

MEETING OF THE PARLIAMENT

Thursday 14 September 2000

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Scottish Parliament

Thursday 14 September 2000

[THE PRESIDING OFFICER *opened the meeting at 09:30*]

Family Law

The Presiding Officer (Sir David Steel): Good morning. Our first item of business this morning is a statement by Mr Jim Wallace on family law.

09:30

The Deputy First Minister and Minister for Justice (Mr Jim Wallace): There can be few subjects as important for our Parliament to deal with as family law. The family is all-important to the welfare of society and, especially, of the children who will be the society of the future. This Parliament provides the opportunity at long last to modernise important aspects of family law in Scotland.

The white paper that we are publishing today sets out our proposals and invites views on a limited number of issues. Our white paper is called "Parents and Children", which signals that the welfare of children is at the heart of our concerns.

Children today live in families that can take many different shapes. We do not need psychologists to tell us that the relationship with parents is the single most formative influence on children's lives. Many children today live with one parent, or in a family that has undergone change. The adults who care for children may not be their birth parents. The relationships that adults have with each other and with the child are crucial for the child's welfare. The framework of the law must reflect that and be as supportive for children as possible.

In that context, I have said, and will stress again, that we support marriage as the most recognisable and widely accepted way of signalling to society a couple's commitment to each other and to their life together as parents. Marriage remains a central concept of our family law and nothing in our proposals will change that. However, we must also take into account the fact that many couples choose not to marry but to live together. In such circumstances, the important factor is the stability of the relationship in which they bring up children.

Against that background, I will comment on the main proposals in our white paper. The paper begins with the important question of parental responsibilities and rights. It is crucial that children know who has responsibility for them and who has

the right to intervene in their lives. It is crucial that parents know in what ways they are responsible for their children. It is crucial that the various organisations that come into contact with a family are clear about those rights and responsibilities.

That clarity is not available at present. We estimate that some 18,000 children a year are born to couples who are not married, but who take the important step of registering the child's birth together. In terms of financial responsibility, the law is quite clear: the father and mother both have an obligation to support the child. However, in other areas—for example decisions on important matters such as the child's education or medical treatment, or where the child should live—many people, including the parents themselves, probably do not even realise that under the Children (Scotland) Act 1995 the unmarried father has no parental responsibilities and rights, even if he is registered as the child's father.

Until 1995, unmarried fathers could acquire parental responsibilities and rights in two ways: by court order or by marriage to the mother. The Children (Scotland) Act 1995 added a third way—an agreement made with the mother and registered in the books of council and session. That provision has had very little impact. Only 335 agreements were made in 1999, for a possible total of 18,000 children of unmarried parents who showed sufficient commitment to register jointly the birth of the child that year.

Clearly, there is a need for some change so we propose that parental responsibilities and rights should follow automatically on joint registration of the birth. Fathers who have registered the birth of a child jointly with the mother have already shown commitment to the child. They need to be given the formal parental responsibilities and rights that go with their commitment and to be encouraged to take them seriously.

Contrary to what we suggested when I made a statement in January, we no longer propose to apply that retrospectively to unmarried fathers whose children were registered before the new provisions come into effect. We have listened to those who said that it was wrong to change retrospectively the status of any child or any unmarried father. The mother may have entered into joint registration some years previously with no expectation that that would result in parental responsibilities and rights for the father. Changing those arrangements halfway through childhood would be unsettling for many families. What we propose now will not change the status of any existing child. However, we still think it right to consult on our original proposal, so that all the arguments are out in the open, and therefore it is included in the white paper as a consultation question rather than as a proposal.

We propose that step-parents should be able to acquire parental responsibilities and rights by agreement with those who already have such rights. The fine details still require consideration, but briefly, we propose to confine those agreements to married step-parents. Marriage demonstrates a legal commitment to the partner who is the parent of the stepchildren in question. That is essential before parental responsibilities and rights can be granted to an otherwise unrelated adult. Other new partners can still seek such rights through the courts.

Domestic abuse is an area to which the Executive attaches high priority and to which considerable attention and resources are already being devoted. There is no place for abuse in a modern Scotland. We are determined to do all that we can to reduce and ultimately eradicate such shameful behaviour, which has a devastating effect on the lives of those who are affected by it. To that end, the Scottish Partnership on Domestic Abuse is completing its recommendations, which will include a national strategy, action plan, good practice guidelines and service standards. Those recommendations will be published in October. In addition, we are carrying out a review of legislation on stalking and harassment.

Our approach in the white paper is to build on the framework of the Matrimonial Homes (Family Protection) (Scotland) Act 1981 by extending the protections that are available under that act to spouses—whether married or separated—divorcees, cohabitants and ex-cohabitants. We propose that a power of arrest should be attached to interdicts for three years, where it is requested. We also propose a clearer and fairer regime for occupancy of the shared home.

I understand that the Justice and Home Affairs Committee's proposals go further than that. However, our objectives are the same: to provide improved and adequate protection. We have started dialogue with the committee's reporter, Maureen Macmillan. I expect full and open discussion to continue as the proposals of the committee and the Executive are developed, so that we can find the best way forward.

Whatever personal views we may hold on the matter, it is a fact that one third of marriages end in divorce. The Parliament must ensure that the workings of the law do not add to the pain that inevitably results from divorce. In particular, we must ensure that the law does not encourage adults to behave in ways that increase the damage to their children. Our proposals are aimed at changing the behaviour of parents who have already decided to divorce.

Couples should enter marriage with the highest seriousness, and we do not intend to make it easier to end marriage by divorce. However, when

divorce is inevitable, there is every reason why that painful business should be done with as little damage as possible to the children.

In Scotland, most divorces of couples without children proceed on separation grounds. However, the position is different for couples with children. There has been a growing tendency for couples with children to resort to the accusation of unreasonable behaviour to constitute the grounds for divorce. In 1998, which is the latest year for which full statistics are available, 54 per cent of divorces of couples with children proceeded on the grounds of fault.

Accusations of fault may be necessary where there is domestic abuse or other unacceptable behaviour for which a rapid solution is needed. We understand that the use of the fault grounds may also be seen as a means of achieving a divorce more quickly than separation would allow, to avoid prolonging the agony and uncertainty. Whatever the reason, the use of the fault grounds does not influence the court's attitude to either financial provision or the care of children. Financially, the law is designed to achieve a clean break. However, the reforms in the Children (Scotland) Act 1995 were designed to ensure that both parents retain their involvement in their children's upbringing after separation or divorce. Therefore, there is nothing to be gained from using the fault grounds except speed. We believe that the use of the fault grounds to speed up divorce may exacerbate unnecessarily the acrimony surrounding divorce, with detrimental effects on children.

That is why we support the recommendation of the Scottish Law Commission in 1989 that the separation periods should be shortened. The commission consulted, and the Scottish Office did so again in the paper "Improving Scottish Family Law". The majority of respondents supported proposals to reduce the period of separation from two years to one year with consent, and from five years to two years without consent. The intention of the change is to encourage couples with children to wait until a year's separation has elapsed rather than to proceed on fault grounds. The fault grounds will remain available for those who genuinely need a quick divorce, although the white paper asks whether those grounds should be merged into a single behaviour ground.

We believe that a year's separation will usually be sufficient to establish that a marriage has broken down irretrievably. Where one spouse resists that, a further year is long enough to confirm the breakdown. It is inconceivable that couples who would otherwise stay together will be encouraged to separate as a result of the proposed changes.

I must emphasise that the aim of the changes is

not to increase the number of divorces, nor to trivialise marriage, but to deter couples from rushing into allegations of fault to accelerate the process of divorce. That should cool the temperature of a separation during a time that is inevitably difficult for children.

We very much hope that couples who wait a year will also explore fully the possibility of reconciliation. We would certainly encourage that. However, if all attempts at reconciliation fail, the year will also allow time for proper arrangements to be made for financial provision on divorce and for both parents to continue to be involved in the care of their children.

We expect that the overall number of divorces will remain the same as at present. We expect an initial increase immediately after the provisions come into effect, as some people who are waiting to meet the separation requirements will do so earlier. However, that initial increase should be followed by a compensating decrease in numbers of divorces over the following years.

I have suggested that the year's separation could be used to explore the possibility of reconciliation, or for mediation to sort out disputes. It is very important that properly trained counsellors and mediators are available to assist families in such circumstances. When divorce becomes inevitable, each party will need legal advice and representation. That said, there is an important role for service provision by the voluntary sector and for lawyers as mediators, and a number of organisations provide information, advice, counselling and mediation with the support of public funding.

Mediation continues to be eligible for funding as a legal aid outlay. In addition, voluntary organisations that support families receive local authority and Executive funding, as well as charitable support. As part of our commitment to reconciliation and avoiding acrimony, our funding of organisations that provide counselling for couples and family mediation has increased by 40 per cent between 1999-2000 and the current financial year, from £512,000 to £718,000. Further increases are in prospect. Through discussions with the relevant organisations, we are developing a strategy to put their funding on a more secure footing. We will underpin that in due course with a more targeted statutory power.

We will also expect local authorities and grant-giving bodies to continue to play a part in supporting those organisations. There is no point in the Executive increasing funding if other funders simply withdraw in response. There is, and will continue to be, a role for mixed provision and the role of the local authority will be very important in ensuring that area-based needs are met.

I hope that I have made it clear that our primary concern is the welfare of children and how each of our proposals will contribute to that end. To explain that more fully, I have offered meetings with the main Churches and discussions with other faith groups through the medium of the Scottish Inter Faith Council. I hope that those meetings will lead to greater understanding and acceptance of the need for change. We are happy to meet other groups. In a vital area such as family law, consensus is desirable; however, even if that cannot be achieved, it is important that everyone has their say.

The white paper sets out in detail other family law improvements that will: make technical amendments to the law on marriage; provide some improvement in the financial situation of cohabitants on separation or bereavement; and modernise certain other aspects of Scottish family law.

One of our modernisation proposals received widespread support from members when I announced it on 20 January, so I will mention it again. We will end the status of illegitimacy in Scotland. Although the status has no practical effect—we plan to remove the terminology from the statute book—its removal sends a powerful signal about the importance of every child in our nation.

I am proud to take this step forward in the reform of Scottish family law. Today's publication of "Parents and Children" marks one more milestone on the journey.

The Presiding Officer: Although the statement is important, I appeal for short exchanges, as we are under heavy pressure from members who want to speak in the debate on transport.

Roseanna Cunningham (Perth) (SNP): I broadly welcome today's white paper and the Minister for Justice's announcements. The white paper's proposals are particularly welcome in several areas; for example, those concerning separation and grounds for divorce are appropriate in our society. However, I understand that they might be controversial in some quarters and I wonder whether it might be useful to ameliorate some of that controversy by giving the role of mediation a much higher profile.

The minister said on 20 January that he did not intend to make mediation compulsory, but I wonder whether it might be worth considering that, at least in relation to mediation of the divorce rather than mediation with intent to bring about reconciliation—the two things are different. That might help in dealing with the controversy.

I welcome the provisions in chapter 7 of the white paper that deal with the financial provisions for cohabitants. That issue was raised in the

statement in January and I am glad that movement has been made, although I await the details.

While I welcome the moves that have been made regarding unmarried fathers and step-parents, I still hope that there will be mention at some point of an enhanced role for grandparents. I am sure that all members have received correspondence from the organisations that are being set up to try to place grandparents at the centre of the family, especially as regards their role in relation to young children. The statement says nothing about grandparents, nor does the original consultation document. I want the minister to recognise that the issue is felt strongly in the country. Perhaps the role of grandparents could be considered with a view to enhancing it.

Domestic violence is the most important subject that I want to talk about, and there will obviously be a difference of opinion between the Justice and Home Affairs Committee and the Executive on the best way of dealing with it. Will the minister give a commitment that any Executive proposals on dealing with domestic violence will be treated urgently and will not be wrapped up with a general family law bill that might not be approached as urgently as domestic violence ought to be, particularly when the issues relate directly to the threat of violence?

Many of the points in the statement are about property and the Matrimonial Homes (Family Protection) (Scotland) Act 1981. As the minister knows, the Justice and Home Affairs Committee decided that that was a complicated and cumbersome approach and that there might be a simpler way of dealing with the threat of violence. I want the minister to give a commitment that legislation on domestic violence will not be held back because of a bigger, less controversial bill on family law in general.

Mr Wallace: I thank Roseanna Cunningham for her general welcome for the proposals and I look forward to working with her and the Justice and Home Affairs Committee in the process of further consultation on the draft bill and the legislation.

I am not persuaded of the case for compulsory mediation. I think that making mediation compulsory might undo some of the good that might come from it. However, I endorse strongly what Roseanna Cunningham said about the importance of mediation, particularly when divorce is inevitable. Many of the issues, at least those concerning the children, can be discussed in a more civilised and constructive way with the help of mediators. I share Roseanna Cunningham's view that mediation should be given a higher profile and think that we should all try to raise its profile. As I said in my statement, we have made more financial resources available.

Roseanna Cunningham is correct to say that my statement contained no specific proposals relating to grandparents. My recollection—I will correct this later if I am wrong—is that, under the Children (Scotland) Act 1995, grandparents can go to court to seek parental rights and responsibilities. I have received the correspondence to which Roseanna Cunningham referred, and I accept fully the important role that grandparents can play. Often, however, that can depend on the relationship between the parents of the child and their parents. The matter is not straightforward, but legal provision to deal with it already exists.

Although the Justice and Home Affairs Committee had proposed to go slightly further on domestic violence than the proposals in the white paper, having met the committee and Maureen Macmillan this week, I do not think that there is too much between our objectives. I told Maureen Macmillan and the Justice and Home Affairs Committee officials that my officials in the justice department would be willing to discuss how some of the proposals can be worked up further.

As far as timing is concerned, Roseanna Cunningham knows as well as I do that there are drafting difficulties and a burden on her committee. Domestic violence is an important issue; we do not want to drag our feet on it, and I have certainly not closed the door. I have an open mind as to whether such measures should be included in our family law legislation, or in a bill that may emerge from Ms Cunningham's committee.

Phil Gallie (South of Scotland) (Con): I thank the minister for the copy of his statement, and I generally welcome its contents. I particularly welcome his support for marriage, and his words that "nothing . . . will change that".

Given the steps recently taken by the Government to remove some of the material benefits of marriage, and given some of the practical advantages that will come as a consequence of today's statement, can the minister find the means of restoring some specific advantage to marriage, to support the belief that the contract of marriage offers protection for man, wife and children alike?

We welcome the minister's proposals on unmarried fathers' rights, where, from the outset, responsibility and care has been demonstrated, but we do not welcome the delay in implementation. Given, perhaps rightly, that there is to be no retrospection, would it not be preferable for the minister to act now rather than to engage in further consultation?

I have a series of short questions. One is on grandparents, and I back Roseanna Cunningham's comments. Having listened to the minister's response to her, I ask him to re-examine

the issue. It was perhaps covered by the Children (Scotland) Act 1995, but there still seems to be a deficiency.

Can the minister explain what he means by a “clearer and fairer regime for occupancy of the shared home”

at times of separation? There is currently no influence on the courts with regard to financial or care effects on children. Why does not the minister feel that we should legislate to change that? What evidence is there to suggest that speedier divorces will benefit children? My impression is that the majority of children are deeply wounded by parental separation.

What grounds does the minister have for making the statement that

“It is inconceivable that couples who would otherwise stay together will be encouraged to separate as a result of those changes”,

given that passage of time is a great healer?

The minister recognises that if his proposals on mediation were to become law, there would be a short-term increase in the number of divorces. On that basis, will he undertake to ensure that central Government will provide a short-term boost to mediation services to cover that increase? Given local authorities’ current difficulties with their block grants, it is extremely unlikely that they will be able to cough up in such a situation. Will he take on board the responsibilities of the Government to meet totally the short-term upward cost of mediation, given that this will be its legislation?

Mr Wallace: I welcome Mr Gallie’s general welcome for the proposals. He raised the question of marriage, and I can confirm what I indicated on the subject in my statement. Marriage is still accorded a focal point in our family law, and I do not believe that our proposals undermine that in any way. For example, the law sets out formalities on who can marry. Marriage is still important with regard to the obligation of aliment between a husband and wife, an obligation which does not exist between cohabitants. When marriage comes to an end, the law sets out how matrimonial property is divided upon divorce, and provides certain rights for the survivor upon death of one spouse.

Important provisions are also included for cohabitants. It may well be that a cohabitant has contributed a lot to an arrangement financially, or perhaps did not go to work in order to look after children. I am sure that Mr Gallie would agree that they should not be left with no remedy at all, or without any claim, should a relationship break up. We are trying to recognise the realities of many family units in Scotland. However, marriage still has a status in our family law, which will not be

undermined by these proposals.

On the subject of grandparents, I have nothing much to add to what I said to Roseanna Cunningham. Mr Gallie is a member of the Justice and Home Affairs Committee, and if proposals on the role of grandparents are included in a draft bill, we will be obliged to consider them. A much more complex set of interrelationships would be involved, though, and not one that lends itself to a ready remedy if there is an avenue that can be followed.

