

MEETING OF THE PARLIAMENT

Wednesday 21 June 2000
(*Afternoon*)

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Scottish Parliament

Wednesday 21 June 2000

(Afternoon)

[THE PRESIDING OFFICER *opened the meeting at 14:30*]

Time for Reflection

The Presiding Officer (Sir David Steel): We welcome to lead our time for reflection today Rev David Anderson, the general secretary of Evangelical Alliance Scotland.

Rev David J B Anderson (General Secretary, Evangelical Alliance Scotland): Let us hear the word of God: a parable of Jesus about priorities, and a favourite Scottish psalm, containing the motto of Edinburgh.

“Jesus told them this parable: ‘A rich man had land which bore good crops. He began to think to himself, “I don’t have a place to keep all my crops. What can I do? This is what I will do,” he told himself; “I will tear my barns down and build bigger ones, where I will store the grain and all my other goods. Then I will say to myself: Lucky man! You have all the good things you need for many years. Take life easy, eat, drink, and enjoy yourself!” But God said to him, “You fool! This very night you will have to give up your life; then who will get all these things you have kept for yourself?”’ And Jesus concluded, ‘This is how it is with those who pile up riches for themselves but are not rich in God’s sight. Your Father knows that you need these things. Instead, put his Kingdom first in your life, and he will provide you with these things.’”

“Unless the Lord builds the house, the work of the builders is useless. Unless the Lord protects a city, guarding it with sentries will do no good.”

Let us pray. God, our loving Father, you are the creator of our world. In you we live and move and have our being. From you we receive daily strength and sense of purpose. You are our friend and helper, offering us forgiveness for our failure, fulfilment in our present, hope for the future.

In this uncertain world, help us to understand you are the foundation of all human life, better than any light, safer than any known way, and that our lives are restless until they find their rest in you.

We thank you for this Scottish Parliament and for all who have worked hard in this chamber and in their constituencies for the people of Scotland. We remember our First Minister, Donald Dewar, praying that he will soon be restored to full health and strength. Guide the acting First Minister, the Scottish Executive, the committees and members of the Parliament that they may govern with integrity and sensitivity, wisdom and compassion.

In particular, we pray for workable policies, having an impact on key social needs, delivering resources for the poor, jobs for the jobless, health for the sick and justice for every section of our community.

May the high aspirations for the Parliament be tempered with realism about what it can achieve. Help us today and every day to stand for what is right, not because it may yield dividends later, but because it is right, now. Remind us constantly that from the beginning of our lives and at the end of the day, we are all of us accountable to one greater than ourselves.

Above all, Father, as we remember that this Parliament exists for the benefit of those who are outside it, help your servants, in constructive partnerships with others, to deny the interests of none and to seek the common good of all our people.

We ask this in the name of Jesus Christ.

Amen.

Parliamentary Bureau Motions

The Presiding Officer (Sir David Steel): Our first item of business is consideration of Parliamentary Bureau motions. I call Tom McCabe to move motion S1M-1029, which proposes the order of consideration of stage 3 of the Ethical Standards in Public Life etc (Scotland) Bill this afternoon.

14:35

The Minister for Parliament (Mr Tom McCabe): If members have any concerns or questions about the motion, I am happy to try and address them.

I move,

That the Parliament agrees that the order in which the amendments to the Ethical Standards in Public Life etc. (Scotland) Bill be disposed of at Stage 3 of the Bill be altered so that the amendments to each schedule are considered immediately after the amendments to the section which introduces it.

The Presiding Officer: Mike Russell has asked to speak.

Michael Russell (South of Scotland) (SNP): Not on this motion, Presiding Officer. I want to speak to motion S1M-1036.

The Presiding Officer: You were too quick in pressing your button.

The question is, that motion S1M-1029, in the name of Mr Tom McCabe, be agreed to.

Motion agreed to.

The Presiding Officer: The second motion is motion S1M-1030, in the name of Tom McCabe, which proposes that decision time should begin at 7.05 pm today.

Mr McCabe: The same format applies, Presiding Officer. If members have any concerns about the motion, I will try to address them later.

I move,

That the Parliament agrees that under Rule 11.2.4 of the Standing Orders, Decision Time of the Meeting of the Parliament on Wednesday 21 June should begin at 7.05pm.

Motion agreed to.

The Presiding Officer: I call Tom McCabe to move business motion S1M-1036, on behalf of the Parliamentary Bureau, on the timetabling of the stage 3 debate of the Ethical Standards in Public Life etc (Scotland) Bill.

Mr McCabe: Once again, Presiding Officer, if there are any questions, I will try to address them.

I move,

That the Parliament agrees that the time for consideration of Stage 3 of the Ethical Standards in Public Life etc. (Scotland) Bill be allotted as follows, so that debate on each part of the proceedings, if not previously brought to a conclusion, shall be brought to a conclusion on the expiry of the specified period (calculated from the time when Stage 3 begins)—

Section 1 to section 22 – up to 2 hours

Schedule 3 to after section 24 – up to 3 hours

Remainder of the Bill – up to 4 hours

Motion to pass the Bill – no later than 4 hours 30 minutes.

14:36

Michael Russell (South of Scotland) (SNP): Presiding Officer, I understand that Mr McCabe and you have been made aware of my decision to oppose motion S1M-1036. Members will remember that, two weeks ago, when we had the stage 3 debate on the Standards in Scotland's Schools etc Bill, Donald Gorrie was wise enough to suggest that such motions were unnecessary in this chamber because of the Presiding Officer's powers and the possibility that we might lose the vigour of debate. That suggestion was unanimously opposed in this chamber.

However, many of us, having shared in that initial decision and then experienced what took place that afternoon, believe now that Mr Gorrie was right. There is no doubt that the advisory nature of timetabling motions is helpful to the Presiding Officer and to members in how they use their time for debate, but the mandatory nature of such motions is not helpful. It means—as it did during the stage 3 debate on the Standards in Scotland's Schools etc Bill—that we lose the vigour of debate on many amendments. Some members were being called to speak for 30 seconds on some amendments, there was a ministerial reply and then a division.

The SNP believes that, although the consultative steering group principles called for ordered debate, they did not call for constrained debate. It is necessary to have an open period of debate on all important bills at stage 3 that is not constrained and cut up in such a way that—by the nature of the motion—were the timings to go wrong, we could lose debate on important amendments.

That is important, today of all days. For many months, people have been asking members whether they will debate section 2A. The answer has always been that the Parliament has not yet addressed it. This afternoon, we will address it; and, according to the timetabling motion, we shall have an hour to do so—not a moment more. That is letting down the people who have asked for that debate. I say that as someone who has argued for repeal of the section for many months; has said that he will vote for repeal; and who will vote for

repeal.

Given those circumstances, we should oppose the timetabling motion, which in future should come as advice to the Presiding Officer. There should be a freedom, not a curtailing, of debate in the chamber.

14:39

Alasdair Morgan (Galloway and Upper Nithsdale) (SNP): As a Parliament, we should be against guillotines in principle. The motion is nothing other than a guillotine. Although guillotines are justified when, for example, there has been protracted filibustering on a piece of business or when there is very good evidence that there will be filibustering, there has been no such indication of filibustering so far. I do not think that debates on any of the other bills that we have considered so far under timetabling motions would have been extended by any great extent had there been no motion.

I simply point to our experience of the previous timetabling motion in the chamber. Even after allowing for the interruption caused by the power cut, the Presiding Officer basically ignored the timetabling motion and the debate on many sections were extended so that members could speak. It strikes me that either we have a timetabling motion that is followed by the Presiding Officer to the letter or we have no such motion. We must not get into an in-between situation.

We are a new Parliament, setting off down the road of democracy. We should start with the presumption that, within the usual speaking limits, members should be allowed to have their say, rather than be arbitrarily curtailed by such a motion.

14:40

Donald Gorrie (Central Scotland) (LD): I have much sympathy with the points made by Alasdair Morgan and Mike Russell. However, the powers that be have produced a more realistic timetable on this occasion and perhaps we should give them a chance, to see whether they can deliver on that timetable.

The principle of whether there should be a timetable is important. Perhaps we should debate that principle separately at some other time. On this occasion, I am in conciliatory mode and I am prepared to give Tom McCabe and co a chance.

14:41

Mr McCabe: It should be instructive for Mr Russell if I have the endorsement of Mr Gorrie—that should be enough for him. I thank Mr Gorrie for that vote of confidence.

Mr Russell has misunderstood fundamentally the purpose of the timetabling motion. In the next few minutes, I hope to inform him better of the purpose of the motion and, after that, I am sure that he will withdraw his opposition to it.

I emphasise that the purpose of a timetabling motion is not to restrict debate. In fact, its purpose is to structure a debate and to ensure that time is available for the later amendments in the marshalled list. Therefore, far from inhibiting or restricting debate, a timetabling motion exists to structure a debate and to be of some assistance to the Presiding Officer. It has been acknowledged already that a timetabling motion assists whoever is in the chair to ensure that business is conducted properly.

The CSG recommended that the Parliamentary Bureau should timetable debates on bills to ensure that members had sufficient time to focus on the issues. The CSG was aware that it should balance that against the need to ensure that the business of the chamber was conducted efficiently. The motion provides that balance.

The timetabling motion allows four hours for debate on the amendments and half an hour for debate on the motion to pass the bill. That timetable compares with the committee debate, which lasted for around four and a half hours, when more than 130 amendments were considered. By no means can four hours of debate on stage 3 of a bill at a meeting of the Parliament be judged inhibiting when, in committee, just over four and a half hours was spent on dealing with more than 130 amendments.

The Executive has been perfectly open on the matter. We first notified the bureau on 6 June of our intention to schedule the debate on the Ethical Standards in Public Life etc (Scotland) Bill on this date. Members were aware of that, and if they had reservations, they had the opportunity to make representations to us. Seven out of the 16 groupings of amendments—half the business—are concerned with issues that were raised in committee, to which the Executive is merely responding. That should indicate that less time should be required for those amendments. All in all, we have four hours in which to deal with the amendments that have been selected, which is more than ample.

I wish to correct Mr Russell on one point. We will not debate the repeal of section 2A today. The repeal is contained in the bill and there are no amendments to the relevant section.

For one hour, we will discuss one amendment on the subject of marriage. An hour is more than ample for one amendment. Had we allowed an hour's debate on every amendment to the bill, we would still be here in the middle of next weekend.

We have demonstrated that we are more than happy to provide ample time for a particular issue to be discussed.

The Presiding Officer: The question is, that motion S1M-1036, in the name Tom McCabe, 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)
 Barrie, Scott (Dunfermline West) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)

Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Harper, Robin (Lothians) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeod, Fiona (West of Scotland) (SNP)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Scott, John (Ayr) (Con)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 63, Against 47, Abstentions 0.

Motion agreed to.

That the Parliament agrees that the time for consideration of Stage 3 of the Ethical Standards in Public Life etc (Scotland) Bill be allotted as follows, so that debate on each part of the proceedings, if not previously brought to a conclusion, shall be brought to a conclusion on the expiry of the specified period (calculated from the time when Stage 3 begins)—

Section 1 to section 22 – up to 2 hours

Schedule 3 to after section 24 – up to 3 hours

Remainder of the Bill – up to 4 hours

Motion to pass the Bill – no later than 4 hours 30 minutes.

The Presiding Officer: As the motion has been agreed to, we will proceed according to the timetable that it sets out.

Ethical Standards in Public Life etc (Scotland) Bill: Stage 3

The Presiding Officer (Sir David Steel): Before we begin stage 3 proceedings, I will make the usual announcement about the procedures that will be followed. By now, members will be becoming familiar with them.

First, we will deal with amendments to the bill and we will then move on to debate the question that the bill be passed. For the first part of the debate, members should have the bill, which is SP Bill 9A—the bill as amended at stage 2—the marshalled list containing all the amendments that I have selected for debate, and the groupings, which I have agreed.

The amendments have been marshalled in the order that the Parliament has just agreed, with schedules being dealt with after the sections that introduce them. Amendments will be debated in groups, where appropriate. Each amendment will be disposed of in turn, and an amendment that has been moved may be withdrawn by agreement. It is possible for members not to move amendments if they wish.

The electronic voting system will be used for all divisions; I will allow a voting period of two minutes for the first division in each group—I might revise that ruling later if we find that two minutes are not necessary, but we will allow two minutes for the moment.

Alasdair Morgan (Galloway and Upper Nithsdale) (SNP): On a point of order, Presiding Officer. Mr McCabe said that motion S1M-1036 was for the guidance of the chair, but its terms seem to be fairly prescriptive. How do you and your deputies intend to structure the debate when you come up against the rigid time limits in the motion?

The Presiding Officer: We all agree that our previous experience was a rather unhappy one, not just because of the breakdown in the electronics, but because the timetabling was too tight. We think that we can cope with this timetable, and I point out that the cut-off point for each part of the debate indicates a maximum time. In other words, if we do not use the whole two hours for the first part, that will allow more time later. I encourage members to bear that in mind.

The occupants of the chair are bound by the motion that you—members of the Parliament—have just passed. We are your servants, and we will apply the cut-off point as set out in motion S1M-1036.

David McLetchie (Lothians) (Con): On a point of order, Presiding Officer. My point relates to your

failure to accept for debate at stage 3 the amendment lodged by my colleague, Mr Harding.

For the benefit of other members—

The Presiding Officer: That is not—

David McLetchie: If I may finish this point—*[Interruption.]* The amendment was in exactly the same terms as the amendment lodged by Mr McMahon at stage 2, at the Local Government Committee. The amendment raised a key issue of principle, which goes to the very heart of the debate on section 2A—

The Presiding Officer: But what is the point of order for me?

David McLetchie: The point of order is that I think that, in the exercise of the discretion of the chair—by failing to call for debate by 129 members of this Parliament the key issue of principle that goes to the very heart of the bill—you have been in error, and you do the Parliament and the public no service by that decision.

The Presiding Officer: It is quite clear in the standing orders that the selection of amendments is a matter for the chair—it is totally at my discretion. However, guidance was also issued, to which all parties signed up. One of the elements of that guidance—from memory; I do not have it in front of me—is that, where an amendment has been fully debated and decided on in committee, the balance of probability is that it will not be selected for debate at stage 3. That is not a hard and fast rule, but it is guidance to which everyone subscribed.

As I explained to Mr McLetchie on the telephone, if I may refer to our earlier conversation, in this particular case—I will not always give reasons—everything that was contained in the amendment that I did not select is contained in an amendment that I did select.

There is therefore no stifling of debate. Every member can talk on everything that was in the amendment that I did not select.

David McLetchie *rose*—

The Presiding Officer: With respect, Mr McLetchie, that was not a point of order. The standing orders say that the selection of amendments is at my discretion. You may disagree with my selection, but that is tough. *[Applause.]*

David McLetchie: It is frankly scandalous that this Parliament does not get the opportunity—

The Presiding Officer: Order.

Members: Sit down.

David McLetchie: —to debate an issue that is at the heart of the debate—

The Presiding Officer: Order. Mr McLetchie, you cannot challenge something that is at my discretion. I am sorry about that: you may feel strongly about it and you can tell me what you like about it in private.

We should proceed, as we are wasting time. The clock will begin at 14:50. Everyone should bear that in mind—it means that the first part of the debate will end two hours from now.

Section 2—Model code of conduct for members of devolved public bodies

14:50

The Presiding Officer: We move to amendment 2, which is grouped with amendments 16 and 17. I call Wendy Alexander to move amendment 2 and speak to the other amendments in the group.

The Deputy Minister for Local Government (Mr Frank McAveety): I will transpose myself. I am not Wendy Alexander.

The Presiding Officer: I can see that you are not Wendy Alexander, but you can move the amendment all the same.

Mr McAveety: Amendment 2 is fairly straightforward. The purpose of the amendment is to correct a cross-reference in the bill, which needs to be changed because of additions to the bill's content.

I move amendment 2.

The Presiding Officer: The amendments are open for discussion. Amendment 2 was moved by Frank McAveety, contrary to what I had been advised.

Amendment 2 agreed to.

Section 3—Codes of conduct for members of devolved public bodies

The Presiding Officer: We move to amendment 3, which is grouped with amendment 4. I call the minister—I had better say that and we will see who gets up—to move the amendment.

Mr McAveety *rose*—

The Presiding Officer: It is Mr McAveety again.

Mr McAveety: Amendment 3, again, is fairly straightforward, but it is detailed. The increased number of bodies that come within the scope of the bill would have considerable resource implications if they were all to be at the start line simultaneously. To maintain confidence in the Executive and the Parliament's commitment to establishing high standards, it is important that the implementation of the bill is well managed.

The amendments will enable the Executive to provide for different bodies to submit their draft codes of conduct to ministers on different dates. The amendments replace the provision, originally in section 3(1), under which every devolved body would have had to submit its draft code to ministers within three months of the members' model code first being issued. Under the amendments, ministers would have the power to set by order the date by which each body should submit its code. Any order would have to set a date at least three months from the date of the order, thus giving the body ample opportunity to put a draft together.

I move amendment 3.

The Presiding Officer: What about amendment 4?

Mr McAveety: A similar argument would be deployed for amendment 4.

The Presiding Officer: On each occasion, I would be grateful if ministers spoke to all the amendments in the group.

Amendment 3 agreed to.

Amendment 4 moved—[Mr McAveety]—and agreed to.

After section 5

The Presiding Officer: We move to amendment 5, which is grouped with amendment 6.

Mr McAveety: The purpose of amendment 5 is to impose a duty on the standards commission to draw up a general framework document, stating how it will interact with councils and other devolved public bodies. The commission would be required to

“consult such association of local authorities and any such other bodies or persons as it thinks fit”

before issuing any guidance.

The amendment was lodged following the commitment that I gave at stage 2, after members of the Local Government Committee had raised a number of concerns, that the issue of guidance would be reflected in the bill. I know that a number of committee members were particularly keen for the bill to include a specific reference to how local standards committees would relate to the standards commission. The intention of the amendment is to have a general guidance document, which we see as appropriate, which will cover all aspects of relations between the commission and councils and devolved public bodies, including standards committees.

The amendment does not mean that we have ignored the concerns raised at stage 2, about the

local standards committees' relationship to the commission. Importantly, the amendment will allow interested parties to have their say in what is contained in the guidance, as they will be consulted and will be able to put their views forward.

On amendment 6, we discussed before stage 2 co-ordination with the local government ombudsman and the Accounts Commission, which have in place appropriate informal arrangements for areas of common interest. Both bodies advised that the number of overlapping cases was few, that the informal arrangement worked well and that legislation on liaison would be inappropriate.

At stage 2, the committee expressed concern about possible overlap of the functions of the standards commission, the ombudsman and the Accounts Commission, and we undertook to lodge an Executive amendment to tackle that. I believe that our amendment addresses the concern. It requires the standards commission to consult the local government ombudsman and the Accounts Commission on areas of common interest. Under the amendment, the three bodies will be required to liaise on all matters of common interest.

I believe that the amendment satisfies the committee's concerns and builds on what the Accounts Commission and the local government ombudsman have told us. The Convention of Scottish Local Authorities also supports the amendment.

I invite Kenny Gibson to withdraw amendment 86 when we come to it.

I move amendment 5.

Mr Kenneth Gibson (Glasgow) (SNP): I am afraid that I cannot withdraw amendment 86, as it has not been selected for debate by the Presiding Officer.

Amendment 6 follows on from amendment 123, which I lodged at stage 2. The Executive assured the Local Government Committee that it would come back with a rewording and has done so. However, amendment 6 is less clear than the original wording, in that it does not mark out boundaries, but talks about consulting the commissioner for local administration in Scotland and the Accounts Commission. I resubmitted amendment 123 as amendment 86; I believe that it would have ensured the delineation of workable boundaries from the outset. As amendment 86 was not selected by the Presiding Officer, I believe that members should support amendment 6 as a step in the right direction.

Donald Gorrie (Central Scotland) (LD): Frank McAveety mentioned the possibility of councils having standards committees. There was discussion of that in the committee. I tried to have

council standards committees inserted in the bill and the deputy minister disagreed. If he would make a favourable comment about council standards committees, that would be helpful to some councillors in persuading colleagues who are not keen on the idea. Such committees may not be compulsory, but they are desirable, and I hope Mr McAveety will say that.

One of the points raised by the Law Society was on the need for public consultation; that was not pursued through an amendment. Will the deputy minister say whether he thinks the consultation proposed in amendment 6 could include some public consultation with interested parties? Those two assurances would help to make the bill more effective.

Mr McAveety: I said to the Local Government Committee that the Executive would encourage the establishment, where appropriate, of local standards committees. Nothing in the bill prohibits that. We think that it is very important to have national standards, to ensure that there is consistency across Scotland. Already a number of local authorities are exploring whether they can include standards committees in the modernisation of their political and management structures. We would encourage that and that is supported by a majority of members of the Parliament, I believe.

I have an open mind on the second point. We want to ensure that everything is transparent and accountable, and one of the recommendations that councils will be taking up is how to engage with the public locally on how they establish standards committees, and what should be expected of those committees. The Executive also supports that.

Amendment 5 agreed to.

Section 7—Standards Commission for Scotland

Amendment 6 moved—[Mr McAveety]—and agreed to.

