point is that the SPSO cannot deal with systemic complaints; it can deal only with individual complaints. Waterwatch has shown that, by dealing with systemic complaints, it has improved the performance of Scottish Water. Frankly, what the Government proposes is vandalism for the sake of numbers, and it should be opposed. I support Patrick Harvie's amendments.

The Presiding Officer: I call Patrick Harvie to wind up and either press or withdraw amendment 1. I ask him to do so as briefly as he can.

Patrick Harvie: The cabinet secretary has, indeed, argued the case in favour of the change that he proposes, arguing that it will simplify the service that will be offered to consumers, that lessons learned from the sector will be more widely applicable and that there will be some cost savings. There have been queries, even within the few minutes that we have had to debate the issue, from several sides of the chamber about whether cost savings can be achieved given the structure of Waterwatch and whether some of the cost savings will be achieved at the expense of the purpose of previous legislation that we passed. That issue runs through the whole bill. We should be very cautious about reversing and ignoring, for cost savings alone, the objectives that we had in mind when we passed legislation in the first place. As Richard Simpson and Jeremy Purvis highlighted, the question is whether there would be weaknesses in the system under the SPSO.

The cabinet secretary has stated clearly that his purpose is to declutter the landscape—that purpose is not shared by all of us in the chamber. We should ensure that the landscape works better rather than simply make it clearer for the sake of it. We should look to achieve that objective rather than decluttering. I will press amendment 1.

The Presiding Officer: The question is, that amendment 1 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division, but there will be a five-minute suspension before it.

09:18

Meeting suspended.

09:23

On resuming—

The Presiding Officer: We will proceed with the division.

For

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 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)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 63, Against 64, Abstentions 0.

Amendment 1 disagreed to.

Section 10—Public functions: efficiency, effectiveness and economy

The Presiding Officer: Group 2 is on order-making powers. Amendment 24, in the name of David Whitton, is grouped with amendments 25, 57, 27, 28, 58, 29, 30, 32 to 41, 43, 52, 87, 26, 31, 42 and 55.

Members will have picked up that time is pretty tight. I understand that there are important points to be made and important debates to be had, but I ask members to be as brief as possible. I also draw members' attention to the pre-emption information that is shown on the groupings paper.

David Whitton (Strathkelvin and Bearsden) (Lab): It is widely accepted that part 2 is the most contentious part of the bill. Certainly, it is the part that has attracted the most criticism and comment. Labour is again arguing that part 2 should be removed altogether, which is consistent with the position that we took in the Finance Committee at stage 2, when we warned that we could not support part 2 as it stood and that we were looking to the cabinet secretary to bring forward new proposals to address the concerns that had been expressed.

We were not alone in expressing our disquiet at the cabinet secretary's plans. Members of the Education, Lifelong Learning and Culture Committee, the Health and Sport Committee and the Rural Affairs and Environment Committee all criticised part 2. The Education, Lifelong Learning and Culture Committee recommended the removal of part 2, with only the SNP members who were present dissenting. The Rural Affairs and Environment Committee said that it would prefer to see the powers that the cabinet secretary is seeking to take for himself removed from the bill. Members of the Health and Sport Committee recommended that the Scottish Public Services Ombudsman and other bodies that were established and that are funded directly by the Scottish Parliamentary Corporate Body be removed from schedule 3 and added to the list of those that are exempted from ministerial control. The committee members came to those conclusions as a result of the evidence that they took from a wide range of witnesses from all corners of Scottish public life, all of whom told the cabinet secretary that what he proposes in part 2 is more than a step too far. Indeed, as has been said before, it is unprecedented.

What was the cabinet secretary's reaction to that? He simply reaffirmed his view that he does not agree with his critics. Lined up against him are all the commissioners who have been appointed by the Parliament, as well as the ombudsmen; the chair of the Equality and Human Rights Commission Scotland; the Standards, Procedures and Public Appointments Committee; the Lord

President of the Court of Session; the police complaints commissioner for Scotland; and learned legal academics such as Professor Alan Page, professor of public law at the University of Dundee, Professor Chris Himsworth, professor of administrative law at the University of Edinburgh, and Dr Aileen McHarg, senior lecturer in public law at the University of Glasgow. All of those people argued against Mr Swinney's power grab.

I will not go through what sections 10 and 13 would allow ministers to do. Suffice it to say that they would allow ministers to remove burdens; to abolish, confer, transfer or delegate functions; and to create or abolish public bodies. I repeat what I said when we debated the bill at stage 1: the cabinet secretary, in a minority Government with no parliamentary majority, wants to take for himself the powers to do what he likes because he wants to go further and faster without troubling the Parliament with primary legislation. Yet, as the professors told the Finance Committee, the order-making powers are unprecedented at both Scottish and United Kingdom levels. In taking the powers, Scottish National Party ministers would be able to abolish or merge public bodies at will.

Mr Swinney argues that there is a precedent for his proposals in section 57 of the Local Government in Scotland Act 2003. However, as the Finance Committee noted, that was not mentioned as a precedent for the power in section 10 of the bill in the accompanying documents or during evidence that was given by the bill team. In addition, there are key differences between the powers in the 2003 act—which are, essentially, for local authorities—and the wide-ranging and extensive powers that are listed in section 10. The Scottish Government argues that the provisions in section 13 largely mirror provisions in the UK Legislative and Regulatory Reform Act 2006. If so, why did Mr Swinney not just adopt the provisions that are set out in it?

To be fair to Mr Swinney, some minor changes have been made. He lodged amendments at stage 2 to remove Audit Scotland and the Scottish Commission for Public Audit from the long list in schedule 3 of organisations to which he could apply his super powers. Nevertheless, all the bodies that have been created by act of the Scottish Parliament remain on that long list—and therein lies the constitutional challenge. Should a minister be allowed to have the power to abolish or amend, on a whim, the powers of such bodies without returning to Parliament and making the changes through primary legislation? As one of our witnesses commented, we are hardly overburdened with primary legislation—members who have taken part in the many education debates will testify to that.

Mr Swinney obviously believes that, in order to go further and faster, we must agree to set up an enhanced super-affirmative procedure to make changes to any of those public bodies. However, despite assurances from the Presiding Officer, the question must be asked whether using the Parliament's corporate body as a means to make changes to some of those bodies is the correct procedure to adopt.

At the heart of the problem surrounding part 2 is the lack of consultation right at the beginning.

The SNP Government has set itself a target to cut the number of public bodies by merging some and transferring responsibilities between others, but that does not necessarily constitute real reform. Taking unprecedented, draconian powers that would allow ministers to override the will of the Parliament is not the democratic way forward. The fixation on the extraordinary powers that ministers are demanding to force through change in the teeth of widespread opposition is not the answer. The cabinet secretary was given the chance to make changes, but he has simply tinkered at the margins. That is why we believe that part 2 should be removed altogether.

I move amendment 24.

09:30

John Swinney: It is clear that we have an intense political debate on the issue. I am all for political debate, but the debate must be based on facts. Mr Whitton has inadvertently misled Parliament. He said that the provisions will give ministers the power to overrule Parliament. That is simply not true. Any order that is made under the order-making powers to change the functions of any body will not pass with my final say; it will pass only when Parliament gives its consent. Mr Whitton has therefore fundamentally misrepresented the position. I ask him to apologise when he sums up for misconstruing and misrepresenting the Scottish Government's position. [*Interruption.*]

The Presiding Officer: Order.

John Swinney: If Mr Whitton has a good and convincing explanation as to why what I have said is not the case, I will, of course, apologise to Parliament. However, he is the one with a problem to think about for the remainder of the debate.

Mr Whitton seeks to remove the order-making powers in part 2 in their entirety. That means that ministers in the current or any future Government would not be able to bring proposals for the Parliament's consideration to improve the exercise of public functions, having regard to efficiency, effectiveness and economy, or to remove or

reduce burdens in existing legislation. The issue that is before us is as simple as that.

The order-making powers in part 2 have an important part to play in making it possible for Parliament to take advantage of opportunities to simplify and streamline the public bodies landscape as they arise without the need for primary legislation on every occasion. I disagree fundamentally with what Patrick Harvie said earlier about the need for us to rationalise the public bodies landscape. The forward perspective on public expenditure and the issues that were raised in yesterday's United Kingdom budget demonstrate that it is clearer than ever that we need flexibility to be able to make real improvements in the delivery of public services and to get the best possible value from the public pound.

I have always accepted that the order-making powers need to be accompanied by proper safeguards. Those safeguards were further strengthened at stage 2 to meet the recommendations that were made by the Finance Committee and the Subordinate Legislation Committee as well as concerns that were expressed by particular bodies. Mr Whitton characterised those changes as minor. They were not minor; they were fundamental changes that were recommended by the Subordinate Legislation Committee. I accepted in full the proposals that were made.

Let me explain some of the safeguards. First, a proposed order would have to satisfy a series of stringent statutory requirements. A proposal would have to be proportionate to the policy objective, and it could not remove any necessary protection in existing legislation. Any modification or transfer of functions would have to be broadly consistent with the general objects or purpose of the original body. We have made it clear that an order could not remove certain protections, including the independence of judicial decision making, which addresses the issues that the Lord President raised; civil liberties protections; health and safety protections; and cultural heritage protections, which addresses issues that the national collections raised. We have also made it expressly clear that a body could not be abolished unless it was an empty shell that had no functions left to exercise.

The power to initiate proposals and the final say on whether an order can be laid before Parliament in relation to parliamentary commissioners and ombudsmen will rest with the Scottish Parliamentary Corporate Body.

Karen Gillon (Clydesdale) (Lab): Will the cabinet secretary underline why he thinks that it is appropriate for the Parliament to give power to the corporate body, which meets only in private, to

determine whether there should be a decision to amend primary legislation by subordinate legislation? Surely one of the underlying principles of the Parliament is that as much work as possible should be carried out in an open and transparent manner. The corporate body is not that type of body.

John Swinney: The corporate body undertakes sensitive consideration of issues on behalf of Parliament. It is elected by Parliament; it is chosen by us to represent and progress a certain range of issues. The Finance Committee accepted that the corporate body should be invited to take forward the issue that we are discussing. The last time I looked, the corporate body's decision making was subject to a significant amount of external scrutiny.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Does the cabinet secretary accept that doing what is proposed would politicise the corporate body and change its role entirely? At the moment, it is responsible for the administration of the Parliament building.

John Swinney: The corporate body determines the budgets of the commissioners in question. How much more political can an issue be? It consists of individuals who have been chosen by Parliament to exercise functions, and we should trust it to address some issues, as the provisions mean that decisions would ultimately come back to Parliament for all members to make.

Mr Whitton said in his rather interesting speech that the commissioners opposed the proposals. The Scottish Information Commissioner said that he saw merits in the proposals, providing that the independence of the commissioners was assured. I have taken steps to ensure that there is no misunderstanding in that respect. Mr Whitton spoke about people who had expressed concerns about the provisions. All of those concerns were expressed before stage 2, and before the Government made significant concessions at stage 2.

We have given full effect to the Subordinate Legislation Committee's procedural recommendations. That means that, at the start of the consultation process, a draft order would have to be laid before Parliament with an explanatory document. There would then be a period of 60 days to allow full public consultation and scrutiny by the relevant parliamentary committees if they wished to do that. Once laid, the draft order would be subject to the affirmative resolution procedure. In all of that, Parliament would have the final say; ministers would not have the final say on any of the provisions.

Mr Whitton raised the issue of a precedent and asked why it was not raised earlier. The Government raised the issue of a precedent in

response to concerns that the Finance Committee expressed. That is how the parliamentary process works: committees raise concerns and the Government addresses them. If we do not do that, we are criticised for not listening to committees; we are now being criticised for giving answers to issues that committees raised. Of course, the Administration in 2003—I accept that Mr Whitton was not a part of it—enacted the Local Government in Scotland Act 2003, in which powers were enshrined that allow primary legislation to be altered by secondary legislation, with the necessary safeguards.

The Government has listened to and addressed the concerns that have been raised about order-making powers in the bill.

Amendments 57 and 58, in my name, are further examples of our having listened to representations and adjusted our proposals accordingly. They provide that the role of the president of the Mental Health Tribunal for Scotland and sheriffs in restricted patient cases is a necessary protection that cannot be removed by an order under part 2.

Amendment 87 is a consequential amendment that is designed to ensure that the new sunset clause operates properly in relation to schedule 3A.

I urge members to support the order-making powers in part 2 and to resist Mr Whitton's amendments, which would deprive Parliament—I stress Parliament—of the opportunity to consider further proposals for pursuing the public services reform agenda in an efficient and effective fashion.

Karen Gillon: To me, this is a simple and straightforward debate: how does this Parliament want to amend primary legislation? Members know how difficult it is to get anything on the face of a bill—all Governments resist placing detail in a bill as much as they can. Therefore, if something is in primary legislation, it has been deemed by Parliament to be sufficiently important not to be dealt with by subordinate legislation.

One issue that we come up against time and again—the Rural Affairs and Environment Committee dealt with it only yesterday—is subordinate legislation that comes to committee badly drafted and at the last minute. Yesterday, the committee took the unprecedented step of agreeing a motion to annul a negative statutory instrument for precisely that reason.

If we are serious about amending primary legislation, we must be confident in the subordinate legislation process by which we would do that. We are asking the Parliament's corporate body—a body that, as Mike Rumbles correctly says, is not a political body and which meets in private—to make such decisions on behalf of

Parliament. This Parliament is the primary place for amending primary legislation; it should not be done through subordinate legislation. If something is important enough to be in primary legislation, it should be amended by primary legislation. That is a principle of the Parliament, and one that we should hold dear.

Derek Brownlee: The issue was debated exhaustively at stage 1 and in the various committees. We said that in the bill as introduced, the safeguards did not go far enough but that we could see a role for part 2, provided that the safeguards were right.

At stage 2, I lodged an amendment to introduce a sunset clause, which is now part of the bill. One of Mr Whitton's amendments would remove it—I am sure because he is trying to delete all of part 2 rather than because he has a particular aversion to my sunset clause.

The key issue for Parliament to consider is whether the Government has done sufficient to address the concerns raised about the powers in part 2. We have had welcome clarification on the scope of the necessary protection element; we have had a new schedule 3A, which moves the parliamentary commissioners and ombudsmen into a separate schedule; we have had the removal of Audit Scotland from the scope of part 2; and we have had significant procedural improvements. That leads us to conclude that the safeguards have been improved sufficiently to allow us to support part 2.

I accept that the corporate body may not be the perfect organisation to consider the parliamentary commissioners and ombudsmen, but it is difficult to think of another parliamentary vehicle that would allow—

Members: Parliament?

The Presiding Officer: Order.

Derek Brownlee: No, it is difficult to think of another committee or group that could handle the role without our saying, in effect, that the roles of the commissioners and ombudsmen can be amended only by primary legislation. We need to think very carefully about operating a different standard for some of the commissioners and ombudsmen from that for the rest of the public sector.

Parliament will still have the final say and we certainly do not believe that the commissioners and ombudsmen should be given some exalted status that prevents Parliament from ever reconsidering their role, whether their status can change and whether efficiencies can be made. Others may take a different view, but we do not believe that it would be healthy to safeguard the commissioners in the way that other members

have suggested. The procedural safeguards and other measures in the bill, as they stand, provide sufficient protection while allowing us to proceed.

Jeremy Purvis: Under part 2, radical changes to a number of bodies, without any ability for Parliament to amend and with the bodies grouped together, could be brought to the Parliament by statutory instrument. The cabinet secretary is right when he says that Parliament will have a final say, but it will not have a full say in potentially large-scale changes to parliamentary commissioners or, because they are schedule 3 bodies, to any children's panel or any health board in Scotland.

At stage 2, I lodged an amendment, similar to one that the United Kingdom Parliament had agreed for its legislation, to allow this Parliament to decide the appropriate method by which changes to improve the efficiency and effectiveness of public bodies should be brought forward. That was defeated by the Conservatives and the SNP—and I am afraid that, as far as the Labour Party is concerned, Tom McCabe was less than clear in his position.

I am pleased that David Whitton has lodged amendments to delete part 2. I will support them, and I hope that all of the Labour group similarly supports them. When I moved my amendments at stage 2, the three Labour members on the Finance Committee were split. I hope that Mr Whitton has a greater ability to ensure that all the Labour votes are behind him for his amendments than he had for my amendments.

In Westminster, the Conservatives called the equivalent of part 2 of this bill the “abolition of Parliament bill”. I hope that when it comes to the decision on the amendments today, they will have a consistent position north and south of the border.

09:45

Helen Eadie (Dunfermline East) (Lab): Derek Brownlee is simply wrong and misleads Parliament when he suggests that the Parliament would not have any say. The whole purpose of requiring any changes to be in primary legislation is to give Parliament a much stronger say. We know that when issues are raised in subordinate legislation and statutory instruments come before committees, there is often insufficient scrutiny by dint of committees' sheer volume of work. That is wrong and should not happen. We should have much more careful scrutiny of all legislation going through the Parliament.

On the question of the Scottish Parliamentary Corporate Body, when I made a proposal on separate legislation just two weeks ago, the advice that I was given by the Parliament's legal advisers, which was based on advice that they had received

from the Scottish Government's legal advisers, was that to invest powers in the corporate body would simply be wrong because it is a committee of the Parliament that may not always be in existence.

Tricia Marwick: Will the member give way?

Helen Eadie: The member can press her request-to-speak button if she wants to speak.

This Parliament has the power to decide in legislation to invest powers in other bodies, and I do not agree that using the Scottish Parliamentary Corporate Body is the right way to proceed. That is the legal advice of this Parliament and the advice to which I will have regard when I support David Whitton's amendments.

Tricia Marwick: On a point of order, Presiding Officer. As you chair the corporate body, will you confirm that it is not like any other committee of the Parliament? It is set up under the Scotland Act 1998, and to abolish the corporate body that act would need to be changed.

The Presiding Officer: I think that the member is probably correct, but she has her point on the record.

Jeremy Purvis: On a point of order, Presiding Officer. As chairman of the corporate body, will you state for clarification whether the corporate body currently has any ability under the Scotland Act 1998 to initiate legislative proposals on parliamentary commissioners that the whole Parliament has decided to establish?

The Presiding Officer: I am not really prepared to comment at this point. We are getting into a policy debate that I am not prepared to get drawn into at this time.

Jeremy Purvis: On a further point of order, Presiding Officer. Given that the ruling that you said you would come back with is pertinent to how some members will decide to vote on the amendments, when do you consider that it would be appropriate to give your view on my first point of order?

The Presiding Officer: The member makes a perfectly fair point. I will suspend the meeting for five minutes and then come back to the chamber.

09:48

Meeting suspended.

09:55

On resuming—

The Presiding Officer: I apologise for having to suspend, but I wanted to get this right, as I believe that it is fundamentally important.

The SPCB has previously invited Parliament to establish a committee to consider SPCB proposals and, if it wishes to do so, to bring those proposals forward—I give you, by example, the Scottish Parliamentary Commissions and Commissioners etc Bill, which was debated in Parliament yesterday. I would interpret that as the SPCB initiating legislation, but I point out that, once any bill is introduced to Parliament, it becomes the property of Parliament itself. That is the situation as regards primary legislation. I confirm that the SPCB does not have the power to initiate subordinate legislation at this point in time.

I hope that that clarifies the issue to members' satisfaction. I have completely lost track of where we had got to.

Jeremy Purvis: On a further point of order, Presiding Officer. I understand the statement that you have just provided, which confirmed that the SPCB has no ability to initiate secondary legislation. However, my point of order asked for clarification, with regard to what the Scotland Act 1998 says about the proceedings and powers of the SPCB, of whether there is any precedent for the SPCB initiating proposals for legislation. That is relevant in relation to the Government's amendments under part 2, with regard to how the Government brings forward statutory instruments.

The Presiding Officer: I have just answered that very question, Mr Purvis.

John Swinney: On a point of order, Presiding Officer. I would like to help by reading to the chamber section 21(1) of the Scotland Act 1998. It says:

"There shall be a body corporate to be known as "The Scottish Parliamentary Corporate Body" (referred to in this Act as the Parliamentary corporation) to perform the functions conferred on the corporation by virtue of this Act or any other enactment."

That makes it clear that the Parliament is able to confer on the SPCB any functions that it chooses. That was confirmed to me by you, Presiding Officer, in a letter that you sent to me some months ago, which was shared with the Finance Committee and members of Parliament.

The Presiding Officer: That is correct, and I confirm that I sent that letter to Mr Swinney.

Margo MacDonald (Lothians) (Ind): I completely accept your ruling, Presiding Officer but, with all due respect, I wonder whether this issue points to a gap in our practice. Perhaps attention should be paid to the point that Karen Gillon raised about the secrecy around the proceedings of the SPCB and the fact that two types of business may be enacted there—some that must be reported to the chamber and some that may be conducted discreetly.

The Presiding Officer: With equal respect, that is not a point or order for me to consider at this stage; it is for others to consider at another time, should they wish to do so.

We are becoming dangerously short of time. I can offer the minister two minutes in which to respond to the debate.

John Swinney: I wish to reiterate a couple of points that I made in the debate and respond to a couple of points that have been made.

Mr Brownlee went through an extensive list of changes that were made to the bill at stage 2, which represent a direct response by the Government to the concerns that were expressed about the nature of the order-making powers and the manner of their utilisation. That gave clear information to Parliament on Mr Whitton's point that they were minor changes, which was ill founded.

It has been accepted—not least by Mr Purvis, in his comments—that Parliament has the final say on any of the changes. We can debate points about the content of any draft statutory instrument that might be introduced but, as I have confirmed already, all statutory instruments will be introduced in draft form, consulted on and considered by committees, and Government will reflect on that before introducing a final order, which the Parliament can then accept or reject. The Government has listened to the concerns that have been expressed, and I encourage Parliament to support the order-making powers in the bill.

10:00

The Presiding Officer: I call on David Whitton to wind up and either press or withdraw amendment 24. Could you do so in four minutes or less, please, Mr Whitton?

David Whitton: I will do my best, Presiding Officer.

I have to say that I was a bit surprised by Mr Swinney's uncharacteristic display of indignation at the beginning of his contribution, but I think that it was just designed to cover up what he is really up to, which is to usurp the right of the Parliament.

John Swinney: Will the member give way?

David Whitton: No. Mr Swinney has had his say. *[Interruption.]*

The Presiding Officer: Order.

David Whitton: We have heard from Mr Swinney three times. He has had more than enough time to say what he has to say.

What the minister is proposing is not just an affirmative procedure or a super-affirmative procedure but a super-super-affirmative

procedure. He wants to involve the Scottish Parliamentary Corporate Body in deciding on matters. The Presiding Officer's letter to him about his proposals, which he mentioned a moment ago, states:

"we also consider that your proposal with regard to the role of the SPCB, could be a workable compromise."

However, I am afraid that a workable compromise is not good enough. When it comes to sorting out primary legislation and bodies that were set up by the Parliament, workable compromises just do not cut it. When we debated the matter at stage 1, I said:

"the cabinet secretary, in a minority Government with no parliamentary majority, wants to take to himself the power to do what he likes".—*[Official Report, 7 January 2010; c 22511.]*

Members: That is not true.

David Whitton: It is true. I said that I am talking about primary legislation. All the bodies that have been created by acts of the Scottish Parliament remain on his large list. There is a constitutional challenge in that. The minister should not be allowed to have the power to abolish or amend them. The Parliament does not have that power. *[Interruption.]*

The Presiding Officer: Order.

David Whitton: Members can get as indignant as they like, Presiding Officer, but the facts are the facts. That is what the cabinet secretary is trying to do, and it is noticeable that none of his back benchers stood up to support him. The only person we heard from is him. *[Interruption.]*

The Presiding Officer: Order.

David Whitton: The key point is the one about the Parliament's role in deciding on primary legislation. I press my amendment.

The Presiding Officer: The question is, that amendment 24 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Alexander, Ms Wendy (Paisley North) (Lab)
Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Baker, Richard (North East Scotland) (Lab)
Boyack, Sarah (Edinburgh Central) (Lab)
Brankin, Rhona (Midlothian) (Lab)
Brown, Robert (Glasgow) (LD)
Butler, Bill (Glasgow Anniesland) (Lab)
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Curran, Margaret (Glasgow Baillieston) (Lab)
Eadie, Helen (Dunfermline East) (Lab)
Ferguson, Patricia (Glasgow Maryhill) (Lab)
Finnie, Ross (West of Scotland) (LD)
Foulkes, George (Lothians) (Lab)

Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, 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)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)

Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 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)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 62, Against 63, Abstentions 0.

Amendment 24 disagreed to.

Section 11—Public functions: further provision

The Deputy Presiding Officer (Trish Godman): Group 3 is entitled “Order-making powers – technical changes”. Amendment 56, in the name of the minister, is grouped with amendments 59 and 93 to 96.

John Swinney: The amendments in group 3 are purely technical. Amendments 56 and 59 give effect to a suggestion—for which I am grateful—from the Subordinate Legislation Committee. They correct an unintended drafting flaw which meant that, in certain circumstances, a parliamentary body could be added to or removed from schedule 3 but a corresponding adjustment could not be made to schedule 3A, which lists the various parliamentary commissioners and ombudsmen in respect of which proposals for an order under part 2 can be initiated only by the SPCB. The

amendments remove that flaw so that if any changes are made to the parliamentary bodies in schedule 3, a corresponding change can be made to schedule 3A.

Amendments 93 to 96 adjust the references to various bodies in schedule 3 to bring them into line with the corresponding references in other legislation.

I move amendment 56.

Amendment 56 agreed to.

Amendment 25 moved—[David Whitton].

The Deputy Presiding Officer: The question is, that amendment 25 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)

Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 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)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)

Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 61, Against 63, Abstentions 0.

Amendment 25 disagreed to.

Section 12—Preconditions

Amendment 57 moved—[John Swinney]—and agreed to.

Amendment 27 moved—[David Whitton].

The Deputy Presiding Officer: The question is, that amendment 27 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)

McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 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)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McGregor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)

Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 61, Against 63, Abstentions 0.

Amendment 27 disagreed to.

Section 13—Power to remove or reduce burdens

Amendment 28 moved—[David Whitton].

The Deputy Presiding Officer: The question is, that amendment 28 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)

McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

Against

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)

Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 60, Against 64, Abstentions 0.

Amendment 28 disagreed to.

Section 14—Preconditions

Amendment 58 moved—[John Swinney]—and agreed to.

Amendments 29, 30 and 32 to 36 moved—[David Whitton].

The Deputy Presiding Officer: The question is, that amendments 29, 30 and 32 to 36 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)

Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 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)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)

Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 61, Against 63, Abstentions 0.

Amendment 29 disagreed to.

Section 14A—Order in relation to certain bodies: requirement for request and consent

Amendment 30 disagreed to.

Section 15—Subordinate legislation and powers of direction, appointment and consent

Amendment 32 disagreed to.

Section 16—Local taxation

Amendment 33 disagreed to.

Section 17—Criminal penalties

Amendment 34 disagreed to.

Section 18—Forcible entry etc

Amendment 35 disagreed to.

Section 19—Prohibition on modification of this Part

Amendment 36 disagreed to.

Section 20—Procedure

Amendment 59 moved—[John Swinney]—and agreed to.

Amendments 37 to 41 and 43 moved—[David Whitton].

The Deputy Presiding Officer: The question is, that amendments 37 to 41 and 43 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 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)
Aitken, Bill (Glasgow) (Con)
Allan, Alasdair (Western Isles) (SNP)
Brocklebank, Ted (Mid Scotland and Fife) (Con)
Brown, Gavin (Lothians) (Con)
Brown, Keith (Ochil) (SNP)
Brownlee, Derek (South of Scotland) (Con)
Campbell, Aileen (South of Scotland) (SNP)
Carlaw, Jackson (West of Scotland) (Con)
Coffey, Willie (Kilmarnock and Loudoun) (SNP)
Constance, Angela (Livingston) (SNP)
Crawford, Bruce (Stirling) (SNP)
Cunningham, Roseanna (Perth) (SNP)
Don, Nigel (North East Scotland) (SNP)
Doris, Bob (Glasgow) (SNP)
Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
Fabiani, Linda (Central Scotland) (SNP)
FitzPatrick, Joe (Dundee West) (SNP)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gibson, Kenneth (Cunninghame North) (SNP)
Gibson, Rob (Highlands and Islands) (SNP)
Goldie, Annabel (West of Scotland) (Con)
Grahame, Christine (South of Scotland) (SNP)
Harvie, Christopher (Mid Scotland and Fife) (SNP)
Hepburn, Jamie (Central Scotland) (SNP)
Hyslop, Fiona (Lothians) (SNP)
Ingram, Adam (South of Scotland) (SNP)
Johnstone, Alex (North East Scotland) (Con)
Kidd, Bill (Glasgow) (SNP)
Lamont, John (Roxburgh and Berwickshire) (Con)
Lochhead, Richard (Moray) (SNP)
MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
MacDonald, Margo (Lothians) (Ind)
Marwick, Tricia (Central Fife) (SNP)
Mather, Jim (Argyll and Bute) (SNP)
Matheson, Michael (Falkirk West) (SNP)
Maxwell, Stewart (West of Scotland) (SNP)
McGrigor, Jamie (Highlands and Islands) (Con)
McKee, Ian (Lothians) (SNP)
McKelvie, Christina (Central Scotland) (SNP)
McLaughlin, Anne (Glasgow) (SNP)
McLetchie, David (Edinburgh Pentlands) (Con)
McMillan, Stuart (West of Scotland) (SNP)
Milne, Nanette (North East Scotland) (Con)
Mitchell, Margaret (Central Scotland) (Con)
Neil, Alex (Central Scotland) (SNP)
Paterson, Gil (West of Scotland) (SNP)
Robison, Shona (Dundee East) (SNP)
Russell, Michael (South of Scotland) (SNP)
Salmond, Alex (Gordon) (SNP)
Scanlon, Mary (Highlands and Islands) (Con)
Scott, John (Ayr) (Con)
Smith, Elizabeth (Mid Scotland and Fife) (Con)
Somerville, Shirley-Anne (Lothians) (SNP)
Stevenson, Stewart (Banff and Buchan) (SNP)
Sturgeon, Nicola (Glasgow Govan) (SNP)
Swinney, John (North Tayside) (SNP)
Thompson, Dave (Highlands and Islands) (SNP)
Watt, Maureen (North East Scotland) (SNP)
Welsh, Andrew (Angus) (SNP)
White, Sandra (Glasgow) (SNP)
Wilson, Bill (West of Scotland) (SNP)
Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 61, Against 63, Abstentions 0.

Amendment 37 disagreed to.

Section 21—Consultation

Amendment 38 disagreed to.

Section 22—Explanatory document laid before the Scottish Parliament

Amendment 39 disagreed to.

Section 23—Combination with powers under European Communities Act 1972

Amendment 40 disagreed to.

Section 24—Order-making powers: modifications of enactments

Amendment 41 disagreed to.

Section 25—Interpretation of Part 2

Amendment 43 disagreed to.

Before section 25A

The Deputy Presiding Officer: Group 4 is on duties to provide information on certain expenditure. Amendment 60, in the name of the minister, is grouped with amendments 61 to 71, 97, 97A, 97B and 100.

John Swinney: At stage 2, we considered a series of amendments lodged by Mr Brownlee to impose statutory duties on the Scottish ministers and public bodies to publish annually a range of financial information. Many of those amendments were agreed to, with the Government's full support, and now form part 2A of the bill. I undertook to consider other proposals, with a view to lodging other amendments at stage 3. Amendment 60 and the related amendments in the group discharge that undertaking by introducing a clear and comprehensive set of reporting requirements. The Scottish ministers and public bodies will be required to publish annually a statement of any expenditure on public relations, overseas travel, hospitality and entertainment, and external consultancy; expenditure on any payments made in excess of £25,000; and the number of individuals who receive remuneration in excess of £150,000.

In the interests of clarity and consistency, I propose that public bodies should be required to have regard to any guidance issued by ministers, and that any such guidance must be laid before the Parliament. It is also important that there should be flexibility to adjust the detail of the reporting requirements in the light of experience and amendment 69 provides an order-making power subject to affirmative resolution procedure that will enable ministers to introduce to the Parliament for its consideration proposals to do exactly that.

The new duties apply to the Scottish ministers and the 160 or so national devolved public bodies. Mr Brownlee has lodged further amendments that seek to extend those duties to housing associations and regional transport partnerships. I am prepared to support amendment 97B in relation to regional transport partnerships, but it is neither sensible nor necessary to apply the new reporting duties to the large number of housing associations, including registered social landlords. That would amount to treating housing associations as if they were public bodies, when they are in fact independent private sector organisations. As members will know, the Scottish Federation of Housing Associations has expressed serious concerns about the implications of the proposal. I therefore invite Mr Brownlee not to move amendment 97A.

10:15

The new duties to publish information that we have introduced build on the good work that was done in committee and reflect what I believe is a consensus across the political spectrum in favour of greater openness and transparency about expenditure by public bodies. The statutory reporting duties that we propose to impose on the Scottish ministers and public bodies are an important and valuable addition to the bill.

I move amendment 60.

Derek Brownlee: As the cabinet secretary said, part 2A of the bill was introduced at stage 2 as a result of amendments that I lodged to place greater reporting requirements on public bodies, with the underlying rationale that forcing public bodies to be more open about certain areas of their expenditure will make them think more carefully before they incur such expenditure. I expect my amendments to have the effect of reducing expenditure, and I would have thought that members would hope that expenditure on PR, overseas travel, entertainment and external consultancy would be minimised, to the extent that that is possible. As the cabinet secretary said, the Government amendments, which we support, give effect to a reworked version of the amendments agreed to at stage 2.

I am grateful to the cabinet secretary for confirming that the Government will support the measures relating to RTPs. Anyone who has read any newspaper over the past few weeks will understand why we should all support greater transparency for those bodies. I have seen the concerns raised by the SFHA about housing associations, but we must recognise that, although they are private bodies, they are publicly funded to a significant extent. I do not agree that transparency rules should not apply to private

bodies where they are substantially in receipt of public funds.

The SFHA has argued that by agreeing to amendment 97A we would reclassify housing associations. That is not the case, but even if it were, there remain provisions within part 2A to amend the list of bodies that are subject to it. If it were an insurmountable problem, such bodies could be removed from the list. If there were a particular problem, I am sure that members would accept that that would be a reasonable thing to do. I return to the broader point, which is that transparency in spending is a good thing. It leads to greater efficiency and all the other aspects that the bill is intended to achieve. I ask members to support my amendments.