Mr Gallie says that the passage of time is a great healer, and that we might tip some couples towards divorce if the period of separation is reduced to one year with consent. My experience—admittedly it is some 20 years since I was in legal practice—is that by the time couples come to the decision to divorce, the marriage has reached that stage. Although I said in my statement that a year’s separation may give an opportunity for reconciliation, rather than time being a great healer one usually finds that the longer a couple have been apart, the more likely they are to stay apart.

With regard to the question of resources, if there is an increase in the number of divorces, I said in my statement that further increases in funding are planned for the mediation services. It is worth naming the organisations that provide those services, as they play an important role: Family Mediation Scotland, Scottish Marriage Care, Couple Counselling Scotland and Stepfamily Scotland, the last of which has an important role to play in supporting children in stepfamily relationships.

However, it would be unfortunate if the Executive gave more money only for funding from other sources to be removed. I hope that longer-term planning in local authorities—if they are able to move to three-year budgets—might help to ensure a continuity of funding for the voluntary sector, and especially for the organisations that I have mentioned, allowing them to plan ahead on a more stable basis.

The Presiding Officer: Now that the Opposition parties have had their say, I appeal for short questions and answers, as many members want to speak.

Maureen Macmillan (Highlands and Islands) (Lab): I welcome the Deputy First Minister’s statement and echo what Roseanna Cunningham said about the Justice and Home Affairs Committee’s proposed bill on domestic violence. I am extremely pleased that the Executive is now negotiating with us over that bill.

The protection from abuse bill that has been proposed by the Justice and Home Affairs Committee casts the net wider, concerning who,

and what kinds of family situations, would be protected—extended family and different kinds of relationships, not just married people and cohabiters. Does the minister agree that speed is of the essence in this matter, and that provisions should be put in place as soon as possible?

I would also like to ask the minister about the proposals concerning an unmarried father who registers the birth of a child. I ask him for an assurance that that registration would take place only if the mother agrees to it. I would not like an unmarried father to have the right to register the birth of his child jointly with the mother if the mother did not agree to that.

Mr Wallace: I shall deal with that last point first. In talking about joint registration, we mean joint registration with the consent of both parties. I hope that that allays Maureen Macmillan's concern.

We have been in discussion—negotiation suggests that we are somewhat at odds—with the Justice and Home Affairs Committee over its proposed domestic violence bill. As I said to Maureen Macmillan yesterday—and as I have indicated to the Parliament this morning—there is not terribly much dividing our objectives. Much of the discussion concerns the definition of who would be covered by the bill. I hope that the dialogue that we have entered into will lead to an outcome that the Justice and Home Affairs Committee, the Executive and the Parliament will find satisfactory.

Clearly, we want to make progress but I cannot give a timetable today. We should not ignore the fact that there are remedies available now, although perhaps they are not as widespread as we would like and can certainly be improved on. As an Executive we have been trying to give help to women's aid groups to try to ensure that the law as it stands can bring benefit to people in the appalling situation of domestic abuse.

Euan Robson (Roxburgh and Berwickshire) (LD): I thank the minister for his statement and the white paper. I welcome the increase in funding for mediation services. Will the minister consider extending funding to groups that are trying to combat domestic violence? Some could do with just a little help to ensure that their work proceeds.

Mr Wallace: I thank Euan Robson for his welcome for the proposals. My colleague Jackie Baillie announced in March this year that we had approved 48 projects to assist victims of domestic violence in 31 local authority areas. The projects are designed to include outreach work, multi-agency development and work with children. The Executive is providing £1.5 million for that for each of the years 2000-01 and 2001-02. It is an issue that we take seriously and are addressing with commitment and cash.

Christine Grahame (South of Scotland) (SNP): I was a practising family lawyer until I was elected to the Parliament and in that time I am afraid I dealt with only one reconciliation.

I have three small points—

The Presiding Officer: Short questions.

Christine Grahame: They are very short questions. Would Mr Wallace reconsider the position on grandparents, who will not have recourse to mediation services at the moment? I welcome the movement on property law for cohabiting couples, but I ask the minister how far that will go. He does not intend to equate cohabitation with marriage—I am not quite sure about that, we will have to see the detail. I ask the minister to consider that the stand-alone bill that the Justice and Home Affairs Committee has proposed, to extend the power of arrest to certain kinds of interdicts at the sheriff's discretion, would be the faster response that many organisations wish to see.

Mr Wallace: I do not think that there is much to add on grandparents, except that Christine Grahame is making a slightly different point about access to mediation services. Without making any commitment, we could look at how that could be better facilitated. The financial provisions for cohabitants are set out in chapter 7 of the white paper. The main difference will be that whereas in marriage one has rights either on separation or bereavement, for cohabitants there will be an allowed claim. The presumption of equal shares in household goods in the Family Law (Scotland) Act 1985 will apply, with modifications, to cohabitants. Provision will be made for cohabitants whose partner has died to claim a share from the partner's estate. The details are set out in paragraph 7.4.

On the bill on domestic abuse, I have indicated that we want to make progress and have made a start to the dialogue, which I hope is a signal of good intent.

Pauline McNeill (Glasgow Kelvin) (Lab): I particularly welcome the theme of the statement, that the welfare of children is the ultimate objective. My question on the new provision of one-year divorces with consent is on the length of time it can take for divorce cases to be heard in the civil courts. Once a case has been lodged, it is a particularly vulnerable period for families and children. At the moment civil cases do not have priority in the courts, but the importance of family law suggests that some of those cases should be speeded up. Will the minister look at that aspect?

Mr Wallace: I am certainly prepared to try to get further information on the length of time that things take, but Pauline McNeill and the Parliament will appreciate that, over the past 10 months, since the

suspension of temporary sheriffs, there have been difficulties in our sheriff courts. I do not think that anyone denies that.

Cases in which children are involved fall into the category of cases that should be given priority. Parliament has now passed legislation that allows the appointment of part-time sheriffs. I hope that an announcement will be made, sooner rather than later, on part-time sheriffs, and that that will help to reduce the waiting times. I will try to find out more about the waiting times for people using the sheriff courts for divorces.

Robert Brown (Glasgow) (LD): In relation to the Matrimonial Homes (Family Protection) (Scotland) Act 1981, is there any intention to widen the grounds of application, in terms of occupancy pending divorce, for disposal of the matrimonial home? At the moment, there is a limit on that, involving provable violence and other grounds. That rather trammels the ability of the court to deal speedily with cases when necessary.

Mr Wallace: I cannot give an immediate or definite answer to Robert Brown. I understand his point. There are some proposals to amend the law in terms of occupancy. I will write to Mr Brown about this, and will give detailed information to the Scottish Parliament information centre.

Malcolm Chisholm (Edinburgh North and Leith) (Lab): I welcome the power of arrest that is to be attached to a greater number of interdicts. I also welcome the fact that the changes to parental rights are not to apply retrospectively. How does the minister respond to the concerns of many women who are subjected to intimidation and violence that they will lose the protection against unmarried fathers that they have under the Children (Scotland) Act 1995 and that the consent part of joint registration with consent will be difficult to enforce?

Chapter 5 of the "Parents and Children" document is on supporting families in transition. Can the minister confirm that the original list of organisations—Family Mediation Scotland, Couple Counselling Scotland and Stepfamily Scotland—is not exclusive, and that One Parent Families Scotland, for example, will be eligible for funding?

Mr Wallace: As I said in my statement, we hope to put the funding arrangements on a better statutory footing. I am sure that One Parent Families Scotland will be able to apply—there is no presumption against them. They will require to apply, like other organisations.

As I indicated, some 18,000 births were jointly registered by unmarried couples last year. The presumption must be that that was done consensually. If a woman felt that she was being forced to make a joint registration, we might want to consider ways in which she could subsequently

raise that issue. However, the overwhelming evidence is that these are genuine, bona fide, joint registrations by consent. In such circumstances, we want to ensure that fathers have the rights, and indeed the responsibilities, that they do not have currently under the law.

Mr Gil Paterson (Central Scotland) (SNP): I add my voice to the congratulations to the minister on his statement. Does the Executive consider that further protection is needed for children, especially when access—or contact, as it is now called—is granted to an abusive parent?

Mr Wallace: Issues of contact are determined by the courts on the important ground of the best interests of the child. I am aware, and I am sure that Gil Paterson is aware, from representations received from constituents, that those can be difficult issues and that they often lead to a lot of heartbreak. In such circumstances, it is important that the issues are determined by those who know the details of the individual case. Clearly, sheriffs have to take great care. I do not think that we can do any better than to emphasise the paramount importance of the best interests of the child. That should be the guiding principle for all determinations.

Dr Richard Simpson (Ochil) (Lab): I welcome the minister's statement. Will the minister give considerations to the rights of the child in respect of access to medical information where the child is being passed on for fostering or adoption? They currently have no rights of access to parental medical history and that creates enormous problems later on. I would like the minister to consider that point.

Secondly, I am slightly disappointed that there is nothing in the proposals about access by grandparents to children. That is an issue that Roseanna Cunningham alluded to and it should be addressed in the bill.

Mr Wallace: I can tell that the issue of access by grandparents to children will be raised in response to the consultation. As I suggested earlier, if members have proposals, we will consider them. However, I am not convinced that there is a ready-made solution.

I confess that Richard Simpson's question about children's rights to family medical history is a novel point. I can see the force of the point, which is perhaps increasingly important given the advances that have been made in medical science. However, it is not a matter that we have addressed yet. I am prepared to consider the issue.

Mrs Lyndsay McIntosh (Central Scotland) (Con): Is the minister aware of the comments of Lady Justice Butler-Sloss, the president of the family division of the High Court, who has spoken

out against parents who have been found guilty of domestic violence being able to have contact with children? Will he take those views on board in drafting the legislation?

Mr Wallace: It is perhaps more important that those views are considered by the courts when they come to determine individual cases. It is important that every case is considered in the context of its individual circumstances. Clearly, if a child has been the subject of domestic abuse by a parent, that must weigh heavily with the sheriff when considering a request for access. The priority is the best interests of the child. As a generality, I would find it difficult to say that residence or access should be given to a parent who has subjected a child to regular abuse. It is important to consider the individual circumstances of every child and, therefore, it is difficult to generalise.

Our law is very sound. The Children (Scotland) Act 1995 and the principles that must be applied when making disposals of residence or contact are sound.

Nora Radcliffe (Gordon) (LD): The discrimination legislation means that it is illegal to discriminate on the ground of sexual orientation and, therefore, it is implicit that the term cohabitants is gender free. However, it might be helpful to make it explicit that cohabiting couples of the same gender will not be treated any differently from cohabiting couples of opposite genders.

Mr Wallace: I remind Nora Radcliffe of my comments on 20 January, when I said that there are no plans to make changes to the law in relation to same-sex couples. The proposals are based upon the Scottish Law Commission's report on family law. At the time, the SLC indicated that it had received representations on the issue of same-sex couples but that it chose not to address the issue. That important issue was not addressed in the consultation paper on which the reforms are based. Given the importance that Parliament places on consultation, it would have been wrong for us to import into the white paper provisions on which there had been no consultation by either the Scottish Law Commission or the Scottish Office.

Transport (Scotland) Bill: Stage 1

The Presiding Officer (Sir David Steel): Our next item of business is a debate on the Transport (Scotland) Bill. Many members want to speak in the debate and I would be grateful if people could stick to the four-minute time limit. It would also help if the front benchers spoke for slightly less time than they have been allotted. We are debating motion S1M-985, in the name of Sarah Boyack, and amendment S1M-985.1, in the name of Murray Tosh.

10:14

The Minister for Transport and the Environment (Sarah Boyack): Transport is essential to everyone's lives. Today's debate is about shaping our transport for the next generation.

First, I want to say a few words about the events of the past few days. All members will be relieved that the protesters at Grangemouth have now called off their action. I spoke to Phil Flanders of the Road Haulage Association yesterday afternoon and I made it clear that I was happy to meet the RHA when the current crisis is over.

The most up-to-date information that I have is that five tankers went out in the very early hours, three tankers went out early this morning and 20 to 30 tankers are currently ready to roll. The key priority has to be to get fuel to our essential services to keep our hospitals and other vital services working. Today's developments are putting us back on the track to normality, but clearly it will be some time before we are there. My ministerial colleagues and I will continue to monitor the position closely.

We had a full debate yesterday on fuel and the causes of the current fuel crisis across the UK, and there is no doubt that we will return to the issue in future. However, I believe strongly that we need to make the most of what is a relatively short debate today on the proposals in our Transport (Scotland) Bill. Widespread consultation has led to today's debate and it is important that members make the most of this opportunity to scrutinise our proposals and consider the recommendations of the Transport and the Environment Committee.

I thank those who were involved in preparing the stage 1 report on the bill, particularly Andy Kerr and the other members of the Transport and the Environment Committee, the Enterprise and Lifelong Learning Committee, the Local Government Committee, the Equal Opportunities Committee and the Subordinate Legislation Committee. We should also acknowledge all those who contributed their views in person and in

writing to the Parliament.

The Transport and the Environment Committee is to be commended for a constructive, considered and balanced report, which identifies much common ground. Where issues are raised, invariably they are about means rather than ends. I would like to set out the areas where we are in agreement, the topics that I would like to discuss further with the committee at stage 2 in light of its comments and those areas where I remain to be persuaded of the need to revisit our proposals. As there is much ground to be covered, I will focus my opening remarks on our proposals on joint strategies, bus services, charging and concessionary fares. Perhaps we can return to some of the other issues later in the debate.

The bill has come from the growing recognition over the past few years that congestion and a lack of genuine transport choices are harming our economy, our environment, our health and our way of life, that the deregulation policies of the previous Conservative Government resulted in fragmentation, which cost us dear, and that we need to restore a balance to our transport policies in the interest of all our communities.

The bill is part of a wider strategy to address the needs of urban Scotland, the distinct agenda in rural Scotland and our key inter-urban links. We have already begun to remedy our 1997 inheritance of under-investment and fragmentation. We are committed to doubling the public transport fund by 2003-04. Support for Caledonian MacBrayne and Highlands and Islands Airport Ltd is at record levels. Next week's statement by Jack McConnell on our spending review will establish our spending priorities to 2004.

Crucially, the bill recognises Scotland's diversity through empowering local authorities to deliver local solutions for local needs. It will help public transport to become an attractive choice—not a last resort—and to be comparable with the best in Europe. The bill does not duck the hard choices that have to be made but, at the same time, it guarantees fair treatment for motorists. I welcome the Transport and the Environment Committee's endorsement of what we are trying to achieve.

Mr Andrew Welsh (Angus) (SNP): Will the minister give way?

Sarah Boyack: No, I have a huge amount to cover.

It may help if I set our proposals on joint strategies in their wider context. The role of regional strategies is vital; our proposals build on work that is already under way in east and west central Scotland and the north-east. The bill's proposals will help local partners to work together to produce a regional view on challenges,

opportunities and priorities. I want to reassure the Transport and the Environment Committee and local authorities that our intention is not to dictate the content of regional strategies, but to ensure that the work is done and the transport improvements are delivered on the ground.

I will look again at the arrangements for consultation and at the Subordinate Legislation Committee's concerns about the breadth of the proposed powers. There is nothing between us regarding the intentions underlying these provisions; the issue is how best to achieve them. If we can improve the bill at stage 2, we will.

I am wholly in agreement with the Transport and the Environment Committee on the vital role that the Executive has to play in progressing our vision at local, regional and national level. Although we do not have all the answers, it is important that the Executive is an active player in terms of expertise and financial resources. I am determined that we will be full and equal partners in the work that lies ahead.

I turn now to our proposals for improving bus services. Our aim is to make buses the first choice for people, not the last resort, and to reverse the historic overall decline in bus use across Scotland.

Everyone in the chamber can point to good and bad experiences of bus travel in Scotland. There are excellent examples of partnership working in Aberdeen and we have the Edinburgh greenways and the Glasgow bus priority corridors. There are new accessible buses; record levels of investment—£167 million since 1996; bus lanes to speed buses through congestion; better waiting facilities; ticketing and pricing initiatives; and improved information.

There is evidence that our bus companies are capable of working with local partners to turn around the industry's prospects and actively grow the market. However, we need much more of that. Everyone in the chamber will know from their mailbags that those examples of good practice are not the whole story. The committee's report reflects the concern of many that not enough is being done to ensure regular and reliable bus services for all our people.

We have already begun to remedy our 1997 inheritance of under-investment and fragmentation. Crucially, the bill recognises the need to attack the perception that, across Scotland as a whole, the bus industry is not delivering the standards available in the best-served areas. I share those concerns.

We need a bus industry that supplies a network of affordable, attractive, modern and reliable services. Passengers need to have access to comprehensive information and services that meet their needs. We must ensure that the benefits

extend beyond our major conurbations and reach the whole of Scotland.