Section 9—Relationship between Commission and Chief Investigating Officer

The Presiding Officer: We now come to amendment 7, which is grouped with amendment 8.

Mr McAveety: Section 9 imposes a duty on the chief investigating officer to comply with the directions of the commission. Amendment 8 prevents the commission from directing the CIO on the manner in which an investigation is carried out. Amendment 7 is a consequential drafting amendment following from that.

Investigation of alleged breaches of conduct will

be dealt with by the CIO, who is independent of the commission. The intention is that he or she can be instructed to carry out and report on an investigation of an alleged breach but will have discretion about the way in which duties are performed. As currently drafted, section 9 requires the CIO to comply with any direction issued by the commission. The amendments maintain and reinforce the CIO's independence.

I move amendment 7.

Amendment 7 agreed to.

Amendment 8 moved—[Mr McAveety]—and agreed to.

Section 11—Conduct of chief investigating officer's investigations

15:00

The Presiding Officer: We come now to amendment 9, which is grouped with amendments 87 and 75.

Mr McAveety: Amendment 9 requires the chief investigating officer to inform in writing the commission, a person who is the subject of an investigation and the council or body whose councillor or member is under investigation, if he expects that that investigation will not be completed within three months of its start date. The amendment sends a clear signal of the Parliament's intention that, wherever possible, investigations should be completed within 90 days. It is lodged in response to amendment 53, which was lodged at stage 2 and which sought to introduce a 90-day limit on investigations by the chief investigating officer. I recognise the concern that investigations should be carried out quickly and I consider that amendment 9 reflects the spirit of amendment 53.

Supporters of amendment 53 proposed that the commission should approve investigations that go beyond the three-month limit. We have not retained that element of amendment 53, as it created an unnecessary administrative burden for the CIO and the standards commission and opened up the possibility that an investigation might have to be abandoned because of administrative oversight. That would be unsatisfactory not only for the person under investigation, but for the public's confidence in the process.

Amendment 87 appears to have been lodged in response to amendment 9. I believe that its intended purpose is to underline that investigations should be undertaken within three months and that, where that is not possible, the CIO should inform the commission, a person who is the subject of an investigation, and the council

or body whose member is under investigation, if it seems that an investigation will not be completed within three months of its start date. However, the effect of the drafting would be to introduce a three-month deadline for all investigations. Where that was not achievable, the CIO should inform the commission, but there would be no scope for investigations to run beyond three months. Members will agree that that route would open up the possibility of investigations coming to a halt either because they were particularly complex or time consuming or because those who were involved in the investigation chose to delay so that it was timed out. That cannot be right.

The issue of legislating for a target time scale was discussed at stage 2. We believe that speedy investigations are achieved not by setting statutory time scales but by more effective practices and by co-operation by those who are involved in investigations. We will expect the CIO to deal with investigations expeditiously and that, wherever practicable, investigations should be completed within three months.

I move amendment 9.

Mr Gibson: I rise to move amendment 87.

The Presiding Officer: I wish to clarify that the only amendment that is moved is the first one in the group. Members speak to the other amendments, which are moved at the point at which they occur in the bill.

Mr Gibson: Amendment 87 is based on amendment 53, which I submitted at stage 2. The Local Government Committee split 5:5 on amendment 53 because some members believed that as it called for all investigations to be completed within 90 days, it could have led to difficulties. As Mr McAveety said:

“People might be able to string out investigations of their conduct and so invoke the time limit”—[*Official Report, Local Government Committee*, 16 May 2000; c 930.]

My view, and that of Donald Gorrie and others, was that the 90-day limit would not be prescriptive but would be an incentive to complete investigations expeditiously. The Executive assured the committee that it would come back with a rewording and, indeed, it has done so—but amendment 9 does not clarify that investigations should normally be completed within three months. It provides merely that the commission should be informed if the investigation is likely to exceed that time scale. Amendment 87 gives more urgency to the completion of investigations by emphasising that investigations

“shall be completed within three months”

although it does not close the door on their taking longer if necessary.

I trust that that emphasis will satisfy the

chamber, given that it is in no one’s interest for investigations to drag on longer than is absolutely necessary. I ask the chamber to support amendment 87 and reject to amendment 9.

Donald Gorrie: The word “shall” in Kenny Gibson’s amendment is a problem. I entirely support the thrust of what he is trying to achieve: there should be maximum pressure on the commission and the investigating officer to finish an investigation within three months. Although I am not a lawyer, I think that the wording of amendment 87 could be a problem and could be interpreted as Frank McAveety suggests. It would therefore be counterproductive. I was encouraged by what the minister said about the importance of getting things done within three months. If he could say that even more vigorously in his reply, I will support him.

Kenny Gibson’s choice of the word “shall”, which I think was imposed on him by some professional advice, harms his amendment. While I support Kenny Gibson’s objective, I do not totally support the wording of his amendment.

Mr Keith Harding (Mid Scotland and Fife) (Con): I supported Kenny Gibson’s stage 2 amendment in the Local Government Committee but regret that I cannot support his amendment today. I believe that the wording is incorrect. Amendment 87 gives a time limit and suggests action thereon, but I believe that that could invalidate the investigation, or bring it to a stop.

I, too, am reassured by what the minister said today. The Executive has addressed the issue; that is what I was looking for. We will support the Executive’s amendment.

Mr McAveety: I am delighted to respond to Donald Gorrie. After reading today’s *Daily Record*, in which Donald claimed that perhaps the Parliament was dull and uninteresting, I want to thank him for giving a Glaswegian the opportunity to shout louder in the chamber; however, I will not take up his offer because I am a moderately inclined politician.

I stress that we expect investigations to be carried out within 90 days; we want to send that message, loud and clear, to the chief investigating officer. However, in terms of the practice and operation of the process, the time scale that is proposed in amendment 87 would be too restrictive. That is why we reject Kenny Gibson’s amendment.

Presiding Officer, I have spoken about amendments 9 and 87, but I also need to speak to amendment 75. Do you want me to do that now?

The Presiding Officer: Yes.

Mr McAveety: On those grounds, members should support amendment 9 because it takes into

account the spirit and process of the debate that took place at stage 2.

My colleague Sylvia Jackson lodged an amendment at stage 2 to require that

“A council receiving a copy of the findings shall consider them at a meeting of the council within three months of receipt.”

Amendment 75 extends the requirement to consider the findings to devolved public bodies and provides that the council or public body should consider those findings

“within three months of receiving them or within such longer period as the Commission may specify”.

A longer period may be appropriate for some reasons, for example if the council or public body's next meeting was not due to take place within the three-month period. The amendment requires that the duty must be discharged by the full council or the full body and may not be delegated to sub-committees.

Amendment 75 is consistent with the intention behind Sylvia Jackson's amendment at stage 2. COSLA is content with Executive amendment 75, which clarifies the earlier amendment.

I move amendment 9, invite Kenny Gibson to withdraw amendment 87, and move amendment 75.

The Presiding Officer: I will clarify again what I said to Kenny Gibson. Only the first amendment in the group should be moved, although we want the speeches that relate to all the amendments in the group at one time. The other amendments in the group will be moved as they come up on the marshalled list. Let us stick with that procedure.

No one else has indicated that they want to speak on amendment 9 or the other amendments in the group, so I will put the question.

The question is, that amendment 9 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division, for which I will allow two minutes.

FOR

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Canavan, Dennis (Falkirk West)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)

Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeish, Henry (Central Fife) (Lab)
 McLetchie, David (Lothians) (Con)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, Mr John (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)

Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 79, Against 34, Abstentions 0.

Amendment 9 agreed to.

Amendment 87 moved—[Mr Gibson].

The Presiding Officer: The question is, that amendment 87 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)

Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Harper, Robin (Lothians) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeish, Henry (Central Fife) (Lab)
 McLetchie, David (Lothians) (Con)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, Mr John (Ross, Skye and Inverness West) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)

Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Presiding Officer: The result of the division is: For 34, Against 77, Abstentions 0.

Amendment 87 disagreed to.

The Presiding Officer: Amendment 88, in the name of Kenny Gibson, will be debated on its own.

Mr Gibson: Just for clarification, I inform Donald Gorrie that “shall” was inserted by the clerks and not, as he said, by me.

Amendment 88 is based on amendment 52, which I lodged at stage 2. At stage 1, the Local Government Committee broadly supported the view that complaints should be in writing, to reduce the possibility of malicious and anonymous complaints being made against councillors and members of devolved public bodies.

The failure to require complaints to be made in writing was described by my colleague Gil Paterson as “a cowards charter”, but the Executive and five of the committee members who were present during the stage 2 debate felt that the wording of amendment 52 was, in the words of Michael McMahan, “too prescriptive”. I have therefore altered that amendment to include “so far as is possible”, which I hope will be acceptable to all members.

Complaints would normally be expected to be submitted in writing, but would not be ruled out if they came from another source. At stage 2, the minister promised to reconsider this issue, but no further Executive amendment has been lodged. I therefore ask the Parliament to support the amendment.

I move amendment 88.

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): I support this amendment. It is important that we guard against malicious and unwarranted complaints; I know that there may be a large number of them out there. I suggest to members that one not too onerous safeguard would be simply to ask that allegations of

misconduct be made in writing. I am sure that that would deal with many unwarranted complaints.

Donald Gorrie: This is an excellent amendment, which should be supported. The arguments that were advanced against it previously—that some people are illiterate or not good at speaking English—could be countered if they dictated their view to someone else who wrote it down.

There must be some substance behind a complaint, and it should be in writing and signed. The anonymity of the complainer could be preserved in the investigatory process, as someone’s job could be in jeopardy—or they may fear that it would be—if it became publicly known that they had complained. This amendment would help to protect councillors from malicious and trivial complaints. I hope that, in the light of the discussions in the Local Government Committee and today’s debate, the minister will accept it.

Mr Harding: I congratulate Kenny Gibson on coming up with a good wording that should overcome the opposition that was voiced in the Local Government Committee. I hope that the Executive will accept the amendment. Wherever possible, malicious allegations should be discouraged. This amendment is a good way of addressing that issue.

15:15

Mr McAveety: I believe that there are sound provisions in the bill to deal with malicious complaints. The bill provides the chief investigating officer with a sensible amount of discretion as to how he or she carries out investigations. If an allegation is received which appears to be without substance, or if it relates to a matter that has already been dealt with, the CIO will simply decide that there is nothing to investigate. Similarly, if it becomes apparent on investigation that an allegation has no substance, the investigation can simply be stopped.

Having listened carefully to the concerns members of the committee raised at stage 2 and after further discussion with colleagues, we recognise that there should be provision to indicate that allegations should, where possible, be made in writing. My experience is that that does not discourage those individuals who love to write copious amounts in green ink on lengthy pages. We will still receive those communications. It is, however, important to recognise the principle behind Kenny Gibson’s amendment and we are happy to accept it.

Amendment 88 agreed to.

Section 16—Hearings before Commission

The Presiding Officer: We now come to amendment 10, to be moved by the minister.

Mr McAveety: This is fairly straightforward. Amendment 10 would limit the commission's power to compel the giving of evidence and the production of documents to the extent that could be compelled in a Court of Session in civil proceedings. It would bring section 16 into line with section 12 with respect to the investigations carried out by the chief investigating officer.

I move amendment 10.

Amendment 10 agreed to.

Amendment 75 moved—[Mr McAveety] and agreed to.

Section 18—Action on finding of contravention

The Presiding Officer: We come now to amendment 76, with which are grouped amendments 77, 78, 11, 13, 12 and 79. I call the minister to move amendment 76 and speak to all the amendments.

Mr McAveety: Amendment 76 provides a new sanction to the commission. That sanction, which will be in addition to those outlined at stage 1, will be the ability to suspend a councillor or a member for a period of up to a year from one or more, but not all of, the following:

- (i) all meetings of the council or body;
- (ii) all meetings of one or more committees or sub-committees of the council or body;
- (iii) all meetings of any other body on which the councillor or member is a representative or nominee of the council or body.

At stage 2, the committee considered that a further sanction that would fall between censure and suspension should be added to the bill. I undertook to take that matter forward in consultation with the Convention of Scottish Local Authorities. Our amendment has been drawn up in consultation with COSLA, which fully supports it and considers that it provides a suitable fourth sanction that responds to many of the concerns raised during the consultation with local government.

Amendments 77, 78 and 79 are, therefore, consequential drafting amendments. They include relevant references to the new amendment in the bill.

Amendment 11 is linked to amendments 3 and 4 and concerns the proposed gradual application of the bill regime to different public bodies. While amendments 3 and 4 allow ministers to set different times and dates for different bodies to submit draft codes of conduct, amendment 11

would ensure that a person cannot, as a result of breaching the code of one body, be removed from the membership of another body at a date before that other body's code has come into effect. We think that that is a sensible and appropriate approach.

The commission will, in general, have power to remove a person from membership of a body purely on account of breaches of the code of another body of which that person is a member. We would, however, expect the commission, in making decisions of that sort, to bear in mind the contents of the code applicable to the other body—that is, a code that has not directly been breached. If such a code is not yet in existence, that cannot be done.

Amendment 12 would remove the reference to guidance on the representative role of a councillor during a period of suspension and replace it with a much wider reference to all of the councillor's actual or perceived duties during a period of suspension.

At stage 2, Sylvia Jackson successfully introduced an amendment to place a duty on the commission to issue guidance about the representative role of a councillor during a period of suspension. The Executive does not disagree with the principle of guidance but argued that it was unnecessary to legislate in that respect. Amendment 12 therefore extends the scope of the guidance from a narrow reference to the representative role of a councillor to a wider reference to all of a councillor's actual or perceived duties during a period of suspension. The amendment is consistent with the intention behind Sylvia's amendment and is supported by COSLA.

Amendment 13 would remove the reference to consultation of appropriate associations or councils and relevant professional associations and replace it with a reference to associations of local authorities, such as COSLA, and any other bodies or individuals the commission thinks fit.

Sylvia Jackson's amendment required the commission to prepare such guidance in consultation with appropriate associations of councils and relevant professional associations. Amendment 13 would revise that to say that the commission should consult associations of local authorities and any other such bodies or persons that it thinks fit. The revised drafting sets out the duty in conventional form. The amendment is consistent with the intention behind Sylvia's amendment and is supported by COSLA. I hope that the Parliament can support it.

I move amendment 76.

Donald Gorrie: I want to question the minister on amendment 76. The committee expressed a

desire to have a gradual sequence of censures or punishments that the commission could impose on the councillor or other person. That is fine, but I find bizarre the fact that the amendment debar the councillor or the member from some of the things that they would go to, but not others. What is suspended is the entitlement to attend

“one or more but not all of the following—

- (i) all meetings of the council or body;
- (ii) all meetings of one or more committees or sub-committees of the council or body;
- (iii) all meetings of any other body on which the councillor or member is a representative or nominee of the council or body.”

Debarring someone who has committed a serious offence from some meetings but not others is a bit like allowing someone who has committed a serious driving offence to drive on Mondays and Tuesdays but not the rest of the week. Can the minister explain the logic behind it? A gradual approach is a good idea, but this does not seem sensible.

Bristow Muldoon (Livingston) (Lab): I support amendment 76, which addresses some of the committee’s concerns about the jump between censure and suspension.

On Donald Gorrie’s point, I understand that the amendment is supported by COSLA and was proposed after full discussion with that body. I understand that it would apply only to relatively minor breaches of the code; any major breaches would result in suspension or disqualification.

The amendment is an example of the Executive’s working with the committee, which has introduced several ideas during its detailed scrutiny of the bill.

Mr Harding: I welcome the amendment. In the committee, I raised the issue of lesser sanctions for lesser wrong-doing. The amendment, along with the explanation the minister will give Donald Gorrie, will go a long way towards addressing my suggestion about removing special responsibility allowances and so on for things such as non-attendance of committees.

Mr McAveety: I understand the point that Donald Gorrie has raised but I do not accept his conclusion. To keep the motoring metaphor going, I would say that the issue is not whether the person is banned from driving but whether they receive penalty points. There would be a gradation of penalties.

As Bristow Muldoon said, we arrived at our position after considerable discussion with COSLA and local government representatives—not only elected representatives but local government officers from the Society of Local Authority Chief Executives and General Managers, for example.

We felt that it was important to find a medium level before reaching more severe penalties.

The amendment addresses the concerns that were raised by the committee and will give a signal to local government that we recognise that there are different ways in which those who err can be dealt with. On those grounds, we should be supportive of the position that I put forward earlier.

Amendment 76 agreed to.

Amendments 77, 78, 11, 13 and 12 moved—[Mr McAveety]—and agreed to.

Section 18A—Duty of Commission to provide information

The Presiding Officer: We come now to amendment 14, which is to be debated on its own.

Mr McAveety: At stage 2, Kenny Gibson introduced an amendment that placed a duty on the commission to make it clear to those facing a hearing both its rules of procedure and the range of sanctions that might be imposed. This amendment clarifies that the commission will be required to set out in writing the procedures that will be followed at the hearing and to advise the councillor or member of the sanctions that might be imposed. It is consistent with the intention behind Kenny’s amendment. Again, following consultation, COSLA is supportive of this amendment, which clarifies the original amendment.

I am happy to move amendment 14.

Mr Gibson: As the minister said, this amendment is based on amendment 77, which I submitted at stage 2. It was originally opposed by the Executive, but was unanimously agreed by the Local Government Committee. I am pleased that the Executive has seen the light on this issue, has abandoned its preference for it to be dealt with by guidance notes and has accepted the need to have written notes of procedure and possible sanctions for individuals who are in alleged contravention of the councillors—or, as it may be, members—code, as incorporated in the bill. To that end, I support amendment 14.

Amendment 14 agreed to.

Section 19—Interim reports on investigations and action thereon

The Presiding Officer: I call the minister to move amendment 15.

Mr McAveety: At stage 2, Gil Paterson introduced an amendment to provide that where a councillor or member of a devolved public body was entitled to receive allowances, those allowances should not be affected by the imposition of an interim suspension. That

amendment received the support of all members of the Local Government Committee. In response to that interesting contribution at the committee, I am happy to announce that in this amendment the Executive clarifies which allowances will not be affected by interim suspension, which is consistent with the intention behind Gil's amendment. COSLA is also content with the clarification that our amendment provides.

For councillors, the amendment provides that an interim suspension will have no effect on either the basic allowance or the special responsibility allowance that would normally be payable. For example, an SRA that is dependent on a councillor attending meetings would continue to be payable if he or she were unable to attend such meetings because of an interim suspension.

For members of devolved public bodies, the amendment provides that an interim suspension will have no effect on any salary or daily allowance that is dependent on their attending meetings. The arrangements do not apply to payments for the reimbursement of travelling, subsistence or other allowances or expenses for councillors or members of devolved public bodies.

I move amendment 15.

Mr Gibson: I wish to speak briefly in favour of this amendment. At stage 2, Gil Paterson submitted amendment 140. The Executive originally opposed a councillor's being entitled to receive special responsibility allowance while suspended. The Local Government Committee unanimously agreed to support Gil's amendment, believing in the main that failure to do so would create an anomaly, whereby a suspended housing convener could lose a large proportion of his or her income whereas a back-bench councillor or a housing director would lose no income as a result of suspension. In industry, that would be unacceptable and against natural justice.

The Executive has, to its credit, not only taken on board this issue, it has in effect enhanced amendment 140 to ensure that members of devolved public bodies in receipt of an honorarium or other periodic allowance are similarly protected. Thus, I am happy to support amendment 15.

Amendment 15 agreed to.

Section 19A—Appeals from Commission

Amendment 79 moved—[Mr McAveety]—and agreed to.

15:30

The Presiding Officer: We now come now to amendment 80, which is grouped with amendments 81, 82 and 83.

Mr McAveety: Members will recall that, at stage 2, the Executive introduced amendments providing for appeals to the sheriff principal under sections 19A and 20A. That fulfilled an earlier commitment.

Amendments 80 to 83 seek to extend the right of appeal. A person aggrieved by the decision of a sheriff principal on the initial appeal will be able to appeal that decision to the Court of Session.

The amendments strengthen the appeals provision under sections 19A and 20A. The Executive, in lodging this series of amendments and asking that they be supported, is reassured to know that the additional right of appeal has the support of the senior judiciary.

I move amendment 80.

Amendment 80 agreed to.

Amendment 81 moved—[Mr McAveety]—and agreed to.

Section 20—Special provision for the Water Industry Commissioner

Amendments 16 and 17 moved—[Mr McAveety]—and agreed to.

Section 20A—Appeals by Water Industry Commissioner

Amendments 82 and 83 moved—[Mr McAveety]—and agreed to.

Section 22—Definitions

The Presiding Officer: Amendment 18 is in a group on its own. I call the minister to move it.

Mr McAveety: Amendment 18 is pretty straightforward. It is a technical amendment to correct an omission in the draft bill. It provides that the definition set out at section 22 will now apply to part 3 of the bill as well as to parts 1 and 2.

I move amendment 18.

Amendment 18 agreed to.

Schedule 3

DEVOLVED PUBLIC BODIES

The Presiding Officer: That brings us to an end of the first part of the timetabling motion. I note from the clock that we have done extremely well. To respond to Mr Morgan's earlier point of order, that means that we have time in hand.

The next part of the debate, which was scheduled to last for an hour, can in theory go on until 17:50. If it does not do so, we will have longer for the debates at the end.