Jeremy Purvis: The Government amendments are improvements on those that were lodged by Mr Brownlee at stage 2. An amendment that I lodged at stage 2, which is now in section 25E, will be improved by the Government's amendments. In the bill as it stands, the requirement relating to expenditure over £25,000 is burdensome and badly drafted. The consequences would be interesting. I asked a number of health boards and other bodies to provide information as set down in the bill as amended at stage 2. Lists of drug purchases and plasma products were all provided. However, Scottish Enterprise said that it did not know what an "item procured" meant, and the Scottish Government refused to answer my freedom of information request because it said that it would be too expensive to comply. Some internal procedures within Government are necessary.

The Liberal Democrats are opposed to the inclusion of the housing associations in the reporting requirements. In many respects they are charities. They are accountable to rent payers, and they are currently regulated by the Office of the Scottish Charity Regulator and will be regulated by the housing regulator as a result of other legislation. If Mr Brownlee's rationale, in which he appears to believe strongly, were extended, it would apply to voluntary bodies and all charities that provide contracts in the public sector and, for the majority of the work that they do, are in receipt of public funds. That would be the corollary of what Mr Brownlee said.

Mr Brownlee has argued that his amendments represent a transparency revolution. The Conservative technology manifesto that was published three weeks ago includes some elements of Mr Brownlee's intentions for Scotland. For example, it talks about publishing items of Government and quango spending over £25,000. It goes on to say:

"We will also publish online all government tender documents for contracts worth over £10,000".

They are not so keen on that for Scotland. The document then says:

“We will also publish online every item of local government spending over £500—including every contract in full.”

I am not really surprised that the Scottish Conservatives have shied away from that. All the same, they had an opportunity to implement Conservative policy.

Johann Lamont (Glasgow Pollok) (Lab): I am not clear about why Derek Brownlee has introduced housing associations at this late stage in the process. Perhaps if he had thought about the issue a little earlier, he would have been more aware of the implications that amendment 71 would have for housing associations and their diversity. We can have confidence that they are regulated and transparent. It is rather rich of the Tory party to lecture others about transparency and accountability given the approach to that by some in the private sector in relation to their finances.

Housing associations are a model of transparency and accountability. At their heart, they have tenants who are interested in the services that are delivered. I assure members that, certainly in my area, every penny is a prisoner if its spend is not justified. Big organisations could learn something from them.

Even if we had reservations about housing associations, Derek Brownlee must be aware that a bill is currently before the Parliament that deals with the role of the regulator in relation to housing associations. We can look there to ensure transparency in spending and proportionality in the burdens that we place on housing associations, particularly small ones. At present, housing associations could tell us their spending plans for the next 30 years, which is why they are successful. Amendment 71 is inappropriate, as the regulatory issues can be considered elsewhere. Members can have confidence that housing associations and co-operatives are a model of good practice on spending that others would do well to follow.

Patrick Harvie: In earlier discussions on publishing such a level of financial detail in the public sector, I opposed the measure, not just because it is overly bureaucratic and burdensome or because we already have auditing, financial scrutiny and FOI arrangements—and if they are failing we should improve those systems—but fundamentally because of a wider issue. There are those who have the knives out for the public sector, not just in the Conservative party, but in several political parties across the spectrum. Why are we focusing only on the public sector? Derek Brownlee has not included private finance initiative consortiums in his sights. Why are we not thinking

about the large corporations and private sector companies that exert influence through the planning system or in public procurement? Why are we not requiring them to be equally transparent? There are those who have the knives out and cannot wait for the cuts to start happening. We should not begin by turning the public sector into the research arm of the Tory taxpayers alliance.

John Swinney: I agree with some of Johann Lamont's points. It would not help the situation to include housing associations in the measures. Housing associations perform particular functions and there is significant scrutiny of their activities. I have concerns that including them might have unintended consequences. Our proposals take account of the sentiments of the Finance Committee. I invite the Parliament to support the Government's amendments in the group.

The Deputy Presiding Officer: The question is, that amendment 60 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Gordon, Charlie (Glasgow Cathcart) (Lab)

Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Margo (Lothians) (Ind)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 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)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahan, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 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)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)

Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

Against

Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)

The Deputy Presiding Officer: The result of the division is: For 120, Against 2, Abstentions 0.

Amendment 60 agreed to.

Amendments 61 to 70 moved—[John Swinney].

The Deputy Presiding Officer: Does any member object to the question on amendments 61 to 70 being put en bloc?

Patrick Harvie: Yes.

The Deputy Presiding Officer: The question is, that amendment 61 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)

Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Margo (Lothians) (Ind)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 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)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 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)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

Against

Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)

The Deputy Presiding Officer: The result of the division is: For 122, Against 2, Abstentions 0.

Amendment 61 agreed to.

The Deputy Presiding Officer: Mr Harvie, you can vote against amendments en bloc, if you wish.

Patrick Harvie: On a point of order, Presiding Officer. If it would be helpful, now that I have voted against the worst bits I have no objection to amendments 62 to 67 being taken en bloc, since they remove the bad bits.

The Deputy Presiding Officer: Okay. If no member objects, I will put the question on amendments 62 to 67.

Section 25A—Public functions: duty to provide information on communication costs

Amendment 62 agreed to.

Section 25B—Public functions: duty to provide information on cost of travel outside the United Kingdom

Amendment 63 agreed to.

Section 25C—Public functions: duty to provide information on cost of hospitality and entertainment

Amendment 64 agreed to.

Section 25D—Public functions: duty to provide information on consultancy costs

Amendment 65 agreed to.

Section 25E—Public functions: duty to provide information on expenditure

Amendment 66 agreed to.

Section 25F—Public functions: further duty to provide information

Amendment 67 agreed to.

Section 25G—Public functions: duty to provide information on special advisers

The Deputy Presiding Officer: The question is, that amendment 68 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Kidd, Bill (Glasgow) (SNP)

Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 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)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 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)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

Against

Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)

The Deputy Presiding Officer: The result of the division is: For 121, Against 2, Abstentions 0.

Amendment 68 agreed to.

After section 25G

The Deputy Presiding Officer: The question is, that amendment 69 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Johnstone, Alex (North East Scotland) (Con)

Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Margo (Lothians) (Ind)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 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)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 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)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

Wilson, Bill (West of Scotland) (SNP)
Wilson, John (Central Scotland) (SNP)

Against

Harper, Robin (Lothians) (Green)
Harvie, Patrick (Glasgow) (Green)

The Deputy Presiding Officer: The result of the division is: For 122, Against 2, Abstentions 0.

Amendment 69 agreed to.

Amendment 70 agreed to.

Amendment 71 not moved.

Section 27—General functions of Creative Scotland

The Deputy Presiding Officer: Group 5 is on creative Scotland as the lead body on culture. Amendment 44, in the name of Ted Brocklebank, is the only amendment in the group.

Ted Brocklebank (Mid Scotland and Fife) (Con): We in the Conservative party have worked hard to try to ensure that whatever emerges from the new creative Scotland is better than what we had previously. We have been guided by two main principles. One is that the creative arts sector in Scotland should be allowed to get on with its job with the minimum of Government interference, and the second is that creative Scotland should be recognised as the lead body when it comes to arts matters in Scotland. We believe that those issues would be dealt with by amendment 44 and by amendments 45 and 46, which we will deal with in a later group.

Over the long weeks and months that we have wrangled about the bill, we have had many winks and nudges from the Government that there is no argument, and that creative Scotland is in fact the lead organisation. In response to a question that I put to him on 2 April 2009, Mike Russell, the predecessor of the Minister for Culture and External Affairs, went on the record. He said:

“The role that creative Scotland will have in the process is absolutely clear: creative Scotland is the lead organisation.”—[*Official Report*, 2 April 2009; c 16433.]

No ifs, no buts.

As Pauline McNeill for Labour, Iain Smith for the Liberal Democrats and I all argued at stage 1, it seemed that the Government had still not made clear in the bill its intentions about who led on the arts in Scotland. If memory serves me right, that was also one of the main issues—which Iain Smith, Patricia Ferguson and I raised—that led to the collapse of the original creative Scotland bill. Linda Fabiani was not able—or not allowed—to say whether creative Scotland would be the lead organisation.

10:30

The Minister for Culture and External Affairs (Fiona Hyslop): I want to set the record straight. On 2 April last year, Mr Russell explained that in relation to creative Scotland’s work with the creative industries—that is at column 16433 of the *Official Report*.

Ted Brocklebank: Okay. It seems to me that nothing that we have heard from the Government since then has put our concerns to rest. There is still no clarification in the bill.

My amendment proposes absolutely no additional powers for creative Scotland. Had that been our intention, we would have said so. We have said in the amendment that creative Scotland will act as the lead body only

“if directed by the Scottish Ministers”.

In other words, ministers would always have the final say in ensuring that none of the other arts bodies feels in any way disadvantaged. The bodies to which the amendment refers are all those specified by the Government. Our amendment 44 seeks simply to transform what even the Government accepts is the de facto situation into the legal situation.

I move amendment 44.

The Deputy Presiding Officer: Before I call other members, I will exercise my power under rule 9.8.4A(a) to extend the deadline for this group by 10 minutes to enable those members given a right to speak on the amendment to do so. I call Iain Smith, to be followed by Pauline McNeill, who will have two minutes each.

Iain Smith (North East Fife) (LD): I regret that the establishment of creative Scotland was added to this mess of a bill, instead of being provided for in a stand-alone bill to replace the one that was defeated because of the Administration’s past incompetence. There was a will to introduce a fresh creative Scotland bill at an earlier stage, which could have been done if the Government had decided to go that way. Creative Scotland could already have been fully up and running by now. However, we are where we are.

Ted Brocklebank was right to say that there were, and still are, concerns about creative Scotland as the lead body. There might be confusion among the various bodies that have a role. That is not really to do with other arts-related bodies but relates to the role of bodies such as Scottish Enterprise, Highlands and Islands Enterprise and Skills Development Scotland. However, I do not think that amendment 44 is the way to deal with that. There are laws of unintended consequences here. The amendment would allow ministers, without coming back to the Parliament, to make directions that would allow

creative Scotland in effect to take over responsibility for such things as the national companies and the National Galleries of Scotland.

Ted Brocklebank: Will the member take an intervention?

Iain Smith: I do not have time—I have only two minutes. The director of the National Galleries of Scotland has written to members to indicate his concerns, which I share. Amendment 44 is not well drafted and does not help to deal with the issue that has been raised. We need to get on the record assurances from the minister about the importance of the lead role that creative Scotland will take in funding the arts, which is the key issue. I hope that we will get such assurances when Fiona Hyslop sums up on the amendment.

Pauline McNeill (Glasgow Kelvin) (Lab): I support what amendment 44 seeks to do. It is paramount to the effectiveness of the new body, creative Scotland, and I commend Ted Brocklebank for lodging the amendment. He and I, and others, have consistently called for clarity in the bill to ensure that creative Scotland is the lead co-ordinating body in relation to all the functions laid out in section 27. Creative Scotland already has the responsibility for a range of things, including promoting understanding, appreciation and enjoyment of the arts and culture. The policy memorandum states:

“The Government will look to Creative Scotland to play a strategic, leadership role within the arts and cultural sector.”

It is the lead body, so why the resistance to putting that in the bill?

On the range of bodies that could be covered by amendment 44, the minister says that the amendment could mean that other bodies could be the target of ministerial direction. So far this morning, ministers have not been shy about taking powers of direction. It is important to note that it is being implied that the amendment would give ministers a huge range of powers—it would not. The amendment would provide a power for ministers to choose, if they so wish, to make creative Scotland the lead body in co-ordinating any exercise in relation to its own work. It does not confer any powers on creative Scotland. It does not undermine any other body concerned with the arts and culture, nor is it intended to do so. I am clear about what it sets out to do. I spoke to the legal team to confirm that point.

The Minister for Parliamentary Business (Bruce Crawford): Will the member give way?

Pauline McNeill: I have no time. I have expressed my view on the creative industries many times. I believe that ministers have failed to persuade Scottish Enterprise to transfer the budget for creative industries to creative Scotland.

I want to ensure that creative Scotland is in the driving seat when it comes to supporting those industries. The framework agreement that supports creative Scotland has no status in statute.

Yesterday's article in *The Herald* showed that special advisers did their job well in briefing the paper accurately.

The Deputy Presiding Officer: You should be finishing now, Ms McNeill.

Pauline McNeill: It is unfortunate that *The Herald* article and the minister said that amendment 44 would have unintended consequences. In view of that, although we support what the amendment seeks to do—and I hope that we will hear strong words from the minister that she supports the idea that creative Scotland is the lead body—we will abstain on the vote.

The Deputy Presiding Officer: You should be finished now, Ms McNeill.

Pauline McNeill: We will abstain only on that basis. We do want to create the—

The Deputy Presiding Officer: I am sorry, Ms McNeill, but I have to call Robin Harper.

Robin Harper (Lothians) (Green): I, too, received the lobbying e-mail from John Leighton, the director general of the National Galleries of Scotland. His view is:

“Whatever the merits of this proposal may be, they have not formed part of any debate or consultation in the long process leading up to the establishment of Creative Scotland.”

It is not good practice to bring to the chamber something that we have not debated in detail before making our decision on creative Scotland. Creative Scotland will be the de facto lead body and I very much hope that it performs its duties as such. There is nothing in the bill to prevent it from doing so and everything to encourage it to do so. We will listen to any further debate, but I am certainly disposed for Patrick Harvie and me either to abstain or to vote against amendment 44.

Ken Macintosh (Eastwood) (Lab): I welcome amendment 44. Not only am I sympathetic to its intention but I think that it has given us the opportunity to discuss and, I hope, clarify the role of creative Scotland and its relationship with the other agencies. The minister—or, at least, her predecessor—refused to use the term “lead agency” and preferred “lead co-ordinating body.” The trouble with such compromises is that they can sometimes add to the confusion, rather than provide clarity.

No one here is suggesting that creative Scotland can tell any elected local authority, or

any other national body for that matter, what to do with its funding or override its decisions, but do we want to return to the situation where individuals, organisations or companies are shunted from one public body to another, with no one taking responsibility for support or action? Small artistic enterprises are both creative bodies and businesses, but in the past they have far too often received no support from either the Scottish Arts Council or the enterprise companies as both have evaded or avoided their responsibility.

The Scottish National Party's original promise was to transfer the budget for creative industries. That promise has gone the way of every other so-called election manifesto promise. If the funding is not to be transferred, which would have made the position very clear, the Government could at least spell out where responsibility lies.

I acknowledge the concern that has been raised, to which Robin Harper referred, by some of the other national bodies, including the National Galleries of Scotland. On that basis, we will not push the matter further. However, given the original intention to launch creative Scotland to provide new impetus to the arts and culture in Scotland, to do so while fudging its role is not the start that I would have wished. I would welcome further comments from the minister on the role that she sees creative Scotland playing.

The Deputy Presiding Officer: I call Fiona Hyslop, who has three minutes.

Fiona Hyslop: The scope of amendment 44 is so broad as to give ministers the power to direct creative Scotland to co-ordinate the activities not just of public bodies but of any organisation in the voluntary or the private sector that is involved in the arts and culture or creative industries. Creative Scotland would thus be placed in the invidious position of being directed to co-ordinate bodies such as Equity, Voluntary Arts Scotland or the Visual Arts and Galleries Association, which, in turn, would face the choice of being swept under purported Government control or turning their back on the productive relationship with creative Scotland that they might otherwise have had. Such a role would be alien to the partnership working for which members throughout the chamber called when the bill was debated at stage 1.

Amendment 44 is also so loosely worded as to capture artistic and creative activity in all its forms, even in organisations for which such activity is peripheral.

Creative Scotland does not need the amendment. Robin Harper referred to section 27(3), which says:

"Creative Scotland may encourage and support such persons as it considers appropriate in the exercise"

of its functions. Work is under way—without legislation—to improve support for our creative industries, which is the main focus of interest of Ted Brocklebank and Pauline McNeill. Creative Scotland is taking the lead through the Scottish creative industries partnership, which includes representation from Scottish Enterprise, Highlands and Islands Enterprise, the Convention of Scottish Local Authorities, creative Scotland, Skills Development Scotland and the Scottish Further and Higher Education Funding Council. Creative Scotland is also establishing a productive relationship with local government on the basis of consensual partnership, without the need for legislative direction.

A point of principle is involved. Great care has been taken to avoid meddling by ministers in creative Scotland's artistic and cultural judgment—we will debate that in relation to the next group of amendments. Amendment 44 would undermine that principle, which I do not think is Ted Brocklebank's intention.

The amendment would be positively unhelpful to creative Scotland and its credibility as an arm's-length body. It would allow ministers to meddle in and get in the way of creative Scotland's development of relationships. Creative Scotland does not want the amendment and the arts sector is seriously concerned that the Parliament would seek late in the day to provide for such ministerial interference. If the amendment were agreed to, the Government would take every opportunity to make it clear that we believe in the arm's-length principle for arts and culture and that the Tories' proposal is alien to that.

I know that the Tories are trying to reinvent themselves, but I say politely that creating a nanny state or, even worse, a command state of Government direction of all bodies—private, public and voluntary—that are involved in the arts and culture in Scotland is surely a step too far, even for the Conservatives. I know that that is not Ted Brocklebank's intention, but that would be the practical consequence of agreeing to the amendment. On that basis, I urge him to withdraw the amendment.

It is clear from the provisions and responses to requests from members that I have made a commitment. Scottish Enterprise, Highlands and Islands Enterprise and all the other public bodies are part of the Scottish creative industries partnership, which is ably convened by creative Scotland and met only yesterday in the Parliament.

Great progress is being made in swathes of the creative industries. Most important, the bill is about artists and creative practitioners in Scotland. They deserve the arm's-length approach that

amendment 44 would undermine. I urge Ted Brocklebank to withdraw the amendment.

The Deputy Presiding Officer: I call Ted Brocklebank. You have very few minutes.

Ted Brocklebank: It is precisely because many co-ordinating relationships involve the public and private sector that the Government should make it clear in the bill that creative Scotland will be the first among equals on artistic and creative matters. We do not accept that that makes any other body subordinate, especially in its own areas of interest.

The minister expressed concerns about the drafting of our amendment. I am not a lawyer and neither is the minister. As she would, I have taken advice from clerks and officials on drafting my amendment. I note what she has said today and in correspondence. However, I have received advice that the difficulties that she perceives are largely a smokescreen.

Far from being loosely worded, our amendment has been drafted carefully. The museums and the National Galleries of Scotland, which have e-mailed us today, have not fully understood that. I believe that their concerns were prompted by yesterday's scare story in *The Herald*, which suggested that we proposed swingeing new powers at the 11th hour. That is arrant nonsense. All that we say is that, when creative Scotland is involved in discussions with other interested and specified bodies about matters for which it has responsibility, it should normally act as the chair or take the lead. I understand that that happens currently, so why is it hard for the Government to specify that in the bill?

The Deputy Presiding Officer: You should finish now, Mr Brocklebank.

Ted Brocklebank: Why does the Government not accept that, given all the fallout from the shotgun wedding between the Scottish Arts Council, Scottish Screen and all the additional industries, the one action that would cement the new body's authority is saying in the bill in simple language that creative Scotland leads for the arts in Scotland?

The Deputy Presiding Officer: I am sorry, Mr Brocklebank; you must finish.

Ted Brocklebank: I fear that, if the opportunity that the amendment presents is not grasped, creative Scotland will become a byword for obfuscation and a tier of bureaucracy.

The Deputy Presiding Officer: Are you pressing or withdrawing amendment 44?

Ted Brocklebank: I will press the amendment.

10:45

The Deputy Presiding Officer: The question is, that amendment 44 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Carlaw, Jackson (West of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West of Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)

Against

Adam, Brian (Aberdeen North) (SNP)
 Allan, Alasdair (Western Isles) (SNP)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Campbell, Aileen (South of Scotland) (SNP)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Kidd, Bill (Glasgow) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McMillan, Stuart (West of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Paterson, Gil (West of Scotland) (SNP)

Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 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

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)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

The Deputy Presiding Officer: The result of the division is: For 16, Against 64, Abstentions 44.

Amendment 44 disagreed to.

Section 30—Directions and guidance

The Deputy Presiding Officer (Alasdair Morgan): Group 6 is on creative Scotland—directions from Scottish ministers. Amendment 45, in the name of Ted Brocklebank, is grouped with amendments 72 and 46.

Ted Brocklebank: I draw Parliament's attention to the first of the two guiding principles that I mentioned when I spoke to amendment 44—that the creative arts sector should be allowed to get on with its job with the minimum of Government interference. We applaud the Government's consistent claim that it wants to adopt a hands-off attitude to the creative sector, but we are concerned that some wording in the bill implies a more controlling role for the Government.

Why does subsection (1) of section 30, on "Directions and guidance", say that

"Scottish Ministers may give Creative Scotland directions (of a general or specific nature) as to the exercise of its functions"?

We understand why ministers would offer general directions but, if they want to be hands off, why would they wish to give creative Scotland specific instructions? Our amendment 45 would simply remove the word "specific".

Our amendment 46 follows the same reasoning. If the Government intends to honour its commitment to leave artistic judgments to creative Scotland, why does it leave itself an escape clause in section 30(4), which says that it

"may vary or revoke any direction given under this Part"?

Surely that places a question mark over all the assurances that have been given. My amendment would insert a new subsection to ensure that, if the Government chose to vary or revoke such assurances, relevant ministers would first have to come back to this place to seek approval.

I move amendment 45.

Fiona Hyslop: This group of amendments relates to the power of direction that the Scottish ministers will have over creative Scotland under section 30. Notwithstanding our previous debate, Mr Brocklebank has consistently stressed the importance of an arm's-length approach in ministers' relationships with creative Scotland. My predecessors and I have made it explicit that we are committed to that arm's-length relationship and that no ministerial direction will be given on artistic or cultural judgment. We have included a provision to that effect—such a provision did not

appear in the previous Administration's draft culture (Scotland) bill.

Amendment 45 would ensure that ministers gave only general directions, but prohibiting specific directions to creative Scotland would considerably restrict ministers' ability to give important non-artistic directions on matters such as governance, auditing and finance. A strong argument for ensuring that specific directions may be made is that it reassures the public that ministers could intervene quickly in the event—albeit unlikely—that serious governance or financial problems needed to be addressed.

The Gaelic Language (Scotland) Act 2005 refers to ministerial directions of a “general or specific” nature to Bòrd na Gàidhlig and such a provision also applies to national park authorities under the National Parks (Scotland) Act 2000. Such a provision is generally available to ministers, but it will not mean interference with artistic or cultural judgment.

Amendment 46, which would require directions to be laid before Parliament, is unnecessary. It would be unprecedented and would risk unwarranted delay when a direction needed to be made urgently—in a parliamentary recess, for example.

I have had useful discussions and correspondence with Mr Brocklebank and I know that he understands where the Government is coming from. I understand the intention behind his amendments. Following those discussions and after seeing his amendments, the Government lodged amendment 72, which I hope offers the appropriate reassurance that no artistic or cultural direction can be given to creative Scotland through any variation of directions.

Amendment 72 provides reassurance that the power to vary or revoke a direction is subject to the arm's-length principle on matters that involve artistic or cultural judgment, to which section 30(2) refers. I hope that, with the reassurance that he looks for, Ted Brocklebank is satisfied that amendment 72 is better in legal terms at doing what he tries to achieve in amendments 45 and 46. I urge him to withdraw amendment 45 and not to move amendment 46.

Iain Smith: I am inclined to support the position that the minister has outlined. I am concerned that the removal of the words “or specific” from section 30(1) would make it difficult for ministers to exercise any control over governance at creative Scotland if something went wrong. How creative Scotland presents its accounts, for example, is a specific rather than a general issue and, therefore, one on which Scottish ministers would be expected to be able to give directions. I do not see why the revocation or varying of directions of that

nature, which relate to how an organisation functions, as opposed to how it exercises its functions, needs to be approved by the Parliament. That would be strange, given that they do not need to be approved by the Parliament when they are issued.

Amendment 72 provides the important additional reassurance that the power will not affect the issues that are covered in section 30(2). However, I have a slight concern about whether, in practical terms, there is a difference between guidance and directions—section 30(3)(b) does not exclude the issues to which section 30(2) relates from the requirement on creative Scotland to have regard to guidance. An assurance from the Government that it does not intend to give guidance to creative Scotland on how it exercises the functions to which section 30(2) refers would be helpful.

Ted Brocklebank: I have listened carefully to the minister's arguments and have taken into account the correspondence that I have had with her on these matters. Although I still have some reservations about whether amendment 72 deals adequately with all my concerns about ministers varying or revoking powers that have been given, I recognise that, in her response to the proposal in amendment 45 to remove the words “or specific”, she has come some way towards my position. As one of the consensual politicians in this place, and because I wish creative Scotland to be set up as soon as possible, I am willing to accept her judgment and seek permission to withdraw amendment 45.

Amendment 45, by agreement, withdrawn.

Amendment 72 moved—[Fiona Hyslop]—and agreed to.

Amendment 46 not moved.

Section 43—Inspections

The Deputy Presiding Officer: Group 7 is on social care and social work improvement Scotland and Her Majesty's Inspectorate of Education—child protection inspections. Amendment 73, in the name of Karen Whitefield, is the only amendment in the group.

Karen Whitefield (Airdrie and Shotts) (Lab): Members will be aware that the bill creates a new body, SCSWIS, which brings together the remits and inspection duties of a number of bodies, including the Scottish Commission for the Regulation of Care, the Social Work Inspection Agency and HMIE, with which responsibility for the inspection of child protection services rests.

Currently, child protection services are inspected by HMIE, the lead agency, which works in partnership with SWIA. That was a new

approach, introduced by the previous Executive following a series of systemic failures by some local authorities' child protection services. The approach has been successful in identifying failings in systems for child protection and in driving up standards. HMIE has been able to bring to the task extensive experience of in-depth inspection, professionalism and a rigour that has served the system well. In doing so, it has worked closely with SWIA, which is entirely appropriate, because child protection spans education and social work services.

Labour members accept the case that has been made for the rationalising of inspection services in the care sector; in many ways, that makes sense. However, we are concerned that, in future, HMIE will have no definite or guaranteed role in child protection inspection services. Amendment 73 seeks to address that concern by ensuring and providing for a continuing role for HMIE. Partnership working is central to the getting it right for every child policy. Education is a universal service, but social work is not. Not all vulnerable children are already in the social work net. In undertaking its child inspection work, HMIE has sought to drive up standards and to take the lead across a universal service.

Currently, we are two thirds of the way through the child protection cycle. Taking HMIE out at this stage would adversely affect the necessary continuity of the inspection regime. Education should not be let off the hook in relation to its child protection obligation. Amendment 73 will send a clear signal to education services that they should continue to take their share of responsibility for child protection services across Scotland.

I move amendment 73.

The Minister for Children and Early Years (Adam Ingram): Karen Whitefield may not understand what is happening to HMIE's child protection services. We are transferring the relevant personnel and expertise from HMIE to SCSWIS—there is no question of a child protection inspection round being interrupted until we get through the second round.

The effect of amendment 73 would be to require SCSWIS to involve HMIE in inspections of services for a child or group of children even where that might not be appropriate—for example, in inspections of social work services for very young children. The amendment goes further and requires HMIE to be involved in any inspection relating to an adult or group of adults, which is not appropriate or necessary. The effect of the amendment appears to be much wider than is intended.

I assure Karen Whitefield and the chamber that, when requiring SCSWIS to undertake a joint

inspection of children's services under part 6 of the bill, ministers can and will indicate that HMIE and any other relevant body must be part of that. In addition, under the duty to co-operate in part 6, SCSWIS and HMIE can work together to inspect services in which they have a shared interest. That is an important aspect of the collaborative approach that the Government is pursuing. I therefore oppose the amendment.

Des McNulty (Clydebank and Milngavie) (Lab): I have a specific question for the minister. Concern has been expressed about HMIE's role in reporting on social work inspections. Many people believe that HMIE supplies a considerable amount of rigour and a degree of systematisation to the process. I understand the minister to be suggesting that HMIE would not necessarily be involved in the authorship of such inspections. For that reason, there is concern that rigour will be reduced or lacking in the process. Can the minister assure us specifically that HMIE will continue to play a role in reporting on these matters?

The Deputy Presiding Officer: I will allow the minister to speak briefly.

Adam Ingram: I remind members that we are talking about the merger of bodies—in this case, the merger into SCSWIS of the part of HMIE that deals with child protection inspection. The people who are involved in the transfer will report on the child protection inspection programme, so there is no change in that regard. I reassure members that we are retaining all the tremendous expertise on this front that has been built up over the past few years.

Karen Whitefield: I had hoped that the minister would be a little more consensual in his response to my amendment, which was lodged not to undermine the Government's work but to be helpful. I do not accept that I do not understand what the Government proposes to do. I understand its intentions fully, which is why I have raised my concerns. It is important that the previous Executive's work to improve inspection of child protection services and to establish the GIRFEC approach—which the Government has carried forward—is in no way undermined. Amendment 73 seeks to give that reassurance and to send a clear signal that child protection responsibilities lie not just with social work services but with the holistic education service that is provided to all children. On that basis, I will press amendment 73.

11:00

The Deputy Presiding Officer: The question is, that amendment 73 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Margo (Lothians) (Ind)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 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)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, 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)
 Aitken, Bill (Glasgow) (Con)

Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McGregor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 61, Against 62, Abstentions 0.

Amendment 73 disagreed to.

Section 53A—Emergency cancellation of registration

The Deputy Presiding Officer: Group 8 is on minor and technical amendments. Amendment 50,

in the name of Shona Robison, is grouped with amendments 82, 88, 90 and 53.

The Minister for Public Health and Sport (Shona Robison): The amendments in group 8 are all minor and technical in nature. For the avoidance of doubt, amendment 50 will make it clear that “registration”, in section 53A(1), is intended to refer to registration under chapter 3 of part 4 of the bill.

In line with normal practice, amendment 82 will make it clear that commencement orders may not include incidental, consequential or transitional provisions. Amendment 88 will make it clear that, if the Parliament does not renew the order-making powers in part 2, which are subject to a sunset clause, that will not affect the validity of orders that have been made under section 10 or section 13(1). Amendment 90 will remove an unnecessary repetition from section 103(3). Amendment 53 is a technical amendment, which will ensure that the definitions in paragraph 20 of schedule 8 relate to that schedule.

I move amendment 50.

Amendment 50 agreed to.

After section 77

The Deputy Presiding Officer: Group 9 is on disabled children and their families strategies. Amendment 74, in the name of Karen Whitefield, is grouped with amendment 75.

Karen Whitefield: I lodged amendments 74 and 75 in an attempt to improve services to disabled children and their families. I think that most members accept that we need a focus on driving forward change that will improve the lives of and outcomes for disabled children and young people. Amendments 74 and 75 would place statutory duties on national and local government to agree and implement strategies for disabled children and their families, which would help to ensure that there was a focus on improving the lives of those children.

It is time to pick up the pace of work that is being done on this important policy area, and amendments 74 and 75 would provide a legislative vehicle for making that happen. We have heard warm words of support for disabled children and their families, but for far too long there has been too little action.

I had discussions yesterday and today with COSLA and the Minister for Children and Early Years, Adam Ingram. I understand the concerns of COSLA and the minister and I understand that a review will be announced. The timescale for such a review is essential. We need to step up the pace. COSLA was keen for the work to be undertaken in a year, but such an approach would

simply kick the issue into the long grass, beyond the next Scottish Parliament elections, which is unacceptable. I hope that the minister can approach amendments 74 and 75 in a more consensual way and offer hope to disabled children and their families.

I move amendment 74.

Adam Ingram: It is clear that, in lodging amendments 74 and 75, Karen Whitefield seeks to achieve the best possible outcomes for children who have a disability and their families. Improving the lives of children and families is a goal that we share and we are prepared to seek a way forward on a consensus basis, to achieve that goal.

However, amendment 74 would impose an extra statutory function on the Scottish Government. A requirement for a prescriptive national strategy would place emphasis on the system rather than on children's needs. Similarly, amendment 75 would impose on local authorities a duty to establish and report against an annual strategy for supporting families who have a disabled child. The amendments turn round the process of how we should deliver services to children. If we start with a strategy, we run the risk of designing services to fit the strategy. Children need services that are designed to fit their needs.

Karen Gillon: Will the minister reflect on the experience of many of my constituents, who, in the absence of a national framework or strategy, struggle to get any service at all? The minister cannot continue to abdicate his responsibility to provide direction and give confidence to families that their needs will be served and services will be delivered. His failure to provide direction is not giving families confidence.

Adam Ingram: Users of children's disability services identify inflexible bureaucracy as a significant barrier to securing the child-centred services that would meet their needs. On a practical note, authorities would have to allocate substantial resources to devising and reporting on a dedicated strategy of the type that Karen Gillon wants. Given the current economic climate, those resources would be better spent on the front-line delivery of services.

Rather than tying authorities to new, dedicated strategies, we seek to encourage agencies voluntarily to adopt a common language and approach, which focuses on the child and is accompanied by flexible working, to support individual children and families. That means working across boundaries, so that families experience flexible support from a single team.

The Deputy Presiding Officer: May I hurry you along, minister? We are short of time.

Adam Ingram: Okay. I offer a couple of ways forward, on which we can perhaps all agree. First, working with all relevant stakeholders in local government, health, education and the third sector, as well as children and families themselves, and building on the results of a baseline survey of services for disabled children, which is currently being undertaken by the for Scotland's disabled children campaign's liaison project, we will undertake and bring back to the Parliament by the end of this year a broad strategic review of all aspects of children's disability services.

Secondly, we will explore the strategic value at local level of work on a charter for Scotland's disabled children, which the liaison project is developing. The charter invites local authorities and health boards to sign up to delivering flexible services that put children and young people at the centre, in line with the GIRFEC approach. On that basis, I invite Karen Whitefield not to press amendment 74 or move amendment 75.

Des McNulty: I appreciate that—

The Deputy Presiding Officer: I should say to Mr McNulty that the minister will not speak to this group of amendments again.

Des McNulty: Thank you, Presiding Officer.