The bus provisions in the bill are about giving local authorities a toolkit of options to revitalise our bus services. The provisions include: quality partnerships; quality contracts; powers for local authorities to enhance service provision; enhanced powers and focus for the traffic commissioner; and better information for the travelling public. That must be viewed alongside the Executive's commitment on rural transport grants, our public transport fund awards and our bus fuel duty subsidy.

We need to get the balance right between partnerships and contracts. Partnerships can deliver innovation and investment, which can bring new passengers on to buses. Contracts can provide a more regulated and guaranteed framework.

A key lesson from the deregulation of the bus industry in the 1980s and the privatisation of the rail industry in the 1990s is this: turn an industry upside down and the first thing that is hit is investment. That means fewer new buses, fewer new trains and a poorer service for customers.

That is the context in which we have to consider the committee's recommendations on the process for triggering quality contracts. Everyone I have talked to this summer recognises that a universal and simultaneous move to contracts is not the answer. However, that certainly does not mean that contracts do not have a role to play. The bus sector should be under no illusions about that. Quality contracts are there to be used where they are shown to be appropriate and necessary. If the industry fails to deliver a satisfactory service for all, I am prepared to ensure that quality contracts are used where appropriate.

Having looked again at the provisions on buses in the light of the comments made at stage 1, I agree that they could be improved. I will therefore be introducing amendments to replace the "only way" test for quality contracts with the more appropriate test that a contract "is necessary in order to implement relevant general policies", and to reduce the handover period after the award of contracts to a maximum of six months, and less where appropriate. That will ensure that local authorities can act quickly if the circumstances require.

I am less attracted by the committee's suggestions on including fares and frequencies in quality partnerships. Although that proposal might seem attractive at first glance, it could lead to bad legislation.

The bill outlines two different concepts. Partnerships give local authorities new powers to set overall standards for bus services as a

condition of the use of the facilities provided. Contracts give local authorities powers to determine all the details of bus services in an area, including the detailed timetable.

Putting fares and frequencies into a partnership would just produce a legal and operational muddle. Such a hybrid is likely to end up unworkable. I shall list some of the problems. Minimum frequencies will, if they are set at a high level, discriminate against smaller bus companies, which might not have the number of buses to meet the specified level. If they are set at a low level, however, they will have next to no impact.

Although the Office of Fair Trading could call in quality partnership schemes for competition scrutiny, it has indicated that voluntary arrangements between authorities and operators on timings and frequencies might be acceptable in certain circumstances. Already there is evidence of innovation in that regard.

However, schemes that fix fares and frequencies would, on the face of it, entail market fixing. I cannot speak for the OFT, but such proposals might be blocked if the OFT regarded them as disproportionate to the perceived public benefit. I believe that the upshot would be bad legislation; we should not put such provisions on the statute book.

I welcome the committee's broad acceptance of the case for our proposals on road user charging. While some members may disagree with aspects of those proposals, I note that Murray Tosh alone chose the luxury of opposition, rather than facing up to the all-too-real problems of our cities.

I detect a growing acceptance across the political spectrum that charging has a crucial role to play in tackling the congestion, environmental and health problems that are caused by traffic growth in our major cities.

Mr Murray Tosh (South of Scotland) (Con): Will the minister give way?

Sarah Boyack: No. I will come back to Mr Tosh after he has given his speech.

Charging also offers the opportunity of new investment, but it must be carefully thought out, focused and accepted by communities. Over the summer, I visited Norway to see the charging schemes in Oslo and Trondheim, both of which have been working smoothly and with local support for some years.

Charging is not rocket science. It delivers targeted investment across Europe and is a practical and pragmatic response to problems that are familiar across the developed world. A range of cities across Europe are considering congestion charging. Such a scheme for London has just gone out to consultation, the four main cities in the

Netherlands begin a two-year trial next year and Rome is committed to implementing a full scheme in 2002. Those successful cities believe that charging has a role to play in maintaining their success.

Of course, charging is not an answer in itself, but it must be part of a wider package of improvements. Norway's experience brings out the fact that ordinary citizens and businesses will support charging if they can see the practical benefits in improved public transport and roads infrastructure, less pollution in the air that they breathe and safer streets. Surely we can all share that vision.

In Norway, charging is just part of the landscape—not loved perhaps, but not resisted either—and I believe that the potential exists for that to happen in Scotland. We will offer practical assistance and funding support to those local authorities in Scotland that recognise the benefits that our charging proposals offer. For the record, I am happy to confirm again that local authorities will retain all the proceeds of charging for investment in their transport priorities.

I acknowledge that the committee is less persuaded that workplace parking levies will have a positive impact on congestion problems and that it has asked the Executive to supply further evidence prior to stage 2. I appreciate the committee's hesitation about a measure that is both novel and about which the business lobby has expressed strong reservations. Therefore, I accept the committee's invitation to provide further evidence before stage 2 on the case for workplace parking levies.

Janis Hughes (Glasgow Rutherglen) (Lab): Will the minister clarify precisely which groups will be exempt from workplace parking levies? In particular, will she clarify how such measures will affect staff and patients of, and visitors to, hospitals and other national health service facilities?

Sarah Boyack: The committee asked the Executive to consider undertaking research and to report back before we introduced regulations on the appropriate categories for exemption, and that is what I intend to do. It is important to acknowledge the points made by the committee. We must not have a huge number of exemptions, as that would undermine the principle of exemption. However, I accept that we must identify the key exemptions before proposing any schemes and before the introduction of regulations. The proposals that we put to Parliament included categories such as people with mobility and access problems, whom we would not want to be affected by congestion charging or workplace parking levies.

I will briefly set out the logic of our position. The provision of free parking at the workplace clearly encourages employees to drive to work, and such journeys make up a large proportion of peak-time congestion. Many of those journeys are made by lone drivers, often on routes where public transport alternatives either are available or could be provided. A levy on such spaces, with the revenue ring-fenced for local transport improvements, would reduce peak-time congestion in two ways. First, employers would be encouraged to review their parking provision and to think imaginatively about how their employees get to work through, for example, green commuter plans, which are key to such an approach. Secondly, the levy would generate resources to improve public transport alternatives. The research that has been done into the workplace parking levy confirms that argument. Two recent studies in London and Nottingham suggested that reductions of between 3 and 13 per cent in peak-time traffic might be possible.

I will mention briefly some other critical points raised in the Transport and the Environment Committee's report. I welcome the committee's support for the Executive's commitments on hypothecation and additionality and to the sharing of revenues fairly across local authority boundaries. I shall introduce an amendment at stage 2 to clarify that consultation is a statutory duty on local authorities. I shall also consider the committee's other suggestions on consultation and how that should be framed in the bill. There is nothing between us on the principles, but we must decide in detail how best to deliver those commitments in practice.

I remain to be convinced that trunk roads should be included in a local charging scheme. In many cases, trunk roads act as through-routes for traffic travelling from one side of the country to another—traffic that is going nowhere near the city centres. In such circumstances, it would be difficult to justify to the motorists concerned why they are being charged. However, I look forward to a lively discussion on this with the committee at stage 2.

I welcome the committee's support for our proposals on concessionary fares. We will announce our future plans as part of the spending review, but I accept the committee's suggestion that we take an enabling power to extend eligibility for bus concessionary fares to other groups. I shall introduce an amendment at stage 2, but I want to make it absolutely clear that considerable costs are involved, as the committee recognised in its report, and that those costs will rule out action in this area for the foreseeable future. We will also share our research study on concessionary fares with the committee before we get to the relevant point at stage 2.

The Finance Committee has asked for clarification of the extra costs falling to the Executive and local authorities. As the committee noted, this is in the main an enabling bill. Implementation costs will be met in various ways: through redeploying existing resources, including staffing; from the new sources of revenue being introduced in the bill, should local authorities decide to use their powers; and from the additional resources to be announced by Jack McConnell next week. I previously announced that the Executive would consider providing matching support to assist local authorities with the research and development costs associated with introducing local charging schemes. Specific costs and funding sources will, of course, depend on local circumstances.

Our aim is to deliver a step change in transport in Scotland. Much has to be done if we are to remedy the years of Tory neglect and cavalier disregard for Scotland's infrastructure and institutions. Part of the answer lies in further increases in investment, and next week's statement by Jack McConnell will build on what we have already begun. Another part of the answer lies in getting the structures right, and the bill will deliver the vital framework so that central Government, local authorities and the private sector, working together in genuine partnership, can deliver the better transport system that everyone wants.

I move,

That the Parliament agrees to the general principles of the Transport (Scotland) Bill.

10:33

Mr Murray Tosh (South of Scotland) (Con): Having been critical of how ministers addressed the stage 1 debate of the National Parks (Scotland) Bill in Glasgow, I begin by commenting on my satisfaction that, in her speech today, Sarah Boyack has responded extensively to the recommendations of the Transport and the Environment Committee. Indeed, she indicated that there might be movement or clarification on a number of issues. That was the correct way to go about this morning's business.

I am sorry to have to lodge an amendment opposing the principles of the bill, because there is much in the bill with which I do not disagree and much that I support. However, I am advised that it is impossible for us to lodge amendments at stage 2 to delete fundamental principles of the bill, so the only way in which we can register our opposition to road user charging is to oppose it at stages 1 and 3, as we shall do.

I shall start by commenting on some of the areas on which I am satisfied that the bill is useful and

positive. The first thing to say in its favour is that it does not provide for local transport strategies. The committee discussed that at great length and I think that we were all satisfied with the fact that the Executive was proceeding in this area on a voluntary rather than a statutory basis. Scotland is a sufficiently small country for the Executive to maintain a positive dialogue with all 32 local authorities, which are co-operating on a voluntary basis. The Executive is correct not to have included statutory powers in the bill.

The committee is also content with the proposals on joint transport strategies, because it seems reasonable that local authorities should be encouraged, and if necessary required, to co-operate in dealing with cross-boundary issues. At stage 1, many of our witnesses indicated strong reservations about the level of powers given to ministers and there was uncertainty about how ministers would use such powers. It is therefore welcome that the minister has announced that she will clarify precisely the sort of powers that she will use. I hope that we will be able to continue to support that aspect of the bill.

Bus services are at the heart of the debate. I accept that the bill is a genuine attempt to improve bus services. Bus services and bus use have been in decline in this country for something like 50 years. In many respects, the age of the bus has given way to the age of the car. The decline in bus use is a feature of our prosperity and the high level of car ownership. However, the minister is quite right to stress the importance of bus use for many segments of our population, particularly in our cities, where buses remain an important means of maintaining the movement of a large number of people. In rural areas, buses are critical in underpinning the viability of small and relatively isolated communities.

In recent years, the number of new bus registrations has risen. The average age of the Scottish bus fleet is relatively low. Our bus stock is in good condition and the number of bus miles being provided by bus operators is not in decline, unlike bus use. Deregulation of the bus industry, like privatisation of the rail industry, has led to an increase in investment in the infrastructure and in the provision of facilities. The problem is that passenger use has continued to decline. It is legitimate for us to consider how we might stimulate use.

It is clear from the voluntary quality partnerships that have been operating that that mechanism provides scope to increase bus use. It is therefore entirely sensible to consider stimulating quality partnerships. We are happy to go down the quality partnership route and to accept that there is a good reason for considering statutory quality partnerships, which will provide certainty to

operators and eliminate low-quality operators—the so-called cowboy operators. By ensuring that there is not unfair competition and that there is certainty of routes, the provision of more sophisticated traffic lights and better street furniture, we hope that there will be a further stimulus to investment in bus provision.

We welcome the fact that the Executive wants the bus industry to continue to operate in a competitive market, although I understand that the bill will allow subsidies to be paid where that is felt appropriate, even in a partnership arrangement. By maintaining a deregulated and competitive market in buses, the Executive will continue to ensure that operators can make decent returns, which will help to maintain the high investment of recent years.

Broadly, I accept the minister's comments about contracts, about which the committee received a lot of evidence. To some extent, the people who argued for contracts made a rather better case than the defenders of the status quo. Having re-examined the policy memorandum and considered the minister's comments this morning, I agree that it is necessary to provide greater clarity about where the Executive thinks contracts are appropriate. It is also necessary to make it easier for contracts to be implemented in those areas, although we do not want to encourage a wholesale rush to contracts; we are concerned that such a rush would, in effect, introduce a level of regulation that would inhibit investment and stifle the market, rather than improve services.

On balance, taking into account the proposed national scheme for concessionary travel, the proposals on through-ticketing and better timetabling information—there is scope for considerable improvement in those in years to come through new technology—we consider that the bill is useful. It makes sensible progress in a number of areas and can achieve many of the objectives that we all share in the provision of better transport throughout society.

I turn now to my amendment. It is clear that there are differences on road user charging. Last summer, the Executive made a significant concession when it abandoned plans for motorway tolls. Some of us considered that those were an unreasonable and unjustifiable imposition on Scotland's motorists and we were delighted when the widespread campaign of opposition to them persuaded the Executive to back off. We are satisfied that the bill does not contain such proposals. However, we are still confronted by the proposed use in some areas of road user charges and workplace parking charges. We do not accept that the imposition of such charges would lead to an improvement in the traffic situation in our cities.

We have been concerned by the minister's

proposals for consultation, although we welcome her announcement on that today. However, we would still have to be satisfied that, wherever a local authority proposed to introduce charges, it could demonstrate genuine public involvement in the decision-making process and genuine public acceptance. In Edinburgh, there has been talk of some kind of referendum, although it is not clear who would vote in it and under what circumstances. Local authorities contemplating the use of the powers proposed under the bill ought to consider how they will genuinely involve the public in the decision.

In opposing the proposals for road user charging in principle, we look for the Executive to make a number of changes—or clarifications, if that is how we should approach the issue. If charging is to be approved by a vote of this Parliament, we want to ensure that it will operate effectively and we need to be clear on what sort of impact assessment will be expected of local authorities when ministers approve schemes. Impact assessments must precede public consultation, so that the public are clear on what they are being invited to sign up to.

We also have concerns about transparency. Again, a concession has been made in this area, because the original proposals envisaged that money collected through charging might be used for other purposes. We are pleased that the minister has promised full hypothecation of any revenues that are raised. However, many witnesses who appeared before the Transport and the Environment Committee expressed the fear that there would be substitution. The minister clarified in committee that local authorities will be able to spend the revenues on anything that falls within their local transport strategy. That includes basic maintenance. People are concerned that the City of Edinburgh Council—to take the prime example—might be able to raise more money, spend it on the basic fabric of its transport system and reduce its regular revenue and capital transport expenditure. The minister says that there will be transparency but, before the public accept that this is a reasonable step to take, they will need to be convinced that there is a decent way of guaranteeing it. Although we are not arguing for ring fencing across the board, there is something to be said for the view of a number of witnesses that ring fencing of the money allocated to local authorities that are authorised to use these powers might be an appropriate way of strengthening transparency.

On city entry charges, we have deep misgivings about the policing and operation of a paper-based road user system. We are dealing here not with a city entry charge, but with a charge for having a vehicle on the streets in a city or within a cordon. When it came to policing and monitoring, the difficulties would be overwhelming. How would city

residents be treated? City entry charges are possible only under an electronic system. If there is to be a charge simply for keeping a vehicle on the streets, city residents will be affected. How will they be exempted, or will they not be exempted?

The City of Edinburgh Council has told us that it is proposing a charge of £1 a journey. Are we sure that that will make a significant difference? Under questioning, the councillor proposing the scheme, Mark Lazarowicz, pointed to research that indicated that that level of charge might lead to a reduction of 6 or 7 per cent in traffic, which is not very much compared with the growth that the minister projects. At this stage, the city cannot say whether freeing up capacity will release capacity for other road users. If the streets are less congested, will people who currently take buses and trains decide to drive to work? There is great uncertainty about this matter, which the city is still investigating. Indeed, Councillor Lazarowicz seemed to indicate that a great deal was still up for grabs.

If it is correct that £1 a journey will make such a difference—although the story of fuel prices in recent years has not suggested that demand is elastic or that the demand-price relationship works in such a way—and that it will deter people from driving into cities, who are the people who will be deterred? I suggest that they will not be people in my income bracket, or the income bracket of anyone in the chamber. The ones who are deterred are likely to be fairly marginal car users, people coming considerable distances to access decent jobs and people on lower incomes and more stretched budgets than mine. I wonder whether the Labour party, in particular, has thought through who is likely to be put off travelling into the cities. Do they want those sections of the community to be affected in that way?

Tavish Scott (Shetland) (LD): I take Murray Tosh's point. However, will not investment in public transport create the alternatives for the groups that he has mentioned? That is the issue. The 6 or 7 per cent cut in vehicle journeys into Edinburgh would partly be achieved through increased spending on public transport alternatives.