We now come to group 13. The group is the large one, from amendment 23 to amendment 74 and including amendment 22.

Mr McAveety: In discussion at stage 2, it was clear to me, as the minister, and to the Executive that there was a strong feeling that more public bodies should be included within the remit of the Ethical Standards in Public Life etc (Scotland) Bill than had been envisaged during the stage 1 process. We wanted to respond to that today. I will take time to go through these points—after the Presiding Officer's reassuring words to Alasdair Morgan, I will deliver a lengthy speaking note on the amendments. I apologise to Alasdair in advance.

The bill initially covered what we termed devolved public bodies, to which appointments of members were made by ministers or by Her Majesty. These amendments introduce a new and additional regime, which allow us, as appropriate, to bring the widest possible range of public bodies within the coverage of the bill.

The new regime will allow us to set out the standards that we expect members of public bodies to follow. It will also avoid the problems of intrusion, delay and centralisation that could occur if we left community and advisory bodies in schedule 3. We are committed, as an Executive, to widening involvement in public service. We do not want to introduce mechanisms that might act as a barrier to those bodies. While the full weight of the commission and the chief investigating officer is appropriate for bodies initially included under schedule 3, the additional regime will be appropriate for many community-oriented and advisory bodies. That distinction is necessary. It would be inappropriate to apply the full regime to members of a local trust set up, for example, to provide a children's playground. We propose the creation of a power for ministers to specify by order bodies in addition to those listed in schedule 3 and to set out a code or codes of conduct to apply to those bodies. Members of those bodies would be placed under a duty to have regard to the relevant code or codes.

It is important that we take adequate time to consider which bodies should be covered by the extended regime and to consult those bodies and others. That is why we do not propose to specify those bodies in the bill, but to return to Parliament with an order that specifies relevant bodies once we have conducted a review and consulted on the bodies that might be covered. I assure Parliament that our review will cover advisory bodies and the other bodies that the committee considered at stage 2. It will be able to recommend that bodies be added to schedule 3 or be made subject to the new additional regime.

Most of the remaining amendments in the group are concerned with removing bodies from schedule 3. As I explained, that is to allow us to consider and consult on how best to put in place

codes of conduct for community and advisory bodies—it is not because we do not wish high standards for those organisations, too.

The amendments also remove from the schedule several bodies that are constituted as companies. Now that we have had the chance to consider the stage 2 amendments in detail, we believe that it is not within our legislative competence to extend the bill's regime to companies. That is because of the terms of section C1 in part II of schedule 5 to the Scotland Act 1998. That section reserves to Westminster the operation and regulation of types of business association. We are in no doubt that the nature of the bill's regime, most notably in the way in which it provides for the possible removal from office of a member of a relevant body and subsequent disqualification, takes us squarely into what I would describe as a reserved area.

Mr John Swinney (North Tayside) (SNP): The minister has just referred to the introduction of orders to include further bodies under schedule 3 and disqualification under the Scotland Act 1998. What is the Government saying to Parliament about the position of local enterprise companies? Is the minister saying that, because of the Scotland Act 1998, there is no question that local enterprise companies might come under the provisions of schedule 3, or will that issue be further considered when the orders are introduced?

Mr McAveety: The best things come to those who wait; my next paragraph will specifically address that concern.

I recognise the concerns of many members who would like to see public bodies that are limited companies brought within the framework created by the bill—for example, local enterprise companies and companies set up by local authorities. I have already said that we will review the full range of public bodies before returning with further proposals. I can confirm that our review will cover public bodies constituted as companies.

We considered local enterprise companies in detail at stage 2. In that respect, we recognise that members are reviewing the enterprise network—a matter in which John Swinney is centrally involved. We are aware of the Enterprise and Lifelong Learning Committee's view that LECs should become fully public bodies rather than be constituted as companies. If that approach is followed, it will be possible to include such bodies in the schedule 3 regime. However, we must await the outcome of the review before bringing forward detailed proposals on LECs. Having discussed the matter with my colleagues, I am not unsympathetic to the concerns that Mr Swinney has raised. Nevertheless, it is appropriate to await the outcome of the review in order to process that

information and to make progress on the matter.

Our review will also examine ways in which public bodies that remain constituted as companies could, for example, adopt a binding code of conduct consistent with the reservation of company law. One possibility that we are examining—although we have not yet reached a conclusion—is whether the articles of association of such bodies could be amended to require their members to observe a code similar to that set out in the bill. Our review will consider that possibility in more detail.

Amendments 26 and 34 honour the commitment I gave to include area tourist boards and further education colleges under schedule 3. That is a substantial advance from the initial position in the bill. Some minor amendments to the wording have been used to achieve that.

Taken together, the amendments form a substantial package, which adds to the bill's initial provisions and shows that the Executive has listened to the arguments that were so powerfully and eloquently put by the committee at stage 1 and stage 2.

I move amendment 23.

Mr Gil Paterson (Central Scotland) (SNP): I take on board what the minister has said. He has moved some distance, but I have some further comments on the whole group. It is fair to say that the Local Government Committee was fairly unanimous in its intention to include every devolved body, wherever possible. We wanted a system that would be well understood. We believe that we need a catch-all, rather than catch-some, approach if we are to improve the system. The standards should be uniform and should apply to all.

If we agree to the amendments, we will end up with a mixed bag of measures. If we want to encourage transparency, we should look to the old saying, "Make it simple, stupid." The Local Government Committee is of the opinion that no one should escape the net. Unfortunately, if the Parliament agrees to the amendments, there will be a number of different measures and many bodies will escape the net.

Mr Swinney: I want to follow up on the issue that I raised with the minister in my intervention. I understand the points that he makes and the legitimate difficulties to which he refers. However, Gil Paterson made the important point that, if we are creating a regime that is to apply across as many public authorities and bodies as possible, that regime should apply across the full range of organisations. There are practical difficulties that must be wrestled with, and it is necessary to ensure that some of the organisations and bodies that provide public services do so in the right

context and the right environment, but the public have an overriding need for accountability and transparency in the conduct of business.

I welcome what the minister said in his response to my intervention, but I hope that he will work in the spirit of the comments that he has made today to Parliament and ensure that as many organisations as possible are captured by the regime that is set out in the bill.

I am concerned that, if bodies can be added to schedule 3 by order, they can also be removed from it by order—if it is easy for them to go in, it must also be easy for them to come out. It is important that the minister responds in the spirit of this legislation and ensures that the Parliament receives a guarantee that the Government is moving to create an open, transparent and accountable climate in our public authorities. We must not allow any organisations to escape the rigour that many of us believe is long overdue.

Bristow Muldoon: The general principle to which the Local Government Committee aspired was that all public bodies should, as far as possible, be covered by the code of conduct. The only disagreement in the committee concerned the way in which the names of many bodies were produced almost as a list, without their having been properly consulted. As the minister has pointed out, there are difficulties in applying the code to some of those bodies because of the legislation that governs them in other areas.

The Parliament should welcome the fact that, at every stage of the bill, the number of the bodies to which it applies has been increased. As the minister indicated, he has now added area tourist boards and the boards of further education colleges to the list of bodies that come under the bill. He has also given a strong commitment to examine ways of including as many other bodies as possible. The Parliament should recognise that the bill now covers the vast majority of public bodies in Scotland and their expenditure. We should unite behind that position and accept the minister's word that he will examine every possible way of enhancing the scope of the bill in future.

Colin Campbell (West of Scotland) (SNP): At this stage of the debate, it is difficult to say anything original on this issue. However, it is important to reiterate the fact that, throughout our discussions, members of the Local Government Committee were enthusiastic about making the bill as all-embracing as possible. The minister appears to have caught the spirit of that, even though he is not intending to go about it in the way that we planned at stage 2.

It is important that the bill applies to everyone. Some members may recall that the Local Government Committee wanted it to apply to

MSPs—that was deemed impossible, as we have our own Standards Committee. However, the same rules should apply to everyone. My experience in local government and in a part of Glasgow indicates that the more overarching and all-embracing the regulations governing community organisations and arm's-length organisations are, the better things can be. Although there may be technical reasons for removing some bodies from the list, the overarching principle should be that everyone is included.

I draw members' attention to the matter of LECs, with which there is some legislative difficulty. By nine votes to one, the Local Government Committee favoured including the LECs. I appreciate that the existence of an ethical standards act, and its conditions, may deter some people on the fringes of public life, but that should not prevent us from including as many people as possible. It should be a *sine qua non* of public life that everybody aspires to the highest possible standards.

15:45

Mr Harding: The Conservatives support, with some reluctance, the Executive amendments to exclude LECs, public companies and arm's-length council companies. We would not wish to take the bill beyond the Parliament's power to legislate. We also accept the reasoning behind removing school boards from the scope of the bill.

When I lodged similar amendments at stage 2, they were supported. I lodged those amendments in good faith. I believe that we should investigate procedures to determine whether amendments are legally competent before acceptance. We have received conflicting advice on that issue. However, in view of the minister's assurance that he will review the matter, we shall support the Executive's position. That is rather difficult, as we support some of the amendments and not others.

As regards other bodies, I want the widest possible range of public bodies to be drawn within the scope of the bill's provisions. The minister's argument about non-consultation is not sufficient, in my opinion. He appears to have included tourist boards and colleges of further education—again, at my instigation—without consultation. We shall therefore vote against the amendments that affect the other bodies. Do you want me to list the amendments that we support and those that we do not support, Presiding Officer? It would take rather a long time.

The Presiding Officer: You do not have to do that. We shall come to that later.

Trish Godman (West Renfrewshire) (Lab): I would like to add to what Bristow Muldoon said,

because those who are not members of the Local Government Committee may not know which bodies have been added. As Bristow said, we added en masse such groups as the Advisory Committee on Scotland's Travelling People, school boards, children's panels and university senates. Some university senates were established by papal bull, which makes it very difficult for this Parliament to undo the arrangements and bring them under the terms of the bill.

Although the committee was clear that as many bodies as possible should be listed, including LECs, we appreciate that a review will take place to consider LECs as a separate issue. As Donald Gorrie said, we also wanted the bill to cover MSPs, but we realise that we have a Standards Committee, which will consider the standards for MSPs in the light of the standards that will apply to councillors if the bill is passed today. Although I accept that there are some areas of dispute, we must be clear that some of the bodies on the list are really not acceptable.

Mr Gibson: I beg your indulgence, Presiding Officer, because I hope to speak at some length on this issue, which is the real meat of the bill, as it covers the bodies that can be incorporated.

The Presiding Officer: You have four minutes.

Mr Gibson: I shall try my best. May I point out to Trish Godman that Scottish Homes, with 700 staff and a budget of £363 million, will, under the Executive's proposals, be excluded from the bill's scope? However, the Scottish Conveyancing and Executry Services Board, with one member of staff, will be included, so I do not think that the amount of money available is necessarily a criterion. I should also point out to Keith Harding that amendments that are not competent would not be accepted at stage 2 of a bill.

"The Executive and this Parliament expect the highest standards throughout the public service."—[*Official Report*, 2 July 1999; Vol 1, c 879.]

So said Wendy Alexander on 2 July 1999, when she announced the extension of the ethics bill to include public bodies.

"However, the Committee remains unconvinced that the argument against including the maximum possible number of public bodies in the legislation stands up to scrutiny . . . all devolved public bodies, including Local Enterprise Companies, operating in Scotland and spending public money, should be included within the provisions of the legislation."

So says the Local Government Committee's stage 1 report.

The central argument about which bodies should and should not be included in the Ethical Standards in Public Life etc (Scotland) Bill is covered by those two quotations. The Local

Government Committee's stage 1 report reaffirmed the essential ambition of the Executive, as set out by the Minister for Communities on 2 July 1999. At the stage 1 debate, I quoted that debate when I stated:

"The minister did not say part of the public service but 'throughout the public service'.—[*Official Report*, 27 April 2000; Vol 6, c 91.]

Bristow Muldoon: Will Mr Gibson give way?

Mr Gibson: I cannot give way. I have been given only four minutes. I am sorry, but I cannot accept interventions. I have written a 15-minute speech, would you believe? [MEMBERS: "We believe it."] My concerns about the bill are shared by my party and by my colleagues on the Local Government Committee.

I went on to say:

"That issue must be addressed. We cannot have a two-tier system in which some public bodies are included and others are not. This chamber legislates in this area and it should be able to legislate for all who live in this country and hold public office.—[*Official Report*, 27 April 2000; Vol 6, c 94.]

Our position is that all bodies that were added to the bill at stage 2 should be retained; the position of the Executive is that they should all be removed, with the exception of area tourist boards and the boards of further education colleges. Our view is that a quango is a quango is a quango.

It should be noted that all but three of the 49 devolved public bodies that were added by the Local Government Committee at stage 2 were approved unanimously. Donald Gorrie said to the committee on 23 May that

"the list seems to be a good attempt to cover what are, in common parlance, quangos. The bodies spend public money or advise on the spending of public money. They have an impact on people's lives in the same way that a councillor does and the argument is that they should be treated in the same way.—[*Official Report*, *Local Government Committee*, 23 May 2000; c 957.]

In his stage 1 speech on 27 April, Michael McMahon said:

"I join the committee in expressing reservations that a number of advisory bodies, such as local enterprise companies, further education colleges, housing associations and tourist boards, will be excluded from the proposals. As we know, individuals in those organisations are responsible for the management of considerable public funds and, like councillors, make policy decisions. The public must have confidence in the integrity of those officials."

Bristow Muldoon added that

"we should ensure that the bill covers arm's-length companies, such as leisure companies, and industrial and provident societies established by local authorities either to spend public moneys or to manage public assets.—[*Official Report*, 27 April 2000; Vol 6, c 113 and 121.]

I hope that I can count on those colleagues to vote

to reject the Executive's amendments in this group. The Executive has shown its faith in the Local Government Committee by accepting much of what we said at stage 2. The Local Government Committee must show that it has faith in itself and in its own decision making at stages 1 and 2.

I will miss out a few pages of my speech. In paragraph 10 of page 3 of the policy memorandum that accompanied this bill, the Executive said:

"The Executive does not believe that a statutory system would be seen as a deterrent by anyone genuinely committed to public service values."

Touché. If a statutory code would not be a deterrent to members of Executive non-departmental public bodies, why should it be a deterrent to those who serve on advisory non-departmental public bodies?

The only other pertinent argument is that an extension of the powers of the bill to include advisory committees would be disproportionate to any value that their inclusion would bring. That runs contrary to the spirit of the legislation. If all public life is to come under one scheme, the issue of whether the value of including any particular body is proportionate should not come into it. The ethics bill is about restoring public confidence in public bodies. That means all public bodies, and any argument about proportionate value should be set aside.

A number of Executive NDPBs have been excluded. According to the Executive, their regulation is a reserved matter under section C1 on business associations in part II of schedule 5 to the Scotland Act 1998, and is therefore outwith the competence of the bill. Section C1 lists as reserved matters the

"creation, operation, regulation and dissolution of types of business association".

The Executive argues that that means that the NDPBs are excluded from the bill. However, the chief executive of Scottish Enterprise, Brian Jamieson, in evidence to the Local Government Committee on 9 May, did not seem to agree. In a specific reference to LECs, he said:

"That is why I said that the Scottish Enterprise board, which has discussed the matter, is entirely open to the suggestion that—so far as is practicable—we should impose all the provisions of the statutory code on the local enterprise companies. However, we would like to do that in the way in which we have proposed, instead of going down the statutory route."

The deputy convener then asked:

"Are you saying that this cannot be done, or that it ought not to be done?"

Brian Jamieson replied:

"I am not aware of anything that would make what you suggest a constitutional impossibility.—[*Official Report*, *Local Government Committee*, 9 May 2000; c 904-05]

Mr Jamieson, while not wanting LECs to be included in the bill, is not hiding behind company law and reserved powers. I spoke to him yesterday and he confirmed that LECs could be included provided that their model code reflected that they were bound by company law. That view is supported in paragraph 24 on page 6 of the Executive's own policy memorandum, which states:

"Similar codes of conduct will be introduced for members of relevant public bodies . . . Because these bodies do not form a homogeneous group it will be necessary for each body's code to reflect the type of work that it does, its composition, and the responsibilities and duties of its members. Accordingly the Bill provides for a statutory model code of conduct for members of relevant bodies; and for each of the relevant bodies to adopt a version of that code which is suited to its circumstances."

It is clear from the policy memorandum that public bodies that are limited companies would be able to adapt their codes to reflect that reality. There is no question of changing company law, so the issue of company law being a reserved matter is a red herring.

The Executive has also objected to the inclusion of a number of bodies such as tribunal NDPBs and university courts. We have yet to hear a clear argument from the Executive as to why those bodies have been excluded. Housing associations are also to be excluded; again, no clear reason has been given. Housing associations argue that, like universities, they are not public bodies. We do not accept that argument. They also argue that they are regulated by statute through Scottish Homes. However, that could be incorporated into their model codes.

We are unclear on the Executive line on this, but nationalised industries either operate in the same company law climate as limited companies, or act as public corporations, in the same way as the water companies that are included in the bill. Either way, they should be included, especially given the fiasco over Caledonian MacBrayne.

The last line of attack from the Executive is that there has been no time for consultation with the bodies that it is proposed are added to the bill. That argument could be applied to the late inclusions—area tourist boards and college boards—yet there has been the same time for them to be consulted as there has been for everyone else. That was flagged up in the committee some five months ago. The Scottish National Party feels that it should oppose the Executive's attempt to withdraw all the public bodies introduced at stage 2.

The Presiding Officer: I allowed extra time because others have taken less than four minutes.

Johann Lamont (Glasgow Pollok) (Lab): As I am a member of the Local Government

Committee, it is my turn on this subject.

This is a contentious issue, but one area, although the committee debated it seriously, was seen less as a matter of contention than as a matter of wrestling with what we all identified as a problem. At that stage, the discussion focused especially on the role of LECs. We were anxious that the activities of bodies that have access to significant public moneys and that have an important role at a local level should be transparent and accountable.

Kenny Gibson says that the problem is that company law will not change. My understanding, however, is that the Parliament will consider LECs and their role. It is possible that the role of the LECs will change—I hope that that is possible. The committee as a whole was clear that the LECs and their role as public bodies were an issue, but other committees in the Parliament are addressing that. I hope that we can return to this subject at a later stage. We should have defined the bodies that we were dealing with; bodies would then fall within or outwith that definition. However, we started with a list and, through the committee procedure, realised that some bodies did not appear to be on it.

There is no easy way to solve that. We can take either Gil Paterson's catch-all position or the Executive's position, which is to deal with the narrower group now and to consult on the broader group. However, the intent remains the same. We should maximise the bill's coverage of bodies that can deal with public moneys, are publicly accountable and relate to the same ethical standard. That should apply to MSPs as well.

All sorts of bodies—small, localised bodies, children's panels and so on—have expressed anxieties about this matter. The best way for us to hold the position on a national standard is for people to commit to it through discussion and consultation. I therefore support the Executive's position, which is to consult those bodies further. My anxiety is that, if we do not consult, people will not sign up to the code of conduct.

We want a commitment from the Executive that this is not the final word on the matter. Kenny Gibson wants to characterise the proposals as the Executive excluding people from public accountability; he wants the code to be all-embracing. However, it is clear that other bodies can be included at a later stage. It would be unacceptable if this issue were not addressed in the near future. By shifting on this, the Executive has acknowledged the political issues that have been identified, has made a commitment to moving forward with the bodies that are included on the list and has taken off the list travelling people's organisations and so on, which should not be included in the scope of the bill.

Donald Gorrie: The Executive, and especially Frank McAveety, deserves credit for some of the welcome concessions that have been made. Mr McAveety's amendment 22, to set up a new structure to bring more organisations within the ambit of the bill, is to be welcomed.

However, I have serious problems about the issue of excluding various quangos from the list. If Mr McAveety honours his commitment—as I am sure he will—to bring all such issues to the forefront as soon as possible, most of my colleagues will accept that; however, I am not at all happy with his argument.

It is not a personal issue, but the way in which we deal with bills needs serious examination. For example, when amendments are lodged at the last minute, nobody is able thoroughly to examine them, whether they are Executive or other amendments, and to discuss rationally whether it is sensible for a certain group to be included in the list.

The committee set out its stall quite early on this issue. However, the Executive did not really give ground and the committee, in a majority vote, went its dinger on the whole matter and included many organisations on the list, some of which should perhaps not have been included. That is not really a rational way of dealing with amendments, and we should improve the procedure.

16:00

I suggest that, with all due respect, Frank McAveety and his colleagues have received bad advice on this particular issue. As Kenny Gibson pointed out, we are told that the Scotland Act 1998 prevents us dealing with the matter, but the Scotland Act 1998 mentions only companies and business associations. We are talking about regulating the individual behaviour of individuals as directors of companies that dispose of public money. It seems only proper to allow that.

I am encouraged in this view by a briefing note that came from the Executive, or from the Scottish Parliament information centre or some other neutral source. The briefing note says that LECs

“discharge functions . . . through the provisions of an operating contract, renewed annually . . . The Operating Contract requires compliance with a range of measures that the parent organisation itself abides to by statute or by management control through the Scottish Executive . . . LEC Board Members already have to comply with either a Code of Corporate Governance . . . or . . . a policy of Accountability . . . both of which contain many of the features of the proposed code of conduct”.