Like many other members, I speak to parents of disabled children. I will do so tomorrow, when I meet the parent of a daughter who requires constant attention. I have introduced the minister to the lady in question. If I simply relay to that mother what the minister has just said, she will say, "That is just more bureaucratic waffle. How do I get the services that will support me and my child?"

The fact remains that, under the Scottish National Party Government, £34 million that was made available for disabled children has not got through to them. I accept that a review is a step forward, but the money must get through to the parents of disabled children and to the children themselves.

Karen Whitefield: I listened carefully to the minister's response to my amendments 74 and 75. Like him, I want all the money to be spent on the delivery of front-line services. Indeed, in England and Wales, disabled children and their families benefit from investment in front-line services because a Labour Government delivered for them. *[Interruption.]* The nationalists may well laugh, but £34 million of consequentials came—*[Interruption.]*

The Deputy Presiding Officer: Order.

Karen Whitefield: Thirty-four million pounds of consequentials—the missing millions—came to Scotland. Where has that money been spent? Disabled children and their families in my

constituency and constituencies throughout Scotland are not receiving it.

The Labour Party wants progress to be made on that issue and welcomes the minister's consideration of the timescale for the review and the necessary inclusion of all key stakeholders in the policy area so that progress will be made. On that basis, I will not press amendment 74 or move amendment 75.

The Deputy Presiding Officer: Karen Whitefield seeks to withdraw amendment 74. Is that agreed?

Members: No.

The Deputy Presiding Officer: The question is, that amendment 74 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)

Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 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)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)

Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 60, Against 64, Abstentions 0.

Amendment 74 disagreed to.

Amendment 75 not moved.

Section 90—Healthcare Improvement Scotland

The Deputy Presiding Officer: We come to group 10, on establishment of the Scottish health council. Amendment 47, in the name of Malcolm Chisholm, is grouped with amendments 48, 51 and 54.

Malcolm Chisholm (Edinburgh North and Leith) (Lab): During the past five years, the Scottish health council has played an important role in driving forward the patient focus and public involvement agenda by monitoring health boards' performance and engaging in a great deal of development work around that agenda. Over that time, it has been part of NHS Quality Improvement Scotland but has had a distinct identity and operational autonomy within that body. For example, it has its own chair, who is appointed by the minister, and its own national council.

I well remember the debates about the Scottish health council during the progress of the National Health Service Reform (Scotland) Bill in 2004, when many members of the then Health Committee, including Shona Robison, were unconvinced about placing the council within NHS QIS. I was adamant that it should have independence within NHS QIS, which is partly why I feel so strongly about the matter today.

Therefore, when the Public Services Reform (Scotland) Bill was introduced, I was surprised to see that it gave NHS QIS discretion over whether to continue to have a Scottish health council. I am a great admirer of NHS QIS's work—it has shown great leadership in clinical areas—but I do not believe that it should have control of the patient focus and public involvement agenda.

I am pleased that, following the debate in the committee, Shona Robison accepted that "may" in proposed new section 10Z10, which section 90 would insert into the National Health Service (Scotland) Act 1978, should become "must", albeit with an addendum. I will not go over that aspect,

as that would simply replay the arguments that we had during stage 2.

I have one final question for the minister. Since the debate in the committee, I have become aware of some dispute about the meaning of proposed new section 10Z10(2)(b). The chair of the Scottish health council has always become a member of the board of NHS QIS, but I ask the minister to confirm that the cabinet secretary will still have the freedom to appoint the best person to that position irrespective of whether he or she is already a member of healthcare improvement Scotland at the time that the post is advertised.

I move amendment 47.

11:15

Shona Robison: Proposed new section 10Z10 provides that

"HIS may establish ... the Scottish Health Council."

Malcolm Chisholm is keen for the council to continue as a committee of HIS under primary legislation and to ensure that HIS cannot transfer the council's functions or carry them out in some other way without the Parliament's approval. I understand his concerns and agree with him about the importance of the functions of public engagement and user focus that the council carries out in relation to the NHS.

We have listened to the concerns that were expressed at stage 2. Committee members were concerned that ministers would have complete discretion over the council's establishment and how long it could continue. Malcolm Chisholm's amendment 47 will, if agreed to, remove any flexibility in the way in which the functions of patient focus and user involvement are delivered; it will mean that the Scottish health council must be established under the new arrangements and could not be dissolved.

In the committee, I offered to introduce an order-making power that would require parliamentary debate and approval of any proposed future changes to the council, in the event that change to how HIS carries out those functions seems necessary. Amendments 51 and 54 introduce that power. Any orders would be subject to the affirmative procedure and, therefore, would be debated by the Parliament. Those provisions are necessary to retain important flexibility. They address Mr Chisholm's concerns by ensuring the involvement of the Parliament in any future change to the Scottish health council.

This package of amendments—Malcolm Chisholm's amendments 47 and 48, and the Scottish Government's amendments 51 and 54—strikes the balance that is necessary to reassure

members while allowing adequate flexibility for future possible changes.

In answer to his question about the chair of the Scottish health council, I confirm to Malcolm Chisholm that we can advertise for a person to be both a member of the HIS board and chair of the council so that it is clear from the outset that they will fill both posts. That is how the current chair of the Scottish health council was appointed. I hope that, with that reassurance, Malcolm Chisholm will feel able to support the Scottish Government's amendments in addition to his own.

Dr Simpson: I welcome the minister's acceptance of amendment 47. The Health and Sport Committee was certainly of the view that the Scottish health council should continue. It has been an important development during the Parliament's existence. It ensures that the public are adequately represented, monitors consultation processes in health boards and gives boards advice on major changes. It is a crucial body that needs to be maintained, and giving HIS the power to decide whether it should continue did not seem to the committee to be appropriate.

I very much welcome the change of approach, but it seems something of a paradox that amendment 51 would give powers back to the ministers to abolish the council. However, that is in line with all the other powers that ministers seek to enable them to abolish a range of bodies, and we will oppose it.

Amendment 47 agreed to.

Amendment 48 moved—[Malcolm Chisholm]—and agreed to.

Amendment 51 moved—[Shona Robison].

The Deputy Presiding Officer: The question is, that amendment 51 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
Aitken, Bill (Glasgow) (Con)
Allan, Alasdair (Western Isles) (SNP)
Brocklebank, Ted (Mid Scotland and Fife) (Con)
Brown, Gavin (Lothians) (Con)
Brown, Keith (Ochil) (SNP)
Brown, Robert (Glasgow) (LD)
Brownlee, Derek (South of Scotland) (Con)
Campbell, Aileen (South of Scotland) (SNP)
Carlaw, Jackson (West of Scotland) (Con)
Coffey, Willie (Kilmarnock and Loudoun) (SNP)
Constance, Angela (Livingston) (SNP)
Crawford, Bruce (Stirling) (SNP)
Cunningham, Roseanna (Perth) (SNP)
Don, Nigel (North East Scotland) (SNP)
Doris, Bob (Glasgow) (SNP)
Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)

Fabiani, Linda (Central Scotland) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Paterson, Gil (West of Scotland) (SNP)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

Against

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)

Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

The Deputy Presiding Officer: The result of the division is: For 77, Against 46, Abstentions 0.

Amendment 51 agreed to.

Section 91A—The Mental Welfare Commission for Scotland

The Deputy Presiding Officer: Group 11 is on Mental Welfare Commission for Scotland: functions. Amendment 76, in the name of Derek Brownlee, is grouped with amendments 49, 12 and 23.

Derek Brownlee: When the Government lodged amendments on the Mental Welfare Commission at stage 2, a number of concerns were raised both about the effect of those amendments and, perhaps as important, about the Government's policy intent. Some clarification was provided by Shona Robison, to whom I am grateful for meeting Malcolm Chisholm, me and the commission to discuss those concerns. Members will have received a briefing note about that yesterday from the commission.

Amendment 76, in my name, would preserve the status quo as regards the role of the commission. The Scottish Association for Mental Health supports the amendment on the ground

that the bill as currently drafted leaves it unclear which body, if any, will monitor the operation of the Mental Health (Care and Treatment) Scotland Act 2003. It should be said that the commission is comfortable with the bill as it stands on the basis that the provisions clarify the expectations about the role of the commission, which does not and cannot monitor the act in its entirety at present.

I would be grateful if the minister could take the opportunity to put on the record how the Government believes the legitimate concerns that have been raised by SAMH can be addressed while also taking account of the commission's view. In particular, it would be very helpful indeed if the Government could provide an assurance that the rejection of my amendment would not lead to a diminution in practice of the support and protection available to people with a mental disorder.

I should say that the Conservative group will support amendment 49, in the name of Malcolm Chisholm, which will remove the power to charge.

I move amendment 76.

Malcolm Chisholm: It was regrettable that the amendments on the Mental Welfare Commission were introduced so late that the provisions could not be subject to stage 1 scrutiny. However, having said that, I welcome the various changes that the minister has proposed, the most substantive of which will come forward this afternoon.

Amendment 49, in my name, relates to charging for advice. It is helpful that the bill will contain an explicit power for the Mental Welfare Commission to give advice, but I share the concerns that others have expressed that the commission is also to be given a power to charge for its services. The commission's advice and information line is widely used by health professionals, social workers, service users and carers. Research by the commission shows that the service is highly valued. Therefore, it would be a matter of great concern if people were inhibited from calling the commission because they were concerned that they might be charged a fee. It should be clear that the commission's services are free at the point of delivery.

Amendment 76, in the name of Derek Brownlee, repeats concerns that I raised at stage 2. As he indicated, we have since had a meeting with the commission, with which I have also had further discussions. We should bear in mind the fact that the commission is content with the Government's proposals, as Derek Brownlee acknowledged, because they represent a description of the work that the commission actually does at present. However, the question for the minister is: if the commission is not to monitor the operation of the whole of the 2003 act, who will monitor the other

parts of it? For example, at the Equal Opportunities Committee meeting on Tuesday, issues were raised about the duties of local authorities in terms of sections 25 to 31 of that act. It would be helpful if the minister could say something about that in her speech.

I commend amendment 49 to the Parliament.

The Deputy Presiding Officer: I call Richard Simpson.

Dr Simpson: I rise briefly to support amendment 49, in the name of Malcolm Chisholm. For such a vulnerable group of people, charging does not seem to me to be appropriate.

On the stage 2 amendments on the Mental Welfare Commission generally, I believe that the discussions that the various committees, including the Health and Sport Committee, have had with the Mental Welfare Commission and stakeholders have led to a much more satisfactory position. Therefore, I hope that Mr Brownlee will withdraw amendment 76.

I hope that amendment 49 will be supported.

The Deputy Presiding Officer: Sorry, I should have called the minister earlier.

Shona Robison: I forgive you, Presiding Officer.

The Deputy Presiding Officer: I am obliged.

Shona Robison: All the amendments in group 11 relate to the functions of the Mental Welfare Commission for Scotland.

I do not support amendment 76, in the name of Derek Brownlee, which would have the effect of removing part of the Government amendment that was agreed to at stage 2 that amends section 5 of the Mental Health (Care and Treatment) (Scotland) Act 2003. Amendment 76 would restore section 5 of the 2003 act back to its original text. As amended at stage 2, section 5 of the 2003 act now reflects how the commission works in practice in monitoring the operation of the act and in promoting best practice. Under the bill as currently drafted, the commission's role will be to monitor the practical application of the principles of the 2003 act. Amendment 76 would widen section 5 back to its original form. That is not appropriate, given the commission's practices and the role that the new scrutiny bodies will have in scrutinising mental health services. As has already been said, amendment 76 is not wanted by the commission itself. However, I can give an assurance to Derek Brownlee and others that it is very much our intention that SCSWIS and HIS will have a direct role in scrutinising mental health services. Of course, collaboration and joint working with the Mental Welfare Commission on those issues will be very important indeed.

I am happy to support amendment 49, which will remove the power that is currently to be given to the commission to charge for advice. As I have indicated previously, I have no wish to deter vulnerable individuals from seeking advice from the commission for fear that they will be charged. Therefore, I accept amendment 49, which is in the name of Malcolm Chisholm.

Amendments 12 and 23 are Government amendments that reflect two issues that the commission raised with us after stage 2 and which we agreed to consider. Amendment 12 will ensure that the commission retains a residual role, in addition to that of the commission visitors, of instigating formal investigations under section 11 of the 2003 act and of making recommendations following such investigations. Amendment 23 will insert a further control on the power of the commission's chief executive when exercising the commission's power to discharge patients and to recall guardianship orders. The chief executive will be required to consult the commission in every such case.

Derek Brownlee: I am grateful to the minister for her clarification. In particular, I am glad to have on record the point that other bodies will be responsible for some of those activities, as the key point that caused concern was that issues might somehow inadvertently fall between the gaps. On the basis of what the minister has said, and on the basis that the commission is content with the bill as it stands, I seek Parliament's approval to withdraw amendment 76.

Amendment 76, by agreement, withdrawn.

Amendment 49 moved—[Malcolm Chisholm]—and agreed to.

Amendment 12 moved—[Shona Robison]—and agreed to.

After section 99A

The Deputy Presiding Officer: Group 12 is on third sector partnership. Amendment 77, in the name of Derek Brownlee, is the only amendment in the group.

Derek Brownlee: The joint statement that the Convention of Scottish Local Authorities, the Scottish Government and the Scottish Council for Voluntary Organisations published last year was broadly welcomed across the third sector as representing progress in how government at all levels should interact with the voluntary sector. COSLA's briefing note to MSPs acknowledges that the statement was seen as helpful in clarifying roles and responsibilities. I am sure that members from all parties will acknowledge the important role that the voluntary sector plays in providing services to many of the most vulnerable people in society.

Amendment 77 would simply require that public bodies take into account that joint statement in so far as it is relevant. The key question is whether the joint statement is being adhered to. I know that many local authorities are undertaking very good practice, as the SCVO has pointed out. However, we would all acknowledge that there are also problems throughout the country in how the relationship is operating.

Although COSLA undoubtedly thinks that amendment 77 is unhelpful and perhaps unnecessary, the SCVO's view is quite the opposite. It sees it as a helpful amendment that would give additional leverage to the voluntary sector by forcing the proper consideration, in each case, of the terms of the joint statement, which was entered into voluntarily.

11:30

I accept that amendment 77 would not, of itself, transform the landscape for the voluntary sector, but it is incumbent on those who oppose it to explain, if it is not accepted, how the joint statement can be implemented in practice, and how we can address the legitimate concerns of voluntary groups right across the country about the disparity between the power of the voluntary sector and that of government at all levels. It is an important point about which we will hear more in the years to come, when the pressure on the voluntary sector will increase. I urge Parliament to support amendment 77.

I move amendment 77.

Johann Lamont: This is another important issue, and I regret that it has come up at such a late stage and that the committee did not have the opportunity to consider it in more detail.

Regardless of their view of amendment 77, I do not think anyone should use it to judge the voluntary sector's view and the critical role of partnerships. Indeed, my party takes the view that there should be parity of esteem. We have a record of developing local and national compacts with the voluntary sector that try to make partnership real and genuine. The test is what the Government is doing in relation to the voluntary sector. I am not sure whether the amendment enhances the Government's approach or sets it back, and I am interested to hear what the minister has to say about that.

I agree that the voluntary sector should have a role in community planning partnerships, and I would like to hear the minister's view on that.

I am not sure who Derek Brownlee was speaking about when he said that the joint statement was broadly welcomed. It is not my view that the voluntary sector across Scotland broadly

welcomes the approach that has been taken by central and local government. The challenge is that we are in the odd position of having a joint statement, but signatories to it have no confidence in its delivery. The SCVO and COSLA have expressed concerns, which highlights the fact that paper statements do not deliver policy changes. I am not sure about the benefit of reflecting such statements in legislation.

We need the minister to commit to real engagement with the voluntary sector. She also needs to address the point that, despite the fact that the budget is growing, too many voluntary organisations are reporting real difficulties at the local level. The Government has a responsibility in that regard. The SCVO has already said that it is concerned that the minister will not intervene when voluntary organisations have expressed concerns about their experience at the local level. The SCVO has also said that the Government's decisions are putting pressure on the sector's capacity to deliver services and secure funding locally.

We need the Scottish Government to commit to act on the real concerns that voluntary organisations have expressed at the local level. We know the added value that such organisations bring, but all the joint statements in the world will not deliver unless there is a proper partnership between the Scottish Government, local government and the voluntary sector.

To an extent, this debate on amendment 77 has been useful because it has given us the opportunity to highlight the issues. I am not convinced that putting into legislation a joint statement whose signatories all seem to be expressing concerns is the way to go. I expect the minister to commit to coming back to the committees of the Parliament, to look at what happened to the compact process, to listen to what voluntary organisations say about their funding in the context of a still growing budget, and to say what the Government can do about its decisions and priorities, which are putting voluntary organisations under so much pressure. I would welcome the minister's comments, not on his willingness to make statements, but on his willingness to act and to change his priorities and the decisions that he has made, which clearly present real difficulties to voluntary organisations at the local level.

John Swinney: I thank Mr Brownlee for his interest in the joint statement and for raising his concern that some voluntary organisations across the country feel the statement's principles are not being followed in practice. COSLA signed up to the principles in the joint statement on behalf of all local authorities in Scotland. The statement has also been endorsed by the Society of Local

Authority Chief Executives and Senior Managers in Scotland and by the SCVO. In my opinion, it is proving to be a helpful tool in establishing good relationships between statutory partners and the third sector in community planning partnerships. Third sector organisations in different parts of the country have raised with me the fact that they have greater access to decision making and more involvement in the design of services than they had previously.

That is not to say that the voluntary sector is not facing challenges. I make it absolutely clear on all platforms that the Government is open to dialogue and discussion of all those questions, and to addressing the concerns that the third sector might have. I made that point to Mr Brownlee when he raised the issue on 4 March.

Johann Lamont: The SCVO has asked the minister to intervene in particular circumstances in which it feels that voluntary organisations are suffering, but he has not done so. Will he now make a commitment to intervening when voluntary organisations feel that they are being particularly disadvantaged as a consequence of what is happening at the local level?

John Swinney: I am not aware that the SCVO has approached me to ask me to intervene in that fashion. If Johann Lamont were to advise me of such circumstances, of course I would consider them and reply to her. I stand before Parliament today unaware of circumstances in which I have refused to intervene in relation to such concerns.

The Deputy Presiding Officer: I have to hurry you along, minister.

John Swinney: Essentially, I agree with Johann Lamont. I do not think that enshrining the joint statement in legislation will take us further forward. We have a joint statement that provides the framework for all partners to work together. It needs to be expanded to include the social enterprise sector. I would welcome that discussion, and I commit to keeping Parliament advised of developments in the area. I am also happy to engage in further discussion with the SCVO. I will be doing so this evening at a British-Irish Council meeting on the third sector. That meeting, which is taking place in Scotland, is a welcome opportunity for us to share ideas.

Derek Brownlee: The key issue is not so much what is in the joint statement as how it is implemented and how its worthy principles are translated into practical actions. Some voluntary organisations feel that the joint statement is not worth the paper it is written on.

I understand the cabinet secretary's point about whether amendment 77 is the right way to deal with the issue—Johann Lamont made a similar point—but if it is not, what is? There is a disparity

between the power of the voluntary sector and that of the Government, and the danger is that, during the next few years, as the Government squeezes funding at all levels, it will squeeze the voluntary sector disproportionately, when the appropriate response would be to grow the sector and allow diversity in service provision.

Amendment 77 is not perfect, but it is one way of trying to advance the agenda. Members should think very carefully. If they want to reject the amendment, that is fine, but we will then need to think about how else the agenda can be advanced. We hear very admirable sentiments from all parts of the chamber, but I have yet to hear anything specific about how the detail of the principles in the joint statement can be delivered in practice. That is what concerns the voluntary sector across the country. I therefore press amendment 77.

The Deputy Presiding Officer: The question is, that amendment 77 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Carlaw, Jackson (West of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West of Scotland) (Con)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hume, Jim (South of Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 McArthur, Liam (Orkney) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 O'Donnell, Hugh (Central Scotland) (LD)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)

Against

Adam, Brian (Aberdeen North) (SNP)
 Allan, Alasdair (Western Isles) (SNP)
 Brown, Keith (Ochil) (SNP)

Campbell, Aileen (South of Scotland) (SNP)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 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)
 MacDonald, Margo (Lothians) (Ind)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McMillan, Stuart (West 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

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)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 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)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

The Deputy Presiding Officer: The result of the division is: For 32, Against 47, Abstentions 45.

Amendment 77 disagreed to.

The Deputy Presiding Officer: That concludes this morning's session on the bill.

Scottish Executive Question Time

General Questions

11:40

Teachers (Workforce Planning)

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

To ask the Scottish Executive how it plans to make progress on teacher workforce planning. (S3O-9976)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): It has been evident over many years that there has been a mismatch between the number of teachers being trained and those entering employment after their induction year. We have taken action in this Government to address that situation by initially reducing intakes to initial teacher education courses by 42 per cent between 2009 and 2010. We have also brought forward the publication of the teacher census to better inform the planning process. I will take decisions on workforce planning at the end of this year and I am determined that I will do so on the best information available on the numbers of teachers leaving the profession and the local authority demand for teachers.

Marlyn Glen: The cabinet secretary says that he is satisfied with workforce planning, as he said last week in reply to a question on teacher numbers from my colleague Rhona Brankin. Is he satisfied with the situation for the coming year in terms of placing requests? What measures is he planning to ensure a decrease in the number of placing requests and legal challenges from parents, which is surely a measure of dissatisfaction?

Michael Russell: I have said not that I am satisfied, but that we need to improve the system—by definition, I am not satisfied. I am completely mystified by the connection that the member makes between workforce planning and the issues she raises on the numbers. The reality is that we need the right number of teachers for the right number of pupils in the right number of schools. That was my answer to the question from her colleague last week, to which the member referred. I hope that the member is not suggesting that we have the wrong number of teachers for the wrong number of pupils in the wrong number of schools.

Speech and Language Therapy Services

2. Robert Brown (Glasgow) (LD): To ask the Scottish Executive, in light of the recent call to

action by the Royal College of Speech and Language Therapists following its survey of Scotland's speech and language therapy services, what action the Scottish Government is taking to ensure adequate and consistent support for such therapy services across Scotland. (S3O-10016)

The Minister for Housing and Communities (Alex Neil): The Scottish Government is committed to ensuring that all patients have appropriate and timely access to the services they need in NHS Scotland. It is, however, for national health service boards and local authorities to determine the level of service provision that is required for speech and language therapy based on local needs. The Scottish Government is working with NHS boards and local authorities to develop a partnership approach and supportive guidance on how education and health services can work together to best provide for children with additional support needs, including speech and language therapy. It is anticipated that the guidance on working together to improve outcomes for children and young people will be available in June 2010.

Robert Brown: The answer was astonishingly complacent. As the minister knows, the royal college identified in its survey significant shortcomings and a distinct postcode lottery across Scotland in the provision of speech and language therapy services. For example, it found a wait of up to 10 months in some areas and said that that lamentable situation would get worse. Does the minister accept that children in the best health board areas enjoy 14 times more access to speech and language therapy provision than those in the worst areas? Indeed, for adults who require rehabilitation services, the difference is 16-fold. What priority does the Scottish Government give to speech and language therapy? What action is it taking to increase provision to ensure adequate and continuing provision across Scotland?

Alex Neil: Of course, the legacy of the previous Administration was not encouraging, but positive action is being taken. For example, the number of therapists increased this year by more than 3 per cent; in the previous year, it was more than 6 per cent. We recognise the challenges in this area, and we are responding by putting in additional resources when and where the priorities lie.

Ken Macintosh (Eastwood) (Lab): Does the minister agree that the work of successive Governments in passing legislation on additional support for learning and reinforcing rights for pupils and parents is being undermined by the shortage that is experienced by parents across Scotland in accessing the services?

Alex Neil: No, we do not accept that that work is being undermined. We accept that additional pressures have resulted from the additional

support for learning legislation, but we have attempted to resource those additional pressures so that we can live up to the aspiration of ensuring that the services are provided at the required level throughout the country. We will aspire to achieve that objective.

The Presiding Officer (Alex Fergusson): Question 3 has been withdrawn.

NHS Tayside (Meetings)

4. Murdo Fraser (Mid Scotland and Fife) (Con): To ask the Scottish Executive when it will next meet representatives of NHS Tayside. (S3O-10013)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): Officials of the health directorates meet regularly with representatives of NHS Tayside. The next regular meeting with all national health service board chairs, including the chair of NHS Tayside, is on 29 March 2010.

Murdo Fraser: When the cabinet secretary next meets NHS Tayside, will she raise with it the Angus community medicine rehabilitation and design project, which, given that it proposes to remove beds from Brechin infirmary and Montrose infirmary, has caused a great deal of concern to local people, particularly the 22 north Angus general practitioners? Does the cabinet secretary accept that NHS Tayside has lost the confidence of local people and health professionals as a result of the way in which the matter has been handled? Will she ask for an independent investigation into the matter in order that public confidence can be restored?

Nicola Sturgeon: I understand that NHS Tayside held a briefing for local MSPs last Friday afternoon. If Murdo Fraser had opted to turn up for that briefing—

Murdo Fraser: Two days' notice—ridiculous!

The Presiding Officer: Order, Mr Fraser.

Nicola Sturgeon: —he would be fully aware of the discussions that had taken place and of the up-to-date situation, and his question would perhaps have been different as a result. Although a single-site hospital option has been part of the thinking, NHS Tayside has emphasised that it has reached absolutely no decisions. Further, it has made clear that it does not intend to develop detailed options for around 18 months, until it has evaluated the service changes that have already been implemented in the area.

As Murdo Fraser is absolutely aware, if at any time options involve major service change, NHS Tayside will require to consult on them openly and publicly. If I deemed it necessary to instruct independent scrutiny at that time, I would indeed

do so. However, I cannot do so at the moment, because there are no proposals before me.

Beauly to Denny Power Line (Community Engagement)

5. Mary Scanlon (Highlands and Islands) (Con): To ask the Scottish Executive how community councils and communities will be consulted regarding mitigation measures on the Beauly to Denny power line. (S3O-10003)

The Minister for Enterprise, Energy and Tourism (Jim Mather): I have imposed a number of stringent conditions on the Beauly to Denny replacement line, including a requirement on the developers to establish a tourism, cultural heritage and community liaison group. That group provides a focus for bringing issues to the attention of developers and ministers.

Mary Scanlon: In view of the massive disruption and, indeed, damage likely to be caused by the construction of the overhead line and substation expansion, community councils around Beauly have asked whether there are any plans to compensate communities that will be affected, in a similar manner to the way in which communities that have been affected by the construction of wind farms have been awarded community benefit.

Jim Mather: I have no knowledge of that, but I know that we have a process whereby there will be a construction procedure approach and handbook that will be committed to ensuring that mitigation measures are very much in line with the interests of the local community. I very much urge communities to continue liaising with the developers and with their planning authorities, because ultimately that will give them the best satisfaction.

Dr Richard Simpson (Mid Scotland and Fife) (Lab): Labour has welcomed the decision to have a new, upgraded Beauly to Denny line. However, over the section from Crieff to Plean in my constituency, I have sought mitigation, including undergrounding of some sections, as has been agreed for some of the feeder lines in the Highlands. Bruce Crawford and Keith Brown have both suggested to the groups opposing the pylons that they should continue to campaign for undergrounding. Is that not a cruel deception? Will the minister make clear today whether he is still talking to the power companies about the undergrounding of some mainline sections around Stirling? Or is undergrounding around Stirling no longer on the table? My constituents are entitled to clarity on the issue at this point.

Jim Mather: We anticipate major tidy-ups and mitigation in Stirling and around Plean, to which Dr Simpson referred. I am waiting to hear from the

developers exactly how that mitigation will shape up.

Transport (Ayrshire)

6. Irene Oldfather (Cunninghame South) (Lab): To ask the Scottish Executive what importance it places on improving transport infrastructure in Ayrshire. (S3O-9995)

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): We recognise the important role of effective road and rail links in supporting Ayrshire's economic regeneration. We have improved the rail service to Kilmarnock and have upgraded the A77 at Glen App and Haggstone. We are also introducing class 380 rolling stock on services in Ayrshire and we are consulting on further improvements to the A77 at Burnside. In addition, the strategic transport projects review has identified a number of interventions that will benefit Ayrshire, including the upgrading of the A77 around Ayr, bypasses around Maybole and Dalry, and future enhancements of the rail service between Ayrshire and Glasgow.

Irene Oldfather: Is the minister aware that business in North Ayrshire has identified improvements to transport infrastructure as the biggest factor in increasing confidence and investment in the local economy? When will the projects in the strategic transport projects review that will affect North Ayrshire, such as the bypass at Dalry and the upgrading of the A737, be fully allocated a budget and a timescale?

Stewart Stevenson: Contrary to Labour Party leaflets that are currently circulating in the member's constituency, work is in progress on the planning for the Dalry bypass. It is the first time that a Government commitment has been made to that intervention. The class 380 rolling stock is the subject of a £200 million contract, which shows the Government's earnest good faith in making the necessary investments in response to the legitimate requirements of business in North Ayrshire. The Government is addressing the historical neglect that took place under the previous Administration.

Alasdair Morgan (South of Scotland) (SNP): The minister is aware of the imminent move by Stena Line ferries from Stranraer to Cairnryan. Can he give me an assurance that the Government remains committed to the maintenance and development of the railway line south from Ayr through Girvan to Stranraer?

Stewart Stevenson: The railway line to which the member refers is an important part of our infrastructure. We will continue to support that railway line and the services on it, and we will make further investment in improvements to the

A75 and the A77 in support of the Stena Line move.

John Scott (Ayr) (Con): The A70 from Ayr to the M74 is one of southern Ayrshire's major economic development routes; yet, to date, it has not been designated a trunk road. I have raised the issue before with the minister. Will he give it further consideration and agree to adopt the A70 as a trunk road so that the route can receive the investment that it needs to improve road safety and boost the economy of southern Ayrshire?

Stewart Stevenson: The member will be aware that the local authorities have this year received an increase in funding above the level that they would have received otherwise. It is a substantial increase. We do not plan to review the trunk roads network across Scotland; I look to the local authority to make the appropriate decisions to meet local needs.

Kenneth Gibson (Cunninghame North) (SNP): I am delighted that the vital A737 Dalry bypass remains a priority in the strategic transport projects review. Does the minister agree that the Labour Party should apologise to the people of North Ayrshire for deliberately misleading them by telling them that the project, which is on-going, has been shelved?

Stewart Stevenson: It is certainly unhelpful, and it has led to unreasonable concerns among the local community, that the Labour Party is publishing leaflets that are wholly at odds with the action that is taking place.

Central Heating Scheme

7. Rhona Brankin (Midlothian) (Lab): To ask the Scottish Executive when the Minister for Housing and Communities issued the clear instruction to the Energy Saving Trust and Scottish Gas on providing central heating systems to older people with faulty heating systems, as referred to by the minister in the chamber on 4 March 2010, and what the content of that instruction was. (S3O-9967)

The Minister for Housing and Communities (Alex Neil): Guidance was issued to the Energy Saving Trust and Scottish Gas on 23 October 2009, stating that,

"where the outcome of an energy efficiency survey of an applicant's dwelling was marginal around bands E/F, the Managing Agent is expected to consider all the areas where there might be any dubiety around the input to that rating and where there is dubiety or a potential margin of error, then err in the applicant's favour."

Following the amendment to regulations that extended eligibility to band E, that guidance now applies to the borderline around bands D and E. If there is any dubiety around the input to the rating or a potential margin of error and the household is

eligible for stage 4 by dint of age or qualifying benefits, it will get the package of measures that is appropriate to the house, which is likely to include a central heating system.

Rhona Brankin: I am still concerned that the instruction is not getting through, especially if there have been subsequent changes. The detailed four-stage process on the Energy Saving Trust's website does not refer to the minister's new rules. We need to know whether the minister is making policy on the hoof. If he is not, will he publish the clear instruction that he has spoken about and, for the avoidance of doubt, will he make it clear that he stands by that commitment and ensure that everything that is referred to on the website is published?

Alex Neil: I am happy to take additional measures to ensure that things are absolutely transparent. If Rhona Brankin or any other member has any constituent who is a borderline case and thinks that the rule has not been properly applied, I am happy to pursue the matter on behalf of that member and their constituent.

Jamie McGrigor (Highlands and Islands) (Con): I have downloaded information from the Energy Saving Trust's website. The trust says:

"The Scottish Government wants to make sure that everyone in Scotland who needs help with their energy costs saves money and keeps cosy. If you sometimes struggle when the fuel bills need paid, you're exactly the kind of person this scheme is for."

What is the Scottish Government now doing to help people, especially pensioners, with the much higher fuel bills that they will have to face and struggle with due to the exceptionally cold weather this winter? Can the minister save them money and keep them cosy?

Alex Neil: The first benefit is that people no longer have to pay the huge VAT bill that the Tories imposed back in the early 1990s. That makes a difference in itself.

We are spending a record amount on fuel poverty measures. There is the energy assistance programme and the insulation programme that was announced last year. A new insulation programme was announced as part of this year's budget. We are working with the energy companies, which will spend more than £100 million this year working with the Scottish Government and other agencies to ensure that those who live in fuel poverty are assisted, and that our pensioners, particularly our poorer pensioners, do not suffer in the winter but remain cosy.

Mary Mulligan (Linlithgow) (Lab): Despite the minister's clear instructions and stated intent to assist people in fuel poverty, why has the Scottish Government, despite the coldest winter for many

years and the fact that many people are still waiting for insulation and central heating measures, spent only half of the £60 million that was identified for the energy assistance package?

Alex Neil: I make it clear that the full budget will be spent by the end of the financial year. More than 7,000 central heating systems have already been installed this year under stage 4—that is not to mention the throughput through the other stages of the energy assistance package. It would, of course, be exceptionally helpful if the United Kingdom Government agreed to my request to improve winter fuel payments for people in Scotland who are being penalised because of our weather. The UK Labour Government refuses to pay the additional amount that we have requested.

The Presiding Officer: Question 8 was not lodged.