Mr Tosh: I am happy to talk about public transport alternatives—I will have to get my skates on to come to that. Some people who will be put off by those charges will be such a distance away from the city centre that they will have to use their cars to get to the public transport alternatives; they will still have to drive some distance to get to the park and ride. I am not sure that we can put in place the facilities in such a way that we fully compensate people for the additional cost. If we can, we will have overcome one of the concerns.

We are told that next week there will be an

announcement of more money for public transport. Much has been made of that south of the border. The extra money has come from taxation. We will be delighted if significant money is to be put into public transport, but we wonder whether a different approach should be adopted. The transport challenge fund—it now has a different title—has for many years been making considerable resources available. Public-private partnership is making resources available. Sensible approaches have operated for many years to realise schemes—some of which are in operation and some of which are on the verge of operating—without city entry charges.

We are told that we will have the City of Edinburgh rapid transport scheme and crossrail schemes in Edinburgh and in Glasgow, but those are possible without such charges. They could be funded through the strategic rail authority, the Executive's funding facilities and public-private partnership. They are laudable aims.

When the minister says—as she has done frequently—that doing nothing is not an alternative, I have to say that nobody has said that doing nothing is an alternative. There must be focused investment in public transport. If we are to be told that the money is there for a step change in public transport investment through the Exchequer and through the money that the Executive will announce next week, we must ask whether additional charges on motorists are justified to fund investment that might be expected to be coming anyway.

I realise that I have taken up my time, but I will briefly say in concluding that we think that the proposals for the Forth bridge are unreasonable. The A8000 and the Rosyth road—

Helen Eadie (Dunfermline East) (Lab): Will Mr Tosh give way?

Mr Tosh: Not when I am over my time.

We believe that those roads should be funded and that the A8000 should be trunked as other trunk road improvements have been funded—through the Scottish Executive's budget. It is not reasonable to expect people who are already tolled to pay additional tolls. In effect, many people in Fife will be victimised not only by the existing tolls but by the proposed city entry charges.

Much in the bill is welcome. If this were a buses bill, the Conservatives would be happy to give it whole-hearted approval and to wish it well on its way. However, because we do not support the road user charges, I move amendment S1M-985.1, to leave out from "agrees" to end and insert:

"does not agree to the general principles of the Transport (Scotland) Bill because it opposes Part 3 (road user charging and workplace parking levy) including schedule 1,

and section 69 (bridges)."

10:49

Mr Kenny MacAskill (Lothians) (SNP): I will also comment on the continuing fuel dispute. The Minister for Transport and the Environment mentioned that she spoke yesterday to Phil Flanders. I am glad that she did so. I hope she realised that, at the time that she spoke to him—about the same time that I spoke to him—he was doing his best to bring matters to a sensible and safe conclusion for all. He was doing his best to ensure that matters at Grangemouth were dealt with carefully and safely for those who were involved and for those who were suffering from fuel shortages. It was not supportive of Mr Flanders—or of the situation at Grangemouth—for the Deputy First Minister and Minister for Justice to use inflammatory language such as “mob rule”.

It would have been better if Sarah Boyack had put on the record yesterday the inside knowledge that she gained from speaking to Phil Flanders. I spoke to Phil Flanders this morning—he made it clear that he has delivered sensible and constructive action by the Road Haulage Association. The protesters have made their point and have garnered public support. The people know that the fault lies not with the hauliers, the farmers or the fishermen, but with the taxation policy of the Labour Government in Westminster, and they know that the problem will not go away. I hope that Ms Boyack and her colleagues will speak again to Mr Flanders. I hope that they will consult, discuss and listen and ultimately, as is happening throughout the rest of Europe, act to resolve the dispute.

Two points that have arisen from the dispute deserve some comment. First, we begin to realise that society is much more pleasant when traffic is lighter and there is less congestion. When I drove to Tayport yesterday, there were no tailbacks on the Forth bridge and the roads were a pleasure to drive on. The irony is that that was not achieved as a result of any deliberate attempt by the Government to foster a better climate. The Government had certainly not addressed the affordability or accessibility of an improved transport system. We would have a better society if we could reduce not car ownership, but car usage. We all know that in Germany car ownership is higher per head of population than it is in Scotland, but car usage is lower there. That is because in Germany there are affordable and accessible state-of-the-art public transport systems, which people use to go to work.

The second point that the dispute has brought home to us is the importance of transport to our economy and society. A crisis arose in a few days because of the absence of fuel. As well as fuel,

the transport infrastructure—road, rail, maritime and air links—is important. We have to recognise that for generations we have underfunded and underprioritised the transport infrastructure. We must now get it right.

The SNP's position on the bill is more sorrowful than angry. We believe that it represents a missed opportunity. We are prepared to consider what the minister has said and we are aware that there is cross-party support for the bill, with the exception of Murray Tosh's withdrawal of Conservative support for the part of the bill that deals with workplace charging. We are giving the minister the chance to go away, think it out, and get it right.

Why is this a missed opportunity? This is the first transport bill in the 21st century, in the first Scottish Parliament for 300 years. It is an opportunity to create a framework with a vision, on which we could build over a generation—over several Parliaments. The minister veered in that direction when, in “Making it work together” in the summer of 1999, she said:

“We will build an integrated transport system, which meets our economic and social needs but does not threaten the health of our environment. This requires . . . the enhancement of all types of public transport.”

That is a big vision and big talk for a big issue. Why, then, is the bill a missed opportunity? This is our Parliament and our country and it is up to us to act—those who run their own country must take responsibility for inaction, for the wrongs that are done and for the malaise that creeps in. We have to sort it out.

However, the bill does not address the problems. There is the problem of the stop-startism of previous Administrations: rail bad, road good; rail good, road bad. That continues in Westminster, where John Prescott says one thing and Gus Macdonald says another. Short-termism—living for today and paying the price tomorrow—is evident in the underfunding crisis in local authority road maintenance budgets. There is no long-term view in the bill and no national plan. The bill was an opportunity to consider, discuss and address the issues. It was an opportunity to lay a framework for the future and to lay the tracks for transport infrastructure. However, it does not do that.

Des McNulty (Clydebank and Milngavie) (Lab): Will the member give way?

Mr MacAskill: No. Des McNulty has had a chance to speak on the bill at the Transport and the Environment Committee—he will be able to do so there again.

The bill does not offer a philosophy or a strategy. There is no structure. What reference is there to a transport authority? A Highlands and Islands transport authority is mentioned, and we

support that concept, but what about an overall transport vision? What about a transport authority that plans ahead and prepares not just for tomorrow but 10, 15 or 20 years down the road as we need to do in transport? There is no mention of that in the bill.

Helen Eadie: Will the member give way?

Mr MacAskill: No. Helen Eadie has made her points through the committee and will get another opportunity to do so later.

Why does not the bill include other transport authorities? Furthermore, why does not the bill mention travel-to-work or geographic areas? We do not know what will be the description, definition or boundaries of the Highlands transport authority, nor what will happen to Moray if it is excluded from the arbitrarily drawn boundaries. What will happen to the Clyde links between Gourrock and Dunoon? None of those matters has been addressed. The SNP's position is that if a transport authority is good enough for the Highlands, it is good enough for every other area.

What does the bill have to say about modes of transport other than buses? It is silent on air and maritime transport and mentions only through-ticketing in relation to rail transport. Furthermore, there is no mention of construction and repair of roads.

Bristow Muldoon (Livingston) (Lab): Will the member give way?

Mr MacAskill: No, I am in the middle of making a point.

Are not air links important to our economy and should not they be included in a transport bill? The link between Edinburgh and Vienna has just been terminated. Is not it important for Scotland to have a direct air link to a major city of 5 million people in the European Union? The bill does not address such issues.

Mr Michael McMahon (Hamilton North and Bellshill) (Lab): Will the member give way?

Mr MacAskill: Wait a minute.

On maritime matters, we welcome the Rosyth ferry link. However, we are an island nation, and there is not a cheep in the bill about a strategy for ports and harbours.

As for rail transport, where is the prospectus for improving and enhancing the network? Where is the bill's vision that would give us the ability to build the Borders rail link instead of having to go cap in hand not only to the Westminster Government but to a strategic rail authority to which we can nominate only one representative? A Borders rail network is essential for the people—if we cannot get jobs to people, we can at least get people to the jobs. Furthermore, such a link is

necessary for our nation so that we can transport our freight as we improve transport between Edinburgh and London.

On road transport, the bill does not mention the M74 north extension or the completion of any other motorway network that is necessary for this country, never mind address the crisis of local authorities' chronic underfunding over the years.

What does the bill do? It gives us a Highlands and Islands transport authority some time, somewhere, with some powers. However, one would say in legalese that the bill is entirely lacking in specification.

Mr McMahon: Will the member give way?

Mr MacAskill: Yes.

Members: Oh!

Mr McMahon: I am glad that Mr MacAskill is going to listen and not lecture, as he mentioned in yesterday's debate.

Mr MacAskill had an opportunity in yesterday's debate to tell us what he and his party would do about the issues that he raises. He is now eight or nine minutes into his speech and still has not done so. Will he tell us what his proposals are and how much they will cost?

Mr MacAskill: I have told members our proposals. I have said that it is necessary to lay down a plan, which we have tried to do in committee. I support the Parliament's committee structure, because it presents an opportunity to lay down a vision and plan of where we should go. There is no such plan in the bill, because there is no vision.

Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): Will the member give way?

Mr MacAskill: No, I have already taken an intervention.

The Executive started off—

Sarah Boyack: I would not normally intervene in an Opposition member's speech. However, I have a brief point of information that might help the debate. In the economic development strategy that Henry McLeish published during the summer, we made a commitment to introduce a national delivery plan for transport in conjunction with the rail franchises on which we will consult MSPs next month. We are introducing such measures, but they do not need to be in the bill.

Mr MacAskill: That point brings me back to the four main modes of transport: air, maritime, rail and road. Whatever Mr McLeish might have said, he will not deliver anything that is necessary to meet transport needs.

The Executive had a trident—as in three-

pronged—campaign involving road tolls, workplace charging and congestion charging. However, tolls have been deserted, workplace parking charges are the walking wounded and local authorities have been conscripted to do battle on congestion charging. We shed no tears about tolls—we opposed them and we are glad that they have been binned. Workplace parking charges must go. Although we do not support Murray Tosh's amendment, we will oppose the bill unless the minister rethinks that issue.

The SNP believes that nobody apart from Glasgow City Council supports the bill. We support moves to encourage people to go to work by public transport because that is beneficial. However, such encouragement should be provided by the carrot, not the stick. The Government is talking about a tax when it talks about workplace parking charging. As the saying goes, if it looks like an elephant and walks like an elephant, it is an elephant. The same thing applies to workplace parking charging. It looks like a tax and walks like a tax—it is a tax.

The Minister for Health and Community Care was on the radio today, going on about the necessity for workers in the health service to have fuel to get to work. I hope that her colleague, the Minister for Transport and the Environment, will take into account the necessity of workers in the health service being able to afford to park their cars when they get to work.

The minister should listen to the Transport and the Environment Committee and to what has been said in and outside the chamber. If she does not, we will seek to vote the bill down.

We are broadly sympathetic on congestion charging. We accept many of the points that Mr Tosh made but, at the end of the day, our urban areas have problems with air quality. We know that directives are coming in from the European Union and we will have to address those. Even Conservative-led local authorities will have to address the mandatory air quality directives. The combustion engine and motor vehicles will be perhaps the most important element of that.

Mr Tosh: I put it to Kenny MacAskill that the way to improve air quality is through technological change and better traffic management. Is he suggesting that a charge of £1 a journey will impact significantly on air quality? If he is, does he believe that congestion charging should be mandatory in all 32 council areas, rather than only in the two that might introduce it?

Mr MacAskill: I do not think that congestion charging has to be mandatory. It is a case of horses for courses—each authority should introduce the measures that it thinks are appropriate. We have made it clear that it is not for

the Scottish Parliament to force charging on a local authority. I am not here to justify Mark Lazarowicz's £1-a-journey scheme. That is a matter for him.

I agree with the minister's point about Norway—it has shown the way to go. If we can replicate what happens in Oslo and Trondheim, that would benefit cities in Scotland. I have been barracked on occasion by people saying that we cannot expect to have the state-of-the-art traffic network that Norway has. To them, I say that Norway discovered oil. Perhaps if we discovered oil, the resultant bonanza would enable us to get a transport infrastructure such as that which the people of Norway take for granted in Oslo, Bergen and Trondheim.

Bristow Muldoon: Is Mr MacAskill advocating that the UK should raise its taxation level to that of Norway, which is about 6 per cent higher than ours?

Mr MacAskill: No. I am advocating the use of oil revenue and the billions of pounds that the Government has in its oil fund, as has been done in Norway. That country's oil revenue has not only been used for the day-to-day benefit of its citizens since oil was first discovered off its shores—some of it has been put in the bank to ensure a better society for generations to come. In the UK, the problem is that the Tories used our oil revenue to undermine the unions by creating mass unemployment. Labour has gone along with that and has created a war chest to enable it to fight an election that will be based on who will offer lower taxes.

We support some parts of the bill and are not prepared to throw the baby out with the bath water. On buses, we are sceptical about partnerships but we are prepared to go along with the proposal. We hope that the minister will take on board the point that was raised in the Transport and the Environment Committee by the Association of Transport Co-ordinating Officers that it must become easier to move from partnership to contract. That process must be accelerated and powers must be available for that.

We support concessionary fares, but why are we not moving faster on the matter? In his transport bill, John Prescott is moving towards concessionary fares while we are still discussing them.

Sarah Boyack: Will the member give way?

Mr MacAskill: I am happy to allow the minister to make a point.

The Deputy Presiding Officer (Patricia Ferguson): You are over your time limit, Mr MacAskill—I discourage you from taking interventions.

Sarah Boyack: I will take two seconds. Westminster is catching up with us; we are not catching up with it. We are going further.

Mr MacAskill: The SNP welcomes through-ticketing but notes that on the Øresund bridge between Copenhagen and Malmö, integrated traffic and ticketing operates across two countries—and that is before a referendum on integration into the euro. We are still trying to secure integrated ticketing between two cities in one country with one currency.

As far as disabled people are concerned, the bill is a missed opportunity. It does not seek to address the needs of the disabled—it simply criminalises people who have orange badges, rather than tackling the problems that exist. The transport problems that are suffered by disabled people should be addressed separately—at least in a separate section of the bill—but not piecemeal.

The SNP has considered the bill more in sorrow than in anger. We will not oppose it in whole or in part. At this stage, there are bits that we are willing to accept. It is not a transport bill, however—it is a bus etc additional regulations bill. It is not just a reshuffle of the Executive that is required, but a redraft of what masquerades as a transport bill.

11:05

Tavish Scott (Shetland) (LD): I am always grateful that Kenny MacAskill does not have to fly home to his constituency—the whining would carry on long after the plane engines had been switched off.

The Liberal Democrats very much support the Transport (Scotland) Bill, which is a further step towards the Scottish Executive's goals of tackling social inclusion and meeting environmental responsibilities. Once again, we have heard from the SNP no credible alternative to the measures that are outlined in the bill. There is a responsibility on an Opposition—which, apparently, calls itself responsible—to present alternatives. It would help, in my humble view, if we could hear some alternatives so that we could have a serious transport debate, rather than what we have just heard.

The Liberal Democrats support the congestion charging proposals—as did the SNP in its manifesto, I seem to recollect—as long as the revenue is hypothecated and ring-fenced to be put back into public transport.

As the Minister for Transport and the Environment said, we will have a lively discussion on workplace parking. As David Begg, the chairman of the Commission for Integrated Transport, illustrated at a conference that I

attended, there are concerns that that measure will simply raise revenue but not deal with the specific problems of congestion. I support the calls that have been made by the Transport and the Environment Committee to see specific supporting evidence for that.

The other important aspect of congestion charging relates to the concerns—which were expressed by commentators during a transport debate on the radio last night—about how, given the past week's fuel crisis, local authorities will be able to take forward that agenda in the light of public concern.

Murray Tosh's point on transparency is perfectly fair. There is a clear need to illustrate transparency in local government spending on transport, because the public need to be convinced that there will be clear, identifiable gains from the legislative proposals. I hope that that point will be taken up at stage 2.

It is important that the carrot comes before the stick in the form of the hypothecation of funds to provide improvements to public transport. That is the point that I was trying to make when I intervened on Mr Tosh.

The minister referred to resources—resources must be considered when we hear next week's statement from the Minister for Finance and the consequential transport announcements.

Lord Macdonald, writing in *The Parliamentary Monitor* this month, said, in the context of his responsibilities for UK transport planning:

“For the first time the 10-year plan offers the framework required for the long term development and delivering of big projects. It anticipates growing public demand for better quality and more choice in transport.”

Two things strike me about that. First, how much will Scotland see of the spending on transport? We will hear about that next week. Secondly, there is a 10-year plan. A framework for long-term development is important in the overall context of transport planning and the Transport and the Environment Committee picked up on that in its report. The committee stated:

“The majority of witnesses welcomed the Bill and supported its intent, but many felt in summary . . . in their written submission that it ‘does not go far enough and does not make the necessary links with other aspects of policy’”.