Those statements have been advanced as arguments for not needing the code of conduct. However, the fact that regulations similar to the code of conduct have already been imposed on these people totally demolishes the argument that

we cannot impose our code of conduct on them as individuals. The Executive position is absolute rubbish on the issue.

Furthermore, if committees carefully study pieces of legislation and reach certain conclusions only to have the Executive not accept those conclusions and push the legislation through on a whipped vote, that raises a serious issue about why we are here at all. Why bother? As I said, the Executive did listen to the committee on other issues, which is very welcome; however, on the basis of duff advice, ministers are pushing through things that they should not be pushing through.

There are serious anomalies in the Executive's proposed list—the Scottish Arts Council, for example.

Johann Lamont: I just want to clarify a point about the committee's role in this matter. Other committee members and I voted against the committee's final position on about the first 10 amendments, after which it became clear that we would not have a majority on the committee.

Mr Gibson: Only the first two amendments.

Johann Lamont: The votes were quite clear and the rest of the amendments went through on the nod. Mr Gorrie and I know that there is no way that those amendments would come to the chamber and be whipped through against our conscience. We made the political case in the committee, and were defeated.

The Presiding Officer: Mr Gorrie, could you respond and wind up, please.

Donald Gorrie: I entirely accept that Johann Lamont and others voted in a particular way. However, I feel that we must address the serious issue of the interaction between committees and the Executive.

I will limit myself to one example of the anomalies in this list. The Scottish Arts Council is on the list as an organisation to be regulated; Scottish Screen, which is a very similar organisation that deals with films, is not. That is one example of the foolishness of the Executive's list. The committee's list should be accepted in place of the Executive's and we can sort the matter out later. I am very unhappy about how this aspect of the bill has been dealt with.

Dr Sylvia Jackson (Stirling) (Lab): Following on from Johann Lamont's comments, I want to focus on the critical issue, which is that we did not have a definition of devolved public bodies when the committee discussed which bodies should be included on the list. The issue hinges on which public bodies are appropriate.

To add to the examples mentioned by Johann Lamont, some of the recreational trusts that

councils have established cover extremely minor matters, such as running a playground in a rural area. Is it necessary that the burdens imposed by the bill should apply to such trusts?

There is also confusion around the position of school boards—that matter was raised earlier. School boards are advisory and do not have the executive budgetary powers that some people may think they have. Including bodies such as school boards in the provisions of the bill would result in fewer people coming forward to sit on school boards. In some areas of Scotland, it is growing increasingly difficult to encourage people to come forward.

I am confident that no one on this side of the chamber wants LECs excluded from the provisions of the bill. However, having said that, we should take on board the Executive's point. I do not often disagree with what Donald Gorrie says on the Local Government Committee, but from his comments today, I almost detected a shade of "Because you are not quite agreeing me, I will not agree with the Executive."

We must take on board the Executive's comments. It will not be too long before LECs are included in the bill's provisions, particularly given the work of John Swinney and the Enterprise and Lifelong Learning Committee. I hope that they will arrive at the necessary conclusions.

The Presiding Officer: I call Bristow Muldoon.

Bristow Muldoon: I am sorry, but I did not press my button, Presiding Officer.

The Presiding Officer: In that case, I ask Frank McAveety to respond to the debate on this group of amendments.

Mr McAveety: Thank you, Presiding Officer. I thank members for their contributions to the debate. I am minded to reflect that Donald Gorrie's epitaph will be: "Here lies Donald Gorrie—but." [*Interruption.*] I am being heckled by the Donald Gorrie fan club. [*Laughter.*]

John Swinney raised the issue of trust, but he should judge us by how far we have moved from where we were prior to the elections to the Scottish Parliament. At that time, we had a commitment, if elected to government, to introduce a bill on ethical standards in local government. Wendy Alexander and I recognised that that commitment should be widened to include other public bodies. Therefore, the principle that underpins our response is one of trying to meet the spirit of the Parliament—of making organisations more transparent and accountable. However, our intentions also had to address the practical difficulties that exist when trying to legislate in this rather murky grey area. The bill that we have produced has been made much

stronger by the committee's consultation and consideration as much as by anything else.

We recognise that we are removing bodies from the scope of the bill largely because of practical arrangements, but it is also important to recognise that we are including a number of bodies that would not have been included in the original bill—we did that only after consultation and dialogue with members of all political parties.

I remind members that changes to schedule 3 will be by orders that must be debated by this Parliament, so accountability in relation to the bodies that are to be included—or excluded—from any parliamentary order will reside with Parliament rather than with ministers.

Our principal objective is to try, where possible, to identify what we would consider to be the big hitters in public spending and devolved public bodies. More than 90 per cent of those big hitters are covered in the present framework. In conjunction with the review that is being undertaken, we wish to consider the ways in which LECs might be brought within the ambit of the legislation, should their constitution be changed. We are keen to progress that issue as much as anyone in the Parliament.

As a point of clarification, I advise that Scottish Homes was included in the bill at stage 1. It was still in the bill at stage 2 and, for some remarkable reason, it is still clinging on for life at stage 3. It will remain there until any housing bill is fully approved by this Parliament, when it will no longer be a board. It will be accountable to this Parliament and that accountability will therefore be enshrined here. I hope that Kenny Gibson recognises that that is a much more effective measure; it is not as discordant as he suggested.

LECs are companies, and the regulation of companies is a reserved matter. I agree with Sylvia Jackson and with many other members that we wish to address that issue in the review process. It is not that we are disinclined for LECs to be part of the process, but that we cannot regulate companies. I remind Donald Gorrie that I wanted articles of association to be part of the process. Perhaps we can examine that matter over the following period of time.

I will conclude by referring to what Kenny Gibson said. The application of such a code is about appropriateness and about the measures that are undertaken. Many of the bodies that were included at stage 2 were advisory bodies—which are specifically that. Such bodies do not have access to a resource base, nor do they expend public money.

It was appropriate to consider how to take that into account differently, which is why we wished to omit some of the bodies at stage 2. In my opinion,

Executive bodies take the big decisions. They are the ones that spend our public money, and I think it is appropriate that they are covered. That is why I hope that members can support the Executive's amendments.

The Presiding Officer: The question is, that amendment 23 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division, for which I will allow two minutes.

While members are voting, I can inform them how I propose to handle the rest of this group of amendments. There are 52 amendments after amendment 23. Clearly, if we take them individually, that will occupy valuable debating time. I will therefore put the questions on the amendments en bloc.

Before I do so, however, I will ask anyone who wants to vote on a particular amendment to indicate that by pressing their request-to-speak button. I will then take a note of which amendments are to be put separately. In the meantime, we will continue the vote on amendment 23.

FOR

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)

McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Harper, Robin (Lothians) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 McLetchie, David (Lothians) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Scott, John (Ayr) (Con)

Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 63, Against 49, Abstentions 0.

Amendment 23 agreed to.

The Presiding Officer: I now invite members who wish to vote on any particular amendments in this grouping to let me know.

Mr Gibson: Could we take the votes on amendments 26, 34 and 22 separately, Presiding Officer?

The Presiding Officer: Amendment 22 will be taken separately anyway.

Mr Harding: We wish to take the votes on the following amendments separately, Presiding Officer: 26, 28, 32, 34, 36, 38, 42, 45, 47, 48, 53, 55, 59, 63, 65, 69, 71 and 22.

16:15

The Presiding Officer: In that case, we should perhaps take them individually, because it will be very difficult to make sense of any groupings. However, if members concentrate, I will try to group them as best I can.

Are amendments 24 and 25 agreed?

Members: No.

The Presiding Officer: No? I thought that Kenny Gibson told me that amendment 26 was the first that he wanted taken individually, but it seems not. We will take them one by one.

Amendment 24 moved—[Mr McAveety].

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

Members: No.

The Presiding Officer: There will be a division.

FOR

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Brown, Robert (Glasgow) (LD)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)

Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)

Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeod, Fiona (West of Scotland) (SNP)
 McLetchie, David (Lothians) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Scott, John (Ayr) (Con)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 63, Against 50, Abstentions 0.

Amendment 24 agreed to.

The Presiding Officer: I invite the minister to move all the remaining amendments in the group en bloc to save him getting up each time. I will then put the questions individually.

Amendments 25 to 74 moved—[Mr McAveety].

The Presiding Officer: In the interests of time and as everyone is here, I will reduce the voting time to 15 seconds.

The question is, that amendment 25 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)
 Barrie, Scott (Dunfermline West) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)

Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)

Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeod, Fiona (West of Scotland) (SNP)
 McLetchie, David (Lothians) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Scott, John (Ayr) (Con)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 65, Against 50, Abstentions 0.

Amendment 25 agreed to.

Amendment 26 agreed to.

The Presiding Officer: The question is, that amendment 27 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)
 Barrie, Scott (Dunfermline West) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)

Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Harper, Robin (Lothians) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)

McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 McLetchie, David (Lothians) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Scott, John (Ayr) (Con)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 64, Against 50, Abstentions 0.

Amendment 27 agreed to.

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

Members: No.

The Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)

Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLeish, Henry (Central Fife) (Lab)
 McLetchie, David (Lothians) (Con)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)

Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 80, Against 36, Abstentions 0.

Amendment 28 agreed to.

The Presiding Officer: The question is, that amendment 29 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)
 Barrie, Scott (Dunfermline West) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)

Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Harper, Robin (Lothians) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 McLetchie, David (Lothians) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Scott, John (Ayr) (Con)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

Young, John (West of Scotland) (Con)

The Presiding Officer: The result of the division is: For 66, Against 51, Abstentions 0.

Amendment 29 agreed to.

The Presiding Officer: The question is, that amendment 30 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)
 Barrie, Scott (Dunfermline West) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)

Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Harper, Robin (Lothians) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Scott, John (Ayr) (Con)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)
 Young, John (West of Scotland) (Con)

The Presiding Officer: The result of the division is: For 66, Against 51, Abstentions 0.

Amendment 30 agreed to.

The Presiding Officer: The question is, that amendment 31 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)
 Barrie, Scott (Dunfermline West) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Harper, Robin (Lothians) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Scott, John (Ayr) (Con)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)
 Young, John (West of Scotland) (Con)

The Presiding Officer: The result of the division is: For 64, Against 51, Abstentions 0.

Amendment 31 agreed to.

The Presiding Officer: The question is, that amendment 32 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)

Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLeish, Henry (Central Fife) (Lab)
 McLetchie, David (Lothians) (Con)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)

Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Young, John (West of Scotland) (Con)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West) ()
 Crawford, Bruce JP (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 80, Against 36, Abstentions 0.

Amendment 32 agreed to.

The Presiding Officer: The question is, that amendment 33 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)
 Barrie, Scott (Dunfermline West) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)

Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)

Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Harper, Robin (Lothians) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Scott, John (Ayr) (Con)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)
 Young, John (West of Scotland) (Con)

The Deputy Presiding Officer (Mr George Reid): The result of the division is: For 66, Against 49, Abstentions 0.

Amendment 33 agreed to.

The Deputy Presiding Officer: The question is, that amendment 34 be agreed to. Are we agreed?

Members: Yes.

Amendment 34 agreed to.

The Deputy Presiding Officer: The question is, that amendment 35 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)
 Barrie, Scott (Dunfermline West) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)

Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Harper, Robin (Lothians) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)

MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeod, Fiona (West of Scotland) (SNP)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Scott, John (Ayr) (Con)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Young, John (West of Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 63, Against 48, Abstentions 0.

Amendment 35 agreed to.

The Deputy Presiding Officer: The question is, that amendment 36 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)

Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLeish, Henry (Central Fife) (Lab)
 McLetchie, David (Lothians) (Con)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Young, John (West of Scotland) (Con)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)

Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 77, Against 35, Abstentions 0.

Amendment 36 agreed to.

The Deputy Presiding Officer: The question is, that amendment 37 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)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollak) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)

Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Harper, Robin (Lothians) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeod, Fiona (West of Scotland) (SNP)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Scott, John (Ayr) (Con)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)
 Young, John (West of Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 62, Against 51, Abstentions 0.

Amendment 37 agreed to.

The Deputy Presiding Officer: The question is, that amendment 38 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeish, Henry (Central Fife) (Lab)
 McLetchie, David (Lothians) (Con)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Murray, Dr Elaine (Dumfries) (Lab)

Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Young, John (West of Scotland) (Con)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Munro, Mr John (Ross, Skye and Inverness West) (LD)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 79, Against 36, Abstentions 0.

Amendment 38 agreed to.

The Deputy Presiding Officer: The question is, that amendment 39 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)
 Barrie, Scott (Dunfermline West) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Harper, Robin (Lothians) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeod, Fiona (West of Scotland) (SNP)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Mundell, David (South of Scotland) (Con)
 Munro, Mr John (Ross, Skye and Inverness West) (LD)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Scott, John (Ayr) (Con)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)
 Young, John (West of Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 64, Against 53, Abstentions 0.

Amendment 39 agreed to.

The Deputy Presiding Officer: The question is, that amendment 40 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)
 Barrie, Scott (Dunfermline West) (Lab)

Brown, Robert (Glasgow) (LD)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, Mr John (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)

Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Harper, Robin (Lothians) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeod, Fiona (West of Scotland) (SNP)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Scott, John (Ayr) (Con)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)
 Young, John (West of Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 66, Against 52, Abstentions 0.

Amendment 40 agreed to.

The Deputy Presiding Officer: The question is, that amendment 41 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)
 Barrie, Scott (Dunfermline West) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)

Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, Mr John (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)

Gibson, Mr Kenneth (Glasgow) (SNP)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Harper, Robin (Lothians) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeod, Fiona (West of Scotland) (SNP)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Scott, John (Ayr) (Con)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)
 Young, John (West of Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 62, Against 50, Abstentions 0.

Amendment 41 agreed to.

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

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)

Home Robertson, Mr John (East Lothian) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeish, Henry (Central Fife) (Lab)
 McLetchie, David (Lothians) (Con)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Murray, Dr Elaine (Dumfries) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Young, John (West of Scotland) (Con)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)

Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 75, Against 30, Abstentions 0.

Amendment 42 agreed to.

The Deputy Presiding Officer: The question is, that amendment 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)
 Barrie, Scott (Dunfermline West) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)

McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, Mr John (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Harper, Robin (Lothians) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeod, Fiona (West of Scotland) (SNP)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)

Salmond, Mr Alex (Banff and Buchan) (SNP)
 Scott, John (Ayr) (Con)
 Sturgeon, Nicola (Glasgow) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)
 Young, John (West of Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 67, Against 51, Abstentions 0.

Amendment 43 agreed to.

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

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, Mr John (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)

Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Harper, Robin (Lothians) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeod, Fiona (West of Scotland) (SNP)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Scott, John (Ayr) (Con)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)
 Young, John (West of Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 65, Against 51, Abstentions 0.

Amendment 44 agreed to.

The Deputy Presiding Officer: The question is, that amendment 45 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeish, Henry (Central Fife) (Lab)
 McLetchie, David (Lothians) (Con)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)

Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, Mr John (Ross, Skye and Inverness West) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Young, John (West of Scotland) (Con)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 83, Against 35, Abstentions 0.

Amendment 45 agreed to.

The Deputy Presiding Officer: The question is,

that amendment 46 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)
 Barrie, Scott (Dunfermline West) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)

Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Harper, Robin (Lothians) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeod, Fiona (West of Scotland) (SNP)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Scott, John (Ayr) (Con)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)
 Young, John (West of Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 66, Against 52, Abstentions 0.

Amendment 46 agreed to.

16:30

The Deputy Presiding Officer: The question is, that amendment 47 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeish, Henry (Central Fife) (Lab)
 McLetchie, David (Lothians) (Con)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, Mr John (Ross, Skye and Inverness West) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)

Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Young, John (West of Scotland) (Con)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 83, Against 35, Abstentions 0.

Amendment 47 agreed to.

Michael Russell (South of Scotland) (SNP): Would it be in order to move that the rest of the amendments be taken en bloc?

The Deputy Presiding Officer: That would be helpful to the chamber.

Mr Gibson: We agreed previously that amendment 22 would be taken separately. Apart from that, I would be happy for the rest to be taken en bloc.

The Deputy Presiding Officer: Amendment 22 is not in this section, so it would not be voted on now in any case.

Is there any opposition to the suggestion that we take amendments 48 to 74, inclusive, en bloc? [MEMBERS: "No."] That will save the chamber substantial time and allow business to progress.

The question is, that amendments 48 to 74 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, Mr John (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)

Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 McLetchie, David (Lothians) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

ABSTENTIONS

Aitken, Bill (Glasgow) (Con)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Mr Murray (South of Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 66, Against 36, Abstentions 13.

Amendments 48 to 74 agreed to.

Section 23—Effect of this Act on existing members of devolved public bodies

The Deputy Presiding Officer: We move to amendment 19, which is grouped with amendments 20 and 21. I call Mr McAveety to move amendment 19 and to speak to all the amendments in the group.

Mr McAveety: Can I ask you to repeat that, Presiding Officer? In the clamour and tumult, I did not quite hear you.

The Deputy Presiding Officer: We have reached amendment 19, which is grouped with amendments 20 and 21. Please move amendment 19, and speak to all the amendments in the group.

Mr McAveety: I am trying to find my place. [MEMBERS: "Come on."] I am trying.

The Deputy Presiding Officer: In the circumstances, as we have gained so much time, the chamber will be patient.

Amendment 19 moved—[Mr McAveety]—and agreed to.

Section 24—Suspension and disqualification of councillors: supplementary and consequential provisions

The Deputy Presiding Officer: We move to amendment 84, which is grouped with amendment 85.

Mr McAveety: At stage 2, we accepted the challenge to produce suitable amendments at stage 3 to the Local Government (Scotland) Act 1973, to repeal the surcharge procedure and provide a suitable replacement.

During the past three weeks, since the stage 2 discussions, officials from the Executive, COSLA and Audit Scotland, working on behalf of the Accounts Commission, have worked with local authority lawyers on how best to fulfil that undertaking. Amendments 84 and 85 represent the fruits of those labours and endeavours. The amendments have the full support of COSLA, and the Accounts Commission is satisfied with its suggested new role.

Concern has been expressed about the progress of the bill from stage 2 to stage 3 in such a short time, but the Local Government Committee felt that—instead of waiting for a local government bill to act on surcharging as early as possible—we should use these amendments to fulfil that commitment. Those of us who have come from, or who engage with, local government have known for some time of substantial dissatisfaction with the surcharge procedure and have been considering replacements. We initially anticipated

delivering an alternative through a local government bill, but we now want to deliver it through the Ethical Standards in Public Life etc (Scotland) Bill.

Not every piece of legislation can be technically clear in its final drafting. We should take comfort from the fact that the replacement for surcharge will adopt the same procedures that have been provided for the standards commission and have been subject to the full process of consultation and parliamentary scrutiny in the passage of the bill. I am happy to promise that, in the event of any deficiency concerning the removal and replacement of surcharge being identified when the bill has been passed, we will use the next legislative opportunity to try to correct it.

Amendment 84 provides a new means for holding members of local authorities and their officials to public account for financial misconduct and accounting failures. It does so without imposing personal liability for losses that are incurred by the council. That was the original intention of surcharge, which has been used sparingly in Scottish local government. We have recognised that the increasing discrepancies between the means of most councillors and the financial consequences of their decisions mean that the personal risks taken by councillors and senior officers every time decisions are made have become punitive and disproportionate to the risks that others in public or appointed offices are expected to take. Amendment 84 is also consequential to the new provisions.

In lodging both amendments, we have had the full agreement of COSLA and the Accounts Commission. It is important that those bodies are supportive of the change agenda. We have worked hard to ensure that they have made a full contribution to the development of our amendments, and I present the amendments to the Parliament in that light. The amendments also proceed on the basis that the Accounts Commission should have powers to consider and, if necessary, to impose the same range of sanctions as are available to the standards commission in considering breaches of a code of practice. The new regime for the Accounts Commission will relate only to circumstances in which the surcharge was previously applicable and available. The Accounts Commission is the appropriate body to deal with such cases because of its experience and expertise in accounting and finance.

Amendment 85 provides the Accounts Commission for Scotland and the Comptroller and Auditor General with a new procedure for special reports whereby the commission can consider and, if necessary, impose the same range of sanctions that is available to the standards

commission in its consideration of a breach of a code of practice. The new regime for the Accounts Commission will relate only to circumstances in which the surcharge procedure was previously an option, such as when an item of account is contrary to law, when accounts are misstated or when a council fails to fulfil its statutory duties and negligence or misconduct has led to financial loss or deficiency. The amendments will give the Accounts Commission new powers by amending the Local Government (Scotland) Act 1973, which contains the commitment to surcharge. However, the new procedures and sanctions will be similar in all respects to those for the standards commission.

We are taking this opportunity to update and simplify the Accounts Commission's procedures. In doing so, we see no reason to reinvent the wheel. Our provisions for the standards commission have already undergone parliamentary scrutiny and we are confident that what we propose will work. An authority member or officer will have the right to receive notice of hearings of the standards commission, make representations to such hearings and propose reports at them. The authority member or officer will have those rights in relation to special reports of the Accounts Commission. Each commission will have the same level of privilege, the same quorum and the same sanctions available to it.