“The Government Economic Strategy”

9. Ms Wendy Alexander (Paisley North)

(Lab): To ask the Scottish Executive when it plans to publish an update of “The Government Economic Strategy”, published in November 2007. (S3O-9962)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): “The Government Economic Strategy” focuses on the achievement of long-term objectives that are designed to increase levels of sustainable economic growth in Scotland. Those objectives have not changed since the strategy was published in November 2007, but the global recession has had a fundamental impact on the economic environment in which the strategy is implemented. In response, the Scottish Government has put in place an economic recovery plan. That plan was launched in January 2009 and is regularly updated—it was most recently updated on 3 March. The recovery plan sets out policies and activities in support of recovery in the Scottish economy, and is fully consistent with “The Government Economic Strategy”.

Ms Alexander: I am well aware of the economic recovery plan, but the issue is the fate of the Government’s strategy. It is, after all, the so-called purpose of the Government, but it now seems a bit like the proverbial dead parrot, because it was published two years ago and it has never been debated since. That may be due to the fate of the arc of prosperity, the inability of the Government to meet its growth targets or its never wishing to talk about the bank bail-out. Will the Government’s economic strategy ever be updated and debated, or will it simply be allowed to die, like so many of the Scottish National Party’s early promises?

John Swinney: We have moved to the dead parrot from the hungry caterpillar. Wendy Alexander has given so much to our parliamentary discourse, and we now have a new addition.

I answered Wendy Alexander’s point in my first answer, which was to say that the Government’s economic strategy sets out the direction that we are taking to increase sustainable economic growth. Despite the economic difficulties, I still believe that delivering increased sustainable economic growth is the right focus for the Scottish Government. That is why we have brought forward an economic recovery plan to marshal the interventions that we can take to support economic recovery. I am very surprised that that is not warmly supported by the Labour Party.

First Minister's Question Time

12:01

Engagements

1. Iain Gray (East Lothian) (Lab): To ask the First Minister what engagements he has planned for the rest of the day. (S3F-2301)

The First Minister (Alex Salmond): Later today, we will publish our full analysis of the United Kingdom Government's budget. That will be made available in the Scottish Parliament information centre, so it will be available to all members. It shows that, after taking account of all consequential, the Scottish budget—the departmental expenditure limit—will be 1.3 per cent lower in real terms next year than this year. That is a cut of some £400 million, at a cost of 4,000 Scottish jobs.

Iain Gray: Last week, the First Minister asked:

“is it not time for us to unite as a Parliament to demand that there be no cuts in public spending in Scotland next year?”

In fact, yesterday's budget put the First Minister's budget up by £82 million. He can reprofile the figures any way he wants; the fact is that he will have more than £1 billion more to spend next year than he has had this year. Is it not time that he had the good grace to welcome that?

The First Minister: It is a great misfortune for Iain Gray that he did not anticipate being told what the actual figures are before he asked his question. The analysis, which will be available in SPICe for everyone this afternoon, shows beyond any peradventure, and including the £76 million of consequential, that the DEL budget will be 1.3 per cent lower in real terms next year. For the first time in donkey's years, the Scottish budget will be lower in real terms.

Labour members cannot escape from the consequences of cuts from Westminster. They could not escape when the first £500 million cut was mooted, which Iain Gray was not sure about. They could not escape when, last autumn, he called for capital acceleration and was snubbed by the Chancellor of the Exchequer, and they cannot escape today, when the final figures are published for next year, showing the first real-terms decline in the Scottish budget for a generation, thanks to the Labour Party at Westminster.

Iain Gray: Here are the actual figures that are in SPICe. There is, taking account of the funding from next year that Alex Salmond asked permission to bring forward and spend, an increase of 0.9 per cent. That is the actual figure. He talked about accelerated capital. Yesterday's

budget provided a £2 billion capital fund for renewables, of which we can expect £1 billion of capital investment to come right here, right now, to Scotland.

What else did the First Minister say last week? He said that it was time

“to demand a reflationary package”.—[*Official Report*, 18 March 2010; c 24753.]

Yesterday, we saw more money for Scottish pensioners, more money for Scottish children and families, more money for Scottish first-time buyers—who, by the way, are still waiting for the help that they were promised three years ago—and more money to help to create jobs in Scotland. Surely it is time for the First Minister to welcome those measures and to get on with his job.

The First Minister: Iain Gray gave the game away when he said “taking account of” the capital acceleration. That capital acceleration has been spent this year and, therefore, cannot be spent next year.

Andy Kerr (East Kilbride) (Lab): You're a numptie.

The Presiding Officer (Alex Fergusson): Order. Mr Kerr, I will not have accusations of that type made in this chamber. I hope that you will withdraw that remark.

Andy Kerr: I apologise, and I withdraw the remark.

Alex Salmond: There is certainly no offence taken, although I have to say that hearing Andy Kerr using that unparliamentary description takes the biscuit.

As I was saying, that capital acceleration cannot be spent next year because, despite Iain Gray's having joined me last autumn in calling for capital acceleration next year in order to provide a stimulus that would allow the recovery of the Scottish economy to continue, the request was refused in the pre-budget report, as Iain Gray might have noticed. In spite of the fact that briefings had suggested that the request would be dealt with in this year's budget, no capital acceleration or stimulus package was forthcoming yesterday.

In terms of the chancellor's desire to impress the markets, I do not think that he has pulled it off. One informed commentator said:

“overall, and despite the warnings about withdrawal of support too early, the fiscal stance is being tightened in 2010-11 by 1 % of GDP”.

Where were the warnings coming from? They came from that centrepiece of profligacy, the International Monetary Fund, which was warning about tightening the fiscal stance. However, the

United Kingdom has become the only country in the G20—with the exception of Argentina—to tighten its fiscal stance for the coming year in the teeth of the recession, instead of giving us the sort of stimulus package that every other country has endorsed.

Iain Gray: There we have it again: he is a grievance, not a Government. He will not take responsibility for his own decision—a correct one—to accelerate capital. He will not take responsibility for his Scottish Futures Trust fiasco killing jobs. He will not take responsibility for the more than 2,000 teachers who are on the dole. He will not take responsibility for the cuts in our enterprise and university budgets. He shouts, he screams and he stamps his feet to hide the fact that he has no idea what to do with the money that he has.

What about those consequential of £82 million? What is he going to do with them?

The First Minister: In one weekend last year, the Labour Party, at its conference, made annual spending commitments of £89.6 million. In the course of the year, it has made further spending commitments of £345 million. As a matter of arithmetic, that is four and a half times the budget consequential that were announced by the chancellor yesterday. That comes on top of the fact that, as we have already established, next year's budget in Scotland will, thanks to Westminster, fall in real terms for the first time in a generation, as the price that Scotland must pay for Labour's economic failure.

Iain Gray asks about responsibility. We want to take responsibility for the Scottish economy not only because it would stop the failures from Westminster but because it would enable us to mobilise Scottish resources to ensure Scottish recovery.

Iain Gray: I asked about £82 million of resources, and the First Minister has not the faintest idea what he is going to do with them.

Yesterday, Alistair Darling created and protected thousands of jobs in Scotland, including 150,000 jobs with the green investment fund, 5,000 jobs—

Members: Fantasy.

Iain Gray: Members say "Fantasy." What was Alex Salmond's contribution to the renewables industry this week? It was to delay his £10 million saltire fund by a further two years to 2017. Alistair Darling created and protected 150,000 green jobs, 5,000 jobs from the future jobs fund, and 10,000 jobs in the games industry through tax breaks. That was yesterday. Today, a further 4,000 jobs have been secured on the Clyde. How many jobs did Alex Salmond create yesterday?

The First Minister: I advise Iain Gray strongly not to take the Secretary of State for Scotland's press statements too literally. Let us look at the claimed 150,000 jobs from the green investment bank. The assumption is that it will take £200,000 million—that is £200 billion—to develop the offshore green energy resource. In that light, a green investment bank of £2 billion represents 1 per cent of the cash and funds that it will take to generate the offshore renewables revolution. The best estimate, because of the co-operation on acceleration of the Scottish Government's plans for the licensing of offshore renewables in wind, wave and tidal energy, is that that will generate 25,000 jobs in Scotland by the end of the decade. The idea that there will be 150,000 jobs is total fantasy. It was made up by the Secretary of State for Scotland on a whim and it has now been repeated by his sap in this Parliament, Iain Gray. It is incredible. *[Interruption.]*

The Presiding Officer: Just as I think it is wrong for somebody to call another member "a numptie", I do not think that the word "sap" is advisable, First Minister.

The First Minister: I willingly apologise to Iain Gray. I withdraw "sap" and insert "placeperson". We can compare the funds that will be available through the green bank with the \$25 billion that the United States is investing in a similar initiative. *[Interruption.]*

The Presiding Officer: Order.

The First Minister: Will Iain Gray try to get things in perspective? Yes, we have an enormous renewable energy resource off the shores of Scotland and this Government is hugely in advance in exploiting that compared with anything that is happening south of the border, but the real opportunity for Scotland is to control that resource and our other energy resources in order to get the sort of prosperity and long-term growth that we are so clearly being denied by the dead hand of Westminster. *[Applause.]*

The Presiding Officer: Order.

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-2302)

The First Minister (Alex Salmond): I have no plans to meet the Secretary of State for Scotland in the near future.

Annabel Goldie: The Scottish Government is spending just over £10 million on advertising in the current financial year. Will the First Minister tell the Parliament how much of that money he is spending this month, in the run-up to the general election?

The First Minister: I will certainly write to Annabel Goldie with the figures, but I can compliment her on her foresight in relation to the budget. Whatever the Conservative party has done wrong, it supported the 50 per cent cut in expenditure on promotion and public relations that formed a part of Mr Swinney's proposals. It was necessary to make that cut given the straitened economic circumstances, and I welcome the support of all members who saw it and voted for the budget. I hope that Annabel Goldie will at least accept that the Administration is dealing with extraneous costs as we get on with the job of protecting front-line services.

Annabel Goldie: I can understand why the First Minister has no desire to answer the question that I asked. Let me give him the facts, which were obtained through a freedom of information request. The annual spend is indeed £10 million. In the first 11 months, he spent only £6 million. In March, he is spending the balance, with expenditure of more than £4 million in this month alone. Forty per cent of his annual advertising budget is being blown in one month, at a rate of £1 million a week, as we approach a general election. Something does not smell right. The spending reeks of taxpayer-funded Scottish National Party propaganda rather than the provision of essential public information.

Will the First Minister clarify what public information was so pressing that 40 per cent of his annual advertising budget had to be held over and squeezed into the final month of the financial year, with an advertising bonanza just before a general election?

The First Minister: I think that I am right in saying that the major funding obligation at present has been the response to the big freeze, in terms of giving people valuable advice about how to keep safe in their homes, how to heat their homes, and on travel. *[Interruption.]*

The Presiding Officer: Order.

The First Minister: Despite this Government's valuable insight into paying invoices timeously, Annabel Goldie will have to accept that that is within the first three-month financial period. Despite John Swinney's foresight on a range of issues, I do not think that he anticipated the severity of the winter that we have experienced and which Government-provided information had to address. In stark contrast to what is done with the inflated budgets at Westminster, the Government information that comes forward in Scotland is vital public information about the services of the Scottish Government, which Annabel Goldie and her colleagues are trying to do their best to cut savagely in the next financial year, although there is something uncertain about the Tory plans in that direction.

Cabinet (Meetings)

3. Tavish Scott (Shetland) (LD): To ask the First Minister what issues will be discussed at the next meeting of the Cabinet. (S3F-2303)

The First Minister (Alex Salmond): Issues of importance to the people of Scotland will be discussed.

Tavish Scott: Yesterday's Labour budget demonstrates that we have an economy that is excessively dependent on the City of London, property, the service industries and debt, rather than on Scottish manufacturing, exports and fairness. The budget was bad news for the 2.25 million basic-rate taxpayers in Scotland. Thanks to Labour, people have had their tax allowances frozen, which will put their tax bills up. Although people will be able to do something about that on polling day, every part of Government needs to ensure that it is acting fairly. What is the First Minister's pay policy?

The First Minister: As Tavish Scott well knows, Mr Swinney has introduced a range of measures to restrict pay, particularly among higher-paid officials in the Scottish Government; indeed, ministerial pay has been frozen for the past two years, thereby setting an example for the public sector.

On Tavish Scott's general point about the budget, on an occasion on which the Chancellor of the Exchequer's position was approximately £15 billion better than he had anticipated in the pre-budget report, he chose in response to that to attempt to satisfy the markets about his intent on deficit reduction and to produce a puny stimulus package that is hardly worthy of the name. I think that the people of Scotland would have expected a get-back-to-work package of capital investment, as opposed to what the chancellor dealt out yesterday. It is vital to understand that with the economy undergoing a sensitive and faltering recovery, the best course of action is to support capital investment, jobs and infrastructure throughout the economy.

Tavish Scott: On pay policy, which is the First Minister's responsibility, when there is only a little money to go round, is it not even more important that it goes round fairly? The Scottish National Party pay policy imposes a limit of 1 per cent and means less than £150 a year to people on the lowest pay, while it means £600 a year to senior managers. Meanwhile, we know that Scottish quango chiefs are still pocketing tens of thousands of pounds in bonuses. In the interests of fairness, will the First Minister support the Liberal Democrat amendments this afternoon to change the law to stop those quango bonuses and reform the Scottish quango culture? Is that not a good way to find the money to give a fairer deal to everyone?

The First Minister: The problem with the Liberal Democrat amendments this afternoon is that they would place in jeopardy the entire bill. They are legally questionable, they would be discriminatory, and they would give rise to a host of legal problems and, quite possibly, to court challenges. The difficulty is that with their amendments, the Liberal Democrats are attempting to renegotiate packages that they negotiated when they were in government. If I remember correctly, Tavish Scott is a distinguished advocate. I would have thought that with his background as a lawyer—

Members: He is not.

The First Minister: I apologise profusely for claiming an overqualification for the Liberal Democrat leader. Certainly, he knows something about legal processes. I am sure that, in the difficult situation that we face, he would not want to lead the Parliament into highly expensive compensation and legal bills by acting in a discriminatory manner.

The fact that his party, in coalition with the Labour Party, negotiated those contracts in the first place adds a certain element of ridicule to the Liberal Democrat position.

The Presiding Officer: I will take a supplementary question from Alasdair Allan.

Alasdair Allan (Western Isles) (SNP): The First Minister will be aware of the announcement this morning that Highland Airways Ltd has gone into administration. Will he give an undertaking that the Scottish Government will work urgently to ensure that lifeline services to Scotland's island communities are continued? Will the Government engage with the Highland Airways workforce, who have obvious concerns about the future?

The First Minister: I am aware of the situation, which is serious because Highland Airways operates lifeline services on behalf of the Government and other local and national bodies. A range of actions were taken to support Highland Airways to continue in business, including co-operation and some financial incentive. However, that has not been possible and, this morning, it was announced that the company had gone into receivership. The partnership action for continuing employment—PACE—team and Skills Development Scotland are on the case and they will go into operation to try to redeploy as many of the 100 staff as possible.

On ensuring the continuation of air services, particularly lifeline routes, we are confident that, in the next few days, announcements will be made indicating that key services can be maintained and taken over by other operators. Parliament will be in recess, but the Minister for Transport, Infrastructure and Climate Change will make

appropriate statements to ensure that constituency members who are affected are informed of the measures that have been taken.

Mephedrone

4. Brian Adam (Aberdeen North) (SNP): To ask the First Minister what discussions the Scottish Government has had with the United Kingdom Government regarding the drug mephedrone. (S3F-2309)

The First Minister (Alex Salmond): The Minister for Community Safety has written twice to the Home Office, on 4 February and 17 March, urging it to take swift action on the matter. That said, we are not waiting for legislation to address the issue. We have commissioned the drug service Crew 2000 to develop a training resource that will be made available nationally to all alcohol and drug partnerships and organisations in the youth sector. The training materials will be funded by the Government and will focus on raising awareness about the harms of using so-called legal highs, and will support individuals to make positive lifestyle choices.

Brian Adam: Given recent reports of deaths having been attributed to mephedrone and the court case in Aberdeen in which a young man was convicted of causing an accident while under the influence of the drug, what further steps will the Scottish Government take to protect young people from the effects of mephedrone?

The First Minister: Because of a range of examples, particularly south of the border recently, there has been a great deal of publicity about mephedrone, although I point out that the Minister for Community Safety wrote to his UK counterpart in advance of the latest tragic incident in England. There have been incidents in Scotland, too. Therefore, as well as commissioning the training resource that I referred to, we have commissioned Young Scot to develop the capacity of substance misuse educators throughout Scotland, because we must recognise that young people have a fundamental role in addressing the issue. Overall in 2010-11, we will allocate £28.6 million to health boards for front-line drugs services, which represents an increase of more than 20 per cent since 2006-07. Members will accept that, in a hugely difficult environment for public expenditure, that shows a sense of priority and urgency.

John Scott (Ayr) (Con): Given the tragic death in my constituency last week of Jordan Kiltie, which has been linked to the use of mephedrone, I welcome the strong message from the Parliament and the expectation that the Advisory Council on the Misuse of Drugs will next week recommend the banning of the substance. However, does the First Minister agree that it is vital that mephedrone be withdrawn from sale at once and that

consideration of advice from the advisory council, which might lead to a permanent ban, must not mean any delay in taking the substance off the shelves of Scottish shops?

The First Minister: In the Minister for Community Safety's letter to the Home Office, he made the point that action is needed immediately and there should be no delay. Whatever the reason for not taking action previously, given the number of clearly established instances north and south of the border, I hope and believe that there will be urgency in the response to the Minister for Community Safety and the concerns that are being expressed in the Parliament by members whose constituents have been tragically affected.

James Kelly (Glasgow Rutherglen) (Lab): Will the First Minister join me in welcoming the comments that chief drugs adviser Professor Les Iversen made earlier this week, in which he highlighted the likelihood of outlawing mephedrone and said that such a ban is likely to be generic in scope? Will he also join me in urging police forces to follow the interim action that has been taken by forces such as Tayside Police by prosecuting for reckless conduct people who distribute such substances?

The First Minister: I welcome such initiatives. However, the legislative framework has to be clear and has to send unmistakeable messages. I hope and believe that there will now be a sense of urgency.

The developments in legal high drugs indicate that in monitoring the position of drugs and their legality, there has to be a very quick response, because a variety of different and new substances are coming forward. Perhaps one of the lessons from these tragic occurrences is that the system has to have in-built flexibility. Whether things are done in London or, in the future, in Scotland, the system has to have in-built flexibility to respond to the ever-changing framework in the drugs environment.

Child Protection

5. Richard Baker (North East Scotland) (Lab): To ask the First Minister what the Scottish Government is doing to protect children from abuse. (S3F-2310)

The First Minister (Alex Salmond): The Scottish Government is committed to continually seeking ways to further protect children from abuse and has already taken action to ensure that youngsters are better protected than ever. Our getting it right for every child approach to children's services, and the recently announced national roll-out of the Tayside disclosure pilot, are two examples of the extensive work that is being undertaken.

Richard Baker: It has been reported that at least 1,500 sex offences against children were reported last year. So that we can know the full scale of the problem, will the First Minister back the call from Anne Houston of Children 1st for police officers to ensure that there are accurate data on these offences, given that it is not always stated whether the complainant is a child? As one way of dealing with the problem, can he give us any further information on when he expects that the pilot sex offender notification scheme in Tayside will be operational in every police force area?

The First Minister: I will consider the first part of Richard Baker's question closely to see whether I can give him a favourable response and more detailed information. Good progress is being made on the roll-out of the pilot. As Richard Baker is well aware, the pilot has not come to the end of its examination period. However, we have enough substantive evidence on its success thus far to ensure that we can roll it out throughout Scotland. Announcements will be forthcoming shortly on the timing and nature of the roll-out.

Hugh O'Donnell (Central Scotland) (LD): Will the First Minister clarify how the protecting vulnerable groups scheme, which is being developed, will dovetail with the various other protection measures that he mentioned?

The First Minister: The protecting vulnerable groups scheme is very much part of the process and it will be dovetailed with all initiatives in this area.

United Kingdom Budget

6. Gavin Brown (Lothians) (Con): To ask the First Minister what analysis the Scottish Government has made of the United Kingdom budget.

The First Minister (Alex Salmond): Yesterday's budget was a grave disappointment and a missed opportunity by the Chancellor of the Exchequer. It failed to deliver the vital targeted stimulus that is required to safeguard economic recovery. The decision not to deliver further capital acceleration comes at a severe cost—not to people in this Parliament and not to the Labour Party—of 4,000 Scottish jobs.

As I have said—this information will be placed in the Scottish Parliament information centre this afternoon: the budget confirms a 1.3 per cent real-terms cut in Scottish budgets in the year ahead in departmental expenditure limits.

The Cabinet Secretary for Finance and Sustainable Growth will provide a full statement to the Parliament this afternoon on the UK budget and I have arranged for the note to members to be

placed in SPICe, so that every member—including Labour members—can read it and see the facts.

Gavin Brown: Many people had low expectations of yesterday's budget, which were met head on.

I want to focus on one specific measure, which I think is positive, for small and medium-sized enterprises. Page 54 of the budget document states:

"The Government will ... increase the proportion of central government procurement spend that goes to SMEs by 15 per cent throughout the supply chain."

That is a positive measure. Of course, the Government might not have time to implement it. Will the First Minister make a similar pledge now for SMEs on behalf of the Scottish Government?

The First Minister: I had a meeting with the Scottish Chambers of Commerce yesterday at which that point was made. Gavin Brown will, of course, accept and appreciate that the website for accessing public contracts has greatly benefited the small company sector in Scotland, particularly because that service is free, whereas companies must pay for such services in the rest of the United Kingdom.

The meeting—and, indeed, exceeding—of targets to pay invoices has also been a substantial step forward. Gavin Brown will have welcomed the Cabinet Secretary for Finance and Sustainable Growth's undertaking that such targets will apply to payments for Government contracts, and not just to the main contractor but to subcontractors from the small business sector. We examine closely how we can expand small business's share in Government contracts.

Along with Lord Mandelson and George Osborne, I addressed the UK conference of the Federation of Small Businesses in Aberdeen last Friday. I think that the federation would agree that many of its members from elsewhere in these islands are deeply envious of the small business bonus scheme, which has provided a framework for not just the survival but the expansion of small businesses, and that they hope that such measures will be introduced in the rest of the UK. I notice that the chancellor made a gesture towards that yesterday. As a result, instead of small businesses in Scotland being £3,400 better off in some circumstances than small businesses in England, that gap will be reduced to £3,000.

Small businesses in Scotland are deeply appreciative that enough people in the Parliament supported the measures to help them—unlike the Labour Party, which voted against them and every other positive measure in the Scottish budget.

12:31

Meeting suspended until 14:15.

14:15

On resuming—

Scottish Executive Question Time

Justice and Law Officers

Central Scotland Fire and Rescue Service

1. Michael Matheson (Falkirk West) (SNP): To ask the Scottish Government when it last met the chief fire officer of Central Scotland Fire and Rescue Service. (S30-10047)

The Minister for Community Safety (Fergus Ewing): I last met Steven Torrie, chief fire officer of Central Scotland Fire and Rescue Service, on 21 September 2009. Steven retires shortly, and I am sure that many members will wish to join me in thanking him for his commitment and professionalism during his three years as chief fire officer in Central, and for his 35 years as a firefighter. I will be meeting the new chief fire officer for Central, Kenny Taylor, on 29 March.

Michael Matheson: The minister will be aware that Central Scotland Fire and Rescue Service purchased two combined aerial platform appliances several years ago, at a cost of some £450,000 each. Since their day of purchase, the appliances have never been operational, due to very serious defects within them. When they are loaded with water and crewed up, they are actually overweight for use on roads in the United Kingdom.

Serious failings were made in how the vehicles were procured. I know that other fire authorities have purchased similar vehicles and have experienced the same problems, and some fire services continue to purchase the appliances.

Given the serious problems that have occurred with the vehicles in the course of the procurement process and given the considerable amount of taxpayers' money involved, does the minister agree that there is a need for a very thorough investigation to consider how the mistakes in the procurement of the appliances were made?

Fergus Ewing: My colleague is correct to state that the two appliances that were bought by Central Scotland Fire and Rescue Service have not met operational standards since they were purchased in 2005. The Central service is still considering options to resolve the situation, including redesigning or scrapping the vehicles. Decisions on how to proceed are for Central Scotland Fire and Rescue Service, not the Scottish Government.

Audit Scotland has recently reviewed the processes that have been deployed by services throughout Scotland in purchasing combined aerial rescue pumps—or CARPs. It concluded:

“subject to some initial difficulties, most services where the appliances are now fully operational report that they are fit for purpose and that they are delivering expected benefits”.

If Mr Matheson or others have further representations to make about individual appliances, I will of course be happy to give them full and due consideration.

Margaret Mitchell (Central Scotland) (Con):

Does the minister have any plans to meet the chief fire officers of Strathclyde and services throughout Scotland following the publication of the new policy statement by the Health and Safety Executive and fire and rescue services, which includes a set of principles about the balance between firefighters’ operational and health and safety duties? Can he confirm if and when further guidance, which is referred to in the foreword of that statement, will be issued? What input will the minister have, given the problems with the implementation of the health and safety regulations, which I highlighted both during the parliamentary debate on 12 November 2009 and in the course of my subsequent meeting with the minister last week?

Fergus Ewing: I have no specific date arranged to meet Brian Sweeney, the chief officer of Strathclyde Fire and Rescue. However, I expect to meet him within the next few weeks—I hope that the meeting will take place.

I think Margaret Mitchell said that the statement to which she referred was a new statement. It was indeed issued recently, but its content, as I understand it, essentially restates the principle of how the fire and rescue service operates and how health and safety operates within it.

I emphasise the role that common sense plays in the context of carrying out rescues, where clear command and control structures are required. I will certainly bear those issues in mind. I indeed met the member recently to discuss these issues, and I am always happy to consider any specific issue that members may have in this regard.

Victims and Witnesses (Rights and Protection)

2. David Stewart (Highlands and Islands)

(Lab): To ask the Scottish Executive what steps it is taking to expand the rights of and protection for victims and witnesses. (S3O-10000)

The Cabinet Secretary for Justice (Kenny MacAskill): The Scottish Government has promoted the interests of victims and witnesses by providing record funding of more than £4 million a year to Victim Support Scotland, introducing victim

statements, extending the victim notification scheme and fully implementing the Vulnerable Witnesses (Scotland) Act 2004. The Scottish Government is working on proposals to further enhance the rights of victims and is about to undertake a comprehensive review of support for witnesses.

David Stewart: Does the cabinet secretary share my view that victims often feel that they are the forgotten people in the Scottish criminal justice system? Does he support Victim Support Scotland’s call for the creation of a victims commissioner? If so, will he and his party support my proposed commissioner for victims and witnesses (Scotland) bill?

Kenny MacAskill: We accept that there is a journey to be travelled and recognise that, in Scotland, victims have been the forgotten people in the system. That issue was flagged up, quite correctly, by the current Lord Advocate when she served as Solicitor General for Scotland in the previous Administration. Significant progress has been made by my predecessor and by this Administration.

We will consider and take a view on the victims commissioner proposal when Mr Stewart’s bill is published. In a world of limited resources, we will have to decide whether to put significant funding into front-line services or into an edifice and a tsar.

Police Numbers (Highlands and Islands)

3. Dave Thompson (Highlands and Islands)

(SNP): To ask the Scottish Government what the increase in officers on the beat in the Highlands and Islands has been in the last three years. (S3O-10054)

The Cabinet Secretary for Justice (Kenny MacAskill): The Highlands and Islands is covered by the Northern Constabulary police area. In March 2007, Northern Constabulary had 707 police officers, thanks in part to this Government’s commitment to have 1,000 extra officers on the beat in our communities across Scotland. There are now 793 officers in Northern, which represents an increase of 86.

Dave Thompson: That is a welcome increase in the number of bobbies on the beat, but I am concerned that a recent decision to close the Beechwood house designated place in Inverness will have the effect of reducing that number, by diverting resources to a duty that police officers are ill equipped to perform. Is the Cabinet Secretary for Justice satisfied that suitable alternative arrangements are in place to minimise the diversion of bobbies from the beat to look after the 900 drunk and incapable people who used Beechwood house designated place last year, and who may now end up in the cells?

Kenny MacAskill: I note the member's concerns. His name was mentioned when I met the new chief executive of CrossReach, the Church of Scotland organisation that deals with alcohol.

I can comment only from a police perspective, as such matters are decided on by the local alcohol and drugs partnership. Beechwood house offered a maximum of only four beds. Any additional numbers had to be accommodated at Burnett Road police station in Inverness. It is expected that there will be a small increase in the number of people who will have to be accommodated by the police, but their care will be the responsibility of dedicated custody staff, who will be supported by NHS Highland staff, where appropriate. It is not anticipated that the new arrangements, which are still under development, will result in any front-line officers being diverted from their operational duties. However, I understand the member's concerns, and I can confirm that they were shared by CrossReach when it met me.

Knife Crime (Lothian and Borders)

4. David Whitton (Strathkelvin and Bearsden)

(Lab): To ask the Scottish Executive what action is being taken to reduce knife crime in the Lothian and Borders area. (S3O-10002)

The Cabinet Secretary for Justice (Kenny MacAskill): The Scottish Government is working with the police-led violence reduction unit to tackle violence across Scotland. Lothian and Borders Police undertakes a variety of activities to reduce knife crime, which range from work in secondary schools to highlight the dangers of getting involved with knives to the deployment of Scottish Government-funded Ferroguard metal detectors to keep city and town centres safe.

I am pleased to say that there has been an 11 per cent reduction in crimes involving offensive weapons in Lothian and Borders since 2006-07. That should come as no surprise, given the record numbers of police officers on the streets, the record investment in activities for young people through the cashback for communities initiative and the record investment in the violence reduction unit to address the causes of violent offending. I am sure that the member will join me in thanking the chief constable of Lothian and Borders Police and, indeed, every police officer in the force for their tireless work.

David Whitton: I certainly join the cabinet secretary in thanking the police for their work.

I understand that in a newsletter in his constituency in 2008, Mr MacAskill said that the prevalence of knife crime was a problem for the west coast rather than the east coast, so how

does he explain last year's 21 per cent increase in knife crime in the Lothian and Borders area? Does he agree that one way of tackling the issue might be to introduce mandatory jail sentences for knife carriers instead of letting them off scot free?

Kenny MacAskill: I am astounded at the concept that knife carriers are being let off scot free. Knife crime is down in Lothian and Borders, as it is elsewhere. Mr Whitton seems to be mixing that up with the fact that convictions are up, which is a good thing, because we wish those who are caught to be convicted and not to get off scot free.

Mr Whitton should welcome the fact that more people who are caught with knives are being convicted, and are going to prison and going for longer but, overall, fewer people are being caught, because fewer people are carrying knives. That does not mean that we do not still have a significant way to travel. However, the homicide rate in Glasgow is the lowest recorded in 10 years; in Edinburgh it is the lowest recorded in 20 years; and overall recorded crime in the whole of Scotland is the lowest recorded in 30 years.

Knife crime affects all of Scotland, but if Mr Whitton thinks that it is uniform throughout the country, he should get out more. There are significant problems in some areas of Edinburgh but, just as there is a greater problem in Craigmillar than there is in Duddingston, it is not rocket science to work out that the problem is worse in the west of Scotland than it is in Shetland or Orkney.

Bill Aitken (Glasgow) (Con): Does the cabinet secretary agree that particular praise is due to Strathclyde Police for the various innovations that it has introduced that have made a significant impact on knife crime? Does he share my view that the problem will be drastically curtailed only if those who carry knives appreciate that they face almost inevitable custody following conviction?

Kenny MacAskill: Yes, I recognise the debt of gratitude that we owe to Strathclyde Police, and to Lothian and Borders constabulary here in the east. Those who are a danger to our communities, who carry knives and who have a propensity to use them should be dealt with firmly and severely.

As I said to David Whitton, I welcome the fact that more of those who are caught are being convicted, and that more of those who are convicted of a serious offence are going to prison, and going for longer. However, I ask Mr Aitken, as convener of the Justice Committee, to reflect on the written and oral evidence that he has received—for example, from the chief constable of Strathclyde, who is opposed to mandatory sentences, and from the chief superintendent who is head of the violence reduction unit, and who argues in his written evidence to the Justice

Committee that mandatory sentences not only are not a good thing, but would be counterproductive.

I ask those who are currently engaged in a bidding war in relation to mandatory sentences—we have heard six months from the Labour Party, two years from the Tory party and four years from the Labour candidate in Glasgow North East—to reflect on the issue and to listen to the experts, such as the chief constables, the head of the violence reduction unit and the prison officers and governors, and to realise that such sentences are counterproductive.

Parades (Strathclyde)

5. Bill Butler (Glasgow Anniesland) (Lab): To ask the Scottish Executive what discussions it has had with Glasgow City Council, Strathclyde Police Authority and march organisers regarding parades in the Strathclyde area during 2010. (S3O-9968)

The Minister for Community Safety (Fergus Ewing): I met Glasgow City Council on 3 March and 9 March to discuss parades in the city. No discussions have been held with Strathclyde Police Authority, but the Association of Chief Police Officers in Scotland was involved in the meeting on 9 March, as was the Convention of Scottish Local Authorities, North Lanarkshire Council and the Scottish Trades Union Congress. I met the Orange order on 16 March and am due to meet Cairde na h'Eireann in April.

The meetings have been valuable in establishing dialogue about the economic and social impact of parades, particularly in the west of Scotland. There is general agreement that people need to work together to ensure that parades do not have a negative impact on communities.

Bill Butler: I thank the minister for his detailed answer. He will be aware that Glasgow City Council has signalled its intent to reduce the number of marches and parades that are held in the city, which has far and away the largest number of any local authority in Scotland, and nearly three times as many as Edinburgh, particularly during the summer months. He will also be aware that in the wider Strathclyde area, the cost of policing marches last summer alone came to £1.8 million, which is not an insubstantial sum.

Given those facts, will the minister give the chamber an assurance that his Government will support the city council in its efforts? Will he give a further assurance that he will continue to meet personally the council, the police authority and march organisers to discuss these serious issues?

Fergus Ewing: Yes, I am happy to give Bill Butler an assurance that I will continue to work with everyone to seek to achieve the objective of reducing the impact of marches and parades on

our country. That impact is felt by communities and in city centres, with disruption to both business and personal activity, and is most obviously borne by the police. As Mr Butler stated, last year the burden on the police was substantial—the figure that I have is £1.7 million—and in 2008-09 more than 1,000 events took nearly 50,000 police hours. Those 50,000 police hours could have been devoted to policing other activities in other areas in other ways. I want to develop the matter on a cross-party basis and I give this undertaking to all members: after I have finished the round of meetings to which I referred, which might take a couple of months, I will seek to have informal meetings with parties across the chamber to try to establish and maintain a cross-party, non-partisan approach to achieving the objective of reducing the impact of marches and parades on Scotland.