There are important issues about integration and the framework, which need to be taken further at stage 2. In her opening remarks, the minister mentioned the overall strategy and approach of the Scottish Executive—Parliament will hear a spending statement next week. How that fits into the overall approach that will be taken is important and the clarification that was given to Kenny MacAskill during his speech was important. The way in which those aspects all fit together needs

to be worked on further. The Transport (Scotland) Bill must be strong on integration, with quantifiable target time scales and estimates of the resources that will be needed to meet the goals. I hope that that will be addressed in future statements.

Links to environmental goals are needed—goals such as cutting CO₂ emissions, setting targets for modal shift and increasing public transport use, and setting targets to cut congestion, as specified in the Road Traffic Reduction (National Targets) Act 1998. If local authorities are to take the lead, as the bill advocates, the Executive should help that process by setting targets that are encapsulated in a more detailed framework. The Transport and the Environment Committee said that it

“would welcome a more explicit explanation from the Executive of national and local priorities, how these priorities are determined and the Executive’s role in delivering them.”

That would be helpful clarification as the debate proceeds.

UK traffic levels are forecast to rise by 38 per cent between 1996 and 2016. In that context, the do-nothing option that is advocated by some members is not tenable. The position that the Executive has taken on change must be maintained, and the investment that is needed to support that must be provided. Further statistics—from the 2000 edition of *Scottish Transport Statistics*—illustrate the changes that have occurred over the past eight years. The number of journeys by car has increased by 63 per cent and the number of journeys by bus has decreased by 28 per cent. There has also been a decrease in cycling and walking. There is much to be done, and few could argue that it is desirable to avoid changing transport policy to solve these problems.

I remain concerned about the lack of coherence in the environmental proposals. The frustration that people in the UK have shown over fuel prices in the past week is understandable, but politicians cannot walk away from the environmental impacts of policy; they should consider carefully how they can best meet their international obligations. Although environmental measures are hard to sell, they must be approached and considered carefully. In that context, I hope that the minister will, in her winding-up speech, be able to give further advice about the Scottish Executive’s comprehensive environmental strategy, which is not yet at the stage of public consultation.

The *Sunday Herald* recently reported that a document on waste, energy and travel, which is crucial to today’s debate, has yet to be published. Some clarification of when that will be published would help, as such a document must be integrated with the overall approach that is being taken.

Giving people choice through investment in public transport must be the important theme and rail should be a central part of the overall approach. Many rail groups and others who have an interest in public transport have lobbied hard on the back of the July comprehensive spending review statement. They have provided illustrations of the improvements that could be made throughout Scotland that would give people a choice and provide opportunities to use different forms of transport. The Glasgow crossrail scheme has been mentioned and there is an unanswerable case for the Borders rail link.

Euan Robson (Roxburgh and Berwickshire) (LD): Does Tavish Scott agree that people in the Borders—and other areas that are remote from the city centres—believe that if there is to be congestion charging, there must be an adequate public transport system to compensate for the costs of congestion charging? Does he also agree that that adds to the case for a Borders railway?

Does the member also accept that it will take time to prepare a case for that railway and to get a grant from the public transport fund, planning permission and all the other aspects that contribute to obtaining parliamentary authority for the railway?

The Deputy Presiding Officer: We are looking for brief interventions—that was becoming a speech, Mr Robson.

Tavish Scott: I accept Euan Robson’s points about the need for a Borders rail link, its integration with other forms of transport and how that should be tackled by the different local authorities in the areas through which the railway would go. There is also a difficulty with integration in that the strategic rail authority and its role in Scotland must be part of the process. We understand that Railtrack is to make an announcement tomorrow. Such things must be part of the overall approach that is taken. In that context, how will the minister ensure that Scottish needs are taken into account in decision making?

The challenges that are posed by rural Scotland’s transport needs must be taken up. Those needs are clearly different from those of the urban areas that we have talked about this morning. Many members talked in yesterday’s debate about rural transport problems and the need to own a car in rural areas. I quote Professor Mark Shucksmith from the University of Aberdeen:

“There is a fundamental contradiction at the heart of government’s policies when seen in a rural context, as policies intended to reduce car ownership and use exacerbate social exclusion, and intensify barriers to employment in particular. More imaginative means of overcoming transport barriers are needed.”

Arguably, the Highlands and Islands transport

authority is that imaginative approach. However, in some parts of the Highlands and Islands establishing an organisation in Inverness will not be seen as appropriate. A balance needs to be struck between the local delivery of services and a central organisation.

In summary, the bill fulfils many of the policies that the Liberal Democrats set out in our manifesto last year and makes a welcome contribution to addressing some of the immediate problems that face Scotland's transport system. In particular, the bill realises my party's policies on the creation of a first-class travel information service for Scottish public transport—that is particularly important—and on powers for councils. However, the bill relies on the good will and willingness of local authorities. It provides an extra set of tools, but it is vital that the Executive provides additional resources to allow the authorities to get on with it. Congestion charging should be considered only as a means of providing genuinely additional resources and will be acceptable only if the public see tangible improvements put in place first.

11:18

Mr Andy Kerr (East Kilbride) (Lab): I thank the minister for her statement and Murray Tosh for his clarification of the motivation for his amendment. I am genuinely disappointed by Kenny MacAskill's speech. If there were an Olympic sport for whingeing, Kenny would be on the flight to Sydney.

I will develop the sporting theme. There are only two Kenny MacAskills: the one I see in committee, where questions can be asked of witnesses; and the other I see here, where none of the issues he spoke of was raised with witnesses. Input into our report from all committee members was welcomed, but I did not recognise any discussions we had about our report in what Kenny said in the first 10 minutes of his speech.

How do we pay for transport development? The analogies are interesting. If I remember rightly, Sweden's tax revenue as a share of gross domestic product is 53 per cent and Norway's is 43 per cent, whereas the UK's is 37 per cent. What exactly is Kenny saying about SNP policy? When will the SNP come clean about the billions of pounds of investment it wants to make in transport infrastructure—and everything else for that matter—against the reality of raising money?

Mr MacAskill: Does Andy Kerr accept that places such as Copenhagen and Helsinki have state-of-the-art public transport networks? Why is it that Finland, which has no oil—never mind its neighbour Norway, which has oil—can provide a state-of-the-art public transport network but we have not delivered that? We will not be able to do

it through this bill.

Mr Kerr: Because Finland's tax take is 49.3 per cent of GDP. It does it through taxation. What is Kenny MacAskill saying about taxation? When will he come clean on the issues that affect real people in the economy—real people in jobs? How much will the SNP take out of people's pockets to pay for its grand schemes, such as an airport and a railway station for every town? I am fed up with being lectured by Mr MacAskill on how the SNP will develop an integrated transport strategy for Scotland.

An integrated transport strategy is what the bill is supposed to deliver. We have an opportunity. This is the first transport bill for more than 20 years. It contains the desire to build the cohesiveness and integration that we need in our transport strategy. As we have tried to reflect in our debates in the Transport and the Environment Committee, the predicted growth in motor car ownership over the next few years is massive—50 per cent over the next 20 years. How will we deal with that, with the effects on industry and individuals, and with—and this is something that almost no one seems to mention, although Tavish Scott took the time to do so—the effect on the environment? Where is the SNP's commitment to the targets set in Kyoto? Where is Murray Tosh's commitment to the target reductions in carbon dioxide emissions to the environment?

The committee's report was drawn up on the basis of evidence it took from 22 organisations and more than 40 individuals. We asked those organisations how they felt about the bill. In her response to the report, the minister has addressed some of the main issues. The points that have been made about allowing organisations more time for discussions during stage 1 are useful. Many of them felt inhibited by the time allocated to them—although there was genuine consultation before the bill was introduced.

We emphasise the importance of promoting sustainable modes of transport. We need a new hierarchy of transport, with walking, cycling and public transport at the top. I welcome some of the minister's statements about the use of public transport. In that context, the committee heard evidence from a number of witnesses who feel that the Executive needs to take a stronger lead in changing our transport culture. In particular, witnesses saw the need for the Executive to take a more strategic approach. I know that the minister has noted those comments.

In our report, we say explicitly that we would welcome

“a more explicit explanation from the Executive of national and local priorities, how these priorities are determined and the Executive's role in delivering them.”

That is an important point, which has also been mentioned by others.

The Convention of Scottish Local Authorities said that it is looking for a “partner for change” in the Executive. The committee endorsed that view. Glasgow City Council said that while the Executive attended meetings of WESTRANS as observers, it should be a full partner.

The bill contains many good things about joint transport strategies. We will have to have more discussions on the role of partnerships and contracts in bus services. The committee is aware that there is great concern in our communities about the way in which the bus industry works. We would like partnerships and contracts to reflect the desires of people in those communities.

The committee concluded by accepting the general principles of the bill, although Robin Harper disagreed with points on joint transport strategies and Murray Tosh disagreed with points on road user charging and congestion charging. The minister said that she is looking forward to a lively discussion at stage 2. The committee has produced a good report that will be of use to the minister and to Scotland once the bill is enacted.

11:23

Mr Andrew Welsh (Angus) (SNP): I note that Andy Kerr’s speech was more an attack on others than a defence of the bill, and I can understand why. There is much to be said on this subject, but I will be brief because I wish to allow as many others as possible to participate.

The real significance of this bill is not what it contains, but what it leaves out. The Government has missed another opportunity to make a real difference to Scotland’s transportation system. I remind the minister of her statement in the 1999 document “Making it work together”. She said:

“We will build an integrated transport system, which meets our economic and social needs but does not threaten the health of our environment. This requires innovative solutions to the distinctive problems of our congested cities, towns and main roads, and the enhancement of all types of public transport.”

Those are fine words—words that this pathetic package totally fails to deliver.

Does the Government’s ambition for integrated transport go only as far as the bus service? That is what this legislation is—a bill for buses. Where is the integration of rail services, ferry services and air services? Not in the bill, and not on the agenda. In this bill, this Government fails its own integration test on every mode of transport. What is not included in this bill is more impressive than what is included.

In my constituency, the Government has failed

to address two of the most pressing transport issues—replacing Montrose bridge and upgrading the east coast main line. The life of Montrose bridge cannot economically be further extended, so a replacement bridge is urgently required. It is a vital lifeline for Montrose and the whole north-east, but the minister refuses to grant any capital or borrowing consent to the project.

Angus Council will have to fund a replacement bridge, which will cost about £6.5 million, from its annual capital consent, which totals only £6 million. Is the minister suggesting that the council sever every other capital project and council service because of her failure to provide an adequate solution? That is the reality of her proud boast about providing

“innovative solutions to the distinctive problems”.

There can be no problem more distinctive.

Is it really acceptable that in Angus, between Montrose and Usan, there is only a single-track rail line? The Government’s ambition for transport is summed up by its decision not to

“prescribe specific infrastructure enhancements or additions”

to the shadow strategic rail authority. No wonder Scotland’s transportation system is in a mess; the Government’s attitude towards transport links to and from the oil capital of Europe is summed up in that statement.

The bill demonstrates the reality of new Labour: high on presentation, but low on substance. Let the minister travel to Lyon, in France, which has created a new tramway system, which extends not just to the town centre, but throughout the entire system, as an addition to a fully integrated transport system. That tells us what real long-term investment and commitment can achieve for the people. That is what we should be aiming for and the day I see it in Scotland I will be very happy indeed.

To compete in the modern world, to allow free movement of citizens, commerce and industry, Scotland needs a modern, truly integrated transport system. That is something that this pathetic little bill totally fails to deliver.

11:27

Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): I welcome the minister’s recognition that the Transport and the Environment Committee did a good job in scrutinising the draft bill. I felt that there was a fair degree of consensus in the committee. It is strange that that consensus has dissipated this morning. The SNP and the Tories seem to have entirely different views on whether it is a bill for buses; Murray Tosh suggested that, had it been a

bill for buses, he would have been prepared to support it.

Mr Tosh: Will the member give way?

Cathy Jamieson: No. I am not taking any interventions. I have just started and nobody else would let me intervene.

The committee took its scrutiny role very seriously and it is asking the minister to reconsider certain issues in the bill. There are a couple of points that I would like to highlight and to which I hope the minister will respond in her summing-up speech.

The minister mentioned buses and the evidence the committee took on quality partnerships and quality contracts. The minister highlighted the fact that there is good practice in several areas. However, many people are concerned that quality partnerships would not be able to provide the sort of services that are required, particularly in rural areas.

I have some sympathy for people in the Lothian area who found themselves without a bus service after 6.30 last night, but I must tell them that that is not uncommon in many parts of rural Ayrshire. It is very hard to participate in the social life of the surrounding communities when no buses are available. That is why the committee felt that in some cases we need to tighten up on the opportunities to move directly to quality contracts to ensure that such necessary services are provided.

I see that Kenny MacAskill is not in the chamber at the moment. Perhaps that is not surprising given that he also did not participate fully in the committee discussions. I accept his concerns about the loss of an air link to Vienna, but my constituents are more concerned about the fact that they cannot get a bus out of Muirkirk or into Ayr. That is what the bill is about: trying to provide integrated and affordable services for local communities.

I am glad that the minister referred to concessionary fares. As someone who has pushed for some time for support for a national concessionary fares scheme, I was glad to hear the minister tell us that in the future she might be prepared to consider expanding the range of people who can benefit from such schemes.

Over the past few weeks, I have been disappointed to see articles in the press suggesting that we are behind England and Wales because we have not implemented the 50 per cent concession scheme. I remind people that that is because in many areas in Scotland we have better schemes. We want to provide a scheme that is suitable for Scotland, and which covers not just bus services but other modes of transport.

Much of the evidence that we heard on workplace levies was sceptical about whether they would achieve the aim of reducing congestion. I say to the minister that the committee felt strongly that it had not seen any evidence to support that claim. When we asked for evidence, it was clear that there was nothing on paper to demonstrate how effective the levies would be. If the minister believes that this is the way forward, we ask her to provide some research evidence, and for that research to address the concerns that were raised by the Scottish Trades Union Congress and the Transport and General Workers Union in particular, that workplace levies would simply be passed on to workers and in some instances could affect low-paid workers and those who have to travel and use their cars as part of their job.

I will conclude by referring to a letter I received from a constituent this morning—to prove that MSPs do listen to what their constituents are saying. The letter is from someone in a rural area who is saying that they want to see a robust response to some of the nonsense that has gone on over the past few days, with essential services being unable to receive fuel supplies. The constituent asks that we ensure that public transport investment is made, because he feels that voters would see that as a positive response to the crisis. To paraphrase, he talks about the renewal of urban transport networks, enhancements to services to rural areas, and new train stations. He comments that the privatisation of the bus and rail companies has not delivered the integrated public transport system that we want. He wants efforts to be made to deliver that.

I accept that there are some issues that we have to sort out at stage 2, and I welcome the minister's indication that she will come back to them. I look forward to a further constructive debate, rather than the party political point scoring that has gone on so far.

11:32

Alex Johnstone (North-East Scotland) (Con):

It is my pleasure to say a few words in support of the amendment in the name of my colleague, Murray Tosh. Given recent experience in the north-east of Scotland, it is appropriate that I say a few words on it. The experience of the Northeast Scotland Economic Development Partnership, and its attempt to bring together proposals for the development of a transport strategy in Aberdeen, is a great example of what can be achieved in connection with the problems that may be faced by some of the proposals in this bill. In fact, it was a joint transport strategy in the Halcrow-Fox report that brought together many proposals that are of great value to the development of a strategic transport system in the north-east.

The report also took the opportunity to model the funding of such a strategy on much of what is in part 3 of the bill. The proposal was that much of the funding that would be required would be recovered through city entry charges and workplace parking charges in town. That proposal was put to a vote in Aberdeen City Council and, to a man, it was rejected. It must be said that the council is a predominantly Labour council. That was an indication to me that there are serious problems in getting public and political support for that type of proposal.

Much needs to be done in the north-east, but the proposals in part 3 have been rejected because, for the most part, the charges are perceived—as Kenny MacAskill said—as yet more taxation on the motorist. The fact is, as we have seen over the past few days, road users in the north-east already feel that they are among the most heavily taxed motorists in the country. We pay as much tax as anyone—more in some cases—but because of the greater distances involved in travelling we pay yet more tax.

The proposals for city entry charges and workplace parking charges will inevitably be seen as proposals for more taxation. If the Executive recognises that the incidents of the past three days are the reaction of already over-taxed motorists, it will realise that this further proposal for charging will lead to yet more protests.

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): Does the member agree that motorists in his oil-rich part of the world, where salaries are high, have more money to pay out for this sort of tax—if that is what he chooses to call it—than do other motorists, such as my constituents in the far north of Scotland? Is there not a principle at stake here, which the Parliament should consider?

Alex Johnstone: I am not sure I understand what the member means. We are talking about a situation that is not designed to tax the wealthy in particular, but that taxes indiscriminately.