There will be only four significant differences between the procedures and powers of the two commissions. The first is that the Accounts Commission will be able to censure officers under subsection (3) of the new part 3B, although it will not have the power to suspend or disqualify them. The standards commission will have no power to impose sanctions on officers. We feel that that is justified because we are talking about money and because the size, importance and independence of local authorities as guardians of the public purse are unique.

We lack direct means—through the Executive or the Parliament—of holding council officers publicly accountable for their actions in that respect, but we do not think that more than censure should be provided for. Any further action is a matter for the authority concerned and is properly left to internal disciplinary proceedings.

The second key difference is that the Accounts Commission will be able to include in its findings recommendations about the systems, procedures or corporate conduct of an authority, which that authority would be required to publicise and to meet to consider. We think that that procedure, which will be familiar from sections 5 and 6 of the Local Government Act 1992, is appropriate because of the subject matter of those reports. Negligence, misconduct and failure can occur

because they are allowed to. Dealing with them might not be a matter of simply punishing individuals. We should not forget that many such cases arise from matters that are discovered during the audit process.

The third difference is that, although the Accounts Commission will be free to decide not to have a hearing, it can do so only if the authority or individual concerned does not insist on one. The right to insist on a hearing has long been in force in relation to surcharge procedures. We think that it continues to be appropriate for what are often complex cases.

Finally, the Accounts Commission will continue to have discretion to state a case to the Court of Session before reaching a determination and the Court of Session will still be able to direct the Accounts Commission to state a case. The Accounts Commission is a body of lay people; because it will sometimes be required to deal with difficult legal issues, the retention of that provision is justified.

I move amendment 84.

Mr Gibson: At stage 2 I lodged amendment 122 to remove the archaic and inappropriate penalty of surcharge, which is not only peculiar to local government, but greatly resented by it.

Since 1975 only two surcharge orders have been made by the Secretary of State for Scotland and only seven cases have been recommended by the Accounts Commission. There is an issue about whether an action by the First Minister to make such an order is now compatible with article 6 of the European convention on human rights, which guarantees a person a fair and public hearing. Section 104 of the Local Government (Scotland) Act 1973, which allows the First Minister to make that surcharge order, does not provide for such a hearing.

The Local Government Committee unanimously supported the repeal of surcharge. Following the concerns of COSLA and others that my amendment was not a "belt and braces" amendment, the minister agreed to come back with alternative wording. That has been done. I realise that the detail of amendment 85 has caused consternation among some members who feel that there has not been enough time to examine it. I disagree—action to repeal surcharge must be taken now, rather than put off until some unknown future date to assuage members who have not acquainted themselves with the issue in the month since it was flagged up by the committee.

The bill contains sufficient alternative sanctions, particularly in relation to the Accounts Commission, to allow approval of amendment 85. I therefore urge members to support the removal of

surcharge once and for all.

Mr Rumbles: It is with reluctance that I say that the Liberal Democrat group will not support amendment 85. [MEMBERS: "Oh."] Amendment 85 addresses welcome and important reforms to the system. The minister has addressed many of the concerns that were highlighted at stage 2. As a group, however, the Liberal Democrats feels that adding eight pages to a 24-page bill is not a system that should be adopted in this Parliament. It is not an acceptable process—it avoids detailed parliamentary scrutiny, and for that reason we will not support it.

Dennis Canavan (Falkirk West): I sympathise with a lot of what Mike Rumbles said. Amendment 85 is a starred amendment, which means that it is new. I wonder whether the minister could tell us exactly when the amendment was lodged. It is nearly eight pages long. That is not a new section—it is like a new bill. I wonder why it is being produced at this late stage and I hope that the Scottish Executive will not make a habit of that practice. Parliament ought to have maximum opportunity to scrutinise legislation that is placed before it. This is not good enough, on the part of the Executive.

Donald Gorrie: I support the points that were made by Mike Rumbles and Dennis Canavan. Like everyone else in the chamber, I am keen to get rid of surcharge. I fought hard for that cause in my many years as a councillor.

This is one of those difficult occasions in life when two causes come into conflict. In this case, the desire to get rid of surcharge conflicts with the desire for Parliament to conduct its affairs in a thoroughly democratic, open and sensible way. Producing an eight-page amendment in Friday's papers is not satisfactory. Also, there are failings in the wording of amendment 85, which some of my colleagues have detected and might want to speak about. Although I am not a great abstainer, some of my colleagues and I will feel unable to support the lodging of a late amendment of such size, but will not want to vote against ending the surcharge. This is a bad precedent and I hope that the Executive will accept that. I know that consultation went on with COSLA and so on, but the Parliament must be given adequate time to examine an amendment as long as amendment 85. I am happy to support the points that were made by Dennis Canavan and Mike Rumbles.

16:45

Bristow Muldoon: I welcome the Executive's amendment 85. In response to the comments of Donald Gorrie and Dennis Canavan, I should point out that the Executive lodged the amendment at the behest of the Local Government Committee, in

which there was cross-party support for the repeal of surcharge.

In the Local Government Committee, Kenny Gibson proposed an amendment that would have had the effect of repealing surcharge and withdrew it only at the request of the minister, who said that the Executive would lodge an amendment to repeal surcharge. I recall that all members of the committee agreed to that approach.

The amendment is complex, but we should recognise that many of its sections merely replicate sections that were part of the bill and applies them to the Accounts Commission. We must recognise that local government has been consulted on the repeal through its representative body, COSLA. COSLA supported the approach that the minister advocated. He said that he would work up a full repeal that would ensure that the financial management of local government was protected, while removing the double jeopardy that applied to councillors in terms of the possibility of having all their assets recovered and the possibility of disqualification.

The Executive should be commended for responding to the will of the committee. I urge all members to back the amendment.

Mr Harding: I have sympathy with the position of the Liberal Democrats and Dennis Canavan. Amendment 85 is lengthy and complex, but I am delighted that it has been proposed. Only two weeks ago, the minister said that he would address the issue of surcharge. Earlier in the year he said that it would be impossible to do that in the bill and that the matter would have to be addressed through a local government bill.

The Conservatives welcome the amendment and will support it. I am sure that the Minister for Finance will welcome it as well, although I am also sure that he would rather that the legislation had come much earlier—he is the only member to have been surcharged.

Euan Robson (Roxburgh and Berwickshire)

(LD): I have reservations about the content of amendment 85. I refer to the proposed section 103H, which confers protection from actions of defamation. That is not the same generous protection that is afforded in section 21, as section 103H does not contain the important qualification that the statement must be

"made in pursuance of the purposes of this Act".

Section 103H appears to make a general presumption of absolute privilege for any statement made at any time by someone employed by an organisation that is covered by the bill. I am sure that one can infer some meaning from the previous section, but I think that section 103H is defective. I would also be interested to

know why immunity from or absolute privilege of statements from actions of defamation is being given. As I understand the current situation, that privilege is not granted to employees of the Accounts Commission.

Section 103J says that an appeal can be lodged on four grounds, but missing on that list is the ground of new evidence. It appears that an appeal cannot be lodged if new evidence is forthcoming.

I have other reservations about some of the textual detail of the amendment, but I will finish by saying that at the head of the amendment are the words:

“Procedure for special reports and modification of surcharge provisions”.

If we are really getting rid of surcharge—which is what our group wants to do—why is the word “modification” being used? Have I missed something? Can the minister explain? I understand the intention behind the amendment, but if we agree to its detailed points this afternoon, we will be agreeing to something that is defective.

Mr McAveety: I should tell Dennis Canavan that amendment 85 was published on Friday, and it was starred because a small amendment was made to it yesterday.

I will touch on the issues that have been raised. This issue came forward at stage 2, rather than stage 1, at the behest of the Local Government Committee. The committee’s view was strongly held across parties. I recollect that Liberal Democrat members were keen that we bring forward measures sooner rather than later, because we had given an indication through statements in the chamber that we wished to address the matter in a local government bill. I recognise what Euan Robson and others have said about the process, but I wish to draw attention to three or four issues.

At stage 2, I indicated that there were broad principles within which we would try to frame a response on the removal of surcharge. Those principles were given to the committee at stage 2 and are on public record. We then wanted to work with the agencies and organisations that have to deal with surcharge, that is, COSLA and the Accounts Commission. We think that we have arrived at a proposal that meets the aspirations of the majority of the committee. We also wanted to parallel the consultation process that had been undertaken on the Ethical Standards in Public Life etc (Scotland) Bill. That was important.

In terms of the broad framework and principles underpinning those measures, we wanted to send a message to local government that when we talk about parity of esteem, there is recognition that elected members across Scotland play roles at a

parliamentary level in the UK, Scotland and Europe, as well as at local government level—and that they have parity in how they are dealt with in regard to handling public resources. It is important that we address that.

On the points that Euan Robson raised about section 103H, I have a note that says that it is not a general privilege; it is privilege only in pursuance of the new special report procedure. Section 103H gives absolute privilege to the standards commission and ombudsman only in regard to the procedures that they will follow for their present and future duties if the bill is passed, as we expect it to be.

As I said, if there are any issues that can be addressed through future legislation, as the Executive, we would be minded to address them. With the amendments, we are getting something that is facing broadly in the right direction. Perhaps it is not fully fitted out, like a ship, but it certainly addresses many concerns.

I hope that our amendments will be supported.

The Deputy Presiding Officer: The question is, that amendment 84 be agreed to. Are we agreed?

Amendment 84 is agreed to.

We move to amendment 20—

Donald Gorrie: On a point of order. Some members said, “No.” It is difficult for us to be heard.

The Deputy Presiding Officer: The acoustics in the chamber today are not particularly good. It would be reasonable, if there were noes that I did not hear, to put the question again. I call on the noes to be as loud as possible.

The question is, that amendment 84 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: In that case, there will be a two-minute division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Elder, Dorothy-Grace (Glasgow) (SNP)

Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Ms Margo (Lothians) (SNP)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeish, Henry (Central Fife) (Lab)
 McLeod, Fiona (West of Scotland) (SNP)
 McLetchie, David (Lothians) (Con)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)

Salmond, Mr Alex (Banff and Buchan) (SNP)
 Scott, John (Ayr) (Con)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Wilson, Andrew (Central Scotland) (SNP)
 Young, John (West of Scotland) (Con)

AGAINST

Harper, Robin (Lothians) (Green)
 White, Ms Sandra (Glasgow) (SNP)

ABSTENTIONS

Brown, Robert (Glasgow) (LD)
 Gorrie, Donald (Central Scotland) (LD)
 Lyon, George (Argyll and Bute) (LD)
 Munro, Mr John (Ross, Skye and Inverness West) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)

The Deputy Presiding Officer: The result of the division is: For 106, Against 2, Abstentions 11.

Amendment 84 agreed to.

After section 24

Amendments 20 to 22 moved—[Mr McAveety]—and agreed to.

Amendment 85 moved—[Mr McAveety].

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 two-minute division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)

Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
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 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
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 Goldie, Miss Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Ms Margo (Lothians) (SNP)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeish, Henry (Central Fife) (Lab)
 McLeod, Fiona (West of Scotland) (SNP)
 McLetchie, David (Lothians) (Con)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Quinan, Mr Lloyd (West of Scotland) (SNP)

Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Scott, John (Ayr) (Con)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Wilson, Andrew (Central Scotland) (SNP)
 Young, John (West of Scotland) (Con)

AGAINST

Harper, Robin (Lothians) (Green)

ABSTENTIONS

Brown, Robert (Glasgow) (LD)
 Gorrie, Donald (Central Scotland) (LD)
 Lyon, George (Argyll and Bute) (LD)
 Munro, Mr John (Ross, Skye and Inverness West) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)

The Deputy Presiding Officer: The result of the division is: For 105, Against 1, Abstentions 11.

Amendment 85 agreed to.

Section 26—Councils' duties to children

17:00

The Deputy Presiding Officer: We now come to amendment 89, in the name of Mr Brian Monteith.

Mr Brian Monteith (Mid Scotland and Fife) (Con): The Conservative group has consistently argued against the repeal of section 28 without adequate reassurances or safeguards in its place. The Government may have made four climbdowns, cave-ins and U-turns in its argument, but it is our contention that it has failed to accept two key requests that we have made.

Guidance may be issued and it may mention marriage, as may the guidelines. However, neither the guidance nor the guidelines will have the force of law. Let me reiterate that the Conservative group does not support guidance or guidelines being statutory. It is scurrilous for members of the Parliament and members of the media to suggest that that is our position. It is also wrong to suggest

that the guidance will be statutory. The guidance may be issued by statute, but it does not have the force of law.

For the avoidance of doubt, I will read an excerpt from the stage 2 debate on the Standards in Scotland's Schools etc Bill. In response to a question on the statutory powers in section 12, the minister replied:

"Let me make it clear that this section does not give us that power. We will not have such a power and we do not intend to instruct people. Guidance is what the word suggests that it is . . . However, it is reasonable that we should issue guidance that they should take account of before they arrive at their decisions. We will want to be satisfied that that guidance has been taken account of—this section has no greater force than that."

To reiterate his point, he went on to say that

"this is a permissive power and is not an obligation."—
[*Official Report, Education, Culture and Sport Committee*, 26 April 2000; c 846.]

Guidance will probably be issued, but it will not have statutory and binding effect on local authorities. Therefore, we made two key requests. The first was that parents should have the legal right to withdraw their children from sex education. If members care to read what I might call the McCabe report, they will find that it includes a degree of confusion and tension that needs to be resolved. That could have been resolved by accepting our amendments to the Standards in Scotland's Schools etc Bill, but it was not. Secondly, we requested that school boards should have the legal right to consider sex education materials. Those requests, which were modest and non-discriminatory, were rejected.

Of course, we have lodged other amendments, so that the application of the repeal that the Executive seeks would at least be closer to the wishes of the Scottish people. That is why we have sought to ensure that marriage is given legal recognition—no more or less—in the guidance and in the duties to children.

Although I welcome the Government's reluctant decision to include marriage in the guidance, it could have done so far sooner, as I am sure many members, from all parties, would agree. Indeed, had the Executive accepted Michael McMahon's amendment, or my amendment, which was based on words formulated by the Church of Scotland, it need not have been so embarrassed by its subsequent U-turn. Had the Government started the other way round, with a review of guidance and guidelines before announcing the repeal, it might not have been able to satisfy everyone, but it would have had a less divisive effect on Scottish society.

Amendment 89 is a final attempt to ensure that marriage is given its rightful and legal place in the bill. My amendment has taken account of the

stage 2 debate. Members who have followed the debate closely will notice that I have changed the wording. I now refer to

"the significant place of marriage in society and in raising children".

I have given consideration and weight to the arguments that were made. Some people feel that too much emphasis is put on marriage by including it in the bill. That is why, instead of "importance", I have used the word "significant", which can excite a variety of opinions as to the exact strength of marriage. It clearly states that marriage is included, but does not give it greater importance than other family lifestyles.

Further on in my amendment I speak of

"the importance of parental responsibility in all family units".

I am sure that many members would agree with that.

The amendment still mentions "stable family life". It does not seek to remove that phrase from the bill. Borrowing from Michael McMahon's earlier amendment, it includes an important subsection on

"the importance of avoiding intolerance, stigmatisation and stereotyping of the children of alternative family units".

The argument that I have made previously is, I believe, still irrefutable. Marriage is distinct, by virtue of its legal status. It is more than a religious vow; it is a religious vow that includes a contract that can be broken only under the terms of our law. That makes it quite different. It does not necessarily make it superior; that is not the argument. However, we must recognise that it is different. That is not to demean or stigmatise those who are not, are no longer or never choose to be married. It is simply to recognise marriage's difference, which is legal. I do not accept the argument that putting the significance of marriage into law is contradictory.

The fact that the Government has had so much difficulty with the m word illustrates just how out of touch it has been in bringing about the repeal of section 2A. The repeal will, no doubt, go through, despite our opposition, but it has been bungled and has left the nation divided about the priorities and relevance of this Parliament. The ruling parties must listen to the people, or this Parliament's reputation will suffer and ministers will end up vacating their chairs.

I move amendment 89.

Karen Gillon (Clydesdale) (Lab): I welcome the opportunity to participate in the debate, particularly this part of it. I have no problem with the m word, and I know that my colleagues in the Labour party have no problem with it.

The points that Brian Monteith made about the

amendments that he proposed to the Standards in Scotland's Schools etc Bill were well made. However, he did not point out to the chamber that he failed to persuade any member of the Education, Culture and Sport Committee, from any party, to support the points that he was making. All members recognised that it would be wrong for our education system to move towards a national curriculum in Scotland.

The right of parents to withdraw their children from sex education was well debated, and all members recognised that that right already exists and that parents exercise it when appropriate.

I will now address amendment 89. I know that the issue of marriage has become the focus of debate since the repeal of section 28 was conceded. We know that the repeal of section 28 will not lead to a flood of pornographic material in our schools. It will not lead to our children being victimised or being subjected to inappropriate materials.

One must be careful when dealing with the issue of marriage. I am married. I am having a child in September, and that child will be lucky enough to be brought up in a married family relationship. I do not know what the future holds for me or my family, but I have placed the value of marriage at the centre of my relationship. However, when I was seven years old, my married parents divorced, and I was left part of a single-parent family. I know the stigma that was attached to that position. Friends used to say to me, "You've not got a dad," and "You don't have a father." They used to ask, "Where's yer daddy about?" That was a difficult time for me, even though I knew who my father was. How much harder will it be for young people who do not know who their dad is—who, perhaps, do not know who their mum is—and are coping with children who can be very cruel and do not always know what they are saying?

We must create in Scotland a society in which all our children can feel valued—where all our children, regardless of their parents' decisions, believe that they are equal, equally valued and equally part of society. I am concerned that the debate has shown that that is not the kind of society that we have built. We must now do a great deal of hard work to ensure that our children are valued and are given an appropriate part in society.

If somebody had said to me some time ago that the people on the McCabe committee—representing the Churches, trade unions and parents organisations—would be able to come up with a form of words on which they agreed unanimously, I would not have believed them. I would not have believed that it was possible to find common ground among all those differing organisations, but that is exactly what has been

done. That wide spectrum of Scottish society has come up with a form of words for statutory guidance issued to local authorities by ministers that will form the basis for sex education. That is the appropriate road for us to go down—the recommendation of the widest spectrum of Scottish society. The Parliament turning its back on that decision and deliberation because of narrow-minded political point scoring would be the wrong way to go.

Marriage has a valuable part to play in Scottish society. No one in the chamber would deny that. However, the Parliament would not be doing the people of Scotland, particularly our children, a service by placing that relationship above the others that people find themselves in through no fault of their own.

Nicola Sturgeon (Glasgow) (SNP): I shall speak against amendment 89, in the name of Brian Monteith. It is important to say at the outset that, throughout the debate, the Conservatives have contributed absolutely nothing to the efforts to find an honourable settlement to a very difficult question. Amendment 89 is simply another illustration of that. At a time when people on all sides of the debate appear to have reached a consensus, the Conservatives are still out on a limb.

Mr Monteith: Will Nicola Sturgeon give way?

Nicola Sturgeon: No, I will not. The Conservatives are interested in nothing more than pointless posturing. Perhaps that is why the ICM poll published last week showed that the Conservatives have suffered a net loss in support in Scotland because of their opposition to the repeal of section 2A. I do not think that anybody in the chamber will accept lessons from the Conservatives on how to settle the debate that has raged around the issue.

By contrast, the SNP has, throughout the debate, put forward a principled case for the repeal of section 2A, while also arguing that the real concerns of parents must be addressed. We have been consistent in our argument that those fears should be addressed in the guidance and the guidelines on sex education in schools. That consistent, commonsense approach explains why the same ICM poll showed that the SNP is the only party in Scotland to have enjoyed a net gain in support because of our stance on section 2A. That stance combines principle with responsiveness to public opinion, and has chimed a chord with the people of Scotland.

The SNP was the first party to take up and argue for a suggestion made by Judith Gillespie that guidance should be given a statutory underpinning. That was a vital step in reassuring parents that local authorities would not be at

liberty to disregard guidance. The Executive, having first set its face against such a move, belatedly agreed with the logic of that position.

Following that logic, the SNP then argued for a non-discriminatory reference to marriage to be inserted into that guidance. Again, the Executive initially set its face against such a position, with Sam Galbraith, the Minister for Children and Education, reportedly threatening to resign if such a reference was inserted into the guidance. Last Friday, however, the Executive—again belatedly—finally accepted the good sense of that position.

David McLetchie: Will Nicola Sturgeon give way?

Nicola Sturgeon: I will not give way.

That is why we are now in a position in which we will have legally binding guidance that makes clear reference to the responsibilities of parenthood and marriage, but which also values and recognises the great diversity of relationships in Scottish society. That is a commonsense position, which the majority of people in Scotland are happy to support.

If the Labour-Liberal Executive had handled the issue better and reached that position earlier, instead of being dragged there kicking and screaming at every turn, a very difficult debate could have been made a great deal easier. I hope that the Executive—Sam Galbraith and Wendy Alexander in particular—will reflect on that, instead of sitting in the back row barracking, as Sam Galbraith is doing at the moment. That said, I believe that we have now reached an honourable settlement of the debate, which is why the Tory amendment—in keeping with that party's best traditions—is irrelevant and superfluous.