Cashback for Communities (Lothians)

6. Ian McKee (Lothians) (SNP): To ask the Scottish Government how young people in the Lothians region are benefiting from the third round of the cashback for communities scheme. (S3O-10049)

The Cabinet Secretary for Justice (Kenny MacAskill): The third round of the cashback for communities scheme, announced in December last year for the local authority areas of Edinburgh, East Lothian, Midlothian and West Lothian, resulted in grant funding by Youthlink Scotland of more than £148,000 to 33 projects, benefiting 5,980 children and youths.

The schemes being funded are varied and across all four of the local authority areas. They range from providing respite for 30 young carers in Broomhouse to evening street hockey sessions in Loanhead. Those are just a few good examples of how we are turning the gains of criminals' illegal assets, their cash and possessions into meaningful, community-driven projects.

Ian McKee: How is the scheme contributing to increasing youth amenities in deprived areas?

Kenny MacAskill: A total of more than £0.5 million in cashback for communities funding has been awarded to 64 youth organisations throughout the Lothians including in Craigmillar, Tranent, Gorebridge and Blackburn. Some of the areas are included because of their socioeconomic nature and some because they tend to be in high-crime areas. The work ties in with that being done through the Scottish Football Association and the Scottish Rugby Union in partnership with others. There must be a requirement to ensure that those areas that are most blighted by criminality and where the kids have the fewest life chances are given additional funding. Equally, we are certain that there should be no postcode lottery and that

kids from other areas should also have the opportunity to be all that they can be.

Community Safety

7. Stuart McMillan (West of Scotland) (SNP):

To ask the Scottish Government what measures it has put in place to enhance the role of community safety in Scotland. (S3O-10051)

The Minister for Community Safety (Fergus Ewing): Through the national community safety strategic group, the Scottish Government regularly discusses challenges and opportunities faced by the community safety sector with the Convention of Scottish Local Authorities, the Society of Local Authority Chief Executives and Senior Managers and other partners.

We make information and support available to local partners to help them in setting strategic priorities, including those set out in "Promoting Positive Outcomes: Working Together to Prevent Antisocial Behaviour in Scotland", the national antisocial behaviour review. We also offer direct support by funding national community safety organisations and the safer communities and safer streets programmes to tackle issues that are important to our communities.

Stuart McMillan: Is the minister aware that the Labour-Tory-run East Dunbartonshire Council has announced that it will be slashing the community safety budget by 63 per cent, which will damage the reputation that has been built up in recent years by the community safety team? Does the minister agree that those cuts in the community safety budget, which involve reducing the number of community support officers from 10 to three, could jeopardise public safety? Therefore, does he agree that the Labour-Tory coalition would be better suited to listen to David Whitton who, in his 2007 election leaflet, argued for a doubling of the number of community wardens?

Fergus Ewing: The member will have more up-to-date information than I have about the activities in that area, and I must confess that I have not had the opportunity to make a study of Mr Whitton's election literature—

Mr Frank McAveety (Glasgow Shettleston) (Lab): A fine publication.

Fergus Ewing: And I have no plans so to do.

What I can say—and I hope that members will take this matter seriously—is that the setting and resourcing of local priorities are and must be matters for local authorities. I recently discussed challenges and opportunities in community safety with Jim Neill, the national community safety adviser, and I asked him to look into the issues and to report back to me. Community planning encourages partners to work together for the good

of their communities, and I hope that members will agree that serving the best interests of communities must be our priority.

Rural Affairs and Environment

Integrated Maritime Policy

1. Andrew Welsh (Angus) (SNP): To ask the Scottish Government what steps the Cabinet Secretary for Rural Affairs and the Environment is taking to ensure an integrated maritime policy for Scotland that will successfully integrate and secure the future of both the fishing industry and the growing number of new North Sea economic activities and initiatives. (S3O-10056)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): The first steps towards an integrated maritime policy for Scotland have been achieved through the recent enactment of the Marine (Scotland) Act 2010, which received royal assent on 10 March. The marine planning provisions are key elements of that act, and will allow us to manage the competing demands on marine resources more effectively. The fishing industry and all those with an interest in the sea will be able to participate in the preparation of the national and regional marine plans.

Andrew Welsh: I congratulate the Scottish Government on its success in the creation of new industries that are harnessing Scotland's environmental advantages in wind and water power and supplying energy resources and skills to power Scotland's economic future. However, will the cabinet secretary also ensure that that enormous boost to Scotland's economy will be created in harmony with Scotland's traditional renewable marine activities, for the maximum benefit of all those whose livelihoods depend on Scotland's coastal and marine environment?

Richard Lochhead: Mr Welsh makes a good point. He rightly highlights the need to balance all the interests in our seas in the years ahead. That is the primary purpose of the marine plan, which has a strong planning dimension to it to ensure that we can balance the competing interests. It is important that people in our traditional sectors who make their living from the sea can continue with their operations and make their livelihoods at the same time as those in our newer sectors come on board, particularly in renewable energy. The plan is at the heart of the debate on how we balance those interests, so that everyone can sit around the same table, look at our seas and how we can use them productively and sustainably, and ensure that everyone gets their fair share of their use.

Recycling (Glasgow)

2. Bill Aitken (Glasgow) (Con): To ask the Scottish Executive what recent discussions it has had with representatives of Glasgow City Council regarding the recycling of non-municipal waste. (S3O-10012)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): Scottish Government and Glasgow City Council officials continue to work together to improve recycling services, and we expect future discussions to give greater emphasis to commercial waste.

Bill Aitken: The minister will be aware that John Crawford of Glasgow Caledonian University's environment centre recently raised concerns that a significant amount of non-municipal waste is exempt from the current environmental regulations as recycling targets in Scotland do not apply to refuse collected by private contractors. What action is being taken to ensure that any progress towards meeting Scottish Government recycling targets is not misleading, as most commercial waste is collected by private contractors and therefore not included in the figures?

Richard Lochhead: Bill Aitken raises an important issue, and I agree with the sentiments behind the question and those echoed by the chap he referred to.

We have the zero waste plan, which we are going to publish in the next month or two. As members will be aware, we have already given a commitment to have a new emphasis on all waste in that plan. That is why we are saying that we want a zero waste Scotland and why I hope that the Parliament will get behind the concept. It is not zero household waste; it is zero waste Scotland. There will therefore be a much greater emphasis on commercial and non-municipal waste, because 85 per cent of our waste in Scotland comes from the commercial and industrial sectors, compared with the 15 per cent that is household waste, which has had all the attention in recent years in recycling targets.

Bill Aitken and the chap he referred to both make a perfectly valid argument, and I hope that Bill Aitken will take part in the debate on the zero waste plan that we hope to have in the next few weeks.

Anne McLaughlin (Glasgow) (SNP): The cabinet secretary will be aware that, courtesy of record Scottish Government funding, Glasgow City Council plans to invest £135 million in new large-scale waste and recycling facilities, which is just as well, given that Glasgow currently sits at the bottom of the recycling league in Scotland. What non-financial support, such as advisory and procurement support, will the Scottish Government give to Glasgow City Council?

Richard Lochhead: The Scottish Government has long recognised the specific challenges that face Glasgow in its efforts to meet some of Scotland's recycling targets. As Anne McLaughlin says, Glasgow sits at the bottom of the recycling league in Scotland, and if Scotland's biggest city cannot make substantial progress that will hamper our ability to achieve our national targets and move towards becoming a zero waste country.

We need a zero waste Glasgow, and bespoke advice has been given to Glasgow City Council on issues around waste management. I am pleased to note that the council is now taking its responsibilities seriously and is planning a £135 million investment in waste treatment facilities, which the member mentioned.

The Deputy Presiding Officer (Trish Godman): I call Sarah Boyack, and remind her that this is a question on Glasgow City Council

Sarah Boyack (Edinburgh Central) (Lab): The minister made the case for targets for non-municipal waste. Does he agree that it would make more sense for councils such as Glasgow City Council to be able to plan intelligently to deal with domestic and non-domestic waste at the same time? Will he set a target for the publication of the national waste plan for zero waste? Does he have a date for that yet?

Richard Lochhead: As I have said, we hope to publish the zero waste plan in the next couple of months, and I hope that Parliament will have an opportunity to respond to the recent consultation and to have a say on the contents of the final plan in the next few weeks.

Sarah Boyack raises a sensible point. As a former minister with responsibility for the environment, she will be well aware that, in the past, the focus was on household recycling. Now, however, I think that we have a degree of cross-party agreement that we must shift the emphasis to all waste, including the 85 per cent of waste that is commercial and industrial waste.

I agree that there are advantages for city councils such as Glasgow if they adopt a more holistic approach to waste in their planning. Perhaps the debate on targets has not yet concluded. It is at the heart of our deliberations around the zero waste plan.

Illegal Waste Disposal

3. Christopher Harvie (Mid Scotland and Fife) (SNP): To ask the Scottish Executive what data are available documenting and evaluating the environmental impact of illegal waste disposal and littering in Scotland. (S3O-10042)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): The

Scottish Government funds the flycapture project, which is a national database for recording fly-tipping incidents. Flycapture is available free of charge to all Scottish local authorities, and 28 local authorities are signed up to it at present. Local authorities and other duty bodies maintain information about littering within their areas.

Christopher Harvie: What measures are being contemplated by the Scottish Executive to reduce the illegal—although not always regarded as such—disposal of hazardous and poisonous waste, such as domestic chemicals, batteries and asbestos, which has dangerous consequences? In most continental countries, such items are classified as special waste and treated as a chemical problem.

Richard Lochhead: I know that Professor Christopher Harvie has fantastic knowledge of all things German and I am intrigued to find out more about Germany's special waste policies.

We recognise that some waste is more hazardous and dangerous than other waste. We have implemented a number of European regulations on, for example, the collection of batteries, which Christopher Harvie mentioned.

If Christopher Harvie has in mind any specific lessons that we could learn from what is happening in other countries, which the Scottish Government is always keen to do, he should write to me. However, there is already a lot of legislation on dealing with such waste, and I will happily write to him with some information on that.

“Inquiry into Future Support for Agriculture in Scotland: The Interim Report”

4. John Scott (Ayr) (Con): To ask the Scottish Executive what discussions it has had with the National Farmers Union Scotland regarding the “Inquiry into Future Support for Agriculture in Scotland: The Interim Report”. (S3O-10005)

I declare an interest, as I am a farmer.

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): The NFUS has submitted its formal written response to the inquiry. There have been informal discussions with the NFUS on the subject of the inquiry—indeed, yesterday, I met the president and chief executive of the NFUS, and it was one of the many subjects that we discussed.

The procedure for the Pack inquiry is that stakeholders send their views directly to Brian Pack, who will make recommendations to Government.

John Scott: The cabinet secretary will be aware that, elsewhere in the European Union, discussions on the future of the common agricultural policy are focused on future budgets,

discussions about activity, and a thematic approach to post 2013. What discussions has he had with his opposite numbers in member states such as Ireland, France or Poland to find out their views on the matter? Does he agree that we in Scotland are perhaps a little too prematurely engrossed in the minutiae and details of future schemes that might or might not be deliverable in the wider EU context?

Richard Lochhead: I assure the member that, when I attend agriculture councils, I take every opportunity to raise such issues in the margins with my fellow ministers from other EU member states. As the next few months go by and the European Commission's proposals become clearer, we will want to seek to influence them even more. That means that we will need to have even more discussions with other agriculture ministers to seek to influence their views and, of course, to get Scotland's message across at the same time.

On whether the Pack inquiry is premature, that is certainly not the view of Scotland's farming community. The public meetings that Brian Pack has held throughout Scotland have attracted literally thousands of farmers. They have been a huge success and there has been a huge degree of interest, understandably, in the future of Scotland's agriculture policy. There is general consensus, which I hope the member shares, that Scotland should be leading the debate. Given the importance of agriculture to Scotland, we should determine as quickly as possible the most important principles that Scotland should follow in future agriculture policy. We should determine what is best for Scotland and, once we have the ammunition, take the argument to the European Commission and to other member states, as the member suggests.

Liam McArthur (Orkney) (LD): The cabinet secretary will be aware that, in the discussions on the future of single farm payments, there has also been considerable interest in the future direction of less favoured area support scheme payments. Does he agree that future LFASS criteria will be crucial to sustaining agricultural activity in remote and rural communities such as Orkney? What assurances can he give farmers and crofters in my constituency that the particular disadvantages that are faced by those in island areas—particularly in smaller, outlying areas that lie two ferry journeys away from their key markets—will be fully reflected in the criteria that are set for both LFASS and single farm payments?

Richard Lochhead: I assure Liam McArthur and his Orkney constituents that there is clear recognition that there must be direct, continuing support for the most disadvantaged areas of Scotland. Whether that support is delivered

through future LFASS arrangements, as I am sure it will be, and to whatever extent it is reflected in future direct support from Brussels, which remains to be seen, it is clear that distance from markets, the climate and many other factors should influence the degree to which farmers are supported.

A debate is taking place in Europe about the future of less favoured area payments. All the signs that I see suggest that Scotland is comfortable in that debate, because almost all of Scotland would be covered by the criteria that might be laid down by Europe, albeit that there might be some arguments about some of the margins on the mainland. Of course, when we pay out the fund within Scotland, we have our own influence over which parts of Scotland get which rates. I assure Orkney's farmers that their location and the challenges that our island communities face will continue to be at the forefront of our minds.

Farming (Regulatory Burden)

5. Elizabeth Smith (Mid Scotland and Fife)

(Con): To ask the Scottish Executive what progress it has made in reducing the regulatory burden on farmers. (S3O-10010)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): Progress has been made on a number of fronts. The Scottish Government has rationalised the number of inspections and continues to encourage proportionate auditing of the common agricultural policy so that regulation is appropriate to the risk. Scotland's environmental and rural services partnership continues to improve the experience of service delivery for farmers and other rural land managers. Since its launch at the Royal Highland Show in 2008, SEARS has rationalised inspection activity, reduced charges, tackled bureaucracy, listened to customers and improved access to services. However, I accept that we should not rest on our laurels, as there is a lot more to be done.

Elizabeth Smith: I thank the minister for that encouraging response. In 2007, the Scottish Government made a firm commitment to a policy of one in, one out when it comes to regulations on farming. Can the minister tell us how many new regulations have been introduced since 2007 and how many have disappeared?

Richard Lochhead: As the member will be aware, given the CAP and European Union regulations it is often difficult to keep up to date with the number of regulations that we have to implement in Scotland as we take forward some of these policies. However, I hope that I can assure the member that we have delivered on our promise to tackle red tape and bureaucracy where

that is within our control. Of course, we are also continuing to try to influence external forces. As I said in my opening answer, there are many examples of the progress that we have made.

That said, I take the member's point. There is a lot more to be done and we have to continue to make our arguments, in particular to the European Union, given that a lot of the more nonsensical regulations that we get come from EU policy.

Commonwealth Games 2014 (Environment)

6. Mr Frank McAveety (Glasgow Shettleston)

(Lab): To ask the Scottish Executive what opportunities the 2014 Commonwealth games provide to promote environmentally beneficial measures. (S3O-9985)

The Minister for Environment (Roseanna Cunningham):

The 2014 Commonwealth games provide an excellent opportunity to promote environmentally beneficial measures, and the Scottish Government and Glasgow City Council are working together with our games delivery partners to deliver environmental benefits both during the games and afterwards. In particular, the games can act as a catalyst for the regeneration of large parts of the east end of Glasgow. In addition, the 2014 environmental forum continues to provide advice to and to challenge the 2014 games partners on the games' sustainability and environmental aspects.

Mr McAveety: I support the measures that the minister highlighted in her response. A key benefit of the games will be the opportunity to transform the visual environment, and one way of doing that will be to engage local communities. What processes are being put in place to ensure that local residents, who for generations have had to live with former industrial sites and blighted land, enjoy a visual transformation that is fit for and worthy of the 2014 Commonwealth games?

Roseanna Cunningham: I thank the member for his comments. I know that he has been very interested in the games' long-term benefits, particularly for his own constituents. Of course, the village itself, which, as he knows, will be built on mainly vacant and derelict land, will provide a transformation. The Government and its partners are also involved in a number of other projects to encourage people's connection with the environment. I do not know how many of those projects the member is aware of, but they include work by the Forestry Commission on planting an arboretum and creating in and around Glasgow a network of Commonwealth community forests that will focus on areas of economic deprivation. There will also be work to improve walkway and riverbank access to the Clyde. If the member is concerned that certain specific areas are not being worked on in the way that he would like, he should

write to me and I will attempt to get back to him with more detailed information.

Flood Protection (Aberdeenshire)

7. Richard Baker (North East Scotland) (Lab): To ask the Scottish Executive what recent discussions it has had with Aberdeenshire Council on the development of flood prevention measures. (S3O-9964)

The Minister for Environment (Roseanna Cunningham): Last month, officials had a brief telephone discussion about the council's plans for proposed measures at Fettercairn.

Richard Baker: The minister will be aware that, in the aftermath of last November's flooding in Stonehaven, there were calls for an independent inquiry into how the emergency had been dealt with and the preparedness of local authorities and other agencies to deal with the situation. What progress has been made in establishing such an inquiry? How will it be demonstrated that lessons will be learned from the incident?

Roseanna Cunningham: As the member knows, the Government has taken the view that setting up an independent inquiry is not required. A very wide-ranging review has taken place with all those involved in the aftermath of the floods, which we feel will be more effective in changing ways of responding to such incidents than the kind of inquiry the member has asked for. However, lessons are being learned. Indeed, as each incident takes place, we learn more lessons and try to apply them to future incidents.

The Deputy Presiding Officer: I ask Maureen Watt to keep her question very, very brief.

Maureen Watt (North East Scotland) (SNP): I am sure that the minister will join me in warmly welcoming the launch at the start of the month of the Scottish Environment Protection Agency's new flood detection and warning system in the north-east. The system will affect the Don, the Dee and the Deveron—

The Deputy Presiding Officer: I am sorry, but you must ask your question.

Maureen Watt: —but not the Carron. Will the system be rolled out to ensure that flood risks are dealt with on more rivers?

Roseanna Cunningham: SEPA is working with Aberdeenshire Council to see what can be achieved on the River Carron. It is difficult to make predictions for very small catchment areas such as the Carron, but SEPA has advised that a number of measures might be able to be put in place to help the situation, and I am happy to tell the member about them.

Point of Order

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): On a point of order, Presiding Officer. I apologise for not giving you advance notice of this but, at First Minister's question time today, the First Minister told the Parliament that a Scottish Government analysis of the budget would be available to members from the Scottish Parliament information centre. I requested a copy from SPICe just after 2.15 and was advised that the analysis is embargoed until 4.30. The First Minister did not tell members at question time that the analysis would be embargoed. Can we ensure that members get the information that is necessary?

The Deputy Presiding Officer (Trish Godman): That is not a point of order; it is a matter for the Government.

Public Services Reform (Scotland) Bill: Stage 3

Resumed debate.

14:55

The Deputy Presiding Officer (Trish Godman): The next item of business is continuation of stage 3 proceedings on the Public Services Reform (Scotland) Bill. I remind members that, when dealing with amendments, they should have the bill as amended at stage 2, the marshalled list of amendments and the groupings of amendments, which the Presiding Officer has agreed. As happened this morning, the division bell will sound and proceedings will be suspended for five minutes for the first division this afternoon. The period of voting for the first division will be 30 seconds. Thereafter, I will allow a voting period of one minute for the first division after a debate. All other divisions will be 30 seconds.

Before we refer to the marshalled list, I invite the Minister for Parliamentary Business to move a motion without notice under rule 9.8.5A of standing orders.

Motion moved,

That the time-limits be extended by 15 minutes.—[*Bruce Crawford.*]

Motion agreed to.

The Deputy Presiding Officer: The effect of the decision is that all the remaining time limits for the consideration of amendments are extended by 15 minutes. However, I remind members that time is still tight, so I would be grateful if contributions were kept as succinct as possible, to allow as many members as possible to speak.

Group 13 is on a pay bargaining committee for non-departmental public bodies and public corporations. Amendment 6, in the name of David Whitton, is grouped with amendments 7 to 11.

David Whitton: Amendments 6 to 11 are intended to tackle the problem of how to negotiate and settle public sector pay deals quickly. The Finance Committee has heard from the trade union Unison about problems that it experiences in reaching timely settlements, especially for its members who are employed in non-departmental public bodies. Unison says that the negotiating process is tied very much to civil service processes and the civil service pay unit, which deals not only with the civil service pay deal but with more than 40 separate agreements for NDPBs.

Unison suggested the solution that there should be one negotiating table for the civil service and civil service-related NDPBs and a separate

negotiating group for the NDPBs that have little or nothing to do with the civil service. Unison explained that the advantage of such a system would be having senior human resources professionals from organisations such as Scottish Water and the Scottish Environment Protection Agency operating from the employer side. A lack of expertise in the civil service pay unit has been criticised previously. The process would be similar to the way in which the local government and health service negotiations are carried out. Of course, there would still be a role for the Scottish Government's finance department.

Having a one-stop negotiation for the non-civil service NDPBs would speed up a process that is often dogged by delay. Further, to quote from paragraph 59 of the Finance Committee's "Report on Public Sector Pay", it would be

"entirely consistent with Scottish Government policies around streamlined processes, efficient government and the Crerar review."

I remind Mr Swinney that the Finance Committee recommended without division that he should explore ways of reducing the number of bargaining areas and the practicability of direct negotiations with other representative bodies that are involved.

When we debated the matter during stage 2 of the bill earlier this month, Mr Swinney said:

"Our position is that ministers should not have a role in negotiations, because we are not the employers. Pay negotiations are properly undertaken between staff and the employers at the body in question. I also do not agree that it makes sense for the Government to impose its view of what the pay bargaining landscape should look like."—[*Official Report, Finance Committee, 2 March 2010; c 1978.*]

However, only this week, Mr Swinney issued a press statement about public sector pay covering nine non-departmental public bodies, all of which are due to settle pay deals during the forthcoming financial year. Mr Swinney set the parameters: the basic award for employees should not exceed 1 per cent and public bodies' overall pay bills should not increase by more than 2 per cent. If that is not the minister negotiating, I am not quite clear what is.

15:00

Here I am offering him an opportunity, in a consensual way, to do what he declined to do at stage 2. Here is a solution—a way of reducing those bargaining areas from the 42 that there are now to only two. That should really streamline the process and save time and money into the bargain.

The advantages of that approach are as follows. It recognises the reality of the current decision-making process on public service pay in Scotland

and the detailed involvement of ministers. Two committees would enable the different civil service and NDPB cultures and approaches to be reflected in pay and conditions. The approach would streamline the process, which I understood was one of the driving forces of the bill. It is consistent with Government policy, the efficient government programme, the Crerar review and NDPB rationalisation. It would limit the regular procession of local disputes being settled at ministerial level, which I am sure that Mr Swinney has had to suffer in previous months. It would allow human resources expertise and other expertise that is currently within the larger NDPBs to be used where it matters, rather than leaving things to a unit of the finance department that has no HR professionals in its ranks.

Mr Swinney told me at stage 2 that the Government was making progress on this issue—and I believe him. He does not think that imposing new arrangements by statute is the way to proceed, but I disagree.

Mr Purvis and the Liberals were not persuaded by my arguments at stage 2. I hope that I have been a bit more persuasive today. Mr Purvis felt that the thrust of my amendments would be better achieved through a wider review of Government pay policy in line with the Finance Committee recommendations, but we will not see those any time soon, so I say to him that, by voting for my amendments today, he would help Labour to take a big step towards making that a reality.

I move amendment 6.

Malcolm Chisholm: I support the amendments that Dave Whitton has lodged, because of my experience of the existing pay and negotiating system. I am sure that I am not the only member whose constituents have been annoyed and frustrated by protracted negotiations that have led to long delays before pay settlements were agreed. In one recent example, people had to wait for three years to get the pay that they deserved.

The proposals in Dave Whitton's amendments would streamline the pay process and avoid the time-consuming and expensive charade of local negotiations on matters that are really decided in the centre. It was absurd that John Swinney objected to these amendments in the Finance Committee on the ground that they would involve the Government. The Government is involved up to its neck in the current approach to these negotiations, which is precisely why they are so time consuming, costly and inefficient.

The objective of the amendments is very much in keeping with the Government's wish to streamline government and make it more efficient. The suggested approach would reduce costs and bureaucracy and help to deliver better public

services in Scotland. I strongly support the framework agreement approach that the amendments outline.

Jeremy Purvis: Although David Whitton has been slightly more persuasive today, he has not done the job. Unfortunately, his amendments would have unintended consequences. The amendments have been lodged in good faith and Malcolm Chisholm highlights a considerable number of flaws in the current system. However, we have seen from the example of agenda for change that a one-size-fits-all approach to negotiating on pay and the jobs for which the pay is a suitable reward is not necessarily the best one. Given all the bodies to which the amendments would apply, it would be preferable to include the proposals in a more substantive review of Government pay policy. I hope that that would not kick the matter into the long grass, because if the Government is taking pay seriously, there has to be a review, not just of pay rates and percentages but of the way in which the system operates. There would be full support from the Liberal Democrats for such a move, but I am afraid that we cannot vote for the amendments in the name of David Whitton.

John Swinney: As Mr Whitton said, the amendments were discussed at stage 2 in committee. I have some sympathy with the thinking behind them and with the aspiration to streamline the system, but I remain unable to support them.

Under the proposals for a pay bargaining committee, the Scottish ministers would become directly involved in NDPB pay negotiations through membership of the committee, which would be inappropriate. The existing arrangements provide bodies with the necessary scope to negotiate their own pay settlements in the framework of an overarching pay policy that is correctly set by ministers. Our position is that ministers should not have a role in negotiations, because we are not the employers. Pay negotiations are properly undertaken between staff and the body that is concerned.

It is clear to me from my productive discussions with Unison—most recently on 17 March—that we share the same purpose, which is to streamline further the process of agreeing pay remits in which pay negotiations are conducted. The Finance Committee has made the point that reducing the number of individual pay bargaining units makes sense. We have moved in that direction and we would like to go further, but we want to achieve that through consensus and not by imposition or legislation. The Government should not impose its view of what the pay bargaining landscape should look like.

As I said at stage 2, I have sought the views of NDPB employers. They support a move to fewer bargaining units, especially by reducing the number of very small units, but they wish to retain the flexibility to discuss and agree pay arrangements that take into account their organisations' specific needs. We will continue to discuss these important matters with trade unions and the relevant bodies.

In a passionate speech, Mr Chisholm criticised the time that is taken to resolve some pay remits. Mr Whitton said that not enough experts deal with such matters in the Scottish Government. To be frank, I think that Mr Chisholm was talking about a former era. I say with the greatest respect to him that three-year settlement times started a long time ago. In determining pay settlements on the basis of the recommendations and consideration of the remuneration group, the pay policy unit is working much more efficiently and effectively than in the past.

Jackie Baillie *rose—*

Malcolm Chisholm: Will the cabinet secretary take an intervention?

John Swinney: In one moment.

I point out to the Labour Party that the finance pay policy unit has access to a range of HR professionals whom the Scottish Government employs to give advice on such important questions.

Malcolm Chisholm: I was talking not about three-year settlements but about taking three years to arrive at a settlement for one year. That happened about one year ago, which is well within the current Government's time.

John Swinney: If Mr Chisholm goes away and does his arithmetic, he will find out when that all started—when the Labour Party was running the country.

I have told Unison representatives that I am concerned that a statutory amalgamation of pay bargaining units would lead to pressures—which are perfectly understandable—for pay harmonisation. It is inevitable that that would have cost implications at a time when there is little financial flexibility and when any money for pay will be needed to provide a basic award for staff in general rather than to support levelling up. Scarce resources will have to be targeted at key priorities.

In collaboration with public bodies, we will continue to improve the processes to speed the process for agreeing pay remits. The 2010-11 public sector pay policy for staff, which was published this week, sets out the details and timescales for bodies that are due to submit proposals in the period up to 31 March 2011.

I support David Whitton's objective of simplifying and streamlining processes for settling pay throughout non-departmental public bodies. However, given the position that I have described and the progressive improvements that are being achieved in the current arrangements, it would not be right to impose new pay bargaining arrangements by statute. On that basis, I invite Mr Whitton to withdraw amendment 6 and not to move the other amendments in the group.

David Whitton: I note what the cabinet secretary said about meeting Unison and negotiating the issues. I am sad that I have not persuaded Jeremy Purvis and his colleagues of the benefit of my cause. With that in mind, I seek to withdraw amendment 6.

Amendment 6, by agreement, withdrawn.

Amendments 7 to 10 not moved.

The Deputy Presiding Officer (Alasdair Morgan): Group 14 is on payment of bonuses to chief executives of NDPBs. Amendment 78, in the name of Jeremy Purvis, is grouped with amendments 83, 86, 89 and 99.

Jeremy Purvis: Amendment 78 states that reviews must commence for the pay of quango bosses and chief executives in Scotland. Amendment 89 states that, as a result of the reviews, there should be no bonuses paid to those agency chief executives.

The amendments are wholly consistent with "Public Sector Pay Policy: Policy for Senior Appointments 2009-10: Chief Executives, Chairs and Members", which was published by the Scottish Government in June 2009. I understand that the First Minister commented on the issue at lunch time. I am sure that he has read the Government's pay policy and I am sure that he is aware that the top three quango bosses in Scotland—the chief executive of Scottish Water, the chief executive of Scottish Enterprise and the chief executive of the Scottish Futures Trust—were appointed under terms and conditions set by Richard Lochhead, Jim Mather and John Swinney respectively.

Section 3.19 of the public sector pay policy for senior appointments provides for the review of an existing pay range or salary. It states:

"It is good practice to review a pay range (to ascertain whether it has fallen significantly behind the market)"—

I do not think that applies currently—

"on a regular basis and this should be done at least every three years."

If we assume that the Government adheres to that policy, all chief executives appointed by SNP ministers or any other minister should have had their pay range and bonuses reviewed by the

Government. I am sure that the cabinet secretary will tell us that all of them have had their pay terms reviewed. Just in case he thought that bonuses might not be part of that consideration, paragraph 4.8 of the pay policy says that bonuses should be considered

“at the same time as approval is being sought”

and therefore alongside all the other elements of the pay review. If that is the case, the Government should have reviewed all of the pay of chief executives.

There is precedent, so if the First Minister is correct to say that such a review would be an illegal approach or an approach that is contrary to contract law, the Government has broken the law. The chief executive of Scottish Enterprise had his pay and conditions reviewed by the Government—albeit that it was done after considerable pressure, Jack Perry's pay and conditions were reviewed. Bizarrely and perversely, that review, which cost the taxpayer more than £2,500, concluded that the chief executive should be paid more rather than less, despite the fact that the agency had been reduced. The Scottish Government has reviewed the pay and conditions of a chief executive of a quango who had been appointed by a previous minister, so I am not sure why the Government thinks that that cannot happen.

If amendments 78, 83, 86, 89 and 99 are—as I hope they will be—passed by Parliament, they will trigger the element of the Government's pay policy that states that the salaries and pay ranges of all quango bosses should be reviewed. After all, as the Government says, it is good practice to do that. If the Government is reluctant to do it, these amendments would ensure that it happens. I think that the public expect it to happen. When the Government's pay policy states that that should happen and the Government does not make it happen, it is the role of Parliament to give the Government a nudge to ensure that it does.

I move amendment 78.

David Whitton: There is no doubt that bonuses to highly paid public servants have to be carefully considered. Like Mr Purvis, I do not believe that bosses in the public sector should be paid bonuses on top of generous salaries simply for doing their job. They should not need that kind of incentive, as they are being paid by the taxpayer to ensure that they deliver a top-class service. As Mr Purvis has indicated, Mr Swinney could have set an example himself when he agreed to the appointment of Lena Wilson as the chief executive of Scottish Enterprise and successor to Jack Perry. She is paid the same as Mr Perry was paid—some £200,000 a year—for running a department that has half the staff numbers and half the responsibilities that it had under Mr Perry.

She will also enjoy a 10 per cent bonus. However, nothing was done to change her terms and conditions. It is little wonder that there is growing anger at such a state of affairs.

Only last week, Richard Ackroyd, the chief executive of Scottish Water, who is the highest-paid public sector employee in Scotland, defended his pay package. He said that his salary of £263,000 a year is “Absolutely not” too high. Mr Ackroyd enjoys a 38 per cent bonus but will generously give 25 per cent of his bonus to charity. No doubt the remaining 75 per cent will go to his other favourite charity: himself. He claimed that Scottish Water's profit-related pay system is “an exemplar”. That might be the case if the entire workforce enjoyed a 38 per cent bonus, but they do not. As I recall, the people who dig out the pipes got 4 per cent, and we are not talking about 4 per cent of £263,000.

However, we are prepared to listen to what Mr Swinney says before we decide how we will vote.

15:15

Derek Brownlee: David Whitton is right to say that people should not get bonuses simply for doing their job. However, there are some circumstances in which a bonus might be appropriate, particularly when people are able to deliver more for less.

Mr Purvis robustly asserted that the approach that is proposed in the amendments in his name would be entirely legal. I am sure that no one in the Parliament wants to agree to an amendment that would cause problems of legality in relation to employment law and terms and conditions. I will wait to hear what the Government says about that.

I note that amendment 78 would apply only to chief executives and not to other directors. The chief executive of the Accounts Commission for Scotland, which is one of the bodies in the list in the schedule that would be introduced by amendment 99, would have communicated with members to lobby against the abolition of his bonus, if only there had been a chief executive of the Accounts Commission. Members would also have had representations from the chief executive of the Deer Commission for Scotland, who would have been concerned about the abolition of his bonus, if only the Deer Commission itself was not to be abolished by section 1, which we considered this morning.

It is bizarre that Scottish Water, which is always mentioned when we talk about such issues, is not in the list and would not be affected by amendment 78. Nor is the Scottish Futures Trust, which Mr Purvis has described as “laughable”, in the list.