Mr Stone: Oil companies have hundreds and thousands of company cars—they can afford to pay such taxation in a way that crofters and so on cannot.

Alex Johnstone: There is no automatic right to be wealthy in the north-east of Scotland. Anyone from any other region of Scotland who suggests that there is such a right is doing a disservice to the many impoverished people who live in distant rural areas in the north-east and other parts of Scotland, including the Borders, which is an area of great consideration to the member's colleagues.

There is a view in certain quarters of the north-east that the proposals for joint strategies and for parking and city entry charges are something of a

cop-out. There is a need for development in the north-east. Many people in the area, particularly in Aberdeen, would be keen to see the Executive acknowledge some responsibility for the development of the strategic network, including the western peripheral road. It is important that the Executive introduce a system for the appraisal of such projects, so that it can consider adding them to its budget in future. It should take the opportunity to do what is expected of it in the north-east and other parts of the country.

11:37

Nora Radcliffe (Gordon) (LD): I endorse the bill, its aims and what it will enable. Global warming is real—it is a threat that must be arrested and reversed. To do that, the transport sector in the UK will have to deliver 40 per cent of all proposed reductions. The car is a luxury in any circumstance where an alternative is possible. That message is understood but not properly accepted. Willingly or reluctantly, people will have to change their behaviour. Measures in the bill should help to ease the transition.

The bill should be seen in the wider context of Scotland's transport infrastructure as a whole. The glaring gaps in the infrastructure of the road networks in the more peripheral areas of Scotland cannot be dealt with in the framework of the bill. When Scotland's share of John Prescott's £59 billion becomes available, large dollops of it must be applied to the completion of a network of dual carriageway roads connecting all of Scotland's main towns and cities.

Roads such as the A96 may not score enough to pull down central Government spending in absolute figures, but I am convinced that if those arterial routes were evaluated in the context of the percentage of the population of the areas they pass through who depend on them and the level of goods carried in and out on them, the case for urgent investment would be won.

To demonstrate the need, the trunk road gateway into Aberdeen and the north-east hinterland beyond it—Aberdeen does not have a bypass—is the 473-year-old bridge of Dee. Forty years ago, it was agreed by the then secretary of state that it should be replaced. It is still there. That is a measure of how far capital investment in road infrastructure is lagging. As others have indicated, there are also the needs of the rail network. We need the measures that the bill will enable, but it is only one part of a much larger picture.

11:39

Karen Whitefield (Airdrie and Shotts) (Lab): The introduction of the Transport (Scotland) Bill is

yet another example of the success of the Scottish Parliament. Within the Parliament's first two years, we will have introduced legislation that deals with the fundamentals of life in Scotland: transport, housing, education and land reform. I welcome the opportunity to debate an issue that is fundamental to our daily lives, as we have seen recently.

I congratulate the Minister for Transport and the Environment and her department on developing a range of transport initiatives that represent a significant step forward in the development of an integrated and sustainable transport system in Scotland.

In particular, I welcome the bill's introduction of quality bus partnerships, which will enable local authorities better to shape the bus services in their area, responding to local needs and local demand. They will enable bus users to have a say in the services that are provided and, as a result, complement our social inclusion initiatives.

Statutory quality partnerships will ensure that the provision of bus services will not be left to the mercy of the market. I welcome the fact that the minister favours co-operative working between willing partners ahead of a contractual approach. I believe that quality partnerships will be more responsive to the changing transport needs of our communities. They will also reduce the money spent on the increased bureaucracy that is involved in formal contracts.

The bidding process for the monopolies created by quality contracts could preclude smaller bus companies, such as my local bus company, from obtaining contracts. However, I am pleased that the Executive recognises that, in certain circumstances, a more clearly defined and stable agreement may be required. Quality contracts are contained in the bill as a way of ensuring that, if all else fails, the public will not suffer as a result of poor or withdrawn services.

I am sure that many of my constituents will be pleased that the bill contains measures to ensure that timetable information will be more widely available. Over the months, many constituents have complained to me that they find it difficult, if not impossible, to get up-to-date and reliable timetable information about local bus services. Measures such as placing a duty on local authorities to determine what information should be available, and increasing the advance notice required before bus services are changed, will help to alleviate that problem.

I appeal to the minister to give further consideration to an area where extra support could be provided and to examine the transport requirements of Scotland's carers. Research from the Carers National Association reveals that 77 per cent of carers say that they are worse off as a

result of being carers. The impact of those additional costs means that carers face great difficulty meeting transport costs, whether they use a car, bus or rail. I encourage the Executive to examine the possibility of extending concessionary fares to carers who are on income support. Such a step would support carers who are in greatest need and help to ensure that those who are cared for would not be penalised by the increased costs of being accompanied on a journey.

I commend the minister on her vision, ambition and clarity of thought—a clarity that was singularly lacking in the Opposition's thoughts today. I have no doubt—nor should the Parliament—about her personal commitment to revolutionising public transport in Scotland. The bill contains the essential elements that will stimulate and nurture that revolution.

Joint transport strategies will provide a framework for local authorities and transport providers to work in partnership, providing comprehensive bus and other transport services throughout Scotland.

The Deputy Presiding Officer: I call Sandra White, following whom I shall call Robin Harper, if he keeps his speech to less than three minutes.

11:44

Ms Sandra White (Glasgow) (SNP): Unlike Karen Whitefield, I cannot say that the Transport (Scotland) Bill will introduce a revolution in transport in Scotland.

I remind MSPs and members of the public that this bill is called the Transport (Scotland) Bill—it is not a bill for local bus services. I listened to the minister's speech and to those from the back benches, and, quite honestly, I thought that they were advertisements for buses. There was absolutely no mention of anything else.

The minister said in her opening remarks that buses should be people's first choice. Well, bus lanes are fine in appropriate areas and at appropriate times, but they are not the be-all and end-all of Scotland's transport system. We cannot travel everywhere on a bus; subways and trains are involved as well.

In case the minister has forgotten, I remind her that buses also cause pollution and congestion. When she sums up, perhaps she can answer a question about the document, "Travel Choices for Scotland", which was endorsed by the First Minister. Why did she not use that document to call for an integrated transport system? She is saying that we should take the cars off the road to get rid of congestion, but we will never do that without a proper integrated transport system. The bill does not address that problem. All it says is

how to get on and off a bus.

Sarah Boyack mentioned the possibility of Henry McLeish publishing some sort of document. I will believe it when I see it. There is no mention in the bill of plans to implement schemes that are vital to Scotland's transport system. There is no mention, for example, of the M74 extension, of the Glasgow airport link or of the Glasgow north-south crossrail scheme. Why are those schemes not mentioned? The plans exist, and some of them have been costed. All that is missing is the commitment of ministers. The bill has been published without the Executive involving itself in plans for those important parts of the transport system in Scotland.

The crossrail scheme was investigated and talked about away back in the 1960s. It was on the drawing board, it had been costed and people had put in bids for it. In the Westminster Parliament, speeches on the Crossrail Bill indicated that there was a serious intention to proceed with the scheme—but nothing has been done since 1995. Why? The crossrail scheme would get rid of practically all the congestion in Glasgow city centre and would open up deprived areas of the city, north, south and west, to businesses and consumers, making life easier for residents in those areas.

The Glasgow airport link is a necessity if we are to compete in the modern world, but nothing has been said about that project. There has been no movement towards implementing those plans. Stansted airport had a direct airport link in 1991. In the past year, its passenger volume has risen by 29.4 per cent, carrying 11 million passengers. At Glasgow airport, passenger volume has risen by just 2.2 per cent. Does not that say it all?

It is not just buses we want. Of course we want more buses, but we also want a better transport system. We want a transport bill for Scotland, not a local authority bill. Kenny MacAskill said that we are going to Westminster with a begging bowl, but John Prescott has the money we need. Let us look at what Westminster has spent taxpayers' money on. Billions of pounds have been spent on the Jubilee line in London. We pay for that. We pay for the Thames bridge, and it is not even working properly yet. We also pay for the millennium dome and for Portcullis House. We pay for all that through our taxes, so why is the Executive not demanding some of that money back? Scottish taxpayers have paid for spending down south. Why should we not have some of the money that we have paid to implement the schemes that are important to the transport system in Scotland?

11:48

Robin Harper (Lothians) (Green): I have only

three minutes to speak and just three points to make—about climate change, home zones and an out-of-town parking levy.

I welcome the commitment to the environment made by Tavish Scott and Nora Radcliffe. I ask the minister whether the bill will deliver the target for the UK climate change strategy, in view of the fact that some predictions forecast a 50 per cent growth in traffic by 2030. I registered my dissent from the Transport and the Environment Committee's decision not to recommend the implementation of mandatory local transport strategies. I feel that that is the only way in which we can guarantee the statutory targets introduced under the Road Traffic Reduction (National Targets) Act 1998 in air quality management areas, and encourage the setting of new targets appropriate to the overall aims of the UK climate strategy and to the bad news about global warming.

We would have liked home zones, pedestrians and cycling to feature much more strongly in the bill. There seems to be a stand-off on home zones, with the Executive saying that it wants to try a few experiments to learn a bit more about how they would work. They have been in place on the continent for decades. We can learn from there; we do not need to have our own experiments at all.

One thing that we need to do quickly, even before we start setting up more home zones, is to introduce a legal priority for pedestrians and cyclists, as has been done in Germany and Holland, so that when there is an accident, it is clear who is responsible—the motorists, who must be made to behave responsibly.

My final point is on the out-of-town parking levy. It is clear that the bill must relate to other planning issues, the biggest of which—in the central belt at least—is, to my mind, the development of retail parks and the impact that they have on city centres and small businesses in cities. Retail parks enjoy a totally unfair advantage, because people can go to them and park without penalty. I call on the Executive to consider including enabling legislation in the bill to ensure that people using retail parks pay their fair share of overall parking levies.

I have finished within my three minutes.

The Deputy Presiding Officer (Mr George Reid): Bravo. I call Jamie McGrigor.

11:51

Mr Jamie McGrigor (Highlands and Islands) (Con): Transport is a key issue for people in the Highlands and Islands and one that has been at boiling point for the past three years, during which

time fuel prices have risen to extraordinary levels, earning the Government not only a bad reputation, but extremely large tax revenues.

People in the remote areas that I represent have had to pay higher bills than anybody and more tax each time they fill up the car or take a bus or ferry. Why, they ask, is more of the money not being put back into the roads and infrastructure in the Highlands? Instead, people are left with minimum maintenance, temporary bridges and potholes, which lead to further high repair bills. I urge the Scottish Executive to review road infrastructure in the Highlands and to spend more of the oil revenues on roads in Scotland.

Only 10 per cent of the £3.6 billion that Scotland's motorists pay in tax is spent on roads. That is a travesty. In 1995, £142 million was spent on trunk roads. Under this Government, equivalent spending in 1999 was £35 million. In 2000, it will be only £18 million. The only person who will be happy is Robin Harper, who should be dancing up and down. Spending on roads in Scotland is £34 a head, while in England it is £94 a head.

I will try to be positive. In the policy memorandum and consultation document, mention is made of a statutory integrated transport authority for the Highlands and Islands. I note that the Scottish Executive has now appointed Deloitte & Touche to examine the feasibility of such a body. It is a good idea. It would devolve power and responsibility to local areas, where local problems could be solved by local solutions. It fits perfectly with the spirit of devolution and will create jobs in Highland areas, where they are much needed.

Such a body would take responsibility for transport functions now managed by the Scottish Executive. The authority's area would match that of Highlands and Islands Enterprise, therefore including the Isle of Arran and the Cumbraes. I am sure that a more locally based body, enlightened by being more aware of the local environment, would greatly improve and bring innovative ideas to Highland transport, which is the subject of so much complaint at the moment. I am glad that consultations will be held soon, which will allow local organisations to have input into the proposals.

Mr Stone *rose*—

Mr McGrigor: Such a body would need more than one centre, but a town such as Oban, with its substantial ferry links and railhead, would seem an excellent candidate to play a big part in any Highlands and Islands transport authority.

Mr Stone: Will the member give way?

Mr McGrigor: Yes.

The Deputy Presiding Officer: Mr Stone, we are beginning to run out of time, so please be

brief.

Mr Stone: Does the member agree that other towns, not just Oban and Inverness, should be considered as a base for such a body and that the jobs would be most welcome? I would put in a bid for Thurso, which has tremendous ferry links.

Mr McGrigor: I certainly agree. I was using Oban as an example of somewhere that could benefit.

The Deputy Presiding Officer: Will the member wind up, please?

Mr McGrigor: Yes, I will.

It is disappointing that no provision has been made for such an authority in the bill, but I hope that the Deloitte & Touche study will be favourable and that further primary legislation will be enacted to create a new transport authority for the Highlands and Islands.

11:55

Des McNulty (Clydebank and Milngavie)

(Lab): I want to be positive about the fact that we have a transport bill. Under the old Westminster system, it was impossible to bring forward a transport bill for Scotland, but with the advent of the new Parliament we have one that does a number of meaningful and important things for the people of Scotland. Like Andy Kerr, I want to emphasise that the debate in committee at stage 1 was very constructive. There were points of difference within the committee, but our report is a genuine reflection of the evidence that we took. We have moved a long way towards a consensus on the minister's proposals.

I want also to be positive about the effectiveness of bus partnerships. I know that some people have highlighted the problems that are experienced in rural areas with bus services, but my constituency's experience of bus partnerships has been very positive. It has involved a dialogue with the local community about the kinds, frequency and quality of services that are currently being provided in the Clydebank area, which are very good. We have a six-minute service on the No 62 and there has been debate about the restoration of the Mountblow to East Kilbride service. Local people are very satisfied with the approach that the bus operators have adopted.

I know that the situation is not the same everywhere in Scotland, but I would like our experience to be carried to other areas. The minister and the committee are taking the correct approach in proposing a balance between partnerships and contracts. Partnerships can work effectively if there is good faith and good will on all sides.

This is about putting in place enabling legislation. We want to bring forward a co-ordinated local, regional and national strategy for Scotland, about which everybody can have their say, so that we can achieve the best outcomes for people. It is important that there is co-ordination of local, regional and national approaches and that there is a dialogue that works toward specific solutions. Members from all parties have mentioned particular projects that they would like to be taken forward. We know that we have a limited amount of money and that priorities will have to be set, but there must be full co-ordination and consensual discussion for that process to work. We cannot satisfy all requirements immediately, but we can have a balanced debate. The Transport (Scotland) Bill will allow us to do that.

I am concerned that there might be problems in taking forward the debate on road user charging and workplace charging in some areas because of the small size of local authorities. Glasgow, for example, is surrounded by a number of other local authority areas that have an interest in what Glasgow does. It is important that the people who live in those areas have a say in the decisions that Glasgow City Council makes. I hope that the minister will take that point on board when framing the enabling legislation that I strongly support.

11:58

Brian Adam (North-East Scotland) (SNP): I was very disappointed by the fact that two Liberal Democrat members—Nora Radcliffe and Jamie Stone—suggested that a car is a luxury. Many people who live in rural areas would regard it as a necessity to enable them to get to work. It was intriguing to hear that Jamie Stone thinks that the people who live in Aberdeen and its environs are so rich that they alone should be subject to a special transport tax.

In "Travel Choices for Scotland", the minister's colleagues say:

"We shall continue to ensure that the Scottish transport network is appropriate to support Scotland's economy".

Quite rightly, the minister has set her face against motorway tolls and trunk road tolls. For the sake of consistency, will she tell us that she would not wish any money that is raised from workplace charging or city entry charges to be used to fund the building of trunk roads? Will she give a commitment that the western peripheral route around Aberdeen will be designated as a trunk road? I have no doubt that for any Government to succeed, it must have the consent of the people. We have already heard, through their elected representatives, that the people of Aberdeen do not wish to know about workplace charging or congestion charging. Can the minister give us a

commitment today on the trunking of the western peripheral route and on money from workplace charges not being used to fund new trunk roads?

We have heard much rhetoric about this being an enabling bill. Quite rightly, it is an enabling bill, but I want to see further enabling bills for other aspects of local government, when we will allow local government to make local decisions. The enabling part of this bill that relates to local government enables it to take the flak for the charges—the new taxes that the Labour party wants to introduce.

Will the minister confirm that her plans for the public transport fund will help to achieve the aims and objectives that she has stated? Given the plans for 2001 and 2002, it seems as if we have not made many commitments to do anything for air improvement, cycling, walking, harbours and ferries. There are few commitments in the current plans to make such improvements.

Does the minister recognise that delivering an integrated strategy for Scotland—even if it is done regionally—will require finance? The Executive has a responsibility for providing much of that finance. The bill should not just be a means of dumping the taxes from central Government on to local government.

The Deputy Presiding Officer: My regrets to Tricia Marwick and Sylvia Jackson, who were not called to speak. We now move to winding-up speeches.