It is important that we, as a Parliament, do not lose sight of what we are doing today: a discriminatory and shameful piece of legislation—a piece of legislation that was imposed on Scotland by Westminster—will today be repealed by the Scottish Parliament ahead of other parts of the United Kingdom. For all the furore that has surrounded the debate, I believe that that says something about the state of Scotland that we can all be proud of. We have to learn lessons, but we can also say that we have stood up for what is right.

For those reasons, I ask all members to vote against the posturing of Brian Monteith and his Conservative colleagues.

17:15

Phil Gallie (South of Scotland) (Con): What I have heard from Nicola Sturgeon is absolutely disgraceful. We in this chamber are expected to stand up and speak for what we believe in. That is

what the Conservatives have done. Nicola claims that the SNP has been consistent on this issue. At the Ayr by-election, the SNP had more changes of position than dogs with fleas have.

I recognise that Karen Gillon spoke from the heart and from her own experience, but I believe that she is wrong to suggest that the repeal of section 28 will not bring other dangers. I believe that the section has worked—lying dormant, but lying as a deterrent. It has worked with Gay Men's Health in Edinburgh, which brought out a disgraceful magazine called "Spurt!". The magazine was stopped. The group then started a website. That, too, was stopped. That was possible because the group had contravened section 28.

Rather than debate Brian Monteith's amendment, I would have preferred to debate the repeal of section 28 once again. I recognise that that was not possible under the rules of this Parliament, but I have to say that people outside the chamber will not understand how the repeal of section 28 could have slipped through without a real debate on the issue.

Kate MacLean (Dundee West) (Lab): Will Phil Gallie give us some examples—from the time before this odious piece of legislation was introduced by his party—of problems in our schools of the kind that he refers to?

Phil Gallie: I believe that a number of issues arose in Stirling and—remembering that this is UK legislation—a threat also arose in London. Those issues were nipped in the bud. That was the purpose of section 28.

When I consider Brian Monteith's amendment and the fact that it encourages marriage as the ethos that we should strive for, I have to ask the minister why it cannot be accepted. Marriage is recognised by the state, in civil and religious terms, as a bond or contract that has been established between a man and a woman. Surely that offers protection for children, which is surely all-important in this debate.

Mr Rumbles: Is it not a little disingenuous of Mr Gallie to suggest that repeal of section 2A is being sneaked through, that he has not had the opportunity to debate it and that he will not have the opportunity to vote against repeal at the end of this debate? He has the opportunity, if he wishes, to speak about the amendment and to vote against it. Pretending that it is being sneaked through in some underhand way is scurrilous.

Phil Gallie: That is not the case. I was careful about how I addressed the issue covered by section 25. Had I repeated arguments about section 28, I am sure that the Presiding Officer could have taken me to task for it.

The Presiding Officer (Sir David Steel): I will take you to task on something else. Earlier, you said that there was no chance to debate it, but there was no amendment to section 25 for me to select.

Phil Gallie: My understanding was that an amendment had been lodged, but that it was ruled out on the basis that it was, effectively, part of the long title. If that is not the case, I stand corrected. My colleagues and I have perhaps erred if we had a further opportunity to lodge such an amendment. It was my understanding, given previous judgment, that that was not possible.

On Brian Monteith's—

Mrs Margaret Ewing (Moray) (SNP): Will the member give way?

Phil Gallie: I am always prepared to give way—I believe in democracy.

Mrs Ewing: On how many occasions did the member attempt to lodge an amendment?

Phil Gallie: I have not lodged amendments on this, as my colleagues have taken the bill through. I participated in a previous debate. My opinions are well known. The opinions of the Conservative group have been consistent throughout this argument.

The Presiding Officer: I interrupt you, Mr Gallie, to say that you are absolutely right: an amendment such as you are suggesting would have been contrary to the long title. I was wrong about that, and I apologise.

Phil Gallie: I appreciate that very much. Given the abuse that I took when I made that statement, I trust that every member in the chamber will take that on board.

I return to Brian Monteith's amendment, which refers to

"the significant place of marriage in society".

How can any member turn their back on that statement? It continues by referring to

"the value of stable family life in a child's development".

Remember that marriage is a contract that offers a degree of stability that other relationships may be unable to offer.

The amendment mentions

"the importance of parental responsibility".

I believe that for every parent, responsibility should be to the fore. That is what Brian Monteith's amendment suggests.

The amendment refers to

"the importance of avoiding intolerance, stigmatisation and stereotyping of the children of alternative family units".

We recognise that not everyone ends up in a blissful state of marriage and that other loving relationships can be established, but for Nicola Sturgeon to castigate us for standing up and saying what we believe to be correct is—

Nicola Sturgeon: Will the member give way?

Phil Gallie: No, I will not give way to the member. She never gives way to anyone—that was demonstrated today. I have given way to other members; I will not give way to her.

I suggest that the Minister for Communities consider amendment 89 carefully. She remembers Brian Souter's referendum, in which more than 1 million people in Scotland spoke. We remember the recent health service referendum carried out by the Government south of the border, to which only 2 per cent of the population responded. She has to take such issues aboard. I plead with her to consider putting marriage on the face of the bill.

Pauline McNeill (Glasgow Kelvin) (Lab): I start by paying tribute to Tim Hopkins of the Equality Network, who said from the outset of the debate that he accepted that guidelines should refer to marriage. If we had listened to Tim Hopkins and others then, we would not have been through what we have been through in the past few months.

One of the Parliament's important achievements is the widespread consensus on this issue, proof of which is the working party, which took its natural course and reported last week. The Conservatives should realise that, in this Parliament, they stand alone on this point—yet they still pursue their amendment to its bitter end, albeit because certain parties came along to help them late in the day

As for the amendment, the Conservatives have made many attempts to include it in the bill. I must say that I take great offence at amendment 89. It begins with the phrase

"the significant place of marriage in society",

which implies that marriage is more important than any other relationship. That is a quite deliberate choice of wording. Furthermore, I take offence at the final part of the amendment, which talks about

"the importance of avoiding intolerance".

That is so mealy mouthed and weak that—

David McLetchie: Will the member give way?

Pauline McNeill: I will give way in a minute.

The amendment also contains the phrase "alternative family units", which implies that there is something different about such units. That distinction is discriminatory and the Parliament should lend no weight to it at all.

David McLetchie: Why does the member waste so much time and energy berating the

Conservatives when the author of the words used in the amendment is sitting on her own back benches? Why does she not turn and berate him for a change if she disagrees with his opinions?

Pauline McNeill: That is complete and utter rubbish.

David McLetchie: It is the truth.

Pauline McNeill: I am sorry if the Conservatives are having some difficulty with the way I am going through their amendment, but they will just have to grin and bear it. The amendment is discriminatory.

Reference to marriage is rightfully contained in the guidance that will be issued on a statutory basis. As the guidance will allow Churches to give marriage the status that they want, none of the Churches or the beliefs they represent will suffer. However, this society must teach children that all relationships have equal value and that the welfare of children is at the heart of the matter. Labour has said from the start that children are the focus of this debate, and we have glossed that focus time and time again. The beauty of the Scottish system of guidance is that people can engineer it how they want, which is particularly important to the Churches.

Like Karen Gillon and others, I believe in marriage, but members cannot come to a Parliament and legislate according to their own personal views and circumstances. We owe it to the Scots we represent to take an objective view of marriage, which means a non-judgmental, non-discriminatory view. All relationships of whatever form must have equal value.

Finally, I want to deal with the issue of repeal.

Miss Annabel Goldie (West of Scotland) (Con): Although I am interested in the member's comments, I am slightly confused. She seems to be saying that her colleagues south of the border have got it all wrong because they think the Labour party in Scotland is disowning them.

Pauline McNeill: Some parties cannot seem to get it through their heads that we have a Parliament and are entitled to legislate, which is what we are doing.

It is only through repeal of this discriminatory piece of legislation in conjunction with the bill before us that we will truly produce legislation that is non-discriminatory. The bill is a landmark in the history of equal opportunity policy. Labour has been consistent on this issue. If we had been listened to at the very beginning, we would have had a more sensible debate.

Phil Gallie thinks that repeal and its consequences are dangerous, but the views that he expounded are more dangerous in this society; we have to accept that people are equal but

different.

Phil Gallie: The legislation and the accompanying guidelines emphasised that intolerance and bullying were not to be accepted and that counselling should be available to those who were feeling the stigma to which Pauline McNeill referred. How can she describe that as harmful?

17:30

Pauline McNeill: Quite easily—I find Phil Gallie's approach patronising and disingenuous. I am sorry, but as that is the way I see it, that is what I will say.

Today is an important day. I know that many members on all sides of the chamber—from five out of the six parties—are genuinely committed to repeal of this discriminatory piece of legislation. Eventually, that is what we will celebrate.

Michael Russell: Like Pauline McNeill, I wish to pay tribute to a range of organisations. She mentioned one or two of them and one or two individuals who have been involved in the debate about the repeal of section 2A. I also pay tribute to my colleague, Nicola Sturgeon, who has worked hard and tirelessly over the past few months, and to colleagues elsewhere.

I say to the Conservatives that even at the 11th hour it would be possible for the Parliament unanimously to repeal section 2A, which would be much appreciated by people throughout Scotland. I ask them to consider doing that and to consider that Mr Monteith's amendment might be "too clever by half", in the memorable words David McLetchie noted in the margin of Mr Monteith's letter. I ask them to reconsider their position and to consider whether all members of this Parliament can share an opinion on this matter.

I approach the end of this debate from the stance of repeal and with a considerable sense of relief. The debate has illustrated an important point that we must consider in relation to all the changes that will have to be made in Scotland in coming years. It is not just intention that is important—how one goes about acting on that intention is also important.

I do not question for a moment the intention of members who have supported repeal for many years, but this has been a profound learning experience for every one of us. It is not enough to say that those with whom we agree are always right and those with whom we disagree are always wrong. This debate has shown us that we cannot change ideas, intentions and society simply by fiat, by command, or by saying, "It will be so." We must work with people starting with where they are and how they see things and we must persuade them

to change.

It is an immense relief—and something to be celebrated, strangely enough, despite all the difficulties—to arrive at the moment of repeal, having reached, admittedly with great difficulty and, in some cases, at the very last moment, agreement about how we can all move forward. Today we should celebrate not only repeal but the fact that some listening has taken place.

I hope that, as we move forward, we will examine all the changes that we intend to make, whether from the SNP benches, those of the Executive parties or possibly even those of the Conservatives—although that seems hardly likely. We will look forward to those changes and we will approach them by listening to what people say—

Mr David Davidson (North-East Scotland) (Con): Will the member give way?

Michael Russell: I am sorry, Mr Davidson, but I want to be brief.

We will approach those changes by listening to what people say, by recognising where they come from and by working with them, rather than by simply telling them what to do. The nanny state is dead and we should not resurrect it over an issue such as the repeal of section 2A.

Nora Radcliffe (Gordon) (LD): I welcome section 25 of the Ethical Standards in Public Life etc (Scotland) Bill. It will, at last, remove a nasty and discriminatory blot from the statute book. My personal preference was to leave matters at that but, given a determined public relations campaign of misinformation and its understandable effect, section 26 is a sensible addition to the bill, as it will meet the concerns of parents and others.

I oppose Mr Monteith's amendment, which I find ill judged and unnecessary—as was the Tories' original clause 28.

Robin Harper (Lothians) (Green): I have with me today's mail in support of the repeal of section 2A from students of the University of Edinburgh.

In light of the philosophy and advice that has informed—and will continue to inform—the practice of guidance in Scottish schools, section 2A was always redundant and irrelevant. It has to go for the simple reason that it is uniquely discriminatory. I am delighted with the wording the Executive has come up with in section 26. I shall vote against the Conservative amendment and with the Executive on the bill.

Brian Adam (North-East Scotland) (SNP): It is with some reluctance that I oppose Mr Monteith's amendment. I will not oppose it on the same basis as other members—attacking the motivation behind it or some of its detail: I believe that amendment 89 is somewhat unnecessary.

At the close of this very long and difficult period for the whole country on this issue, we should come together and try to heal our differences. The direct consequence of this debate is that we have divided our country rather than pulled it together. This Parliament is here to pull our country together and to take it forward.

On one side, much has been said about equality and discrimination in the arguments for repeal. On the other side, people feel excluded when we are striving hard to include everybody in our country. People with religious beliefs in particular feel that the straightforward repeal of section 2A would mean that their views were being excluded and trampled on.

It is always difficult to bring together two sides that are apparently so incompatible. It is to the great credit of the McCabe committee that it has succeeded in doing that. Until Friday, I was not in a position to vote for what has been put before us today. I wrestled with the matter over the weekend and consulted many people. I have had discussions with members from all sides of the chamber.

In my mind, there is nothing wrong with Mr Monteith's amendment, other than the fact that it does not move the debate forward one iota. Because we have had such a difficult debate, I cannot imagine any circumstances where, in practice, the offending material that some people have been concerned about will ever appear. If it does, so many people will be watching for it that we will hear about it soon enough, and there is always the opportunity to take corrective action.

I genuinely ask that the Conservatives, having had this debate about the merits or otherwise of including section 26 in the bill—a legal matter, as opposed to guidance that has a statutory underpinning—to recognise that this subtle matter has been raised, that we have had the debate, but that the section will not make any substantive difference to what will happen in our schools.

Many parents had concerns. It is hoped that the McCabe committee will address them. I have been satisfied, although I know that other members have a different view. Some members will genuinely feel that they cannot support this at all. I respect that. I hope that we can now reach a point of closure, which is why, on this occasion, I cannot support an amendment that I supported when it was lodged, in Mr McMahon's name, at stage 2.

I appeal to the Conservatives to withdraw their amendment. If they feel so strongly about the bill, they will have the opportunity to vote against it or to abstain. We have had the debate on amendment 89, but I do not think that it advances the cause one way or the other.

Donald Gorrie: I welcome this debate. There is

great public interest in the matter and I think that it would have been very bad if the Parliament had not debated it properly. Speaking personally, it was a good thing that the Executive tackled this issue, but the way it and the Parliament has tackled it has not been very clever. As Mike Russell said, we must learn lessons from that.

Those of us who wish to get rid of section 2A have to do a lot more explaining to the public—we must go out and sell our case better. The referendum was on the quality of Mr Souter's advertising boards. There is a lot of public opinion that has to be addressed, and the facts have to be explained.

Some people who have written to me—I am sure they have written to all members—feel that the Churches have the right to determine such matters and that we must fall in line. The Churches have the absolute right to set out their policies for their members, who can accept those policies, whether on divorce, alcohol, activities on Sundays or whatever, voluntarily. Churches have every right to press their point of view on Parliament and we have the duty to assess what they and other people are pressing for and to decide on the right conclusion. We must listen carefully to arguments, but we must not give way to pressure.

I am encouraged by a quotation from an important English Baptist, who said in the early 1900s:

"the state is more sacred than any church . . . for the state stands for the whole people in their manifold collective life; and any church is but a fragment of that life, though one of the most important fragments."

That gives us a good conceit of ourselves. We can accept that. We must make up our own mind. We must not be pressured by Churches or by any other group, but must listen to their arguments.

I am sure that all members support marriage as an institution. The law supports marriage as an institution in many ways, but people on our side of the argument do not accept the implication of the amendment: that marriage is above everything else. A community might include a married couple in whose household all sorts of terrible things, including violence, happen. There might be another family, where the couple—for whatever reason—is not married, but brings up the children well. There could be single people who are pillars of the community, two homosexuals who live together and a manse—or whatever the correct term is—where a couple of Catholic priests live. We do not accept that the married household is at the top and that there is a sort of football league, with Rangers permanently at the top. Life is not like that.

We object to the league table concept. Marriage

is important but, often, voluntarily, people do not get married. I do not understand why, but that is the case. We support marriage, but we do not want it written into the bill as the amendment suggests. Marriage should not have primacy in our thinking, except in one sense—if I had to choose between antagonising my wife and antagonising Jim Wallace, Jim Wallace would not get the vote.

The Minister for Communities (Ms Wendy Alexander): I will deal here with amendment 89, on marriage. I say to Phil Gallie that immediately after this debate there will be a discussion of the principles of the bill, when I will be happy to state the case for repeal of section 2A. Like Mr Russell, I invite members in all parts of the chamber to consider the case that we make at that stage. I will also use the opportunity to dwell on some of the issues of process, consultation and how we do things in the new Scotland that have been raised.

As has been noted, amendment 89 is almost identical to an amendment that was lodged at stage 2 and rejected by the Local Government Committee. Usually, rejection at stage 2 would preclude another amendment in similar terms being lodged at stage 3 but, given the widespread interest in the matter, I am happy to have the opportunity to put on record why the Scottish Executive believes that section 26, as it stands, provides the best protection for our children.

In asking Parliament to reject amendment 89, I am not suggesting that we should ignore the concerns that have been raised. Indeed, I am anxious to deal with them honestly and directly. Concern over recent months has ranged across three distinct areas, all of which have been raised this afternoon. The protection of children from inappropriate behaviour was raised by Phil Gallie. The character of sex education was raised by Nicola Sturgeon. Brian Monteith raised the place of marriage. I will deal with each of those issues.

On the protection of children, section 26 sets out the responsibility of local authorities towards children—all our children. The character of the parental home from which any child comes is not relevant to their right to protection. As Karen Gillon so eloquently put it, every child in Scotland deserves to be given protection by this Parliament. This measure will buttress existing safeguards that have worked well and stood the test of time. It is not the only safeguard.

As Brian Monteith acknowledged in his opening remarks, from the beginning, on behalf of colleagues in education, we offered a review of existing materials to alleviate any parental anxieties. In February, we announced the composition of the working group to review the curricular materials in schools. We sought a consensus. We invited the Churches and parents organisations to sit alongside education

professionals on the group and, in response to concerns that were expressed, we asked the working group to take a wider remit and examine the adequacy of all existing safeguards in schools. In that, as in so many other ways, we signalled our willingness to listen and we responded to legitimate concerns, separated out from the maelstrom of misinformation that raged. In its first report, in April, before stage 2, the working group concluded that the Executive's package of safeguards was sufficiently complete, wide-ranging and robust to meet the legitimate concerns of the public, parents and teachers.

The second concern, raised by Nicola Sturgeon, is the nature of sex education in our schools. We provided a new draft circular for education authorities and invited the working group to review it and the existing curricular materials. As has been noted today, its report was published last week. It concluded that the existing curricular guidelines, advice, support and information are adequate and require no revision, but that they could usefully be complemented by additional material to support teachers, schools and parents. We will provide that. The working group also recommended a key set of principles and aims for sex education that the Executive should incorporate into the guidance circular. Again, we will do that.

During committee consideration of the issue, I indicated that the Executive's preferred option was to await the recommendations of the working group because, rightly, prior to the completion of the group's report, nothing was ruled in or out.

17:45

Nicola Sturgeon: The way in which the minister outlines events makes it all sound perfectly reasonable. Can she explain why, the day after the meeting of the Local Government Committee that she refers to, a spokesperson for Sam Galbraith said that there would be no more U-turns, that marriage would not be mentioned in the guidance and that that was official? Will she accept that the fact that the Executive made such comments rather than waiting for the outcome of the working party has led to confusion in the debate and is characteristic of the Executive's bad handling of the issue? That, more than anything else, has led to what has been happening in the past few weeks.

Ms Alexander: Throughout this process, the Executive, and education colleagues in particular, stayed within the consensual Scottish tradition of asking others. Despite provocation and the invitations to pre-empt the working group's findings, we waited for that advice. In the event, we can all take pride in the fact that the working group produced an excellent, well-balanced and

inclusive report. I commend the report to Parliament.

The fact that the group's findings were unanimous has been widely welcomed. It is a testament not only to the group's hard work, but to its consensual approach. The group's existence and its approach were firmly within the traditions of Scottish education and distanced from ministerial diktat.

As a further sign of our determination to alleviate the real anxieties that exist, without compromising the principle of toleration, we have amended the Standards in Scotland's Schools etc Bill to provide a statutory underpinning for the guidance.

Having addressed those first two very real concerns, about child protection and the character of sex education, I will address the third issue that emerged—marriage. As other ministers and I have made clear on many occasions, the Executive recognises the central role of marriage in Scottish society. In family law and elsewhere, we acknowledge and respect the special status of marriage. I recognise, as others have done this evening, the value that the institution of marriage has for many people throughout Scotland. However, the section is not about marriage; it is about children—all our children—and the responsibilities of our local authorities to them. The section should not make distinctions between children based on the character or legal status of the homes from which they come. In an inclusive way, we will protect children and honour those who care for and love them.

In seeking to secure the best start in life for all our children, the bill recognises the value of stable family life in bringing up children. Stable family life is our aspiration for all our children—none should be left out in the cold because of the choices or circumstances of their parents or carers. We do not honour or respect marriage by denying the reality of those other relationships that are well established in Scottish society. To suggest, as some have, that those of us who urge rejection of the amendment somehow hate marriage is as fanciful today as was the claim, when we first debated repeal in February, that more than 100 MSPs wished harm on the children of Scotland. That was a terrible untruth four months ago and this is a terrible untruth today.