I considered the most recent bonus figures for the bodies that are listed in the schedule and concluded that, if amendment 78 were passed, we would save a grand total of £88,855. Members should bear in mind that independent forecasters predict that Scottish spending will fall by £2.9 billion and perhaps even £4 billion.

If we want fewer bonuses to be paid in quangos, we should have fewer quangos. Perhaps Mr Purvis should have supported the retention of part 2 earlier today. I well understand why the Liberal Democrats have a problem with performance-related pay. The shambles of the amendments in Mr Purvis's name demonstrate the reasons.

John Swinney: Amendment 78 would impose a duty on certain NDPBs to review "as soon as practicable" the terms and conditions of their chief executives. That is a perfectly permissible provision. The approach gets into difficulty where it requires that, after the review, the NDPB must

"ensure that the remuneration payable to the chief executive does not include any entitlement to a bonus."

To prescribe the outcome of the review in such a way would take us into a situation in which there was a potential breach of contract for the affected individuals.

John Park (Mid Scotland and Fife) (Lab): There are people outside the Parliament looking in who have had their conditions of employment changed by their employer having served 12 weeks' notice. Is that an issue that the Scottish Government has considered or entered into dialogue about with interested parties?

John Swinney: What Mr Park described is, of course, an option for employers, but the Scottish Government has not taken such an approach to imposing change on staff. I am surprised that Mr Park should cite such an approach as one that the Scottish Government should perhaps take forward. That is unusual, given the other issues that Mr Park raises in the Parliament.

The problem with the amendments in Jeremy Purvis's name is that they set us on a course that leads inevitably into a situation in which organisations are put in legal jeopardy. The amendments are seriously flawed. They raise issues of legislative competence. They might bring us into contravention of the European convention on human rights not even because of actions that we took under them but simply because we agreed them. They could involve breach of contract and be discriminatory and there is little doubt that they could give rise—[*Interruption.*] I do not know whether Mr Rumbles wants to intervene, but I am trying to explain the position.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Of course, there is a

tremendous number of possibilities. The cabinet secretary must be certain of what he is trying to say to the Parliament. There is a huge number of possibilities that could occur, but they are not as exact as he tries to make out.

John Swinney: There is a huge number of possibilities to do with legislative competence, breach of the ECHR, breach of contract, discrimination against employees, legal challenge—

Mike Rumbles: The Presiding Officer has selected the amendments.

Jeremy Purvis rose—

John Swinney: Let me deal first with Mr Rumbles. We have the possibility of discrimination because the proposals single out NDPB chief executives. What about everybody else? That is discrimination. Amendment 78 would require us to remove bonus entitlements from individuals' contracts of employment. If that scenario, in which a court challenge by individual employees would be possible, played out, we could be exposed to claims for compensation and amendment 78, which is apparently motivated by a desire to save money, could end up with the Government having to pay compensation far in excess of any saving that could be made.

Mr Rumbles mutters away as usual. If he wants to contradict me on employment law and the danger—

Mike Rumbles: Will the cabinet secretary give way?

John Swinney: If Mr Rumbles will sit down, I will let him intervene in a minute and we will hear the detailed employment law contradiction of what I am saying. We have to be careful under employment law about taking steps that prejudice individuals. If we do that, we can expose the public purse to claims for compensation, and the first people in the queue to complain about that would be the Liberal Democrats.

I look forward to being contradicted on employment law.

Mike Rumbles: I can certainly contradict the cabinet secretary on employment law, as I am more highly qualified to do that than he is.

Members: Oh!

The Deputy Presiding Officer: Order.

Mike Rumbles: Members can examine my qualifications if they would like to find out.

I say to the cabinet secretary that the Presiding Officer would not have selected amendment 78 for debate if he did not think that it was competent and perfectly legal.

John Swinney: The Parliament is allowed to have in front of it provisions in an amendment. As I understand it, the only test is that the Presiding Officer has to certify the legislative competence of the bill as introduced. That is the test that the bill has passed, but amendment 78 has not passed such a test.

I note for the record that, into the bargain, I was not contradicted on employment law.

If there was the possibility of a legal challenge to the bill or uncertainty about breach of the ECHR or breach of contract, the bill could be referred to the Supreme Court. That could introduce a damaging and disruptive delay to securing royal assent, implementing the bill and, crucially, establishing creative Scotland, which all members of the Parliament wish to be enacted.

I have set out those practical obstacles to agreeing to the amendments in the group, but I understand the concern that Mr Purvis and Mr Whitton express about the salary and bonus arrangements for senior employees. That is why, as part of our programme, ministers have taken a lead and we have acted to freeze the salaries of senior employees. We have reviewed a number of the contracts that are in front of us, and some bonus arrangements have been changed. I asked chief executives to consider waiving some or all of any bonus that was offered to them in respect of 2009-10. So far, a number of those who are entitled to a bonus have decided to waive the payment in whole or in part. I intend to repeat that request for 2010-11. I will also reconsider the whole approach to bonuses once I have considered the outcome of the review of pay and reward for senior appointments that the UK Review Body on Senior Salaries is undertaking, which is due in July.

I believe that the Government is taking the correct approach to bearing down on bonuses and to constraining pay for senior staff. Mr Purvis's proposed approach has serious flaws that would give rise to serious legal problems, including the risk of the bill being referred to the Supreme Court. His approach could prove significantly more costly in the long run, if it had the perverse effect of giving chief executives a claim to compensation for breach of contract.

For those reasons, I urge Parliament to reject Mr Purvis's amendments.

The Deputy Presiding Officer: I call Mr Purvis to respond to the debate.

Iain Smith: On a point of order, Presiding Officer. Earlier this afternoon, the First Minister claimed that amendment 78 would be illegal and the Cabinet Secretary for Finance and Sustainable Growth has just given many reasons why the amendment is incompetent. Can you confirm that,

as the amendment has been selected for debate by the Presiding Officer, the amendment is indeed competent?

The Deputy Presiding Officer: I am not sure that that is a point of order, but I can say that the fact that amendment 78 is on the marshalled list of amendments before us today clearly means that it is competent in terms of our standing orders.

Jeremy Purvis: The cabinet secretary spent more than four minutes saying that the impact of my amendments would be to bring about contraventions of ECHR and contract law. In effect, he said that the amendments would be illegal. However, he also told Parliament that he has already reviewed some pay salary ranges, including bonuses. Somehow, a letter from the cabinet secretary or from the Scottish Government's remuneration group or from the board of an NDPB instituting a review under the Scottish Government's pay policy is not illegal, according to the cabinet secretary. Amendment 78 would simply require non-departmental public bodies to institute such a review—

The First Minister (Alex Salmond): And it tells them how to do it.

Jeremy Purvis: As the First Minister suggests from a sedentary position, amendment 78 states that one element of such a review would be that no bonus be paid.

The Government's pay policy states:

"Bonuses ... are only one element of the remuneration package"

that should be considered. Nothing in the pay policy—nor, surely, in contract law—states that any chief executive of an NDPB must be paid a bonus. Such issues are for negotiation through a pay review. That was what happened to the remuneration package of the Scottish Enterprise chief executive, who comes under the aegis of John Swinney's department. I might be ignorant of that particular case, but I have not seen Jack Perry taking John Swinney to the court in Strasbourg.

John Swinney: Mr Purvis should explain properly to Parliament that amendment 78 would not just allow for a pay review negotiation, which is a possibility under our pay policy, but stipulate in statute that no bonus may be paid. That would involve a breach of contract and the consequent dangers that I have cited to Parliament.

Jeremy Purvis: The amendment would require a review, such as has taken place, of the pay range and conditions of chief executives. The matter is perfectly apparent. A limitation on bonuses is included under paragraph 4.10 of the Government's pay policy, which sets out the conditions—it refers to the need for "exceptional"

performance” and so on—within which bonuses may be paid. That limitation already exists within the pay policy.

The cabinet secretary's second point was that my proposed review would be discriminatory because it would apply only to a certain group of people. If that is the case, the Scottish Government's “Public Sector Pay Policy: Policy for Senior Appointments 2009-10”, which obviously applies only to senior appointments, is similarly discriminatory.

My amendments are competent. They would instigate a review similar to one that has already been put in place by the Government. I have listened to the cabinet secretary's claims, but they are not accurate. The reviews that I have proposed would bring about a more rational approach to the remuneration of the chief executives of the agencies that are listed in the proposed new schedule that is set out in amendment 99. That is why amendment 78 should be passed. Ultimately, that is what the public expect from us over the next two years.

David McLetchie (Edinburgh Pentlands) (Con): On a point of order, Presiding Officer. Further to your ruling on Mr Smith's point of order, could you please confirm or otherwise that our standing orders say that it is competent to submit an amendment that is legally incompetent under the Scotland Act 1998 and is therefore open to challenge if it is passed?

The Deputy Presiding Officer: All that I am prepared to say at this stage is that the amendments that are in front of us today are competent amendments under our standing orders. If members want to go into that further, they should go away and read our standing orders.

The question is, that amendment 78 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: We are not agreed. We have a five-minute suspension prior to the division.

15:30

Meeting suspended.

15:35

On resuming—

The Deputy Presiding Officer: We come to the division on amendment 78.

For

Brown, Robert (Glasgow) (LD)
Finnie, Ross (West of Scotland) (LD)
Harper, Robin (Lothians) (Green)

Harvie, Patrick (Glasgow) (Green)
Hume, Jim (South of Scotland) (LD)
McArthur, Liam (Orkney) (LD)
McInnes, Alison (North East Scotland) (LD)
O'Donnell, Hugh (Central Scotland) (LD)
Pringle, Mike (Edinburgh South) (LD)
Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
Scott, Tavish (Shetland) (LD)
Smith, Iain (North East Fife) (LD)
Smith, Margaret (Edinburgh West) (LD)
Stephen, Nicol (Aberdeen South) (LD)
Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
Tolson, Jim (Dunfermline West) (LD)

Against

Adam, Brian (Aberdeen North) (SNP)
Aitken, Bill (Glasgow) (Con)
Allan, Alasdair (Western Isles) (SNP)
Brocklebank, Ted (Mid Scotland and Fife) (Con)
Brown, Gavin (Lothians) (Con)
Brown, Keith (Ochil) (SNP)
Brownlee, Derek (South of Scotland) (Con)
Campbell, Aileen (South of Scotland) (SNP)
Carlaw, Jackson (West of Scotland) (Con)
Coffey, Willie (Kilmarnock and Loudoun) (SNP)
Constance, Angela (Livingston) (SNP)
Crawford, Bruce (Stirling) (SNP)
Cunningham, Roseanna (Perth) (SNP)
Don, Nigel (North East Scotland) (SNP)
Doris, Bob (Glasgow) (SNP)
Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
Fabiani, Linda (Central Scotland) (SNP)
FitzPatrick, Joe (Dundee West) (SNP)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gibson, Kenneth (Cunninghame North) (SNP)
Gibson, Rob (Highlands and Islands) (SNP)
Goldie, Annabel (West of Scotland) (Con)
Grahame, Christine (South of Scotland) (SNP)
Harvie, Christopher (Mid Scotland and Fife) (SNP)
Hepburn, Jamie (Central Scotland) (SNP)
Hyslop, Fiona (Lothians) (SNP)
Ingram, Adam (South of Scotland) (SNP)
Johnstone, Alex (North East Scotland) (Con)
Kidd, Bill (Glasgow) (SNP)
Lamont, John (Roxburgh and Berwickshire) (Con)
Lochhead, Richard (Moray) (SNP)
MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
MacDonald, Margo (Lothians) (Ind)
Marwick, Tricia (Central Fife) (SNP)
Mather, Jim (Argyll and Bute) (SNP)
Matheson, Michael (Falkirk West) (SNP)
Maxwell, Stewart (West of Scotland) (SNP)
McGrigor, Jamie (Highlands and Islands) (Con)
McKee, Ian (Lothians) (SNP)
McKelvie, Christina (Central Scotland) (SNP)
McLaughlin, Anne (Glasgow) (SNP)
McLetchie, David (Edinburgh Pentlands) (Con)
McMillan, Stuart (West of Scotland) (SNP)
Milne, Nanette (North East Scotland) (Con)
Mitchell, Margaret (Central Scotland) (Con)
Neil, Alex (Central Scotland) (SNP)
Paterson, Gil (West of Scotland) (SNP)
Robison, Shona (Dundee East) (SNP)
Russell, Michael (South of Scotland) (SNP)
Salmond, Alex (Gordon) (SNP)
Scanlon, Mary (Highlands and Islands) (Con)
Scott, John (Ayr) (Con)
Smith, Elizabeth (Mid Scotland and Fife) (Con)
Somerville, Shirley-Anne (Lothians) (SNP)
Stevenson, Stewart (Banff and Buchan) (SNP)

Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

Abstentions

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)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 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)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

The Deputy Presiding Officer: The result of the division is: For 17, Against 63, Abstentions 45.

Amendment 78 disagreed to.

Section 100A—Consultation by water and sewerage services providers

Amendment 4 not moved.

Section 100B—Complaints about water services and sewerage services providers

Amendments 79 to 81 moved—[John Swinney]—and agreed to.

Amendment 5 not moved.

Section 102—Orders and regulations: Parts 6 and 7

Amendment 82 moved—[John Swinney]—and agreed to.

Amendment 83 not moved.

Amendment 84 moved—[Derek Brownlee].

The Deputy Presiding Officer: The question is, that amendment 84 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Carlaw, Jackson (West of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West of Scotland) (Con)
 Hume, Jim (South of Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 McArthur, Liam (Orkney) (LD)
 McGregor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 O'Donnell, Hugh (Central Scotland) (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)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)

Against

Adam, Brian (Aberdeen North) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Keith (Ochil) (SNP)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)

Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 FitzPatrick, Joe (Dundee West) (SNP)
 Foulkes, George (Lothians) (Lab)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Margo (Lothians) (Ind)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Somerville, Shirley-Anne (Lothians) (SNP)

Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 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)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 30, Against 94, Abstentions 0.

Amendment 84 disagreed to.

Amendment 85 moved—[Derek Brownlee].

The Deputy Presiding Officer: The question is, that amendment 85 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Carlaw, Jackson (West of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West of Scotland) (Con)
 Hume, Jim (South of Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 McArthur, Liam (Orkney) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 O'Donnell, Hugh (Central Scotland) (LD)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)

Against

Adam, Brian (Aberdeen North) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Keith (Ochil) (SNP)

Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 FitzPatrick, Joe (Dundee West) (SNP)
 Foulkes, George (Lothians) (Lab)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Margo (Lothians) (Ind)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)

Smith, Elaine (Coatbridge and Chryston) (Lab)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 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)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 31, Against 94, Abstentions 0.

Amendment 85 disagreed to.

Section 103—Short title and commencement

Amendment 86 not moved.

The Deputy Presiding Officer: If amendment 52, in the name of David Whitton, is agreed to, I cannot call amendment 87.

Amendment 52 moved—[David Whitton].

The Deputy Presiding Officer: The question is, that amendment 52 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)

McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 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)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)

McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 62, Against 63, Abstentions 0.

Amendment 52 disagreed to.

Amendments 87 and 88 moved—[John Swinney]—and agreed to.

Amendment 89 not moved.

Amendment 90 moved—[John Swinney]—and agreed to.

Amendment 91 moved—[Derek Brownlee].

The Deputy Presiding Officer: The question is, that amendment 91 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)

Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Paterson, Gil (West of Scotland) (SNP)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

Against

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)

Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

The Deputy Presiding Officer: The result of the division is: For 77, Against 48, Abstentions 0.

Amendment 91 agreed to.

Schedule 1A—Transfer of Waterwatch Scotland functions: modification of enactments

Amendment 2 not moved.

Schedule 1B—Dissolution of Waterwatch Scotland: arrangement for staff, property etc

Amendment 3 not moved.

Schedule 3—Improvement of public functions: listed bodies

Amendments 92 to 96 moved—[John Swinney]—and agreed to.

Amendment 26 moved—[David Whitton].

The Deputy Presiding Officer: The question is, that amendment 26 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)

Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (SNP)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 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)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)

Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 62, Against 62, Abstentions 0.

I vote against the amendment.

Amendment 26 disagreed to.

Schedule 3A—Part 2 order-making powers (request and consent): listed bodies

Amendment 31 moved—[David Whitton].

The Deputy Presiding Officer: The question is, that amendment 31 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 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)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)

Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McGregor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 62, Against 63, Abstentions 0.

Amendment 31 disagreed to.

**Schedule 4—Order-making powers:
 modifications of enactments**

Amendment 42 moved—[David Whitton].

The Deputy Presiding Officer: The question is, that amendment 42 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 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)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 62, Against 63, Abstentions 0.

Amendment 42 disagreed to.

After schedule 4

Amendment 97 moved—[John Swinney].

Amendment 97A moved—[Derek Brownlee].

15:45

The Deputy Presiding Officer: The question is, that amendment 97A be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Carlaw, Jackson (West of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West of Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)

Against

Adam, Brian (Aberdeen North) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Foulkes, George (Lothians) (Lab)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)

Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Margo (Lothians) (Ind)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)

Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 16, Against 109, Abstentions 0.

Amendment 97A disagreed to.

Amendment 97B moved—[Derek Brownlee].

The Deputy Presiding Officer: The question is, that amendment 97B be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 FitzPatrick, Joe (Dundee West) (SNP)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)

Kerr, Andy (East Kilbride) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Margo (Lothians) (Ind)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 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)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

Against

Brown, Robert (Glasgow) (LD)
 Finnie, Ross (West of Scotland) (LD)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hume, Jim (South of Scotland) (LD)
 McArthur, Liam (Orkney) (LD)
 McInnes, Alison (North East Scotland) (LD)
 O'Donnell, Hugh (Central Scotland) (LD)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)

Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)

The Deputy Presiding Officer: The result of the division is: For 108, Against 17, Abstentions 0.

Amendment 97B agreed to.

The Deputy Presiding Officer: The question is, that amendment 97, as amended, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)

Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Margo (Lothians) (Ind)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 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)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahan, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 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)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)

Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

Against

Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)

The Deputy Presiding Officer: The result of the division is: For 123, Against 2, Abstentions 0.

Amendment 97, as amended, agreed to.

Schedule 8—Care services: definitions

Amendment 53 moved—[John Swinney]—and agreed to.

Schedule 12—Healthcare Improvement Scotland: modifications of enactments

Amendment 54 moved—[John Swinney]—and agreed to.

Schedule 12A—The Mental Welfare Commission for Scotland: Modifications of the Mental Health (Care and Treatment) (Scotland) Act 2003

The Deputy Presiding Officer: Group 15 is on the Mental Welfare Commission for Scotland: membership, visitors and committees. Amendment 13, in the name of the minister, is grouped with amendments 14, 15, 98 and 16 to 22.

Shona Robison: The amendments in this group all relate to the membership, visitors and committees of the Mental Welfare Commission for Scotland. Amendments 13 to 15 were lodged by the Government to address the concerns that were raised with us at stage 2 by service user and carer representatives about the appointment of commission members. Amendments 13 to 15 will require ministers to appoint at least one service user and a carer to the board.

Amendments 16 to 18 make similar provision with regard to the appointment of commission visitors by the commission, which will be required to include at least one service user and one carer.

Amendments 19 to 22 alter slightly the arrangements for the new advisory committees that the commission is to establish. We are simplifying those arrangements so that the commission will now establish “at least one” advisory committee, rather than two such committees.

Amendment 98, which was lodged by Malcolm Chisholm, would remove ministers’ power to remove members of the commission in the event that they are unfit or unable to discharge their functions, and replace it with an alternative power. It would mean that, unlike other NDPBs, the

commission could have members who were unfit or unable to discharge their functions and who ministers could not remove until and unless it could be established that they had otherwise breached the terms and conditions of their appointment. That cannot be good for the effective governance of the commission, and I therefore cannot support the amendment.

I move amendment 13.

Malcolm Chisholm: I welcome the Scottish Government’s amendments to include people with mental health problems and carers in the membership of the Mental Welfare Commission, and the provision that commission visitors must include people with mental health problems and carers of those with mental health problems. The amendments follow a debate on an amendment that I lodged to that effect at stage 2. The Scottish Government’s amendments will bring an inclusive approach, and the experience of such members will be extremely valuable in helping the commission to carry out its functions.

However, mental health organisations have several concerns about the current wording of proposed new subparagraph 2D(d) of schedule 1 to the Mental Health (Care and Treatment) (Scotland) Act 2003—on page 160 of the bill—which relates to the removal of commission members. The wording in question is that ministers can remove a member if

“the member is otherwise unfit or unable to discharge the functions of a member.”

Mental health organisations have made the case that that could be seen as stigmatising people with a mental health problem as being unable to carry out the functions of a member.

Given that mental health can fluctuate, people who have been mentally unwell previously might be concerned that if their condition deteriorated they would be removed from office. That could also discourage people who have had mental health problems from becoming a member of the commission or a visitor. The threat of dismissal on health grounds could also cause members or visitors who become mentally unwell to hide their condition and not seek help. Deeming someone “unfit” is a loose and subjective definition, not to mention a loaded term. The suggested alternative wording in my amendment 98 is that a member could be removed if they

“breached the terms and conditions of the member’s appointment”.

That is a much fairer approach.

I hear the concerns that the minister expressed, but ways of dealing with the difficulties that she spoke about could be built into the wording of the terms and conditions of the member’s

appointment. It would be preferable to do that specifically for the Mental Welfare Commission, rather than run the risks that I highlighted, which might apply, given that there will be people with mental health problems on the commission and acting as visitors.

Shona Robison: I say to Malcolm Chisholm that it is absolutely not our intention for the wording to put off anyone with any mental health or other condition from getting involved with the board of any organisation. Of course, that is the whole point—the wording in the bill is the same as that for every other NDPB. People with mental health conditions might well be involved with other NDPBs—I hope that they are.

We are talking about consistency and ensuring that the requirements that apply to the board of the Mental Welfare Commission are the same as those that apply to every other NDPB. However, I give Malcolm Chisholm the assurance on the record that there is no intention to discriminate in any way on the ground of mental ill health. As with any other appointment to an NDPB, such issues sometimes arise, and they will be dealt with using the utmost discretion.

Amendment 13 agreed to.

Amendments 14 and 15 moved—[Shona Robison]—and agreed to.

Amendment 98 moved—[Malcolm Chisholm].

The Deputy Presiding Officer: The question is, that amendment 98 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Alexander, Ms Wendy (Paisley North) (Lab)
Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Baker, Richard (North East Scotland) (Lab)
Boyack, Sarah (Edinburgh Central) (Lab)
Brankin, Rhona (Midlothian) (Lab)
Brown, Robert (Glasgow) (LD)
Butler, Bill (Glasgow Anniesland) (Lab)
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Curran, Margaret (Glasgow Baillieston) (Lab)
Eadie, Helen (Dunfermline East) (Lab)
Ferguson, Patricia (Glasgow Maryhill) (Lab)
Finnie, Ross (West of Scotland) (LD)
Foulkes, George (Lothians) (Lab)
Gillon, Karen (Clydesdale) (Lab)
Glen, Marilyn (North East Scotland) (Lab)
Gordon, Charlie (Glasgow Cathcart) (Lab)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Iain (East Lothian) (Lab)
Harper, Robin (Lothians) (Green)
Harvie, Patrick (Glasgow) (Green)
Henry, Hugh (Paisley South) (Lab)
Hume, Jim (South of Scotland) (LD)
Jamieson, Cathy (Carrick, Cumnock and Doon Valley)

(Lab)
Kelly, James (Glasgow Rutherglen) (Lab)
Kerr, Andy (East Kilbride) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Livingstone, Marilyn (Kirkcaldy) (Lab)
Macdonald, Lewis (Aberdeen Central) (Lab)
Macintosh, Ken (Eastwood) (Lab)
Martin, Paul (Glasgow Springburn) (Lab)
McArthur, Liam (Orkney) (LD)
McAveety, Mr Frank (Glasgow Shettleston) (Lab)
McCabe, Tom (Hamilton South) (Lab)
McConnell, Jack (Motherwell and Wishaw) (Lab)
McInnes, Alison (North East Scotland) (LD)
McMahon, Michael (Hamilton North and Bellshill) (Lab)
McNeil, Duncan (Greenock and Inverclyde) (Lab)
McNeill, Pauline (Glasgow Kelvin) (Lab)
McNulty, Des (Clydebank and Milngavie) (Lab)
Mulligan, Mary (Linlithgow) (Lab)
Murray, Elaine (Dumfries) (Lab)
O'Donnell, Hugh (Central Scotland) (LD)
Oldfather, Irene (Cunninghame South) (Lab)
Park, John (Mid Scotland and Fife) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)
Peattie, Cathy (Falkirk East) (Lab)
Pringle, Mike (Edinburgh South) (LD)
Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
Scott, Tavish (Shetland) (LD)
Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
Smith, Elaine (Coatbridge and Chryston) (Lab)
Smith, Iain (North East Fife) (LD)
Smith, Margaret (Edinburgh West) (LD)
Stephen, Nicol (Aberdeen South) (LD)
Stewart, David (Highlands and Islands) (Lab)
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)
Aitken, Bill (Glasgow) (Con)
Allan, Alasdair (Western Isles) (SNP)
Brocklebank, Ted (Mid Scotland and Fife) (Con)
Brown, Gavin (Lothians) (Con)
Brown, Keith (Ochil) (SNP)
Brownlee, Derek (South of Scotland) (Con)
Campbell, Aileen (South of Scotland) (SNP)
Carlaw, Jackson (West of Scotland) (Con)
Coffey, Willie (Kilmarnock and Loudoun) (SNP)
Constance, Angela (Livingston) (SNP)
Crawford, Bruce (Stirling) (SNP)
Cunningham, Roseanna (Perth) (SNP)
Don, Nigel (North East Scotland) (SNP)
Doris, Bob (Glasgow) (SNP)
Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
Fabiani, Linda (Central Scotland) (SNP)
FitzPatrick, Joe (Dundee West) (SNP)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gibson, Kenneth (Cunninghame North) (SNP)
Gibson, Rob (Highlands and Islands) (SNP)
Goldie, Annabel (West of Scotland) (Con)
Grahame, Christine (South of Scotland) (SNP)
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)
Lamont, John (Roxburgh and Berwickshire) (Con)
Lochhead, Richard (Moray) (SNP)
MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)

MacDonald, Margo (Lothians) (Ind)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 62, Against 62, Abstentions 0.

I use my casting vote against the amendment.

Amendment 98 disagreed to.

Amendments 16 to 23 moved—[Shona Robison]—and agreed to.

After schedule 14

Amendments 11 and 99 not moved.

Long title

The Deputy Presiding Officer: Amendment 55, in the name of David Whitton, has already been debated.

David Whitton: I suppose I had better move it. *[Laughter.]*

The Deputy Presiding Officer: Amendment 55 seems to have been moved.

The question is, that amendment 55 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)

Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 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)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)

Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 61, Against 63, Abstentions 0.

Amendment 55 disagreed to.

Amendment 100 moved—[John Swinney]—and agreed to.

The Deputy Presiding Officer: That ends the consideration of amendments.

Public Services Reform (Scotland) Bill

The Deputy Presiding Officer (Alasdair Morgan): The next item of business is a debate on motion S3M-6023, in the name of John Swinney, on the Public Services Reform (Scotland) Bill. We have less time available for the debate than we originally thought, so I invite members to be as brief as possible. Minister, you have no more than six minutes.

15:58

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): It is my pleasure to open the stage 3 debate on the Public Services Reform (Scotland) Bill. For the purposes of rule 9.11 of standing orders, I advise the Parliament that Her Majesty, having been informed of the purport of the bill, has consented to place her prerogative and interests, in so far as they are affected by the bill, at the disposal of the Parliament for the purposes of the bill.

The bill is important and wide ranging, and it forms part of the Government's wider public services reform agenda. The fact that we are debating it the day after the United Kingdom budget simply brings into even sharper focus the importance of moving further and faster down the road of public services reform. The bill will help us to do exactly that.

The public bodies landscape in Scotland has evolved over time and has for too long been allowed to grow in an ad hoc manner. In part, that is due to decisions to establish individual organisations being taken on a case-by-case basis without wider strategic consideration. The resulting overlap and duplication of functions across some bodies is clear to see, and changes are required. With that in mind, the purpose of the bill is to remove overlap and duplication, to provide greater clarity for service users and improve service delivery, to align with the Government's overarching purpose of sustainable economic growth, and to promote more effective use of resources and better value for money.

The simplification programme has been taken forward since it was announced by the First Minister in October 2007. We have already delivered a reduction from a baseline of 199 devolved bodies to 161. The bill, together with the Children's Hearings (Scotland) Bill and the Scottish Parliamentary Commissions and Commissioners etc Bill, will deliver a further reduction to around 120 by 2011, thus delivering in full the First Minister's commitment to a 25 per cent reduction in the number of devolved public

bodies. That is a real achievement in simplifying and streamlining the public sector in Scotland.

Our simplification programme, including the Public Services Reform (Scotland) Bill, will deliver net financial savings of around £127 million over the period 2008 to 2013, and recurring annual savings of around £40 million thereafter. In the current financial climate, we need to accelerate the reform agenda and ensure that our public services are delivering the best possible value for money, as well as delivering efficient and high-quality services to the people of Scotland. It is therefore essential that the Parliament be able to respond more quickly to changing circumstances and to take advantage of opportunities to further streamline the public bodies landscape and improve the delivery of public services.

That is why the order-making powers in part 2 of the bill, subject to appropriate safeguards and parliamentary scrutiny, are important. They provide an alternative and more responsive parliamentary mechanism for making changes to the public bodies landscape more quickly, as and when opportunities arise. As I made clear in the debate this morning, the Government has listened to the committees that took evidence on the bill and to representations from a number of stakeholders who had particular concerns about how the order-making powers might affect them. We lodged a comprehensive series of amendments at stages 2 and 3 that were designed to address those concerns.

I believe that the bill, as amended, will provide effective order-making powers, accompanied by appropriate procedural and statutory safeguards. Part 2, as amended, is balanced, proportionate and reasonable. I pay tribute to the work of the various committees that took evidence on the bill, particularly the Finance Committee, which acted as the lead committee, and the Subordinate Legislation Committee, both of which produced detailed and helpful proposals on the order-making powers in part 2, which we have implemented in full. Indeed, no fewer than seven committees considered the bill, which might be a record.

Following this morning's debate, it is fair to say that we did not agree on every issue, but there has been a great deal of constructive debate at committee, and I believe that we have a better bill as a result.

The bill covers a range of different topics—my colleague, Fiona Hyslop, will deal with a number of them in more detail in her closing speech. The bill includes provisions to establish creative Scotland as a single unified national body for the arts and culture. It is now accepted on all sides that that is the right way forward, and that the sooner that the new body is fully up and running, the better.

Parts 4 and 5 pave the way for the reorganisation of some of our scrutiny and improvement bodies, with the establishment of social care and social work improvement Scotland and healthcare improvement Scotland. The statutory duties and functions of those bodies will enable them to give effect to the Crerar principles of public focus, independence, proportionality, transparency and accountability, while contributing to simplification of the scrutiny landscape.

Part 6 contains other provisions for scrutiny improvement and focuses on striking a balance between the need for independent external scrutiny and the ability of service providers to undertake robust self-assessment and self-improvement.

Finally, we have introduced a package of amendments that will improve the constitution and governance of the Mental Welfare Commission.

The bill is only one part of the Government's public services reform agenda and is by no means the end of the story. However, it represents a well-thought-through, coherent and effective package of proposals that will make a real difference to the quality, delivery and efficiency of public services in Scotland.

I move,

That the Parliament agrees that the Public Services Reform (Scotland) Bill be passed.

The Deputy Presiding Officer: I call David Whitton, who has no more than five minutes.

16:03

David Whitton (Strathkelvin and Bearsden) (Lab): This has been a long process, so a speech of no more than five minutes is perhaps a bit of a godsend.

At last, at last, we are debating the final throes of the Public Services Reform (Scotland) Bill. Only time will tell just how much reform we will see.

As a result of this morning's votes, Waterwatch is being disbanded and its staff and responsibilities are to be split between the Scottish Public Services Ombudsman and Consumer Focus. I have to say that that is a pity. Earlier, the cabinet secretary said that the move would save £300,000 a year, but at what cost to the efficiency of investigating customer complaints against Scottish Water? I am told that the money is mostly being saved by abolishing the regional board structure, which could have been done without disbanning the organisation altogether.

When the Finance Committee spoke to the bill team, we were told that the bill was not about saving money, but about better government.

However, I think that the decision on Waterwatch seems to reverse that policy intent.

In his opening comments this morning, the cabinet secretary got quite exercised about my speech on order-making powers and demanded an apology from me for misleading Parliament. I have taken the time to look again at my speech and I do not believe that I have anything to apologise for.

Let me give the facts. Committees are vital to the proper working of the Scottish Parliament. The Finance Committee undertook a consultation on the Public Services Reform (Scotland) Bill, which closed on 14 August 2009. Among other things, the bill sought to reduce the number of public bodies in Scotland, to introduce order-making powers, to impose duties on scrutiny bodies to co-operate and ensure appropriate user focus, and to amend the corporate governance of Audit Scotland.

All the committee's members supported the bill's general principles, but there was concern about the proposed order-making powers in part 2. The provision to Scottish ministers of order-making powers to improve the exercise of public functions by scheduled bodies, and to remove or reduce burdens in the public, private and third sectors was not welcomed. That is the position that Labour took in the Finance Committee at stage 2, when we warned that we could not support the provisions of part 2 as they stood. We said that we looked to the cabinet secretary to introduce some new proposals to address the concerns that had been expressed.

We were not alone in expressing our disquiet at the cabinet secretary's proposals. Three other parliamentary committees were similarly minded. Many respondents said that the proposals would vest too much power in the hands of current and future ministers, and a number of public bodies believed that, despite the preconditions that cover the use of the powers, their organisations might be subject to future changes that would have implications for their independence.

Mr Swinney could have avoided some of the mess if he had followed normal procedure with some pre-legislative consultation on the principle or practical implementation of the order-making powers. He said that the benefit of the powers is that they will avoid the need to find legislative time and allow him to move further and faster in his reform agenda. I suppose that I should count it as a victory that Labour came within one vote of having the order-making powers removed from the bill this morning. The fact that the vote was so close should serve as a warning to Mr Swinney to be careful as he proceeds with whatever reform plans he has in mind.