12:01

Robert Brown (Glasgow) (LD): It is perhaps an obvious statement, but this is a difficult subject. There are many conflicting priorities to be dealt with in this aspect of transport. Some of the absolutist terms that Opposition parties have used in the debate have not been helpful.

I will deal first with the Conservatives. It is fair to make the point that many of the problems that we suffer in Britain today, and in Scotland in particular, result from the lack of action and distorted priorities of the Conservative Government over the 18 years prior to 1997. I refer especially to the fetish that there was at that time with road building, to the neglect of the railways and to the disintegration of transport that took place after the privatisation of the railways and bus deregulation. We are suffering from the results of those policies now.

Alex Johnstone: Will Robert Brown remind me which new railways have been constructed since May 1997?

Robert Brown: That is a somewhat fatuous and irrelevant point. I will come back to railways shortly.

There is a sense of unreality about the debate as we see around us the problems caused by the fuel crisis. One of the interesting points has been that it has focused—perhaps unintentionally and incidentally—public debate on what we do with public transport and the sensitive role that public transport has in relation to the events that are going on around us.

It is fairly obvious that we have in urban areas—I am not talking about rural areas, where different considerations apply in large measure—congestion, gridlock and an increasing number of cars on the road; that will increase considerably in the years to come. The object of the Executive's policies is to tackle that. It is unfortunate that that has not been recognised in the Opposition parties' strategy.

I do not know where the Scottish National Party is coming from. Kenny MacAskill talks about spending policies; the SNP's transport policy seems to be about throwing money in all directions without any sense of priority. We have limited resources, which must be well spent. The issues are not all dealt with by the bill—legislation does not solve all the problems. The bill is part of a package of measures put forward by the Scottish Executive, and by the United Kingdom Parliament, to deal with those issues across the country. Of course it does not answer all the problems; no bill does. Transport policy is a mixture of legislative, administrative and financial issues.

I will move on to some of those issues. One of them, which was mentioned earlier, relates to the disabled. It is unfortunate that, in the opportunities offered by the bill, the needs of disabled people in transport have not been taken on board, not as Kenny MacAskill suggested, as a separate issue, but as a mainstream part of our consideration of transport issues. Therefore, the call of the Transport and the Environment Committee for the establishment of an integrated transport users body, which would cover arrangements for the disabled, is important.

Mr McGrigor *rose*—

Robert Brown: However, that is only a cavil against the general direction of the bill, which Liberal Democrats strongly support. Anyone who travels on our roads will be aware how high prices are.

The measures that are proposed on through-ticketing and on a more integrated approach to transport are important. However, there are many areas where we need to catch up. For example, in Glasgow, there are electronic signs at some bus stops, which should say when the next bus will arrive and where it is going, but instead say, "For further information, contact Strathclyde Passenger Transport Executive." We need measures to

provide better traffic information on buses and to sort out ticketing. Ticketing that links bus and train travel is needed.

There are a number of issues relating to the quality of buses. When I come in on the No 18 bus, there are usually people smoking and the upstairs part of the bus has been damaged.

There is also the issue of bus corridors, which is an important part of transport policy. However, they vary between cities and between transport areas. We need more investigation of how bus corridors work locally. In Glasgow, there has been much protest by local traders who, until recently, have not been involved in the arrangements for bus corridors. The damage that can be done to suburban areas if we do not get those policies right is important.

In summary, the bill will make a considerable difference, but it needs some improvements, which should be attended to at stage 2.

12:07

Linda Fabiani (Central Scotland) (SNP): The first consideration of any well thought out transport initiative has to be the integration of different modes of transport, so that each mode of transport contributes its full potential and people and goods can move easily between them. Such an initiative should also ensure that a national public transport timetable is implemented, which is coupled with improvements in bus and rail connections to airports and ferry terminals and, as Robert Brown mentioned, through-ticketing.

Those admirable statements of intent, with which the Scottish National Party agrees, were made in July 1998 by our First Minister when he had John Reid's job—I am quoting Donald Dewar from "Travel Choices for Scotland".

What do we have now? We have a crisis in our country, which was well addressed yesterday by many of my colleagues, but which can be properly addressed only when the Westminster Government wakes up to the fact that the public have rumbled its game of raising tax revenue from fuel and motorists to fund vital public services.

We also have a transport bill that does not address any of the objectives to which Donald Dewar referred in July 1998. Those objectives have been watered down so that we now have an excuse for a transport policy. Despite the hype and the rhetoric, we have a bill that covers only one mode of transport: buses. The minister says that train information is coming soon. How about some integration of research on policy?

The bill enables the establishment of local transport strategies, but is not backed up by a national strategy. Even the travel concession

schemes are not proposed on a national, let alone an international, basis. Why should an international travel concession scheme not be possible?

Part 3 of the bill enables road user and workplace parking charging. The key word is “enables”; perhaps it would be more honest to say “delegates”, as what the bill enables is the buck to be passed yet again to local authorities. Cost implications are noted in the financial memorandum, but—as is becoming the norm for the Executive—no realistic note is given of how costs will be met.

As many members have pointed out, this is a bus bill. Even on buses, the bill is disingenuous. It mentions choice for local authorities in providing bus services, and the minister talked today about local solutions for local needs. However, there is no real choice; quality partnerships must come first. Indeed, Cathy Jamieson expressed concern about that. In the bill, a quality contract will be introduced only when a quality partnership fails, and only then with the Executive’s permission. So much for the fine words about freedom of choice for local authorities; surely those best placed to make decisions about local bus services are in the locality of such services. Try telling people in East Kilbride, Kilmarnock or Hamilton that the minister knows more about their bus services than they do.

At the Transport and the Environment Committee on 21 June 2000, the minister said:

“I do not want all the local authorities in Scotland to follow their first instincts and go for contracts.”

Although the minister recognises that local authorities know what is needed, they will not be allowed to implement it.

At the same meeting, the minister said that she worried about re-regulation of the bus service. So what? Is the Labour party admitting that it was wrong to denounce the Tories for privatising the buses? How can anyone have faith in new Labour today?

Furthermore, the minister is not totally confident about her proposals for bus services. She said:

“If every local authority had contracts . . . there would be only one bus company on each route.”—[*Official Report, Transport and the Environment Committee*, 21 June 2000; c 717-18.]

Not according to the policy memorandum, which mentions a “single operator” or “group of operators”.

Proposals for workplace parking charges have been cobbled together and are, as the Transport and the Environment Committee recognised, clearly unworkable. I am glad that the minister has agreed to issue more details on issues such as exemptions.

The Executive talks a lot about joined-up government; however, let us consider the reality. National planning policy guidelines insist on parking provision for employees and visitors as part of any development. However, we will now charge employers for the spaces for which they were obliged to take responsibility in the first place. Will the planning review take that point on board?

The workplace parking charge is in fact an extra tax on business. Gavin Scott of the Freight Transport Association told the committee:

“It is not a workplace parking levy . . . it is a visitors’ . . . and everything else parking levy.”—[*Official Report, Transport and the Environment Committee*, 21 June 2000; c 773.]

There is no disincentive for the vehicle driver, and we all know that carrots work better than sticks. Where is the carrot to the employers and the motorists?

Janis Hughes asked about exemptions for hospitals. However, public buildings and further education colleges are already strapped for cash. Many mature and part-time students use their cars when they go to college. Will the colleges have to pay the tax for the spaces used by students as well as by staff? Perhaps we should get innovative and consider renting out car parking spaces owned by companies and colleges for park-and-ride facilities, assuming that we can get decent bus services first.

I am convinced that, like motorway tolling, workplace parking charges will be dropped. Both policies were lifted directly from our nearest neighbours and are inappropriate and unworkable in Scotland. They are not Scottish solutions to Scottish problems.

Congestion is a huge problem in Scottish cities. As many members have said, we cannot walk away from our responsibilities. However, although there is a case for congestion charging in cities, it can work only if alternative modes of transport are in place first. Councils have obligations; the public know the score; what we need is some national guidance to cut congestion and resulting emissions. We need a transport policy with targets for reducing climate change emissions and levels of traffic, and I ask the minister actively to consider that suggestion as the bill progresses.

I have heard nothing today that gives me much confidence that the bill will result in any real solutions for Scotland’s transport problems and environmental responsibilities. As Kenny MacAskill said, the SNP will support any serious attempt to integrate transport in Scotland and to fulfil our international obligations to the world’s environment. However, we should not pretend that there is any way to achieve those ends other than

by real commitment to the carrot before the stick. I ask the minister to get serious, get down to London and take on the Treasury.

12:14

John Young (West of Scotland) (Con): I will make an observation that I have made before. I do not think that Donald Dewar sets great store by transport, because, to the best of my knowledge, Sarah Boyack is the only senior minister of the Executive with no official deputy.

A lot of the proposals under discussion today will not be introduced before the next general election. The Executive dare not bring them in as they are vote losers in a big way. Indeed, the Executive might think that the past few days have been difficult, but they will be like a Sunday school picnic compared to what it will face if the charges are brought in.

Sarah Boyack was honest when she said that we do not have all the answers. None of us would pretend to. Sandra White talked about buses being first choice, but it makes environmental sense for trains to be first choice, where they are available.

I recently spoke to regular bus users and asked for their views as passengers. There was a great demand for conductors to be brought back. They wanted ticket machines that gave change—on many buses no change is given. Advance ticket purchasing and easily understood timetables, which have been mentioned today, were called for. Complaints were made about the fact that after 6.30 pm, on some routes, buses disappear like snow off a dyke. Neither were the bus users happy with the new bus shelters because, if the wind blows the rain in a certain direction, the person who is waiting can become saturated.

Congestion charges and gridlock have been mentioned. In essence, Labour-controlled Glasgow City Council has narrowed roads, banned cars from certain routes and extended pavements in an attempt to dissuade motorists from using their cars. In fact, those measures create congestion and damage the environment. Of course, the council is probably preparing for the introduction of congestion charging. Those measures will make it easier to collect.

Press reports in Glasgow in the past few days have indicated that the council is exploring the idea of a £150-a-year residents charge for parking in the street. A number of areas have been mentioned specifically, including the west end, Cathcart and Mount Florida. Mount Florida is in the region of Hampden and the people there have a desperate time because of the large football matches. They have nowhere to park their cars as the area is mostly made up of tenements. It is not

a wealthy area, yet it is proposed that they might have to pay the £150-a-year levy.

Cycle tax has been mentioned. However, in two years, I have seen precisely eight cyclists on the Eastwood section of the Ayr road. People in that area are not prepared to become a Chinese peasant cycling community.

City entry charges have been mentioned, but I foresee considerable difficulties in implementing them. What happens with plumbers, doctors, electricians and other people who have to criss-cross local government boundaries?

Whether we are talking about road, rail, maritime or air travel, we should remember that the decisions that we make in this Parliament could last for two, three or even four decades. In 1959, the then transport minister, Ernest Marples, opened the first motorway in the UK. Within five years, there were four additional motorways. In 1963—I appreciate that a Conservative Government was in power, but we can learn from the past—Dr Beeching's report said that we should not use 5,000 miles of the rail track, that we should close down 2,128 stations and that we should have no more than 70,000 workers in the railway system. The idea was to move from rail to road. The transport minister in 1963 said that we would have to consider widening roads to deal with the additional traffic that had been produced as a result of the Beeching cuts. Today, we want to do the reverse. That is why I say that our decisions have a considerable impact.

Integrated transport are today's buzzwords. However, integration can be taken only so far. In many railway stations in urban conurbations, park-and-ride facilities are not available as there is no space to build them in the surrounding built-up areas.

Environment is another buzzword. Yesterday, Kenny MacAskill mentioned, and I agree with him, that we are a small country and that if the USA, Russia, China, Indonesia and Brazil do not do something on the environment, the rest of us are lost. We cannot do it in isolation but we can set an example.

If Labour goes ahead with this variety of charges on motorists, the past few days will look like a Sunday school picnic. Never forget—as the Prime Minister has forgotten—that the people are the final judge and jury and that they will certainly judge the Government come general election day.

12:20

Sarah Boyack: Let me make it clear that we are discussing a piece of legislation today, not my transport investment statement. The bill does not detail every single transport investment that we

would all like—it is legislation. There is a distinct difference, and members have to accept that. This bill is not the only thing that the Executive is saying or doing on transport. I also want to make it absolutely clear that we have an integrated approach, but we need to understand the powers of this Parliament and how to exercise them effectively.

I made a point to Mr MacAskill earlier about our commitment to a national delivery plan, following the introduction of the Transport (Scotland) Bill and the expenditure statement that Jack McConnell will make next week. We have an integrated approach. Members should not expect to see each investment detailed in the bill. It is not a projects bill, but a legislative bill.

It is important to point out that the competence for legislating on rail rests with Westminster, and that the legislation going through Westminster, the UK Transport Bill, delivers us the executive devolution that allows us to deliver on rail in Scotland, and to make it part of our integrated approach.

Mr MacAskill *rose*—

Sarah Boyack: No thank you, Mr MacAskill.

That is why the east coast main line guidance, which we gave to the strategic rail authority, can be found in the Scottish Parliament information centre, and why we will be consulting next month on what the Scottish Executive will deliver in that guidance. We will be consulting MSPs on that.

It is not expected for that to be included in the bill, but that does not mean that we do not have an integrated approach, nor does it mean that we are not working on it. We will also have an input into the UK airports review, and we will be reflecting on that in our national delivery plan.

We already have transport studies under way, examining the key inter-urban corridors along the A8 and A80. That will also come under our national statement and will be part of our delivery plan.

Andy Kerr asked for a strategic approach. I believe that that is what the Executive is delivering. This is not just a bill about local buses, as the SNP has tried to caricature it to be. The whole principle of regional transport partnerships is to enable us to provide local authorities with the ability to work together.

Many of our key transport problems are not generated within the boundaries of individual local authorities. Our aspirations as a society and our travel-to-work patterns mean that our travel flows are more complex and longer, and give us more problems than we have had historically. We need to let local authorities work together, and this bill provides the framework to transform and shape

our transport agenda for the long term.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): Will the minister give way?

Sarah Boyack: No thank you, Mr Ewing.

We are bringing forward practical investment on the ground through our public transport fund and rural transport fund, as well as 350 community rural projects and investment in community transport.

The work on our public transport information 2000 project is well under way. That too does not need to be delivered through the bill.

A critical issue is the speed of investment.

Mr MacAskill: Will the minister take an intervention?

Sarah Boyack: No thank you.

Mr MacAskill and many others have talked about our aspirations in the context of Europe, and I agree with them: we need sensible car use and a world-class, high-quality public transport network. That is what the bill aims to deliver. However, there is an issue about the scale of our ambition.

I wish now to address Mr Tosh's comments. It is important that we have enabling powers, and that we target our efforts, prioritising the worst problems of traffic congestion. Our bill provides transparent, bankable guarantees on hypothecation and additionality.

Tricia Marwick (Mid Scotland and Fife) (SNP): Will the minister give way?

Sarah Boyack: No thank you.

I say to Brian Adam that it is not about substituting new money.

Fergus Ewing: Will the minister give way?

Sarah Boyack: No thank you, Mr Ewing.

It is about generating more money than we have at the moment and going well beyond the major investment that we will be presenting next week. Our measures allow us to guarantee transparency, to provide annual reporting and to engage in genuine consultation.

Tricia Marwick: Will the minister give way?

Bruce Crawford (Mid Scotland and Fife) (SNP): Will the minister give way?

Sarah Boyack: No thank you. I will address the point in a minute.

I accept members' points about the need to engage with people—

Fergus Ewing: Will the minister give way?

Sarah Boyack: No thank you, Mr Ewing. We need to engage with people and to consult properly. That is why I welcome the SNP's support such as it was and however grudging—

Tricia Marwick: Will the minister give way?

The Presiding Officer (Sir David Steel): Order. If the minister is not giving way, members must resume their seats.

Sarah Boyack: That is why we need a range of mechanisms to deliver locally.

I welcome Jamie McGrigor's comments on the proposed Highlands and Islands transport authority. We have a commitment to consult on that. It would have been inappropriate to attempt to deliver a complex range of interactions in the Highlands and Islands through this bill. The consultation and consideration needs to be undertaken properly, which is why we are undertaking it now.

Mr Stone: As the minister knows, for some time I have been advocating the idea of a regionally varied rate of VAT on motor fuel. Is she now persuaded of the force of that argument? Examples of that are already working in Europe. Would the minister be willing to make representations to her Westminster colleagues on this matter? I fully understand that it is a reserved matter.

Sarah Boyack: As I have said before, we have had regular discussions with our colleagues at Westminster on a range of issues surrounding fuel duty, and we will continue to discuss such matters.

Specific questions were asked by members of the Transport and the Environment Committee, including Robin Harper, who put the issue of home zones on the agenda. I agree that that is an important issue and that improving people's local environments, ensuring safer streets and providing safer routes to school must be elements of a wider package. Local authorities already have considerable powers over such matters, but we must carry out pilot projects and communities must be involved in them. The purpose of our pilot projects is to analyse practical experiences in Scotland and, if necessary, we will introduce legislation to support them.