The accusation that we are against marriage is untrue and offensive. Neither the bill nor the section should be about marriage. The bill is about ethics, the section is about children and the guidance is about sex education. Repeal is about society as a whole—rich in its diversity. I recall that, on the day on which the Parliament opened, Sheena Wellington sang "A Man's a Man for a' that". It would shame us to risk ending the year since then with "Holy Willie's Prayer".

I do not question the desire of Mr Monteith or his colleagues to protect our children, but their efforts, however sincere, are misdirected, as the amendment would distinguish between children because of the families from which they come. That is why the Executive urges members to reject the amendment. It is unnecessary for the protection of children, it has been overtaken by a unanimous report and it is inappropriate for inclusive legislation. I urge members to reject it.

The Presiding Officer: As Brian Monteith is waiving his right to respond, I will put the question. The question is, that amendment 89 be agreed to. Are we all agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mundell, David (South of Scotland) (Con)
 Scott, John (Ayr) (Con)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tosh, Mr Murray (South of Scotland) (Con)
 Young, John (West of Scotland) (Con)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)

Gray, Iain (Edinburgh Pentlands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Ms Margo (Lothians) (SNP)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeish, Henry (Central Fife) (Lab)
 McLeod, Fiona (West of Scotland) (SNP)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, Mr John (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
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 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Thomson, Elaine (Aberdeen North) (Lab)
 Ullrich, Kay (West of Scotland) (SNP)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 White, Ms Sandra (Glasgow) (SNP)

Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Wilson, Andrew (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 20, Against 100, Abstentions 0.

Amendment 89 disagreed to.

The Presiding Officer: Before we embark on the main debate, I should say that we are running comfortably ahead of our maximum time limit. If that continues to be the case during the coming debate, I will accept a motion without notice to bring forward decision time. Members should be alert to the possibility of decision time taking place before 7.05 pm as we agreed earlier.

Ethical Standards in Public Life etc (Scotland) Bill

The Presiding Officer (Sir David Steel): The next item of business is a debate on motion S1M-786, in the name of Wendy Alexander, which seeks agreement that the Ethical Standards in Public Life etc (Scotland) Bill be passed. Members who want to take part in the debate should press their request-to-speak buttons now.

17:58

The Minister for Communities (Ms Wendy Alexander): I will keep my remarks brief—much briefer than the usual opening speeches in debates. However, it is right that the central issue of the bill and its purposes, which Mike Russell, Phil Gallie and others have remarked on, are addressed.

A lot of hard work has been done, not least by the Local Government Committee in its detailed consideration of the bill, and I thank that committee in particular for its contribution. Thanks also go to the Parliament and to the many organisations and individuals who have made valuable contributions at different stages of the bill.

The Executive and the Parliament expect the highest standards of conduct throughout our public services. We have sought in the bill to apply those standards both to councillors and to members of devolved public bodies. We believe that people in public office—by whatever route they have attained that position—should aspire to, be held to, and ensure high standards of conduct. By fostering, indeed requiring, those standards, the bill will strengthen the bond of trust between the community and its representatives. The public will see that standards apply and they can have confidence that those standards will be upheld.

The bill also provides for the repeal of section 2A. That repeal is not, and never has been, about the promotion of homosexuality in our schools. It is not about political correctness or, even less, about marriage. It is about building a tolerant Scotland. We know that teachers are confused about the meaning of section 2A, we know that bullying exists in our schools and elsewhere, and we know that children's organisations overwhelmingly back repeal.

Section 2A was introduced as an assault on local government, and was rightly condemned at the time as a backward and repressive measure. Since then, it has stood as an ugly constraint on the ability of local government to support all members of the community. Repeal has been a long-standing commitment of the Labour and

Liberal parties, and of other parties in the chamber. Similarly, the commitment to repeal is held by the UK Government and, more recently, has been held by the Scottish Executive.

For the record, repeal has never been our top priority; it is simply one section in one of the 11 bills that we have tackled in our first year—a year in which, despite the din, we have never been diverted from lifting children out of poverty, building new schools and hospitals, planning new homes and creating jobs. It was others who chose to elevate this issue to the top of their agendas.

Why are we repealing section 2A? Because it is the right thing to do. Jackie Baillie could not but confirm that long-standing commitment to repeal and to the continuing search for an appropriate legislative vehicle when, as far back as September, she was questioned by this Parliament's committees. This bill, and its sister bill for England and Wales, provided such a vehicle. In October, two weeks before the Queen's speech but following the announcement of our legislative programme, we forewarned Church leaders and announced this bill as the vehicle for repeal.

In favouring repeal, we shared a common objective with parliamentary colleagues in Westminster. However, in Scotland we have a new Parliament with different procedures—including a public consultation process without parallel elsewhere—and different education traditions. We have kept faith with those new and sometimes lengthy procedures and with the consensual Scottish education tradition.

I did not try to gerrymander the parliamentary timetable to hasten the bill's passage. Sam Galbraith did not depart from the consensus approach to the Scottish curriculum. Sometimes the price of trying to do the right thing in the proper way is demanding. Week in, week out we faced a campaign without precedent in British public life. Whereas some sought to misinform and distort, the Executive kept faith with this Parliament's procedures and our national education tradition.

The charge that Donald Dewar, Sam Galbraith and I were somehow in the business of promoting gay sex lessons was always deeply dishonest and, more important, an insult to Scotland's teachers. Discrimination needed to be faced down and parental concerns needed to be allayed. Addressing parental concerns, consistent with our education traditions, was always going to be a matter for our education colleagues. Parents and Church representatives were invited to join the independent working group. That group met, it deliberated, and we have accepted in its entirety its unanimously agreed report.

The public debate has been long, bruising and

sometimes personal. Tony Blair spoke about the character of that debate when he came to Scotland to visit this Parliament. Despite the invective, I am grateful to parliamentary colleagues across the party spectrum, who have exhibited dignity and decency throughout. None of us is beyond reproach, but members cannot be held responsible for the actions of others. Few harsh words have issued from this chamber.

Today is this Parliament's opportunity to reflect on the choice that the Executive places before it. The Parliament must decide whether the Scottish Executive made the right decision when it decided that institutionalised and legal discrimination should be no more acceptable in the law of Scotland than in the law of the rest of the land. The Scottish Executive's choice in October, and ours today, is whether to keep the discriminatory section or to repeal it.

I say this to fellow MSPs: let the Parliament of Scotland repeal the section, to keep our pledge to serve all our people without discrimination. To those who have said over recent months that other injustices are more acute, I say: perhaps so, but we do not eradicate some iniquities by ignoring others. Let Scotland repeal the section to keep faith with all those who, whatever their views, look forward to a new day, when public life, whatever the issue at stake, sees decency overcoming deceit.

We cannot and we should not keep the clause because, quite simply, it has no place in our tradition of tolerance, in our family life as a nation, or in our values as a society. For that tradition, for our national family and for those values, the clause must go. I commend the bill to the chamber.

I move,

That the Parliament agrees that the Ethical Standards in Public Life etc. (Scotland) Bill be passed.

The Presiding Officer: Before I call Kenneth Gibson, I should say that it looks as though decision time will be around 6.30 pm, but we will wait and see how we get on.

18:06

Mr Kenneth Gibson (Glasgow) (SNP): The passage of this bill has been particularly pleasing for me. Two years ago, on behalf of the SNP, I submitted our party's contribution to "A New Ethical Framework for Local Government in Scotland". This has been a long haul, but well worth it.

To those who say that Parliament does not work, or that its committee system is ineffective, this bill gives the lie. As it now stands, the bill bears little resemblance to its original form. The

Executive is to be commended for taking on many committee recommendations, albeit grudgingly at times. Issues added to the original bill—with our support—include the time taken for investigations, surcharge, interim suspension, the explanation of rules and procedures, the right of appeal, the inclusion of area tourist boards and further education colleges, the loss of special responsibility allowance for suspended councillors, and more.

Members of the committee, its clerks and its convener are to be congratulated on their hard work. The committee's approach was open, constructive and enthusiastic and was undertaken in the genuine spirit of trying to arrive at the best bill possible. I thank especially Donald Gorrie, who supported all 47 of the amendments that I submitted at stage 2.

A key point in the debate was which non-departmental public bodies should be included in the bill. I am heartened that the minister has again agreed to look at that in the coming months through a review process. The bill as it now stands will show that only the highest standards are expected of those who serve on our councils and devolved public bodies. We now have a clear and transparent public mechanism for dealing with allegations of wrongdoing. That will, I trust, go a long way towards improving perceptions that people may wrongly have of sleaze on our councils and devolved public bodies. At the same time, the bill will provide balance by introducing safeguards against malicious, unfounded allegations.

The bill will allow elected members and members of devolved public bodies the freedom to do what they are there to do: serve the Scottish public. The minister talked of parity of esteem between local government and the Parliament. I believe that this bill goes a long way towards strengthening that approach.

On behalf of the SNP, I welcome the repeal of section 2A, which was imposed on Scotland by a Westminster Tory Government. I am pleased that it was the SNP that led the way in ensuring that parental concerns were properly addressed. I commend the Ethical Standards in Public Life etc Bill to the chamber.

18:09

Mr Keith Harding (Mid Scotland and Fife) (Con): I join others in thanking the committee clerks for their work and assistance with the bill. I also thank the many organisations that gave evidence. I pay tribute to my colleagues on the Local Government Committee under the able convener's leadership of Trish Godman. It is interesting that, until we came to stage 2 of the bill, no vote

had been taken in the committee. Many good ideas and suggestions came from committee members as a result of our deliberations. The Executive took some on board, and the bill is much improved and strengthened as a result.

The bill will do much to restore public confidence in our local authorities in particular and public bodies in general. To achieve that aim, the bill is a necessary piece of legislation. It is important that the public have confidence in all tiers of government. Like my colleagues on the Local Government Committee, I would prefer to have seen the inclusion of MSPs. I hope that that suggestion will be revisited in the future.

I am particularly pleased that an appeals procedure has been included, as that was an issue that I pursued, along with the repeal of surcharge on councillors and council employees. I welcome the commitments to seek ways in which to cover the LECs and public companies, including arm's-length council companies, at a later date.

Section 2A has been debated at length and I acknowledge that the Executive has moved considerably from its initial stance but regret that it does not feel able to take that final step of legally enshrining marriage in the guidance. I may be old-fashioned and in the minority in the Parliament, but I speak for a majority in Scotland who say that marriage is a cornerstone of civilisation.

I cannot ignore my mailbag or the wishes of the overwhelming majority of my constituents. I want marriage to be given due recognition in the bill. In the recent Scottish Television poll, two thirds of respondents did not feel that the Executive's latest proposals went far enough. We said that we would be a listening Parliament, but it is no use our simply listening and not acting. I acknowledge that the opponents of repeal—in the form of the Churches and Brian Souter—feel that their concerns have been addressed, but I point out that neither the guidance nor the guidelines that incorporate the importance of marriage are enforceable by law.

This is a good bill and I would like to support it. However, I cannot, in the present circumstances, support the repeal of section 2A. I regret that I will vote against the bill.

18:11

Donald Gorrie (Central Scotland) (LD): It would not be useful to turn this debate into a self-congratulatory orgy, but I am bound to say that Wendy Alexander made an exceptionally good speech. I am happy to endorse all that she said.

The committee worked well—Kenny Gibson listed the improvements that the committee made to the bill. I think that Trish Godman is an excellent

convener—I hope that she will look kindly on me in future.

The committee worked well, but we are all learning. As I said before, our timetabling is still not satisfactory. Our system is a bit like a cycle race around a track. To the uninitiated, the cyclists appear to cruise gently for many laps and start sprinting near the end and go like the clappers. We have a lot of useful early discussion with deputations from various groups but the timetable at the later stage does not allow us to conduct our affairs cleverly. Despite that, there have been improvements in the bill and I think that Frank McAveety deserves great credit for his attitude to that change. Even in relation to quangos, on which we differed an hour ago, progress has been made.

Like others, I think that we have made a serious contribution to improving local government and quangos. I hope that local government will accept the bill in the spirit in which it is passed. It is an effort to improve quality and to sort out the small minority of councillors who bring local government into disrepute.

Section 2A has been thoroughly debated. We must explain our views more cleverly than we have to the people who have been misled by false information from some of the people on the other side of the debate. It is a notable achievement that the Parliament has passed the bill. It has addressed a wrong that was felt by many of our fellow citizens, who saw section 28 as a serious piece of discrimination against them. We have ended that discrimination, and I think that that is a great step forward. We should recognise the fears of certain sections of the public and try to convince them of our case because, as others have said, there is no great programme for the promotion of homosexuality. That is complete rubbish. We have confidence that Scottish teachers will continue to deal with this issue well, as they have in the past.

Phil Gallie (South of Scotland) (Con): We are constantly told that people against the repeal of section 28 have run a misleading campaign.

The way that I dealt with the matter in the first instance was to send to constituents a copy of section 28, also known as section 2A, along with the guidelines that were issued with it. I did not state an opinion; I left them to make up their own minds. Their minds guided me at a later date. Does Mr Gorrie accept that?

Donald Gorrie: If Phil Gallie says that, I am happy to accept it. He is an honest man. Many people have conducted the argument correctly, but quite a lot of people have not. They have circulated material that was used only in health contexts for people who are homosexuals and seriously at risk on the health front. The implication was that that sort of material was

circulating round schools, which is entirely untrue. There have been people on Mr Gallie's side of the argument who have not conducted themselves honourably. I am sure that he has. As Wendy Alexander said, the conduct of MSPs has been commendable on this issue, but some of the conduct outside has not.

Speaking officially on behalf of the Liberal Democrats, which I do occasionally, I am happy to support this bill and to say that its authors deserve great credit.

18:16

Trish Godman (West Renfrewshire) (Lab): On behalf of the committee there are some people I would like to thank. First, Eugene Windsor, Irene Fleming, Craig Harper and Morag Brown, all the admin people who worked behind the scenes on the bill, and the official report, which was very patient with me when I slowly worked through stage 2 of this bill.

All the committees in this new Parliament—approaching its first birthday—have been informed in their deliberations by evidence provided by groups and individuals. That is certainly true of the Local Government Committee in relation to this legislation. I thank all of those from local government, COSLA and other organisations who informed committee members. In particular, I thank those individuals who gave the most personal accounts. They did more than inform us; they moved us. I thank them for sharing at times very intimate details of their experiences, so that we, elected members of this Parliament, were reminded of the human side of this debate.

Scotland has a tradition of public service, of which we can rightly be proud. The bill builds on that tradition and reinforces it. The aim was to support high standards in public service, and the bill does that.

This Parliament is committed to the principles of equal opportunities and to tackling exclusion in all walks of life in Scotland. That is why the bill repeals legislation that singled out sexual orientation for special condemnation.

I must also thank Wendy Alexander and Frank McAveety and their civil servants, who have moved significantly since the committee first reported on this bill. They have listened to our concerns and they have responded. Indeed, today they accepted amendments from the Opposition.

Last, but not least, my thanks must go to the committee. Because of its hard work, diligence and sense of humour, we covered a massive amount of work. My thanks go to each and every committee member.

After all the raised voices in recent weeks, this is

a day for quiet pride as we point the way to a new and tolerant Scotland. It is a day for quiet pride because this is the first step, not the end of a journey. All those who support this bill must continue to inform and spread the message of tolerance and respect.

Once again, I thank everyone for their help.

18:19

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): At this late stage in the debate I would like to make a final appeal to the Conservatives across the chamber. If I read Keith Harding correctly, the Conservatives are about to vote against the Ethical Standards in Public Life etc (Scotland) Bill. That would be a shame; it would be a shame for this Parliament and for the Conservatives. I am not here to promote the Conservative cause, but it would be a shame for the Conservative party. Conservative members should re-examine the decision that they have made, if they have made the decision to vote against the bill, which will raise standards in public life throughout Scotland.

If the Conservatives oppose the bill because of discriminatory legislation from 1986, they have made their point. They have stated their reservation and the whole world knows it. For goodness' sake, do not make a further mistake—support the bill.

18:20

Ms Alexander: I will be brief.

The bill is an important step forward in our public life. I thank my colleague, Frank McAveety, for all his work and for his willingness to listen and to take on board the views of the Local Government Committee. Like others, I pay tribute to the work of that committee in shaping the heart of the bill, which is a different one today because of its efforts. As with the discussion that we have just had on section 2A, this a different way of doing business in the new Scotland. Much of the credit must go to Trish Godman, who managed to achieve consensus in bringing forward amendments.

I will end on a reflective note. The bill will remove a badge of shame. I invite all members—as we have just heard—to support it in the knowledge of what we are proposing, not the caricature that has been made of it.

In recent months we have learned about the precious nature of public life, the power of PR, the proper concerns of parents, principles that money cannot buy, party politicking and perhaps also something about ourselves.

I commend the Ethical Standards in Public Life etc (Scotland) Bill to the Parliament.

The Minister for Parliament (Mr Tom McCabe): Presiding Officer, I seek the chamber's permission to move a motion without notice.

The Presiding Officer: Do we agree that a motion without notice should be moved?

Members indicated agreement.

Motion moved,

That decision time be at 18:23—[Mr McCabe.]

Motion agreed to.

The Presiding Officer: In that case, members have 25 seconds to reflect before decision time. I hope that members outside the chamber are aware that we are moving to decision time.

Decision Time

18:23

The Presiding Officer (Sir David Steel): There is only one question to be put at decision time today. The question is, that motion S1M-786, in the name of Wendy Alexander, which seeks agreement that the Ethical Standards in Public Life etc (Scotland) Bill be passed, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
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 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
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 McNeill, Pauline (Glasgow Kelvin) (Lab)
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 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
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 Watson, Mike (Glasgow Cathcart) (Lab)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mundell, David (South of Scotland) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Mr Murray (South of Scotland) (Con)
 Young, John (West of Scotland) (Con)

ABSTENTIONS

Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)

The Presiding Officer: Before I announce the vote, I will take the opportunity to thank everybody for their co-operation in what has been a long, but I think constructive, afternoon.

The result of the division is: For 99, Against 17, Abstentions 2.

Motion agreed to.

That the Parliament agrees that the Ethical Standards in Public Life etc. (Scotland) Bill be passed.

[*Applause.*]

The Presiding Officer: There is still a final item of business—members' business—so I ask members who are not staying for that to leave the chamber quickly and quietly.

Edinburgh Folk Festival

The Presiding Officer (Sir David Steel): The final item is a members' business debate on motion S1M-882, in the name of Roseanna Cunningham, on the Edinburgh Folk Festival. The debate will be concluded without any question being put after 30 minutes.

Motion debated,

That the Parliament notes with concern the demise of the Edinburgh Folk Festival as a result of lack of financial backing; further notes that during a meeting attended in April by musicians, former festival volunteers, members of the Adult Learning Project's Scots Music Group, members of Edinburgh Folk Club, the Wee Folk Club, Scottish Traditions of Dance Trust and others, concern was expressed about a perceived lack of political support for the traditional arts, and asks the Executive to recognise and encourage the important role of the traditional arts in its forthcoming National Cultural Strategy.

18:25

Roseanna Cunningham (Perth) (SNP): I have been a passionate advocate of Scotland's traditional arts and music for a long time, so this debate gives me great pleasure and an opportunity to put that advocacy on the record in Parliament.

To my knowledge, this is the first time that Scotland's traditional music has been the subject of a parliamentary debate in the UK. That is an extraordinary state of affairs, given that it is a unique and vital part of our culture. Arts and culture are rarely debated at Westminster and—as I recall—such debates tend to take place on election days, if at all. On such days, attendance in the chamber is—for obvious reasons—sparse. That merely reinforces the lack of any real parliamentary interest in culture.

We do things better here. However, debates on the arts, including the one that was held in the Scottish Parliament, have focused on the national companies—opera, ballet, orchestras and so on—almost to the exclusion of anything else, yet none of those cultural endeavours is unique to Scotland. However, Scotland's own music, song and dance are unique. If they stop evolving, are neglected or die out, something absolutely irreplaceable is gone from the world—not just from Scotland. They deserve the utmost recognition and support at every level. Although this might be the first debate on the subject, I promise the minister that it will not be the last.

At the material level, we should not forget the immense contribution that has been made to Scotland by the traditional art forms. The things that make people elsewhere in the world care about Scotland and that bring them to Scotland

are the things that are unique to Scotland. A joint report by the Scottish Tourist Board and the Scottish Arts Council about increasing visitor access to traditional music is imminent. Research carried out as part of that project indicates that access to traditional music is a major factor in tourists' minds when they decide to come to Scotland.

The British Council does good work in taking performers overseas and there is a welcome new development called Celtic Fling that will take place in North America next year, which was helped along by Scottish Enterprise. Although there are large markets overseas for Scottish traditional music, all the activity in getting the music to those audiences tends to be driven from that end, rather than being pushed from this end. That seems remarkably short-sighted of us.

Initially, my motion was triggered by the demise of the Edinburgh Folk Festival. I know that there were issues particular to the running of the festival that gave rise to concern and that mean that its end might have come about for many different reasons. Goodness knows—folk festivals come and go for a variety of reasons. However, what has happened in Edinburgh has set off alarm bells in the traditional music community throughout Scotland and has helped to identify the need to push that art form up the cultural agenda.