As a natural optimist, I take it as a positive thing that the Scottish Government knew that it had to lodge amendments in response to the Subordinate Legislation Committee's recommendations, which required proposals for an order made under section 10 or section 13 to be subject to an enhanced form of super-affirmative procedure. I simply point out again that none of those proposals was included in the first draft of the bill. However, at least the cabinet secretary listened and made a gesture towards dealing with the criticism.

I am afraid that the same cannot be said for his colleague Mr Ingram, the Minister for Children and Early Years. It was, to say the least, patronising of him to accuse my colleague Karen Whitefield of not understanding what the Government was doing with the merger of Her Majesty's Inspectorate of Education and the Social Work Inspection Agency and the impact that it would have on child protection inspections. HMIE is a universal service and social work is not. Not all children are already in the social work net. HMIE was brought into the child protection regime to drive up standards and to take the lead as the universal service. We are two thirds of the way through the child protection cycle and to remove HMIE now could adversely affect the continuity of the inspection regime.

If the Government had supported Labour's amendment on the matter, that would have sent a message to education services that they must continue to take their share of responsibility for child protection throughout Scotland. Again, however, we lost the vote on that amendment by only one vote, so I am sure that ministers have been warned.

I repeat how disappointed I am that my attempt to establish a separate negotiating body for people in non-departmental public bodies also failed to gain support. However, I paid attention to what the minister said about progress, so I will watch that with interest.

In conclusion, I, too, thank the clerks, particularly the clerks to the Finance Committee, for their hard work. I do not know how many amendments we have debated and discussed, but it has been a lot.

16:08

Derek Brownlee (South of Scotland) (Con): It is ironic that we all think that this is the end of the Public Services Reform (Scotland) Bill, because public service reform will probably be one of the dominant issues of the next five to 10 years in the Parliament.

I thank the clerks to the Finance Committee for their forbearance given the number of

amendments that I lodged with them, most of which found their way to a vote, although some did not. It was interesting for a member of a committee who does not often get the opportunity to amend bills to find out just how liberating it can be for Opposition members to have the freedom to amend legislation so easily. I encourage the Scottish Government to create other opportunities for us to amend legislation. It has been a constructive process and, I am sure, the Government will reflect carefully on that.

Mr Whitton mentioned the Government going “further and faster” in relation to public service reform. If we look back to the unanimous report that the Finance Committee published following its consideration of the bill, our assessment was that the bill did not go far enough. The issue of whether the bill delivers fundamental public service reform was well debated.

The test in reality will be how and where the Government chooses to exercise the powers that it will have, especially under part 2. When we take a view on how we will vote on the sunset clause that we have inserted, our judgment will be based partly on the extent to which the Government has demonstrated a need to use the powers and partly on the way in which it has exercised them. Given that the sunset clause will not come into effect for five years, it may not be the same Government that will exercise the powers at that point.

We need to think about the bill in the context of the spending squeeze that we all know is inevitable. Members will not be surprised to learn that I think that the transparency provisions that we have inserted in part 2A will help to bear down on spending by forcing people to realise that they need to defend spending decisions in public.

Conservative members support the creation of creative Scotland; there will be broad support for the eventual establishment of that body.

I turn to an issue that Malcolm Chisholm raised at stage 2. Initially, I did not have a great deal of sympathy for his position but, as time has gone on, I have come around to his way of thinking, which is probably very rare. Because the bill covers so many different areas of policy, from the Mental Welfare Commission and creative Scotland to matters that might more normally be considered to be part of the Finance Committee's remit, there was a scrutiny issue when we came to consider amendments at stage 2. We need to reflect more generally on whether the skills of other committees, especially specialist committees, can be harnessed when the lead committee at stage 2 does not typically deal with all of the issues to which a bill relates.

Scrutiny of the provisions relating to non-finance areas would have been strengthened if we had

been able to square that circle. That is not an issue for the Government, but a consequence of the fact that the bill is a collection of different provisions. Parliament should reflect on whether there is a better way of proceeding, to ensure that we harness specialist scrutiny earlier in the process, especially at stage 2, instead of referring bills to only one committee. At stage 1, there was a powerful scrutiny process in which, as has been mentioned, many committees were able to assess the bill.

I will close, as I have no desire to detain members any longer. We will support the bill at decision time, but the test will be for the Government to deliver on the promises that it has made in relation to public sector reform. Given the extent to which it has hyped up the order-making powers for which the bill provides, we will see how much it delivers.

The Presiding Officer (Alex Fergusson): I will allow Jeremy Purvis up to four minutes. All other members who take part in the debate must speak for one minute less than they have been advised, as we must finish the debate at 4.45.

16:12

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): The Government has indicated that the bill is similar to the Legislative and Regulatory Reform Bill that the UK Parliament has passed. It is worth reflecting on the fact that the official Opposition at Westminster, far from underhyping the UK bill, did a fair share of hyping it by claiming that key elements of it were the “abolition of Parliament bill”. I hear Mr Brownlee say from a sedentary position that the difference is a result of devolution; he is a late convert, but a convert nevertheless.

The policy memorandum oversold the bill. When it was introduced, the Government suggested that it was a key part of radical reform of the delivery of public services in Scotland. That suggestion was part of the Finance Committee's consideration of the bill.

Gavin Brown (Lothians) (Con): Will the member give way?

Jeremy Purvis: I am afraid that I do not have time.

At stage 1, the committee considered the overall efficiency of the public sector, whether it is the right shape to deliver services and who should deliver them. We had considerable sympathy with some elements of the legislation, but at stage 3 it has been acknowledged that there are significant problems with it. We cannot ignore the fact that the part 2 powers are very flawed. That they are flawed has been demonstrated by today's stage 3

process. The cabinet secretary was correct to say that any statutory instrument must receive Parliament's approval, but he did not dispute the point that I made this morning, which was that statutory instruments cannot be amended.

The cabinet secretary said that he had listened to the Finance Committee. His alternative approach is that a draft instrument will be laid. Of course, it will not be incumbent on the Government to listen to any representations that are made and to make changes, and Parliament will not be able to make changes. Some changes might be made on policy matters, because the powers in the bill can be used to change any children's panel or health board. The powers are broad, even with the protections that the Government says exist, and they allow several proposals for changes in one statutory instrument.

The Government has said that that does not pose any problems because Parliament will still have to approve any such instrument. However, today at stage 3, we considered 16 amendments in the name of Shona Robison to make improvements to a bill that the Government introduced and which it had already amended successfully at stage 2. If those 16 amendments—some of which we support and some of which have considerable merit—were required at the conclusion of the process for introducing primary legislation to make what are, in effect, changes that the Government says are simply procedural, that is argument enough that the Government has not made a sufficient case on the powers under part 2.

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

Jeremy Purvis: I am conscious of the time, but will give way because I have named the minister.

Shona Robison: I am a little confused because, on the one hand, the member seems to be criticising the Government for not listening and then, when we listen and lodge amendments on the basis of what members have said, we get criticised as well. Is not that just a bit bizarre?

Jeremy Purvis: My point is that the Government made changes to proposals that it had introduced. Many of the amendments that have been made today are drafting changes that the minister made to proposals that she had already introduced in a bill. Under a statutory instrument process, no changes could be made, which would have the effect of making considerably bad legislation. That is why, because of part 2, we simply cannot support the bill.

16:17

Linda Fabiani (Central Scotland) (SNP): Today's passing of the Public Services Reform (Scotland) Bill will be a welcome step towards achieving the Government's commitment to deliver improvements in a public sector landscape that has, over decades, become cluttered and complicated. An overlapping and duplicating network of public sector bodies causes unnecessary difficulties for members of the public and for the voluntary and private sector groups that have to work with those bodies.

The Finance Committee had interesting discussions on the bill, with contributions from throughout the relevant sectors. There was agreement that it is time for public sector reform. I hope that we can now streamline decision making and improve transparency in the network of Scottish public bodies, as well as reduce bureaucratic complexity for the private and voluntary sectors and individual citizens.

It is interesting that the Finance Committee is moving on to consider public sector reform more widely. I am pleased that we are doing so in conjunction with Scotland's Futures Forum, because it is time for radical thinking about the future of the public sector and the services that it provides. I urge all members to watch what happens as that inquiry unfolds under the convenership of Andrew Welsh.

I will close by quoting again something that I quoted in the stage 1 debate, which is a letter from the Cabinet Secretary for Finance and Sustainable Growth to the Finance Committee. It states:

"Parliament must be able to respond more quickly to changing circumstances and take advantage of opportunities to further streamline the public bodies landscape and improve the delivery of public services".

Today, we have established a foundation for that on which we can build.

16:19

Malcolm Chisholm (Edinburgh North and Leith) (Lab): The debate is certainly the end of the beginning, and not just for the reason that Derek Brownlee gave, which was that public service reform will be a major theme of the next few years, but because regulations will assume a new importance under the bill. I will not go over the debates about part 2—I hope that there might not be too many regulations made under it—but there have not been many comments about how the rest of the bill depends to a new extent on regulation. I will concentrate on part 4.

I regret that parts 4 and 5 have not in general attracted more discussion and amendment. To an extent, that is because members have a great deal of confidence in the existing bodies that those

parts deal with—the Social Work Inspection Agency and the Scottish Commission for the Regulation of Care, which will turn into social care and social work improvement Scotland, and Quality Improvement Scotland, which will turn into healthcare improvement Scotland. I pay tribute to their work. However, there are significant shifts in the inspection regime—for SCSWIS in particular—that merit discussion. I hope that we will have further discussion when the regulations come before the Parliament.

I said in committee that we all accept the principle of a move towards risk-based inspection, but the detail of that merits more scrutiny. In committee, I raised the issue of the extent to which self-evaluation is beginning to take over from inspection. I had an amendment passed at stage 2 that I hope will modify that process to some extent. Inspection has to be reasserted as a key part of the scrutiny regime. There will be real dangers if we move too much towards self-evaluation.

The second issue that I want to raise, which should also be discussed when regulations are laid, is to do with the timing and frequency of inspections. Some members in the chamber—certainly the Minister for Public Health and Sport—will remember that nine years ago a major feature of debate about the Regulation of Care (Scotland) Bill was that there should be two inspections a year for all 24-hour services. That has disappeared from the new legislative regime without any discussion whatever. People might have different views on that—they might see it as being part of risk-based inspection—but it has served us well for nine years. When the regulations are introduced, we should think carefully and decide whether there is merit in having regular inspections as well as additional inspections for services that are in difficulty. We will need to pay particularly close attention to the regulations under section 47 when they are introduced.

The regulations under section 97, which pertain to joint inspection, will also be important. There is a particular concern, which I raised in the stage 1 debate, about access to medical records. I know that there will be work and consultation on that, but we need to look seriously at the British Medical Association's suggestion that there should be such access only with consent and that, if consent is not given, there should be anonymisation.

16:22

Christina McKelvie (Central Scotland) (SNP):

It is always nice to warm our hands at a wee bonfire and it is lovely to have a wee toastie fire of the things that we do not need. I am delighted to see the first flames licking around the feet of the

quango state. Being an accomplished fire walker, I know how that feels.

I like the fact that the Government will be able to change the functions and operations of quangos much more easily in the future. The role that Parliament will have in any decisions that ministers want to take in relation to quangos means that parliamentary scrutiny of the quango state will carry with it a rather large stick. I appreciate that some members might disagree with me on that point, but I am sure that they will come round in the fullness of time.

There are serious safeguards in the legislation now. The powers to change quangos, which the bill will introduce, are similar to the powers in the Local Government in Scotland Act 2003. I like the parts that require public bodies to publish details about their financial transactions and the pay of their top cats. I also like the idea that details of payments to special advisers will be published. Open and transparent government is one of the founding principles of this place.

I also like the idea of social care and social work improvement Scotland and the model that has been presented for it. Social work has so often been the Cinderella of public services, but it provides important services to our society. If we can create one single cohesive body that will benchmark services throughout the country, offer advice on improvements and produce regular reports on performance, we might go some way towards matching the professionalism of the modern social worker with the regulatory system that governs their working life.

Of course, SCSWIS will not stand alone. Part 6 of the bill will require scrutiny bodies to focus on service users and co-operate across agencies up to and including having joint inspections, where that is appropriate. I know that my colleague Karen Whitefield sought to place a requirement on SCSWIS to work jointly with Her Majesty's Inspectorate of Education on inspections, but that already exists and SCSWIS will have that expertise.

The extension of joint inspections to adult services is particularly welcome, especially for the most vulnerable adults in our communities. Each of the scrutiny bodies will have to ensure that it is delivering the best possible service and support for front-line workers.

When we clean up the landscape, we see the safe roads and the pitfalls ahead of us and the benefits and disadvantages stand in starker relief. Quangos will operate in a more streamlined and publicly accountable manner, with minds focused more on the job at hand.

When the bill is passed later today, there will be a good reason for quangocrats to keep a weather

eye on what their organisation is doing and how well it is doing it, lest some of us politicians decide to have a closer look. I believe that Scotland will be well served by the Public Services Reform (Scotland) Bill.

16:24

Pauline McNeill (Glasgow Kelvin) (Lab): I will spend my three minutes talking about part 3, which will establish creative Scotland. After listening to this afternoon's debate, I stand by what I have said in previous debates: I would still prefer the creative Scotland provisions to be in a stand-alone bill. The rushed timings today and the fact that we cannot debate fully issues that I would like to be fleshed out more show me that two important subjects for debate should not be merged in one bill again.

However, we must celebrate the fact that we are finally here—or just about, if the motion to pass the bill is agreed to tonight—on the establishment of creative Scotland. I congratulate Andrew Dixon, who is the body's new chief executive, and I thank Ewan Brown, who has seen through the work of creative Scotland's shadow board in these difficult times. The time has also been difficult for artists, the Scottish Arts Council's staff and Scottish Screen, which have endured the delay in the passage of the bill, but at last it is here.

The new body, creative Scotland, will face the challenges for the arts sector in a recession. The arts are a crucial part of our economy and it is arguable, for reasons that I will go into in the short time that is available to me, that they can be an important aspect of economic recovery.

I would have preferred creative Scotland to have a lead co-ordinating role specified in the bill, but the Minister for Culture and External Affairs made it clear today that it will be the lead body for the arts and culture in Scotland in its co-ordinating role.

I am still disappointed that the budget that Scottish Enterprise holds has not been transferred to the new body, but I hope that that will happen in the future, because that will provide the most potential for growth, and I would like creative Scotland to have access to as many resources as possible, in order to nurture that growth as best it can.

We have not had much opportunity to talk in detail about what people expect from the new body. I will say something about Scottish Screen, which will be abolished from tonight, when we establish creative Scotland. I have always argued that it is a shame that we will lose the Scottish Screen branding. The then Minister for Culture, External Affairs and the Constitution told me, in response to a question, that the new branding will

be that of creative Scotland and that we will lose the Scottish Screen branding. I ask the Minister for Culture and External Affairs to clarify whether the Scottish Screen branding can be kept under the banner of creative Scotland.

Scotland's investment in film raises issues. Northern Ireland has a studio that is receiving some business that Scotland is not receiving because Scotland has no such studio. It was also drawn to my attention more recently that the framework of our smoking ban prevents some historical dramas from being filmed in Scotland, because they have no exemption.

The Presiding Officer: You must close now, please, Ms McNeill.

Pauline McNeill: That is important if we believe that we should bring the production of films and drama to Scotland. I know that the health minister is here listening—

The Presiding Officer: I am sorry; I have no more time available. I can give Margo MacDonald one minute.

16:28

Margo MacDonald (Lothians) (Ind): Thank you for your forbearance, Presiding Officer. I will support the bill tonight not because I support power grabs by executives, but because the Government has demonstrated enough good will towards the points that Derek Brownlee, Malcolm Chisholm and others have made. The position will depend on how ministers exercise their new powers under part 2. We heard today a willingness from the Cabinet Secretary for Finance and Sustainable Growth to accept the suggestions of the Subordinate Legislation Committee, for example, which makes me think that he will bring pressure to bear on the Cabinet Secretary for Education and Lifelong Learning, who must assure us that the inspection of services for vulnerable children will be as good as we want it to be.

The Presiding Officer: I thank all members for speaking within the time that is available and I hope that members will continue to do that.

16:29

Jeremy Purvis: Concerns remain about aspects of the bill that have been discussed today. There is a concern that the fairly radical changes that relate to Waterwatch may well impact on how the Scottish Public Services Ombudsman operates and its relationship with constituents. I asked the Cabinet Secretary for Finance and Sustainable Growth about the effect of amendment 81, which was, regrettably, agreed to. That amendment disappplies the ombudsman's inability to investigate contractual or commercial

transactions in relation to water services. That means that the Scottish Public Services Ombudsman will have the ability to investigate—in fact, there is now an expectation that it will—contractual or commercial transactions that cover Scottish Water, Scottish Water Solutions and any sub-contractor of Scottish Water or Scottish Water Solutions and, indeed, their work. Members in all parties will know that a regular amount of our casework deals with the local operations of Scottish Water. The ombudsman is very clear that the relationship with it now will be able to apply only without any investigations of commercial transactions or rectifying any issues. That is a considerable problem.

It is regrettable that the Government did not recognise that the further issue of bonuses is competent and that the case is clear. The cabinet secretary indicated that my amendments were discriminatory because they applied to only one element of the public sector in Scotland. If that is the case, considerable concerns will have to be raised about the status of the “Public Sector Pay Policy: Policy for Senior Appointments 2009-10” and its successor for 2010-11, because it states clearly that it applies only to chief executives or, in exceptional circumstances, directors. Given that, if my amendments were discriminatory, so is the Government’s pay policy. The cabinet secretary gave the impression that there is no ability, in the review of a new appointment or the review that it is good practice to carry out for all existing chief executives, for bonuses to be excluded. I ask the Minister for Culture and External Affairs, when she sums up, to state clearly to the Parliament whether, in any of the discussions with the new chief executive of creative Scotland, bonuses were considered. Were bonuses considered by the Government in any discussions on their pay and conditions? What is the position? If the Cabinet Secretary for Finance and Sustainable Growth was right, the new chief executive of creative Scotland would have been able to demand bonus consideration as part of their pay and conditions. I will be interested to hear whether the minister can clarify that point in her summing up.

I am afraid that the bill is not a bonfire of the quangos. It raises serious concerns about the role of the Parliament and that is why, regrettably, we cannot support it.

16:32

Gavin Brown (Lothians) (Con): The Scottish Conservatives supported the principles of the bill at stage 1, with one or two reservations on matters contained therein. We made it clear that, unless changes were made to the bill, we would not support it at stage 3, but, as we heard from my colleague Derek Brownlee, the changes that we

requested have been made, so we will support it at decision time. We need to streamline our public services and make them more efficient, not only for their own ends, but because we must do everything that we can to protect front-line services, given the tough times that will inevitably follow for Scotland. One of the best ways to protect those services is to make them more efficient, effective and streamlined.

John Swinney was correct when he said that the chamber did not agree on every issue during the course of the day. Indeed, that was perhaps something of an understatement. We think that the order-making power in part 2 is required, which is why we voted against various amendments from Mr Whitton. We think that the power is desirable and that it allows a more streamlined process than primary legislation. It allows faster, more nimble movement and we are satisfied that sufficient safeguards are contained in the provisions and that there has been sufficient movement from the Government to allow us to support it and, indeed, the bill as a whole.

In the amendments that my colleague Derek Brownlee lodged, he focused on the transparency of spending by Government and its agencies. We think that having transparency and making those agencies accountable for the money that they spend is, in itself, a good thing and we think that it will lead to a reduction in expenditure on non-essential items.

My final point is on the amendments to which Mr Purvis referred. We considered them, because we want there to be a reduction in the size of the public purse, but he needs to note a couple of points before he puts out his press release this evening. The first one is that Derek Brownlee pointed out that the measure would save approximately £88,000. No Liberal Democrat challenged that figure. If the measure was truly about saving money and saving the public purse, they did not come back with any larger figure that they felt would be saved. Perhaps they could put that on their press release. The Liberal Democrats might also reflect on the fact that, when push came to shove, only 17 members supported amendment 78. The Liberal Democrats were unable to convince any of the larger parties that the measures were legal and would make a tangible difference.

Reform will be a dominating issue during the next five to 10 years. What matters is what happens afterwards.

16:35

Andy Kerr (East Kilbride) (Lab): This has been a day of retrograde steps and missed opportunities. Good arguments were made in the

debate on Waterwatch Scotland, but they were not responded to effectively. The same can be said for the debate on the loss of powers to the Parliament and its parliamentarians. Concern was expressed about the measures on child protection but, again, no real response was given, as happened in relation to David Whitton's arguments on the need to streamline the negotiating machinery in Scotland.

I say with regret that the bill has been badly handled, badly managed and badly delivered. We should not be surprised to find ourselves in such a situation; the Government's approach echoed its previous attempt to establish creative Scotland. I advise the Government that if the bill did not contain provision to establish creative Scotland we would vote against it. It is a shambles, but we will reluctantly vote for it, because we do not want there to be further delay at the hands of the Government in the establishment of creative Scotland.

In many areas, the cabinet secretary has been unconvincing. The mood has been ugly at times, particularly when we consider the handmaidens of the Scottish Government, Mr Brownlee and his friends. A man who wants to ensure that £25,000 of expenditure by the Scottish Government is scrutinised is more than happy to divest the Parliament of its responsibilities and abilities to hold the Government to account. We should not be surprised. Did not David McLetchie say that the next best thing to a Tory Government is an SNP Government that does Tory things? A centralisation agenda is before us. Mr Purvis prosecuted the case against the Scottish Tories effectively when he commented on the different reaction of Tories in London to what has been called the abolition of Parliament bill. The irony is not lost on many members of the Scottish Parliament.

Derek Brownlee: Will the member take an intervention?

Andy Kerr: With respect, I have only four minutes.

The bill does not do enough to reform public services. We are in favour of streamlining quangos, which is why we support the establishment of social care and social work improvement Scotland. However, as many members said, such streamlining must be done in a way that improves the delivery of services to the public. The bill represents an exercise in crude arithmetic, with a view to getting a result and being able to talk about a bonfire of the quangos; the price that we will pay for that is too high.

We have witnessed an unprecedented power grab by the Government today. It is unfortunate that that has happened. However, as Margo

MacDonald and many other members said, if the bill is passed the Government should not assume that the Scottish Parliament will take its eye off the measures in it, even for a minute. I say with a heavy heart that Labour members will support the bill. We do so only because of the Government's previous cock-up on the establishment of creative Scotland. We have no desire for the power grab to the centre that the Administration is proposing.

16:39

The Minister for Culture and External Affairs (Fiona Hyslop): I thank all seven parliamentary committees that were involved in scrutinising the bill, as well as the witnesses, various civil service teams and public body staff who all played a valuable part in developing the bill to this final stage.

The Public Services Reform (Scotland) Bill makes a significant contribution to the development of the Government's wider public services reform agenda. That agenda, which the First Minister announced two years ago, is focused on simplifying and integrating public services and on promoting the sharing of services through closer collaboration on matters such as procurement. We are working closely with local government and with public bodies as part of our effective public bodies programme to improve the alignment of objectives towards achieving the Government's overarching purpose of sustainable economic growth.

The Government's simplification programme, including the proposals in the bill, will deliver net financial savings of around £127 million over 2008 to 2013 and recurring annual savings of around £40 million thereafter. Derek Brownlee made points about the need to go further and faster, particularly bearing in mind the current economic climate.

Important points were made in the debate—not least by Derek Brownlee, Margo MacDonald and Malcolm Chisholm—about how the order-making powers in part 2 of the bill will be exercised. That is critical. None of us, whether in the Government or any party in the Parliament, should assume what will happen. The will of the Parliament will prevail in the exercise of those powers.

I am pleased that, if we pass the bill, we will take a further step on the way to establishing social care and social work improvement Scotland and healthcare improvement Scotland by April 2011. They will provide more streamlined, better co-ordinated, proportionate and risk-based scrutiny and will focus on supporting improvement, which is important. I emphasise that the expertise and staff of HMIE's current child protection team will move to SCSWIS and, in SCSWIS, will still be

able to work with the remainder of HMIE. I hope that that gives members some reassurance, particularly on child protection. The new powers in the bill will allow bodies to build a comprehensive picture of how the needs of the people who use their services are met.

The Parliament has also approved a package of amendments in relation to the Mental Welfare Commission for Scotland. The commission will focus on the needs of individuals with a mental disorder or learning disability and will be able to work with other scrutiny bodies. There is also an update to the commission's governance structure, which will ensure that service users and others with expertise and knowledge of mental health services are more formally involved in its work.

I am delighted to say that, if it is passed, the bill will also establish the long-awaited single, unified national body for arts and culture: creative Scotland. I regret the Liberal Democrats' rejection of that. The development of creative Scotland has not been smooth or easy, but the final organisation should be all the better for the work that has been undertaken over the past 12 months.

In successive generations, Scotland has produced musicians, sculptors, writers, painters, dancers and composers whose hugely varied talents have received national and international acclaim. That wealth of talent exists in Scotland and needs to be nurtured and supported. I expect creative Scotland to help realise the potential contribution of art and creativity to every part of our society and economy. I say to Pauline McNeill that the use of the Scottish Screen brand will be an operational matter for creative Scotland, and I will pass on her remarks to the body.

Creative Scotland will help to promote Scottish culture at home and internationally. It will be modern, vibrant and progressive; it will draw on our rich heritage but project Scotland in a contemporary way. I am ambitious for the body and what it can achieve. The appointment of its chief executive designate has been well received. His contract was negotiated as a new contract without a bonus—a negotiation that was without prejudice in law in advance.

Jeremy Purvis: Will the minister give way?

Fiona Hyslop: No, I must finish.

A new state of the art office is being identified, a new business model is being established and we are now recruiting for a chair and board. Scotland owes immense gratitude to Ewan Brown and the team of Creative Scotland 2009 Ltd for getting us here. With the Parliament's approval, our new dynamic arts and culture body, creative Scotland, will shortly be established. The momentum and dynamic exist. I hope that it has the best will of Parliament.

I thank everyone who was involved in developing the bill. It is unusually large and varied in its scope. It is testament to the hard work and robust processes of all those involved—including John Swinney's determined and formidable leadership—that such an extensive bill can be brought together and reach fruition within a year.

I know that, across the Parliament, members have a keen sense of public service as individual MSPs. We may have different political views as to how public services are organised, but I am sure that, as a final note in the debate, members will join me in paying tribute to all the staff who work in our public bodies day in, day out to deliver quality public services to the Scottish people.

I ask members to endorse the Public Services Reform (Scotland) Bill.

The Presiding Officer: That concludes the debate on the bill. I am grateful to members for ensuring that we were able to bring the debate to a close on time.

United Kingdom Budget

The Presiding Officer (Alex Fergusson): The next item of business is a statement by John Swinney on the Scottish Government's response to the United Kingdom budget. The cabinet secretary will take questions at the end of his 10-minute statement, so there should be no interventions or interruptions during it.

16:45

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): I am grateful for the opportunity to set out the Scottish Government's response to yesterday's United Kingdom budget statement. I have also arranged for a paper to be placed in the Scottish Parliament information centre to provide members with a detailed analysis of the budget's implications for Scotland.

This year's budget comes at an important time for both the UK and Scottish economies, as we emerge from one of the deepest recessions in recent memory. The Chancellor of the Exchequer confirmed yesterday that the UK economy contracted by 5 per cent last year. That is the largest annual fall since the 1930s. Despite more positive signs in recent months, it is clear that the global recovery remains fragile.

Through our economic recovery plan, we have witnessed the whole of the public sector in Scotland aligning activity to support and accelerate the recovery. However, many important economic levers are reserved to Westminster. The chancellor had an opportunity yesterday to support the signs of recovery that we are seeing, yet by any measure his statement failed to provide the further support that the economy needs at this time.

The weight of opinion among the International Monetary Fund and others is that it is still too early for Governments to withdraw their economic support. The Prime Minister himself has warned that recklessly and rapidly withdrawing support would risk driving our economy back into recession. The chancellor also argued yesterday that to start cutting now risks derailing the recovery, yet—make no mistake about it—that is precisely what the chancellor has done.

Although the chancellor announced a small number of schemes aimed at helping youth unemployment and small businesses, the red book shows that the UK's fiscal stance in 2010-11 will be negative. That means that the UK Government's discretionary fiscal policy will act to tighten public spending and taxation relative to 2009-10. It will not provide a further stimulus.

Let me be clear on that point. Chart 2.5 in the budget document that the Treasury published yesterday illustrates that fiscal policy aimed at supporting the recovery will contract in 2010-11 relative to 2009-10. To quote one city analyst, despite all the warnings about withdrawing support too early, the fiscal stance will be tightened in 2010-11 by 1.1 per cent of gross domestic product. It seems that a budget designed to impress the city has failed even that test.

That is the wrong approach. Across the G20, only Argentina and the United Kingdom are withdrawing their discretionary fiscal stimulus measures this year. That will hinder the recovery and put us at risk of a double-dip recession. I believe that it is vital to keep the stimulus flowing while the recovery remains fragile and until we can be certain that there is enough strength in the private sector for it to sustain economic growth when the stimulus stops.

In that vein, I called for the chancellor to bring forward capital expenditure into 2010-11 to support the Scottish economy. Such targeted spend would, I believe, have the potential to provide a vital and cost-effective stimulus to the Scottish economy at a critical stage. Compared to what the chancellor has said he will deliver, the stimulus packaged demanded by the Scottish Government would have supported some 4,000 more jobs in Scotland, the majority of which would have been in the construction sector. That is the cost to Scotland of the chancellor's missed opportunity.

Although it is a mistake to provide no further fiscal stimulus, some of the chancellor's other announcements are to be welcomed. In particular, the commitment to provide further support for youth unemployment and to consult on tax breaks for the video game industry are a positive development, especially given Scotland's leading role in that sector.

The proposed green investment bank is also to be welcomed. Scotland is already a world leader in low-carbon energy, so it is critical that the funds that were announced yesterday are truly UK-wide. Given Scotland's pre-eminent strengths in low-carbon energy, we expect a significant proportion of such funding to be deployed in Scotland. However, the suggested funds are small compared to the scale of the opportunity and compared to other international examples. The initiative also contradicts the UK Government's hostility to allowing us access to the resources that are held as a result of the fossil fuel levy.

There was very little that was new in the chancellor's statement. In many areas, he has simply followed the lead that we have set in Scotland. On university funding, we are already supporting an additional 7,500 higher education

students this year. We will continue to support them in the next academic year.

On business rates, small and medium-sized enterprises in Scotland already receive substantially more generous rates relief than will be provided under the temporary arrangements that the chancellor has proposed for England. Despite the chancellor's announcements, a small business in Scotland will continue to pay up to £3,050 less in business rates next year than it would in England.

Many of the tax increases announced by the chancellor will also be damaging for Scotland. Although the planned fuel duty rises are staggered, they will hit motorists and hauliers hard, and will be particularly painful for those who live in rural areas. I have repeatedly called on the chancellor to introduce a fuel duty regulator to help offset the higher costs of fuel that are faced by rural communities. The chancellor's decision to ignore those demands means that rural communities in Scotland will continue to pay some of the highest fuel prices in the UK.

The chancellor has also ignored the need for urgent reform of the alcohol tax system to directly link the rate of duty to alcohol content. The indiscriminate increase in duty that was announced yesterday will hurt premium products, such as Scotch whisky, and will fail to incentivise producers to make more low-alcohol products. Unlike minimum pricing, that tax increase is a blanket approach that puts up the price of everything but does not address the underlying problem of high-strength, low-price drinks. Dealing with only one drink, such as cider, does not address the issue.

Despite the UK Government's rhetoric about its ambitious efficiency programme, press reports today show that it is the UK Government that has taken two years to achieve savings worth 3.1 per cent of its budget, a target that the Scottish Government achieved in just 12 months.

I turn to the effect that the chancellor's budget statement will have on Scotland's public finances. The Scottish Government will receive consequentials of £76 million from next year's Scottish departmental expenditure limit budget. We will make proposals to the Parliament about how we intend to use those consequentials in early course. However, let us remember that, even after that adjustment, next year's Scottish budget will be 1.3 per cent lower in real terms than this year's.

I am also concerned that, despite repeated requests, the chancellor has failed to provide an explicit guarantee that, should he return to office after the general election, there will be no further cuts in the Scottish budget for 2010-11. The lack

of clarity around the chancellor's so-called efficiency savings is such that no real comfort can be derived from yesterday's announcements. It is essential that we have stability in our spending plans for 2010 to ensure that all areas of the public sector can focus on supporting the economy. That is particularly essential for local authorities, which are now setting and applying their detailed budgets for 2010-11.

Further targeted fiscal support in 2010-11 is vital if we are to safeguard our economic recovery. However, that does not preclude the chancellor from setting out how he intends to reverse the deterioration in public finances in future years. A credible deficit reduction plan is yet to be announced. The chancellor has made vague promises about safeguarding elements of health and education from cuts but, yet again, he chose not to announce the overall size of the UK departmental expenditure limit budget after 2010-11. The Institute for Fiscal Studies believes that the four years beginning 2011-12 will be the most difficult period for spending on public services since the 1970s. That will represent a major adjustment to public spending, and such cuts will inevitably have an impact on our budget.

The chancellor himself said yesterday that the next spending review will be the toughest for decades. We are already planning for our next spending review, and are doing so prudently and effectively. However, we are doing that work in an environment in which the UK Government has yet to set out the resources that we will have at our disposal. I have repeatedly pressed the chancellor for greater clarity on future budgets and the importance of starting to plan now for the tighter spending environment that we will face. Given that we must legislate for our 2011-12 budget by next February, there is an urgent need for the chancellor to give a clear picture of future public spending. It is not good enough to delay that until after the election, because it is not just the level but the nature of the reductions in public spending that matter.

In closing, I reiterate that the chancellor's statement was an opportunity to help safeguard Scotland's economic recovery, support employment and set out a path for future public spending. Instead, his statement provided no additional economic stimulus and did not provide the required clarity on future spending. Members should be in no doubt that the chancellor's budget was a missed opportunity for Scotland.

The Presiding Officer: The cabinet secretary will take questions on issues raised in his statement. We have dead on 20 minutes for such questions, after which we must go to decision time.

Andy Kerr (East Kilbride) (Lab): The report that the cabinet secretary mentioned in his second sentence is disgraceful, partisan and, above all, incomplete. It is an abuse of the office of the chief economic adviser. The director of finance had to come to committee to clarify statements that she made. Will the cabinet secretary instruct the chief economic adviser to attend committee likewise? The report is deliberately misleading, and I am saddened by its production.

Contrast that with the balanced report of SPICe, which describes Salmond's Scotland in terms of the information that the Government gives out to the public and to parliamentarians.

Recently, the First Minister famously said:

"most of Europe's Finance Ministers would give at least one limb"

to have an economy like Ireland's. Which limb is the cabinet secretary prepared to give up for an economy like Ireland's, which, we hear today, has contracted by a massive 7.1 per cent? Ireland has had three budgets over the past year. Is it not a safer bet to welcome the budget statement from the chancellor, which gave us added support for children and families, for pensioners, for young people seeking work and training, and for first-time home buyers?

Will the cabinet secretary state for the record that, on top of the £943 million that he had in addition in the 2010-11 budget, he now has another £76 million at his disposal?

John Swinney: The material from the office of the chief economic adviser, which is now in SPICe, is what it says on the report: a production of the office of the chief economic adviser. It shows that the budget will be 1.3 per cent lower in real terms in 2010-11 compared with 2009-10. The document includes a chart, which—as is accurately shown—is extracted from page 33 of the budget red book. Any analysis of that chart shows that the fiscal stance in 2010-11 is negative. That demonstrates that there is no fiscal stimulus in place in 2010-11. That is the reality that Mr Kerr must face up to.

That is a matter of regret to me. If the Prime Minister and the Chancellor of the Exchequer were living up to their rhetoric—that it was important to deploy fiscal stimulus to support economic recovery at this time—chart 2.5 on page 33 of the red book would not look the way that it does. That is what Mr Kerr needs to reflect upon.

I want Scotland to have a prosperous and successful economy. The opportunity for that would be strengthened if we had had the access to fiscal stimulus through capital acceleration that the Labour Party has supported and which Mr Gray has made a virtue of calling for. I only wish

that the chancellor had listened to the Labour Party in Scotland and its demands for capital acceleration to support economic recovery.

Derek Brownlee (South of Scotland) (Con): The note that Mr Kerr was complaining about refers to UK growth projections. What are the Scottish Government's expectations of Scottish growth, in light of the information in the budget? In particular, will the Scottish Government be able to deliver its targets for economic growth?

John Swinney: Mr Brownlee and I have rehearsed this point before, and he will be aware that we set our targets in 2007, which consist of short-term and long-term ambitions for the development of the Scottish economy. Those targets were set before the economic difficulties that we now face, and their achievement will be challenging in the current economic context. However, we are determined to retain focus and to do everything in our power to achieve those targets.

Experience shows that the performance of the Scottish economy during the recession has largely mirrored that of the United Kingdom economy. That is my expectation regarding future growth, and I reiterate that the Scottish Government will do everything in its power to ensure that its targets are achieved.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): The cabinet secretary mentioned fuel and rates. It is helpful that he agreed entirely with the view that was expressed to the chancellor yesterday by my Westminster leader, Nick Clegg, who said:

"There is a fundamental problem with fuel duty in rural areas where using a car is not a luxury but a necessity. The real priority should be to help rural areas, not just a ... reprieve."—[*Official Report, House of Commons*, 24 March 2010; Vol 508, c 271.]

I think that there is agreement about that. Why, in a written answer to me in June last year, did the Minister for Transport, Infrastructure and Climate Change, Stewart Stevenson, confirm that the rural petrol station grant scheme, which is now administered by Scottish Enterprise, was being frozen for two years? That amounts to a real-terms cut in funding for the operation of that scheme.

With regard to rates, why has a response to a freedom of information request to the Government, which asked for all the information on why the Government had ruled out a transitional relief scheme for businesses, been denied on the basis that the information should be published within 12 weeks? Do not businesses that face a massive increase in rates, including rural petrol stations in my constituency, deserve a full explanation? That is why the information should be published now, not in three months' time.

John Swinney: My point about the freedom of information request is simple: we are following the legislative framework that exists. The freedom of information legislation indicates that if we are to publish information within a 12-week period, we are entitled to do so in an orderly fashion. That is precisely what we will do.

My second point is that of course there are rates relief schemes in place for rural petrol stations. Relief is available to the relevant businesses. Sixty per cent of businesses in Scotland will be better off as a consequence of the rates revaluation. If we had had a transitional relief scheme, those businesses would not have gained the reduction in business rates to which they were entitled. Across the piece, businesses will save £220 million as a consequence of this Government's decision to peg the business rates poundage in Scotland at the poundage rate in England. That has been of significant benefit to the businesses of Scotland.

That is in addition to the significant investment that the Scottish Government has put into the small business bonus scheme, not—as in the case of the chancellor's budget—for one year, but for a number of years.

The Presiding Officer: We come to open questions. We have 12 minutes for the 10 members who want to ask a question, so if we keep it pretty brief, we will get there.

Joe FitzPatrick (Dundee West) (SNP): The computer games industry is of particular importance to my constituency in Dundee, so I was pleased to hear the chancellor finally accept the argument that computer games development should receive a tax break. Has any light been shone on the timescale for implementation of that measure, which our computer games industry needs now, to allow it to compete on a level playing field with developers in countries such as Canada and France?

John Swinney: I do not have to hand any further information from the United Kingdom Government on the timetable for that, but I pay tribute to Mr FitzPatrick's tenacious efforts on behalf of his constituents in Dundee West. All the effort that goes into the development of computer games is quite remarkable. I visited Realtime Worlds not so long ago and was amazed at the number of people who are paid to sit and play computer games all day—it was a marvellous experience to watch. The computer games industry makes a fantastic contribution to the Scottish economy, and I pay tribute to Mr FitzPatrick's efforts to encourage the UK Government to take the step that he outlined.

David Whitton (Strathkelvin and Bearsden) (Lab): Speaking of living up to one's rhetoric, the cabinet secretary said that it was essential for

local authorities to stimulate their local economies, but Audit Scotland has said:

"After years of sustained growth in central government financial support for local government, in December 2009 the Scottish Government announced funding of £12 billion for 2010/11, representing a decrease in real terms on the previous year."

If he now has an extra £76 million in Barnett consequential, will he consider giving some of that to local authorities such as East Dunbartonshire Council, which has £800,000 less this year than it had last year?

John Swinney: As Mr Whitton knows—he has probably heard me say it a number of times—the share of the Scottish budget that goes to local government is increasing year on year, and it was decreasing year on year when I came to office. Mr Whitton has rather inadvertently confirmed my point—it is the logical conclusion of his question—that the budget in Scotland is falling in real terms. In that context, the share of the budget that is going to local government is increasing as a consequence of the decisions and choices that this Government has made.

Gavin Brown (Lothians) (Con): The cabinet secretary's statement was a curious mix of spending demands and a demand for a credible deficit reduction plan. Does he think that the spending demands for which he has asked should be paid for by an increase in borrowing or an increase in taxation?

John Swinney: As Gavin Brown knows from his analysis of the red book, the chancellor has tightened his fiscal stance in comparison with the stance in the pre-budget report. The chancellor made that decision although he had the opportunity to provide the type of capital acceleration programme for which the Scottish Government was calling without jeopardising the financial framework that he set out in the pre-budget report in December.

That is a perfectly sustainable proposition to put to the United Kingdom Government, notwithstanding the fact that I accept the need for a reduction in the deficit in due course. It is important that we support the development of the economy to contribute that private sector growth and return, rather than jeopardising it as the chancellor has done by adopting that fiscal stance.

Ross Finnie (West of Scotland) (LD): The cabinet secretary said in his statement that there was

"very little that was new in the chancellor's statement",

and that

"In many areas, he has simply followed the lead that we have set in Scotland."

Given that the gap in GDP is bigger and unemployment is rising faster in Scotland, is not that response rather complacent?

John Swinney: I know that Mr Finnie would never want to misrepresent the points that I made in my statement. I went on to set out a range of initiatives that the chancellor announced yesterday, which this Government has already taken forward. Those include additional student places, and support for small businesses, which has been a substantial part of the Government's programme long before the economic difficulties came upon us.

I reassure Mr Finnie that the Government is, through our economic recovery plan, taking a series of different measures and initiatives to ensure that the Scottish economy is given the maximum support possible at a very difficult time.

Linda Fabiani (Central Scotland) (SNP): As the budget seems to have been designed primarily to get the UK Government through the next six weeks, will the cabinet secretary confirm that he will, following the UK general election, continue to stand up for Scotland by lobbying whoever is in Downing Street to rethink the capital acceleration question? Will he expect the leader of the Labour group in this Parliament to assist him in that endeavour?

John Swinney: The leader of the Labour group in this Parliament has supported the Government on capital acceleration, so I am surprised that there is not some shared disappointment at the chancellor's announcement yesterday.

I assure Linda Fabiani that the Government will do everything in its power to persuade the incoming UK Government to attach greater priority to fiscal stimulus in 2010-11, to assist us in working our way through these economic difficulties. Of course, the Government continues to seek absolute clarity that none of the incoming United Kingdom Governments will in any way try to restate downwards the budget of the Scottish Government for 2010-11, which would have significant consequences for public services in Scotland.

Ms Wendy Alexander (Paisley North) (Lab): The cabinet secretary's statement specified the number of jobs that he believes his stimulus package would have created in Scotland. How many jobs in Scotland were saved by the banking bailout? If he does not know, will he commit to finding out?

John Swinney: It is clear that the banking sector is very important to the Scottish economy, and it has been stabilised as a consequence of the support that has been put in place. I noticed yesterday that the chancellor was making a virtue of the fact that he expected that support to have

no cost to the public purse, as a consequence of the fact that he intended to exit the arrangements and deliver a return to the taxpayer. The focus—the Economy, Energy and Tourism Committee has focused on this in its inquiry in the Scottish Parliament, which is welcome—should be on how we can strengthen the financial services sector in the years to come and ensure that it makes a strong contribution to economic recovery in Scotland.

Rob Gibson (Highlands and Islands) (SNP): I note that the cabinet secretary has supported the idea of a green energy fund. Does he agree that it is important to ring fence the money in that fund for renewables development in Scotland, so that any sense that much of it might be spent on nuclear power down south does not hold us back?

John Swinney: There would certainly be a great advantage in ensuring that the renewables sector benefited from the green investment bank. There is a tremendous and sustainable opportunity for many generations to come that does not have the ramifications and consequences that investment in the nuclear sector would have. Taking that opportunity would also give a tremendous stimulus to the Scottish economy and boost Scotland's manufacturing sector. We will certainly press for that, but we will also continue to press for the release of fossil fuel levy resources of around £200 million. That money could make a fantastic contribution to renewable development in Scotland, if it was not for the United Kingdom Government's perverse accounting rules.

The Presiding Officer: Order. There should be a bit less noise in the chamber, please.

Lewis Macdonald (Aberdeen Central) (Lab): Can the cabinet secretary confirm that the new green investment bank will provide an additional £2 billion of funding for low-carbon infrastructure, that that money will be in addition to the £1 billion that is already on offer from the UK Government for carbon capture and storage on a commercial scale, and that all that money will be invested—much of it in Scotland—well before the intended new date for the saltire prize of 2017?

John Swinney: The Scottish Government is, of course, investing significantly in the renewables industry. Last weekend, the First Minister announced the wave and tidal renewables scheme. I thought that Mr Macdonald would have jumped to his feet to welcome that; he normally jumps to his feet to welcome things that the First Minister has announced.

I caution Mr Macdonald to consider Mr Gibson's question. He cannot assume that all of the green investment bank's £2 billion—I confirm that that is the value of the fund—will be used for renewable

development, although I think that its approach would be better and more sustainable if that were the case. If Mr Macdonald wants to support the Government on that, he will be a welcome ally.

Patrick Harvie (Glasgow) (Green): Sadly, the public money that is going into the green investment bank equates to about 5 miles of urban motorway or less than half of a road bridge in Scotland. Would not it make far more sense to clean up the banks that we already own, such as the Royal Bank of Scotland, and force them to take their money—that is to say, our money—out of tar sands, oil extraction and coal power, and put that money, which is the real money, into the transformational technologies of the 21st century?

John Swinney: I would certainly encourage private equity sources to contribute towards the capital that is essential to support renewable development in Scotland. Indeed, later this year, the First Minister will lead a finance conference that will bring together some of the key financial players to understand the scale of the economic opportunities in renewables so as to ensure that we can command private capital investment in Scotland. That is a welcome initiative.

Margo MacDonald (Lothians) (Ind): The cabinet secretary has said that the performance of the Scottish economy mirrors that of the United Kingdom economy. I confess that I found what he said slightly difficult because of the difference in the sizes of our relative public sectors. What modelling and preparation has the cabinet secretary done for the rising unemployment that is likely in Scotland as a result of what will happen after the financial markets decide what they will peg our interest rates at?

John Swinney: As Margo MacDonald will appreciate, the Scottish Government and the United Kingdom Government have a range of different initiatives to support individuals in finding and securing employment. If we focus only on the key initiatives that we have talked about in this session alone, such as renewable energy initiatives and ventures relating to life science development in Scotland, we will find that we have real strengths in developing new employment and new opportunities. The Government will concentrate investment on ensuring that we secure many of those opportunities. I assure Margo MacDonald of the focus that we can deliver in that respect. Of course, she will also appreciate that there are limitations to what the Scottish Government can do. We could do more if we had the full range of financial powers of a sovereign, independent country, which I am sure that she would welcome.

Decision Time

17:15

The Presiding Officer (Alex Fergusson): There is one question to be put as a result of today's business. The question is, that motion S3M-6023, in the name of John Swinney, on the Public Services Reform (Scotland) Bill, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 FitzPatrick, Joe (Dundee West) (SNP)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)

Kerr, Andy (East Kilbride) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Margo (Lothians) (Ind)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 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)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

Against

Brown, Robert (Glasgow) (LD)
 Finnie, Ross (West of Scotland) (LD)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hume, Jim (South of Scotland) (LD)

McArthur, Liam (Orkney) (LD)
 McInnes, Alison (North East Scotland) (LD)
 O'Donnell, Hugh (Central Scotland) (LD)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Tolson, Jim (Dunfermline West) (LD)

The Presiding Officer: The result of the division is: For 109, Against 16, Abstentions 0.

Motion agreed to,

That the Parliament agrees that the Public Services Reform (Scotland) Bill be passed.

Gilmerton Core Store

The Deputy Presiding Officer (Trish Godman): The final item of business is a members' business debate on motion S3M-5770, in the name of Mike Pringle, on the Gilmerton core store. The debate will be concluded without any question being put.

Motion debated,

That the Parliament notes with extreme concern the decision by the British Geological Survey (BGS) to close the national offshore oil and gas core storage facility at Gilmerton in Edinburgh as part of plans to centralise all hydrocarbon storage to Keyworth near Nottingham; further considers that, if the closure goes ahead, Scotland will lose a world-leading facility used by hundreds of students and oil industry experts a year and highly valued by universities, the oil industry and other stakeholders alike; further understands that the announcement of the decision was made in August 2009, a month before the consultant report into the proposed move was finalised or published; regrets the apparent lack of consultation with geoscientists and academic and oil industry stakeholders before the decision was taken; questions the business case on which the planned move to Keyworth is based, particularly in relation to the transport costs required to safely transport the fragile hydrocarbon cores, the estimated sale value of the Gilmerton site and the future annual cost of sending Scottish university students to Keyworth to study the hydrocarbon cores; rejects assertions that the Edinburgh facility is not fit-for-purpose and understands that it has an impeccable health and safety record and enough spare storage capacity for several decades, and welcomes the National Audit Office's ongoing costs and value-for-money audit of these proposals.

17:17

Mike Pringle (Edinburgh South) (LD): The core store in Edinburgh is in Gilmerton in my constituency. It is a world-renowned facility that is used by both the oil industry and many Scottish universities and their students for research.

The proposal by the British Geological Survey to move the whole facility down south to Keyworth is proving hugely unpopular. Many—very many—in the industry are struggling to understand the merits of the move. I will mention just two: Myles Bowen, the explorer who led Shell's discovery of the Brent field; and Bryan Lovell, who is the next president of the Geological Society of London. They are two of the most knowledgeable people in the oil industry and both are against the move, not least because it would result in the relocation of a database that is widely used by academic institutions and oil companies alike north of the border.

Apart from the relocation resulting in much reduced access to the database for undergraduate and postgraduate geoscience research students, eroding even further their already limited funding, it would be a major loss to many other professionals in Scotland who require access to

the core material for research. I am sure that the minister will agree with me that the retention of the national core archive is vital to the wellbeing of the country's fossil fuel and carbon storage opportunities.

The move would add considerable costs to all who currently use the store. For a group of 20 students from universities in Edinburgh or Aberdeen, for instance, the extra cost of having to travel to Keyworth will be hundreds of pounds. Will the BGS guarantee to cover the travel and subsistence costs of those students? I do not think so.

It has been maintained that the BGS consulted widely, but my understanding is that numerous people in both industry and academia have yet to find any individual among their number who actually uses the archive and who was aware of the move until very recently. It appears that very few of them were consulted.

I maintain that the only real consultation was carried out by the Petroleum Exploration Society of Great Britain. Its president, Henry Allan, highlighted that in a recent article in a journal. I do not have time to quote the survey in full, but 77 per cent of respondents said that they want the facility to stay in Edinburgh, 48 per cent were actual users and only three people were aware of the proposed move. Henry Allan calls for the move to be shelved. He says:

"I believe that however far the Keyworth construction has gone it should be shelved and the attempted fudges to make the best of a bad job be abandoned. Focus on all the positive aspects of what BGS has done for us all so well and ensure that they can build on that, not destroy it."

Why has the BGS ignored the PESGB's survey when the message from the user community is clearly that the archive needs to remain in Scotland for the benefit of industry and higher education? Why were no representatives of the oil and gas operating companies invited to the BGS information meeting on 17 March? Was the Minister for Enterprise, Energy and Tourism invited to that meeting?

The BGS quotes concerns about the long-term future of the Gilmerton site and talks about its unsuitability for storing cores. However, my understanding is that there is capacity for 35 years of storage at Gilmerton and that, if all the material at Gilmerton were moved to Keyworth, it would fill 80 per cent of the capacity there. The BGS also suggests that the site is worth £2 million but, knowing the site, I find that most unlikely.

Currently, the cost of running Gilmerton, excluding staff, is more than covered by revenue and, as most predict, if the move takes place, most of that revenue will dry up, which will leave the BGS running at a loss at Keyworth.

The BGS estimates the cost of moving all the cores to be between £700,000 and £1 million. That estimate keeps changing, however. Sometimes when estimates change, the figures are revised downwards, but this estimate has gone up and up. It is time for the National Audit Office to have another look at the cost estimates for the move.

Corpro, an affiliate of Kirk Petrophysics, which is the industry leader in core transport and transports all Shell's cores, has estimated that, if the appropriate technology to ensure that core integrity is maintained is used, the true cost of core transfer will be between £4.3 million and £4.8 million. As everyone who is involved in any industry that has an interest in geological cores knows, the cores are vital for future research. If they are not transferred by the very best method, Keyworth will end up with a load of sand and pebbles, and millions of pounds-worth of vital resources will be lost.

How will the cores be transferred? There are more than 170,000 boxes in Gilmerton. The BGS thinks that it will take 18 months to move them, but has conceded that it might take a minute and a half to move each core, which would mean that the process would take two years and three months. Can the BGS move, photograph and load each core even in that time? The BGS is not an expert in moving cores, having never done it before. Industry experts suggest that a more realistic timescale is five to 10 minutes per core, which means that the process would take more than seven and a half years. The oil industry standard for photographing cores is 250ft to 500ft per day. However, the people who know all about these things at the BGS propose to photograph 3,000ft per day. That is not realistic.

I suggest that the BGS should conduct a trial that would involve timing how long it takes to move, say, 50 boxes from rack to lorry, and invite the National Environment Research Council to come and see what happens.

Why is the BGS ignoring all the expert advice from the industry? Surely it is people in the oil industry in Aberdeen and elsewhere who are the experts, not the BGS.

Irene Gunner, who works at the BGS, was going to be responsible for the move, and her contract was extended to cover it. However, she has just decided to retire. In an e-mail to me, which she is happy for me to quote, she says that she has

"been unhappy about the way things are panning re the 'move'"

and states that she has been considering her options at the BGS for some weeks. She continues:

"I had been told that I would have some input into any plans but that hasn't happened. A couple of days ago I was

given a copy of a draft proposal of procedures for the move by my line manager ... and I am very unhappy as to the methods and timings put forward—they're nonsensical."

Before I close, I have some questions for the minister. What has been the level of the BGS's engagement with and consultation of the Scottish Government over the transfer of the national offshore oil and gas rock archive? Why were no representatives of oil and gas operating companies invited to the BGS information meeting on 17 March to take part directly in the discussion around the transfer of the national core archive and its impact on industry? Perhaps the minister could also tell us whether he was invited and, if so, whether he was there.

If the move happens, what will be the future of the world-renowned Murchison house? Can the BGS guarantee its future? I do not think so. Will there be a need for the Scottish branch of the BGS? Not if the BGS has its way.

I do not believe that the BGS is listening to anyone who is involved, and it is time that it did.

17:25

Lewis Macdonald (Aberdeen Central) (Lab): I congratulate Mike Pringle on securing the debate. The concerns that he has raised have also been raised at the cross-party group on oil and gas, and I welcome the opportunity hear the views of ministers on those issues.

In December, I chaired a meeting of the cross-party group at which we considered the issues involved. We heard from the British Geological Survey and from Professor Patrick Corbett, Total professor of petroleum geoengineering at Heriot-Watt University. Members who were present at that meeting, of whom one or two are here this evening, will know that, although major oil companies tend not to rely on Gilmerton for cores because they have their own core stores, many smaller companies—including several in my constituency—as well as consultants and, in particular, the universities that teach petroleum geology and related subjects rely on having access to the Gilmerton core store and the records that are kept there. Accessible geological material in a store that is operated by a public body is useful both in the teaching of new generations of students and in identifying new possibilities for hydrocarbon extraction.

The issue is also clearly relevant to the enormous challenge of achieving successful carbon storage. The consortium that is progressing carbon capture at Scottish Power's coal-fired power station at Longannet in Fife includes both National Grid and Shell, which are involved because of their expertise in gas pipelines and oil reservoirs respectively. Ed

Miliband made it clear just a few days ago that Longannet is very much in the frame for the £1 billion that is available for a commercial-scale carbon capture and storage project. The success of that project does not depend on access to the core store at Gilmerton. Nevertheless, if the Longannet project goes ahead, the ability of a new generation of Scottish university students and graduates to access such a resource would ensure both a flow of suitably-qualified and well-informed graduates entering the industry—on the carbon storage side as well as on the hydrocarbon production side—and that those working in the sector had access to the best possible sources of information. Oil & Gas UK informs me that the BGS's proposals have caused it to look again at its practices and to consider how it can better share access to core stores among the private companies involved. Some innovative suggestions have also come forward, such as the Geological Society's proposal for an online core photograph database, which are to be welcomed.

At the meeting of the cross-party group in December, I asked John Ludden, the executive director of the BGS, whether alternatives to the closure of the Gilmerton store and the transfer of the cores to Keyworth had been considered. His view was that upgrading the facility at Gilmerton would require a complete rebuild because the ceilings are currently too low, and the foundations are too weak, to allow palletised storage of the type that is carried out at Keyworth. He estimated the cost of that rebuild to be upwards of £2 million. What is more, when the Geological Society made the same suggestion, it was told that the BGS was by no means certain that it would secure planning permission for such a development. Clearly, without that, nothing could happen.

My questions for Mr Mather are these. First, does he accept that, if the Gilmerton store is not to close, it will require to be upgraded, and has he had discussions with the BGS about that possibility? Secondly, when he met John Ludden, did the issue of planning permission for an upgraded core store arise, and what—if anything—was the minister able to suggest? Thirdly, if funding is required to allow a core store upgrade at Gilmerton or somewhere else in Scotland, what support can Scottish ministers offer or help to secure to make that happen?

17:29

Gavin Brown (Lothians) (Con): I, too, congratulate Mike Pringle on securing the debate this evening. A pretty strong case has been made for retaining the Gilmerton core store. We have heard about the academic downsides of the BGS's proposal. There would be reduced access to data for Scottish students, which would have expense

implications. There are also downsides for the oil and gas sector. The cores and records are used for exploration and development purposes, especially by some of the smaller oil and gas companies, as Lewis Macdonald mentioned. Anything that reduces the proximity between the cores and the sector must be a backward step.

There is one compelling argument for encouraging the British Geological Survey to change its position: that relating to potential transport damage. It is important to know that this material is invaluable and, in many cases, essentially irreplaceable. Any measure that jeopardises the integrity of the cores must be considered extremely seriously.

I do not argue purely on the basis of being a representative of the area. I looked carefully at the case that was put by the petroleum group committee of the Geological Society, which spent a great deal of time examining the issue in detail and promised to take a balanced and considered view. The committee weighed up the arguments on all sides, focusing especially on the potential for transport damage. Committee members' biggest concern, after considering the matter in detail, related to preservation of the material during transportation. Ultimately, having looked at all of the evidence, a majority of committee members were unwilling to support the planned move. The British Geological Survey must consider seriously the views of a group of experts who are not acting as representatives and who have looked at the case in detail. If they reach the conclusion that they cannot support the planned move, there is a strong argument for changing the decision. Again, they made the point that the material is essentially irreplaceable.

The British Geological Survey's reasons for going ahead with the move are set out in its press release. When it touched on the issue of transportation damage, I thought that it might put a counter-case—that it would say that it had considered all the evidence and come up with a scheme that it could guarantee would protect the integrity of the cores—but it did not do so. It said that it was

"engaging in a dialogue ... to ensure that all reasonable precautions are taken"

and that

"A full analysis will be carried out",

but it was in no position to rebut the claims of the petroleum group committee. For that reason, there is a strong argument for the minister to agree to meet the British Geological Survey—I suspect that he may already have done so—to impress on it the strength of the committee's argument.

In the press release, the British Geological Survey makes the point that the new Keyworth

facility will be fit for purpose. I have no doubt that it will, but it is important to note that there is no suggestion that the current site is not fit for purpose. The press release also says that the new site will adhere to all health and safety regulations, but I understand that there has been no suggestion that the Gilmerton facility is unsafe. Questions must be asked about the savings that are claimed. The press release suggests that £200,000 could be saved per year, but that must be set against proposed transport costs of £300,000. We heard from Mike Pringle that, since then, the prediction has been revised upwards considerably; I have not seen the figure, but I take what he says at face value.

For all the reasons that I have given, I think that the wrong decision has been taken. I urge the minister to tell us what he is doing to have it reversed.

17:34

Shirley-Anne Somerville (Lothians) (SNP): I congratulate Mike Pringle on securing this evening's debate and pass on apologies from my colleagues Brian Adam and Maureen Watt, both of whom would have liked to take part in this evening's debate but have had to return to Aberdeen for constituency business.

Mike Pringle's motion highlights once again the importance of core data to the oil and gas industry, academics and students, not only here in Edinburgh but throughout Scotland, especially in Aberdeen. They themselves came to the conclusion that such data must be situated in close proximity to the main users.

It makes even more sense for there to be no change to the arrangement when, as we have heard, the financial case on which the proposed transfer is based is on very shaky ground. There is an enormous gulf between the BGS's estimate of perhaps £700,000—the figure is still rising—and the estimate by the experts in the field. Mike Pringle mentioned a figure of about £4.3 million. The gulf between those figures is simply too large to ignore and cannot be dismissed given the individuals and organisations that have been involved in extensive work to research the issue.

There are also concerns about the unrealistic timetable that the BGS has proposed for transfer. Mike Pringle mentioned that the BGS assumes that it might take one or one and a half minutes to transfer and photograph each core, leading to a transfer process of perhaps 18 months. The experts are going for anything between seven and a half years to 10 years and they estimate about five minutes per core. Again, the gulf between those figures is far too large for anyone to ignore. That shows the problems we have when the

experts contradict the people who propose the transfer.

A great deal of concern has also been raised about how the transfer will take place. Will temporary labour be used rather than professionals? Will the correct transportation be used? One concern in the e-mails that I have received is about the lack of consultation. The experts have not been able to raise the issue directly with the BGS or to take part in any consultation process. I am also deeply concerned about the lack of consultation between the BGS and the Scottish Government on the issue, given the importance of the facility to Edinburgh and the wider Scottish economy. However, I welcome the interventions that the minister has made since he was made aware of the problems.

The poll that was carried out by the Petroleum Exploration Society of Great Britain, which has been highlighted, shows widespread opposition to the relocation, with 89 per cent of active users against the move. While they were taking part in the poll, a number of respondents left their comments, which show the depth of feeling on the issue and the grave concerns. One individual commented that he is

"concerned by the apparent lack of openness shown by BGS in this matter—decisions appear to have been made despite advice to the contrary and not in the best interest of users from industry and academia."

Others highlighted the transportation costs and other issues to do with transportation that Mike Pringle and Gavin Brown have mentioned. For example, one respondent stated:

"I believe the risks involved in moving such a valuable resource from Edinburgh are too high."

Another stated:

"Serious damage to vital and unique core material will result from the move, especially if carried out using standard haulage companies as planned."

Another said:

"Having viewed a great many of the cores located at the store in Edinburgh I am of the opinion that the vast majority may not survive transportation ... resulting in the loss of a valuable archive."

Those concerns must be taken seriously and they are but a few of the comments from the survey. They show how the people who use the facility feel. Their concerns are well placed and they recognise the importance of the core store to Edinburgh and Aberdeen. I look forward to the minister's comments on the issue.

17:38

The Minister for Enterprise, Energy and Tourism (Jim Mather): I thank Mike Pringle for securing the debate and for putting together such

a lucid rationale. I think all members share his concern—I certainly do—about the BGS's decision to close the Gilmerton core store. As Mike Pringle said, it would be a major loss. A powerful case has been built tonight that will be heard by the BGS and the National Environment Research Council. From the debate, there is no doubt that feelings are running high on the issue, and rightly so. The process has not been well handled by the BGS, despite the explanations that have been offered in defence of the decision. In effect, the decision has been a public relations disaster for the BGS in Scotland and its brand. It is clear that it should not have acted in that way.

Unfortunately, the BGS's direct line of accountability is to the United Kingdom Government. However, following the BGS announcement, I have been actively engaged on the matter, so I can answer Mike Pringle's questions. On his first question, we have written letters, we have made calls and we have had official meetings—we have been all over this situation in a comprehensive way. On his second question, we wanted the event to be held here. We wanted me to facilitate it and to have all relevant stakeholders in the room, but we did not get that. I will say more about that later.

Liam McArthur (Orkney) (LD): As the minister suggested, this has been a PR disaster. We heard Mike Pringle and Gavin Brown talk about the concerns that have been raised by the petroleum group committee about the implications in terms of proximity and transport damage. All speeches have referred to the rather shaky financial predictions. Does the minister share many people's concern that the alternative options have never been adequately assessed or considered for the simple reason that the relocation to Keyworth was always the BGS's intention from the outset, for reasons that are utterly unrelated to users' needs or the strengths of the Gilmerton facility?

Jim Mather: Yes, I agree whole-heartedly. The decision has been flawed. The one thing that I would say in mitigation is that Professor Ludden and Professor Thorpe have both engaged. However, they have engaged in a situation in which there are questions about the timing of the decision, which was made a month before the Tribal report was finalised and published.

The consultation was clearly flawed. If we want evidence of that, we just need to look at the poll. The costs and transport times were underestimated—the costs are likely to inflate. As Gavin Brown pointed out eloquently, the transport damage element has not been properly considered. The promised stakeholder event was not held on the basis that was agreed; we did not get the facilitation or the comprehensive range of stakeholders that we wanted in the room. The

science justification just does not align with the views of industrial or academic customers on the loss of proximity that Liam McArthur has just mentioned, the implications for travel costs and travel time and the economic implications.

Now we have a big worry about the logistics of the move—the timings look utterly unrealistic. When we start to inflate the timings to the five-minute or 10-minute level, we are talking about the move taking seven and a half or 15 years. There has been a sensible call for a time trial but, given the hiatus and the damage that could be caused, there is a bigger call for the BGS to prevent a PR disaster from turning into an operational disaster and perhaps even a financial disaster.

We are keen for the BGS to understand the concerns here and the concerns that have come from the National Audit Office. In spite of the fact that it has pressed on with the building work at Keyworth, we urge it to pause and consider where it is. This has been a sorry catalogue of actions and the fait accompli element of it has been difficult for us to deal with. The science is interesting, but if the engineering companies were to say that the key driver was engineering and were to ignore customer interests, they would be out of business. We have to get back to that fundamental matter.

I am deeply disappointed that we had a commitment on the nature of the event that we were going to have in Scotland but it failed to happen.

This debate proves that the Scottish Government and the Scottish Parliament will continue, on a cross-party basis, to question the consultation process on, and the business case for, the planned move to Keyworth, particularly in relation to the transport costs, the estimated sale value of the Gilmerton store and the future annual costs of sending Scottish university students to Keyworth to study hydrocarbon cores. We will continue to press for an adequate and appropriate level of service.

Given the strength of this debate, we have to give the BGS time to think again. There is a case for it fundamentally to rethink the move from Edinburgh. I am now looking at the options that are open to the Scottish Government, which include continued dialogue with the UK Government to convey our disappointment at how the BGS has acted, and to question the business case for selling the facility at Gilmerton on the basis of funding the Keyworth development.

Members have asked many other questions tonight that will build that work further. Questions were asked about the true cost of transport, the failed custodianship through damage that could result from transport, the effect of the move's

timing on the education of people who are coming through university, the continuation of research and development and the impact on research into carbon capture and storage, which is on the critical path for Scotland. All those issues must be debated.

I cannot give Lewis Macdonald's questions adequate answers, because we have been dealing with closed minds. However, I am keen to revisit the issues. The compelling argument and expert opinion that Gavin Brown brought into the equation were powerful. No suggestion has been made that the Gilmerton facility is anything other than fit for purpose and that it has anything other than the ability to deliver what is required.

I give the Parliament the commitment that we will continue to keep the pressure on—we will use the *Official Report* of the debate to further that. I am determined to ensure that we give BGS every chance to reconsider the decision. It is not good for Scotland and I do not believe that it is good for the BGS or the NERC. The Parliament has spoken on the matter and confirms that view.

Meeting closed at 17:46.

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