I want to address some of the wider issues that are touched on by my motion and to record the huge amount of interest in the debate. I have had support from many people—too numerous to mention—including performers, promoters and teachers. They are people whose names are extremely well known—Arthur Cormack, Michael Marra, Ishbel MacAskill and Sheena Wellington. They are people of great standing in the community and they are all concerned about the priorities of the cultural agenda in Scotland.

It is also important to give recognition to some of the work that has been done in recent years by the individuals and organisations that have put in enormous amounts of time and effort, much of it on a voluntary basis. The Traditional Music and Song Association does valuable work and Celtic Connections in Glasgow has been a resounding success. A few local authorities, such as Fife Council, have made a commitment to traditional music that all local authorities should make. I should add to that list all the organisers of folk festivals and folk clubs the length and breadth of Scotland.

Much of the work has, quite rightly, gone into education. The fèis movement should be mentioned in that regard. I have enough material for a debate on that aspect of traditional music. Perhaps we will have that debate one day. Tonight, however, we should recognise the huge

debt that we owe to the many people who are involved in the organisation of the 29 different fèisean that were held in Scotland in 1998-99. What is needed now is central funding to allow the fèisean and—separately—Fèisean nan Gàidheal to develop.

There are exciting developments in the teaching of traditional music in Scotland, particularly at the Royal Scottish Academy of Music and Drama—which runs what I believe is the only course of its kind in the UK or in Ireland—and at the Piping Centre in Glasgow. However, demand far outstrips supply. The example of the Easterhouse arts project in Glasgow is salutary, with more young people wanting to join the classes than could be supported. It is important that there should be equality of access to traditional music throughout the country and society, but that is not the case now. There are serious issues of social inclusion to address in this debate, as in many others.

We should remember Arthur Cormack's words: that traditional music does more than just keep tradition alive—it keeps social history alive. The work of Sheena Wellington and Gordeanna McCulloch makes us very aware of that. I suggest, therefore, that the minister take a long look at the apparently shelved report of the Scottish Consultative Council on the Curriculum, which includes a raft of recommendations in this area. The recommendations are—in the main—achievable with existing resources. I know that the matter might not be wholly within the remit of the Deputy Minister for Culture and Sport—it may be within the remit of the Minister for Children and Education—but it is relevant to what she is doing in relation to culture.

Things are much better now than they might have been, but there is still a perception that Scotland's traditional arts and music are something of a Cinderella when it comes to support, especially financial support. That is not difficult to understand when total Scottish Arts Council spending on traditional arts is not much more than £250,000 to £300,000. The national companies, by contrast, swallow up something in the region of £12.6 million. Even with lottery money, there remains a serious lack of infrastructure and core resources for the traditional arts in Scotland and one-off projects mean that there is no continuity.

The Scottish Arts Council now accepts that traditional arts require greater recognition. It would have cost only about £1 million to implement the recommendations of the council's report on traditional music in Scotland. Instead, only £53,000 is available. With that level of funding, the Scottish Arts Council will struggle to attain its published ideals.

With the advent of the Parliament, the time is

right for greater recognition and support to be expressed politically. The minister has an excellent opportunity today and through the national cultural strategy to do that, and to affirm that Scotland's music will no longer be the poor relation in the cultural life of our country. I hope that she will take that opportunity.

The Deputy Presiding Officer (Patricia Ferguson): In order to accommodate all the members who wish to speak, I ask members to keep their contributions to three minutes.

18:33

Cathy Peattie (Falkirk East) (Lab): I should declare an interest in this issue—members will note my tee-shirt.

I would like to thank Roseanna Cunningham for bringing the issue before the chamber. I hope that the next time we debate it there will be more people here to listen to what we have to say.

Traditional music is about real people singing real songs with real voices, in their mither tongue. We must celebrate and support the traditional arts—whether song, story telling, music or dance. We must support education for all ages and I welcome the work that has been done in schools, to which Roseanna Cunningham referred. Folk such as Nancy Nicolson in Glasgow and Ewan McVicar in Fife are working with children in schools. If anyone is interested, they can go along to the national museum to see the result of some of that work. The community development and training unit in my area is seeking to promote Scots and is working at community level to promote active citizenship. Organisations such as the adult learning project are involved in the development of traditional music groups. Sang Schule in West Lothian involves people meeting to learn and share traditional music.

Fiona Hyslop (Lothians) (SNP): Given that we are concerned about the closure of one folk festival, will Cathy Peattie join me in recognising that Linlithgow folk festival—which started last year and at which, I understand, she performed—is one of the success stories that should be celebrated?

Cathy Peattie: Absolutely.

Roseanna Cunningham: It was a fine performance.

Cathy Peattie: Last week I chaired a meeting that was aimed at setting up a traditional music centre in Edinburgh. All those who attended agreed that there is a need for such a centre, which could provide teaching rooms, performance space, rehearsal rooms, demo recording rooms, promotion and administrative support. I wish the group luck with that project. If traditional music is

to flourish in Scotland, there must be real support for the movement and for up-and-coming young people who are interested in traditional music.

It is vital that the national cultural strategy recognises the importance of cultural heritage in Scotland, and I would like to sing a few lines by Hamish Henderson.

Sae come aa ye at hame wi freedom
Never heed whit the houdies croak for doom
In yer hous aa the bairns o Aidam
Will fin breid, barley-bree an paintit room

Parliament has the opportunity to ensure that all our bairns can participate in, enjoy and perform the traditional arts of Scotland.

The Deputy Presiding Officer: When chairing meetings of the Parliament, Presiding Officers are often asked to turn a blind eye, but I have never before been asked to turn a blind ear.

18:36

Alex Fergusson (South of Scotland) (Con): If I were to burst into song, Presiding Officer, you would want to turn a blind ear. Cathy Peattie's singing was absolutely beautiful.

To look at me now, it is hard to imagine that I spent the second half of the 1960s yearning to be in San Francisco with flowers in my hair, spreading messages of peace and love in all directions and—more important, as I had by then just mastered the chords of C, G and D on the guitar—singing those messages. The trouble was that I was at least five years too young to aspire to hippiedom and, had I done so, I would no doubt have dispatched my parents to an early grave.

I had to find a way to relieve my largely imagined revolutionary frustrations. Thus it was that—when maturity at last allowed what was on my unshaven features to resemble a beard and I had persuaded my long-suffering mother to knit me the compulsory white Aran sweater—I aspired to become a folkie. I must say that I was very disappointed to read an e-mail this morning that said that the days of four pullovers with out-of-tune guitars singing "The Wild Rover" are long gone. I am sad, because when I did that I thought that I had reached my artistic peak. If nothing else, that says everything one might need to know about my performing capabilities.

The late 1960s and early 1970s was a great time to be involved, even in a small way, in the resurgence of Scotland's folk traditions. I mean not only the music, but the different languages, the story telling and the poetry—the whole gamut of the traditional heritage that is Scotland's culture. It is a special culture and one that we ignore at our peril.

I must admit that my knowledge of Scottish

history is shamefully sketchy, but I can honestly say that before I got involved in folk music it was non-existent. It was through the songs, stories and poems, the camaraderie and what the Irish call the craic, that my ignorance began to be addressed. There is a huge educational benefit to be gained through investing in and promoting our Scottish culture, but not just in the obvious sense of making available the resources to teach those who want to take part in music. We can use that culture in all its forms to educate our young people about our history, our folklore and our heritage.

There are probably people—some in this chamber—who think it odd that I, as a lowland Scot, would have any relevance at all to this debate, but I contest that strongly. Our cultural heritage comes as much from Stranraer as from Stromness and as much from Glasgow as from Edinburgh. It is of national importance and that is why the situation behind tonight's motion is so important to everybody in Scotland. That is also why the Scottish Conservatives, in our submission to the national cultural strategy, have urged the Scottish Executive to recognise and encourage the importance of our traditional culture alongside such national institutions as Scottish Opera and Scottish Ballet.

I, of course, have nothing against those organisations, although I will live quite happily if I never have to see another ballet. However, I love opera—despite the fact that during a magnificent production of "The Pearl Fishers" that I once saw in Glasgow, Scottish Opera saw fit to smear copious amounts of white make-up on the tenor lead, who was obviously of African descent. The result was a sort of ghost-like grey, and it crossed my mind that the make-up department of Scottish Opera, at least, must be somewhat overfunded. Despite that lapse, I have always admitted the excellence of Scotland's classical institutions and companies and it is right that they should receive a level of funding that ensures that they can continue to do Scotland so much credit in the cultural world.

It is not right that Scotland's cultural world remains essentially unsupported and is—in the words of a correspondent of mine,

"encouraged, fostered and looked after by dedicated amateurs working with a small number of hugely talented but financially strapped professionals."

We must invest in our culture. I use the word "invest" deliberately. Through tourism and commercial activity, there are economic benefits to be gained for Scotland if the necessary strategic support is given.

I will finish by quoting another correspondent. He said:

"I want to thank you all for bringing traditional music to

the debating chamber. As a musician, I feel that it is a great pity that I have to travel far from my own country to receive recognition for our own music."

It is within Parliament's or the Executive's power to correct that situation. That would be one of our most important and long-lasting achievements. I heartily commend the motion.

18:41

Donald Gorrie (Central Scotland) (LD): I cannot match Cathy Peattie for singing and I must confess that I am not a folkie, but I feel that the whole folk aspect of Scottish culture needs support and I am happy to speak in this debate.

There should be a bit of joined-up government—something we all speak about but do not practise very much. There is great value in developing what might be called a folk industry, as the Irish have done. Our tourism strategy and economic strategy should take that into account. It is regrettable that a lot of people who live abroad are much keener on Scottish folk and traditional culture than a lot of Scots are. Money could be brought into this aspect of our culture through activities other than arts funding.

We have to support the full range of Scottish traditional and folk culture. That goes from people such as me trying to teach foreigners strip-the-willow, to people such as Sheena Wellington singing, to the full range of storytelling and other aspects of culture. There is a tendency for little groups to get a bit precious. If their dancing is not quite the same as other people's dancing, Scots have a tendency to quarrel about that, rather than accept and support the whole range of culture. We also have a tendency to assume that folk dancing from Moravia must somehow be better than folk dancing from Scotland. It is a perverse part of our character. We have to get over that and accept that we have a lot of fine types of folk music and dancing that other people value and that we should value much more.

Points about the Highlands versus the Lowlands have already been raised. Whatever the difficulties of funding, the Gaelic group has got its act together to some extent. However, Scots who are not Gaelic or Highlanders are a bit confused as to who they are and a bit apologetic about Lowland Scottish culture, about which there is a great deal to be proud.

I am happy to support this debate, to welcome the motion and to hope that the Executive can find ways of supporting this cultural industry. It represents a good community-type of activity that is dear to my heart and to the hearts of my colleagues. It is a non-elitist, let's-get-our-act-together-locally type of activity, and it is especially welcome for that.

18:44

Linda Fabiani (Central Scotland) (SNP): Unlike Donald Gorrie, I would like to state, "My name is Linda and I am a folkie." I would like to talk about funding for the traditional arts. Lack of funding is the primary reason for the demise of not only the Edinburgh Folk Festival but many such initiatives over the years. What has been lacking is a national framework for the development of our traditional arts, or a national strategy such as that operated in countries such as Spain and Ireland. In Ireland, the traditional culture, which is very similar to ours, has been cherished at all levels, resulting in a great pride in the country's indigenous music and dance, which is complementary to their wonderful poetry and prose tradition, both oral and written.

The national cultural strategy is out for consultation. Within that, I would like there to be active promotion of and a commitment to adequate funding for our traditional arts and recognition of their long-term advantages—advantages not only to our country's children, but to the economic value to its tourism, businesses and media.

I mention children because when I have attended any event where youngsters are introduced to the instruments, voices and dance steps of their heritage, they love it—every minute of it. It should not be a one-off, participatory event, but a continuing movement.

I have attended many events at which adults of all ages have participated for the first time in their own tradition and culture. Again—great enjoyment, which should be built upon. Some are trying. A growing number of local authorities have traditional musicians in residence. I was delighted to learn the other day that the local authority within whose area I live has its own traditional arts officer, who is actively encouraging appreciation in the area.

Small local initiatives, while admirable, are not sufficient. The raft of small purses of money available—lottery and new opportunities funding and so on—does not serve the purpose. No traditional arts organisation in this country is funded to anything like the level that would allow it adequately to carry out its core tasks, let alone to prepare the extensive and time-consuming applications required to secure partnership and sponsorship. The core tasks are what are important—that must be recognised and matched with core funding. Let the traditional arts administrators spend their time on what they do best: performing, teaching and passing on their art.

I very much enjoy ballet—if Alex Fergusson would like to accompany me some time, that

would be nice—opera and classical music, but those art forms are less important to me than those of my own country: our music, song, dance and oral tradition. Why does the core funding for the municipal arts contribute substantially to the wages and fees of performers of those art forms while there is, at present, no direct and very little indirect support from the Scottish Arts Council for the performers of traditional music? Note the £3.4 million rescue package last year for Scottish Opera alone. It is quite clearly not fair.

Let the Parliament lead the way: support our traditions and arts while being respectful and appreciative of others. That would seem fair to me.

18:47

Robin Harper (Lothians) (Green): I have the advantage of having been born several years before Alex Fergusson and having been able to grow my hair down to my shoulders—to the despair of my parents. Those were the great days in the late 1950s and early 1960s of people such as Arthur Argo, who I stayed with in Aberdeen, the McCalmans, Paddie Bell, Doleena McLennan, the Corries, Hamish Imlach, Owen Hand, Matt McGinn, Ewan MacColl, Archie Fisher and many more. They did the circuit.

When I went to Fife to teach in 1964, there was a folk club in every second secondary school and every other little village. What has happened since then? Commercial pressures mean that fewer pubs give time over to folk singers. Timetable pressures and pressures on teachers mean that there is increasingly less folk music in schools.

In 1966, I had a meeting with Archie Fisher and others in Glasgow, where we discussed the possibility of trying to get folk music on to the school timetable in some official way. We concluded that it was not appropriate because we did not want to make it into an examinable subject.

With the new approach to examinations—especially in higher still—and to the primary school curriculum, there is room for the Executive to do everything it can to get our culture into primary and secondary schools. We could consider cross-curricular strategies involving dance, music, English, poetry, folklore and history, at primary level and perhaps at a higher level too.

We need more support for teachers, not just for folk music, but for every other extra-curricular activity to encourage them to get involved once again in such activities—especially, in the context of this debate, all aspects of our traditional culture. Education is partly the key to the expansion of our culture and should, at the start of this new millennium, start with this Parliament.

18:50

Irene McGugan (North-East Scotland) (SNP):

If I were writing a cultural strategy, I would focus on children and communities. It therefore follows that for our traditional arts to survive, they must be supported and developed by young people across Scotland. I want to talk briefly about probably the best example of what can be achieved by investing in traditional music activity for young people—the fèis movement.

As members will know, fèisean aim to maintain and develop Gaelic culture and language by providing opportunities for the learning and performance of traditional music, song and dance. The movement is significant, not just because of the numbers involved—there are an impressive 31 fèisean and approximately 3,500 young people taking part. Fèisean often provide a community's only opportunity for young people to take part in any cultural activity. Where possible, local people are passing on their skills to youngsters, which means that the issue is very much about social inclusion and integrating traditional music into community life.

At the basic level, fèisean provide fun, informal cultural education for all young people from all walks of life and contribute significantly to their personal and social development. Above all, they provide energetic young artists, all of whom have first-hand knowledge of the wealth of Scottish Gaelic culture and who undoubtedly add to the richness and diversity of communities throughout Scotland.

It is acknowledged that the improving standard of performance among young people at the Royal National Mod is directly attributable to the work of the fèisean. In fact, seven out of the first 10 graduates from the Royal Scottish Academy of Music and Drama's BA Scottish music course had had fèis involvement before enrolling. However, despite that, the fèis movement struggles for funding support and I echo Roseanna Cunningham's plea for the Scottish Executive to consider some central funding.

In Ruth Wishart's report "Scottish Arts in the 21st Century", the Scottish Arts Council's combined arts director described the fèis movement as

"bringing a celebration of shared history and sense of belonging which breeds a new generation of cultural innovators".

That is what we need for Scotland's traditional arts.

18:53

The Deputy Minister for Culture and Sport (Rhona Brankin): Like Roseanna Cunningham and Cathy Peattie, I have been a passionate

supporter of traditional Scottish arts and music for many years. In fact, rather a long time ago, I was one of the founder members of the Dingwall folk club, as Mr Rob Gibson will confirm.

The motion for debate today talks about a perceived lack of political support for the traditional arts. I want to knock that very firmly on the head. Traditional music is now one of the Scottish Arts Council's four priorities for music, which I very much welcome. The organisation's music department has a policy of integrating its approach to its four key priorities for next year and traditional music will benefit from the development of all those priorities.

First, touring will bring greater access to traditional music. Secondly, recording is a source of perennial progress that should be aligned with audience development and access. Thirdly, in contemporary music—or musics—traditional musicians are increasingly experimenting with all sorts of new ideas and styles. We can see that in artists such as Shooglenifty and Martyn Bennett. The fourth priority is the traditional music of Scotland.

Other consistent themes touch on those four priorities. For example, members have mentioned the theme of education from the fèisean to the school curriculum—and, indeed, at all stages of life—reaffirming the place of music and song in a genuinely popular culture. The teaching of Scottish traditional music is firmly embedded in the music part of the five to 14 curriculum at standard grade and in post-16 national qualifications.

Traditional music already has a stronghold in the creative industries of recording, tourism attraction and event promotion. We need more investment to strengthen what has been described as the long-term potential of traditional music. Scotland's international profile has been mentioned. Scotland's music is probably the country's most distinctive and unique export—perhaps after whisky. A long-term programme of promotion, showcasing and overseas representation will lead to a greater artistic profile, employment and economic benefits through touring, recording and associated activities. Better resourced information services are required, embracing and common to all styles of music.

I will take a little time to give examples of the projects that are either already under way or being planned by the Scottish Arts Council, as the relevant arm of the Scottish Executive.

Roseanna Cunningham mentioned the project that is being funded jointly by the Scottish Arts Council and the Scottish Tourist Board. That is an exciting and innovative development under which pilot projects have examined the interface between tourism and traditional music during the

past year. Within the next few weeks, I will launch a report on that area.

Traditional music development workers are co-funded by the Scottish Arts Council and local authorities in South Lanarkshire, Aberdeenshire and Skye, and funding is soon to be given for posts in the Borders. Development work forms part of Sheena Wellington's traditional arts brief in Fife. I was pleased to see Sheena in the public gallery earlier, although I do not know whether she managed to stay for the debate. I was happy to meet her to discuss traditional music in the national cultural strategy.

From October 2000, the Scottish Arts Council will fund a small pilot scheme for traditional musicians in schools, which is similar to the writers in Scotland scheme. The pilot scheme will bring school children into regular contact with musicians and singers. The Scottish Arts Council also funds a showcase, which I attended in January this year, of traditional music for overseas promoters. The showcase is funded jointly with the British Council and Scottish Trade International—that is another important investment.

All those projects are backed by significant resources, including £250,000 from the voted funds. Specific lottery funding for traditional music projects totalled over £1 million from 1997-98 to 1999-2000. Significant money is going into this area. The Scottish Executive is also supporting traditional music by establishing Scotland's first traditional music centre at Plockton High School, as announced earlier this year. The school will receive funding of £500,000 over three years and will offer tuition in piping, fiddle, clarsach, accordion, keyboard, whistle and singing.

I now come to the demise of Edinburgh Folk Festival and the deeply regrettable consequences of that for its creditors. I know that musicians as well as tradespeople are among the creditors. That is a matter for the board of the Edinburgh Folk Festival Society Ltd, in discussion with the City of Edinburgh Council and the Scottish Arts Council, although there are probably lessons to be learned from the situation.

The demise of Edinburgh Folk Festival may be an indication of the importance of proper marketing and of properly calculating box office potential when one is putting on events. The Scottish Arts Council worked alongside Edinburgh Folk Festival to assess the scope for averting the financial crisis. Unfortunately, the audience and revenue forecasts would not sustain a feasible recovery plan. The Scottish Arts Council's decision not to provide additional funding was based on objective criteria.

However, the Scottish Arts Council has ring-fenced funds allocated to Edinburgh Folk Festival

in its current budget and it has specified that those funds be spent only on traditional music activities in Edinburgh. The Edinburgh harp festival in April has been given £3,000, and £3,000 has also been given to a new festival of traditional song, "Scotland's Voice", which is to take place at the end of June. The Scottish Arts Council has more than fulfilled its commitment to allocate funds to traditional music in Edinburgh.

As members know, the Executive has been carrying out a wide consultation on the first ever national cultural strategy for Scotland. We have had meetings the length and breadth of Scotland, from the Highlands and Islands to the Borders. We have also received hundreds of written and e-mailed responses. There is undoubtedly great support for traditional music, which I welcome.

We will publish our strategy later this summer. I can assure the Parliament that traditional music will form a core commitment within that national cultural strategy. This is an exciting time for Scotland, it is an exciting time for traditional arts as a whole and I look forward to many debates on traditional arts in this chamber.

The Deputy Presiding Officer: Before I close this evening's debate, I can advise members that musicians will be playing in Mylne's Court as members leave.

Meeting closed at 19:01.

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