Robin Harper also proposed that we take an integrated approach, to ensure that we have a level playing field. That is precisely what our planning framework is intended to provide. The provisions for charging in the bill are intended to focus on our top priority, which is the congestion that tends to occur in our cities when people are travelling to work. That is the key issue that we have to deliver on.

I welcome the support from Mr MacAskill, however grudgingly given, for providing people

with high-quality alternatives and taking an integrated approach. There must be park-and-ride facilities for buses and cars, and for buses and trains. We need to achieve a mixed approach. This bill and the Executive spending plans are designed to bring that about.

Mr MacAskill also raised a point about coastal shipping and maritime issues. Some of the powers over those issues rest with Westminster, but I am happy to say that I will introduce provisions at stage 2 of the bill to extend the freight facilities grants to coastal and short sea shipping in Scotland, to complement the provisions in the Westminster Transport Bill. That follows a series of awards that we have made throughout Scotland, and it will allow us to broaden our support and do more to move freight off the roads and on to rail or sea.

I emphasise the fact that, through our investment in the public transport fund, we have made investment in ports, airstrips and the new Corran ferry. We have also supported the Berneray causeway.

Linda Fabiani: Will the minister give way?

Sarah Boyack: No thank you.

We are also considering 26 new applications. Jack McConnell and I have been working on extra investment in transport, and we will reveal that shortly.

The provisions of this bill, in conjunction with the new transport plans that we will introduce to this Parliament, will enable us to deliver high-quality choices throughout Scotland, which will meet people's aspirations. This bill is the culmination of an extensive period of consultation and debate. Last year, we had a robust debate about our charging proposals, and we have incorporated those proposals in the bill. There are genuine and serious arguments to be had at stage 2 about the detail of our proposals, which I look forward to. However, it is striking how much shared agreement there is on the principles of this bill—that common ground is important.

We must deliver genuine transport choices for everyone, with the Executive playing a leading role. The Tories are locked into the past; we must join the main stream in Europe. What is good enough for Oslo, Amsterdam or Rome has got to be good enough for Edinburgh, Glasgow or Aberdeen. Transport policy must be about partnership, innovation, forward thinking and high investment. I commend this bill to the Parliament.

Transport (Scotland) Bill: Financial Resolution

Motion moved,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Transport (Scotland) Bill, agrees to—

(a) the following expenditure payable out of the Scottish Consolidated Fund—

(i) the expenses of the Scottish Ministers in consequence of the Act; and

(ii) any increase attributable to the Act in the sums payable out of that Fund under any other enactment;

(b) the making of road user charging schemes and workplace parking levy licensing schemes; and

(c) any payments made to the Scottish Ministers under the Act.—[*Mr McConnell.*]

Parliamentary Bureau Motions

Motions moved,

That the Parliament agrees the following appointments to committees:

Johann Lamont and Cathy Jamieson to be members of the Education Committee;

Karen Whitefield to be a member of the Audit Committee;

Kenneth Macintosh to be a member of the Subordinate Legislation Committee.

That the Parliament agrees that the Pollution Prevention and Control (Scotland) Regulations (SSI 2000/draft) be approved.—[*Mr McCabe.*]

The Presiding Officer (Sir David Steel): Before we move to decision time, I inform the chamber that I have received a request for an urgent statement by the First Minister on fuel. I have agreed to accept that under standing order rule 13.2. Unusually, I have decided to take the First Minister's statement at 2 pm. The reason is that it would not make sense to have questions on the fuel situation if a statement was about to be made. It is more sensible to take the statement first. That means that Maureen Macmillan's members' debate on screening for prostate cancer will take place at 1.30. I thank Maureen Macmillan.

Decision Time

12:32

The Presiding Officer (Sir David Steel): The question is, that amendment S1M-985.1, in the name of Murray Tosh, be agreed to. Are we 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)
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)
Scanlon, Mary (Highlands and Islands) (Con)
Scott, John (Ayr) (Con)
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)
Boyack, Sarah (Edinburgh Central) (Lab)
Brankin, Rhona (Midlothian) (Lab)
Brown, Robert (Glasgow) (LD)
Campbell, Colin (West of Scotland) (SNP)
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Crawford, Bruce (Mid Scotland and Fife) (SNP)
Curran, Ms Margaret (Glasgow Baillieston) (Lab)
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)
Finnie, Ross (West of Scotland) (LD)
Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
Gibson, Mr Kenneth (Glasgow) (SNP)
Godman, Trish (West Renfrewshire) (Lab)
Gorrie, Donald (Central Scotland) (LD)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Iain (Edinburgh Pentlands) (Lab)
Hamilton, Mr Duncan (Highlands and Islands) (SNP)
Harper, Robin (Lothians) (Green)
Home Robertson, Mr John (East Lothian) (Lab)
Hughes, Janis (Glasgow Rutherglen) (Lab)
Hyslop, Fiona (Lothians) (SNP)
Jackson, Dr Sylvia (Stirling) (Lab)
Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
Kerr, Mr Andy (East Kilbride) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)

Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North-East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 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)
 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)
 McLeish, Henry (Central Fife) (Lab)
 McLeod, Fiona (West of Scotland) (SNP)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 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)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Radcliffe, Nora (Gordon) (LD)
 Reid, Mr George (Mid Scotland and Fife) (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)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (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)
 Welsh, Mr Andrew (Angus) (SNP)
 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 18, Against 88, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The second question is, that motion S1M-985, in the name of Sarah Boyack, 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)

Boyack, Sarah (Edinburgh Central) (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)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harper, Robin (Lothians) (Green)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (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)
 McNulty, Des (Clydebank and Milngavie) (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)
 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, Mrs 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

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)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Mr Murray (South of Scotland) (Con)
 Young, John (West of Scotland) (Con)

ABSTENTIONS

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Crawford, Bruce (Mid Scotland and Fife) (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)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (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)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 61, Against 18, Abstentions 27. [MEMBERS: "Check it."] Order.

Motion agreed to.

That the Parliament agrees to the general principles of the Transport (Scotland) Bill.

The Presiding Officer: The third question is, that motion S1M-1077, in the name of Jack McConnell, on the financial resolution to the Transport (Scotland) Bill, 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)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Campbell, Colin (West of Scotland) (SNP)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (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)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Green)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North-East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 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)
 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)
 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)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 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)
 Reid, Mr George (Mid Scotland and Fife) (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)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (Nth-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (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)
 Welsh, Mr Andrew (Angus) (SNP)
 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)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Mr Murray (South of Scotland) (Con)
 Young, John (West of Scotland) (Con)

ABSTENTIONS

Quinan, Mr Lloyd (West of Scotland) (SNP)

The Presiding Officer: The result of the division is: For 86, Against 18, Abstentions 1.

Motion agreed to.

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Transport (Scotland) Bill, agrees to—

(a) the following expenditure payable out of the Scottish Consolidated Fund—

(i) the expenses of the Scottish Ministers in consequence of the Act; and

(ii) any increase attributable to the Act in the sums payable out of that Fund under any other enactment;

(b) the making of road user charging schemes and workplace parking levy licensing schemes; and

(c) any payments made to the Scottish Ministers under the Act.

The Presiding Officer: The fourth question is, that motion S1M-1180, in the name of Tom McCabe, on membership of committees, be agreed to.

Motion agreed to.

That the Parliament agrees the following appointments to committees:

Johann Lamont and Cathy Jamieson to be members of the Education Committee;

Karen Whitefield to be a member of the Audit Committee;

Kenneth Macintosh to be a member of the Subordinate Legislation Committee.

The Presiding Officer: The fifth question is, that motion S1M-1177, in the name of Tom McCabe, on the Pollution Prevention and Control (Scotland) Regulations, be agreed to.

Motion agreed to.

That the Parliament agrees that the Pollution Prevention and Control (Scotland) Regulations (SSI 2000/draft) be

approved.

12:35

Meeting suspended until 13:30.

13:30

On resuming—

Prostate Cancer

The Deputy Presiding Officer (Mr George Reid): I wish members an early good afternoon. The first item of business is a members' business debate on motion S1M-1122, in the name of Maureen Macmillan, on screening for prostate cancer. The debate will be concluded without any question being put after 30 minutes.

Motion debated,

That the Parliament supports the routine screening of middle aged men for early indications of prostate cancer, a disease which causes the second highest number of deaths from cancer among men in Scotland and which can be successfully treated if discovered at an early stage.

13:30

Maureen Macmillan (Highlands and Islands) (Lab): One of our most important jobs as elected representatives is to highlight important issues that struggle to get attention. I am therefore very pleased to have secured today's debate. I want to take this opportunity to pay tribute to those bodies that seek to raise the profile of prostate cancer, some of which are represented in the Parliament today. Prostate cancer awareness week will come to an end on Saturday, and it is only fitting that the Parliament should mark such an important week.

Some members will be familiar with the pain of having a friend or relative who has cancer. It is encouraging to note that cancer is more talked about now than at any time in recent history. For women, the importance of screening for breast or cervical cancer is recognised, but the situation is different for men.

In August, I attended a meeting of the Highland prostate cancer support group, and was left in no doubt about the seriousness of the situation. The meeting was a large gathering of men and their wives, some of whom had travelled up to 80 miles to be present. One man who was there worked for a general practitioner, but he had never heard of prostate cancer until he was diagnosed. Before I attended that meeting, I was unaware of the true situation. I was startled to learn that many patients may have had prostate cancer for up to 10 years prior to diagnosis.

Prostate cancer is the second biggest cancer

killer of men and is on the increase, yet many men are unaware of it. I can see no reason why men cannot seek screening for detection. As with any cancer, early diagnosis is crucial. Some men may be embarrassed by the symptoms, or may ignore them because they seem trivial. Whatever the difficulties, it is essential that we get across the message to men that early screening is vital if they are to stand a chance of fighting prostate cancer; if they have symptoms, they should be able to go for screening. Doctors should make their male patients aware of the cancer and offer screening to those with a family history of it. I have heard of doctors who refuse to screen patients, dismissing prostate cancer as an old man's disease.

More resources are needed for the promotion of awareness through health boards, the provision in doctors' surgeries and hospitals of leaflets produced by the Health Education Board for Scotland, television adverts and so on. That is perhaps the most obvious and easiest course of action.

Research has been done in the United States on the links between diet and prostate cancer. Our western diet may be a cause for the rise in the incidence of prostate cancer. Men must be given greater encouragement to eat healthily, to use food supplements such as selenium and to take vitamins E and D. That approach can reduce the incidence of cancer by 50 per cent, according to recent research.

The second issue is that of the most appropriate screening test. I know that the prostatic specific antigen test, which is a simple blood test, is not infallible—there are false positive and negative results. However, I am told that results can be very accurate when the test is combined with other tests, such as direct rectal examinations, or when a series of PSA tests are taken, allowing the increase or rate of increase in the antigen to be determined.

A group in Scotland is researching ways in which to improve screening. Funding for that research is important. Some people maintain that the research has already been done in other countries and that we do not need to reinvent the wheel. However, I believe that men must be encouraged to ask for screening and that research from other countries should be taken seriously.

There is also a debate on how best to treat the cancer when it is discovered. There seem to be different types of prostate cancer—some attack aggressively, while others can lie dormant for years. The most appropriate forms of treatment will be established only when there is greater research. Some pharmaceutical companies are conducting clinical trials, but a more concerted effort is needed, which will require Government, companies and patients to work together. At the

moment, there seems to be no consensus on treatment and some health boards seem unnecessarily draconian. Quality of life is paramount in the treatment of prostate cancer.

For too long, the perception that prostate cancer has been forgotten has been allowed to persist. Action on some of the issues that I have raised today could change that. The Parliament can play a role. I urge the Health and Community Care Committee to consider the issue so that we can show that men who suffer from prostate cancer have our support. We must promote awareness of prostate cancer and encourage more research into screening and treatment. As a first step, we must at least promote screening for men who have a family history of the disease.

The Deputy Presiding Officer: Four members have asked to speak from the floor. That will be possible if they keep their remarks to three and a half minutes.

13:35

Brian Adam (North-East Scotland) (SNP): In a previous existence, I worked as a clinical biochemist in the national health service so I am aware of the difficulties that are associated with some of the screening procedures for prostate cancer. It is true that the test for prostatic specific antigen is not on its own a diagnostic test, but it is useful for monitoring the disease process; as the level of the antigen rises, clearly something active is happening and intervention can be made.

The test is a useful tool in helping to determine the likelihood of someone having the disease. Certainly, if the test were more widely available, many concerns would be eliminated. Such testing would not exclude the possibility that prostatic disease was present, but at least it would mean that that was unlikely. If someone has raised levels of antigen, the likelihood of them having the disease is high.

Screening programmes are available for a variety of diseases, but it is unfortunate for men that screening for prostate cancer is not more widely available and more widely encouraged.

I welcome the fact that Maureen Macmillan has brought this subject before Parliament today, and I whole-heartedly endorse the campaign, in spite of the weaknesses in the tests that are available. Those weaknesses highlight the fact that more research must be done to improve the techniques for diagnosing the disease. In the 25 years that I worked in the health service, significant improvements were made. The PSA test is much better than some of the earlier tests, which were weak. Undoubtedly, as we devote time, energy, money and resources to the science, we will come up with better diagnostic tests.

13:37

Nick Johnston (Mid Scotland and Fife) (Con):

I thank Maureen Macmillan for raising this subject, and congratulate her on securing the debate, especially during this special week.

Like many cancers, prostate cancer suffers from the silent treatment. According to Professor McVie of the Cancer Research Campaign:

"If more people talked about the disease we could raise awareness and save lives."

I first became interested in the subject following the death of one of my friends, at the tragically early age of 60, from complications caused by prostate cancer. In December, I asked the Executive a question regarding research into prostate cancer and was given the figure of 3,644 deaths from the disease in Scotland between 1994 and 1998. *The Herald* of 12 May gave the figure of 2,000 deaths a year.

A by-product of my question was raised concern about the commitment to the screening of men in Scotland. As is often the case, one thing led to another and facts began to emerge. The Scottish five-year survival rate of 48 per cent compares with 86 per cent in the USA. Dr Richard Simpson told me that that is because the USA usually resorts to radical surgery. Cases of prostate cancer have risen by 49 per cent since 1986, compared with a rise of 27 per cent in the same period for breast cancer. Apparently, 100,000 men have died in the UK from prostate cancer since 1990.

The current policy, described as watchful waiting, has been followed so far because of the risks of the side effects of treatment, such as impotence and incontinence, and uncertainty about the PSA test. Unfortunately, there is no evidence that PSA screening reduces mortality, but studies show that PSA testing strongly predicts cancer deaths. It is acceptable and feasible to screen for PSA, and urgent studies to evaluate its potential have been called for. As Maureen Macmillan and Brian Adam said, there is evidence that early detection leads to good survival rates. In Austria, a trial that screened 65,000 men led to a 42 per cent decrease in the number of deaths. Where screening was not offered, death rates remained unchanged.

However, there is hope. Yesterday, I was given information by Dr Alexander and Dr Habib of the University of Edinburgh, which points out that it is less certain that current screening methods have the same benefits as breast screening. The test that is used does not differentiate between men who have prostate cancer that requires treatment and those who do not. Often, prostate cancer does not cause any clinical problems. It is also extremely common. Studies show that eight out of

10 80-year-old men have the disease, but many of those men will never know that they have it and will die of unrelated causes.

On the other hand, if the cancer is detected and treated, treatment itself can lead to serious complications. What is needed is a screening test that will distinguish those men who have prostate cancer that is likely to advance to a life-threatening disease, so that they can be given the necessary treatment.

It is to be hoped that the research that is being carried out at the University of Edinburgh will lead to a test that can predict which men will succumb to this life-threatening disease.

An e-mail that I received yesterday said:

"Spending on women's health is eight times greater than spending on men's health. According to the Government's 5-point plan, there should be equal access to the highest standards of care and equal access for new treatment. We think it is not unreasonable to ask that men be given the same equal consideration as women."

It concludes:

"I was 48 when I was diagnosed with advanced prostate cancer. I don't want my son or anyone's son to miss the opportunity for successful treatment if prostate cancer should strike at them."

That plea should strike a chord in the Scottish Parliament.

13:41

Nora Radcliffe (Gordon) (LD): I, too, commend Maureen Macmillan on securing this members' business debate. We have won the battle to raise awareness of breast cancer; we have the same battle to win on prostate cancer.

Routine screening should be available. I was contacted by the Aberdeen and north-east prostate cancer support group with the same statistics that have just been quoted about the effectiveness of a screening programme in Austria. Screening for prostate cancer could lead to earlier detection of tumours, before symptoms present themselves. Long-term survival increases with early detection and treatment.

I commend the motion and hope that we can do for prostate cancer the good work that has been done for breast cancer.

13:42

Colin Campbell (West of Scotland) (SNP): I thank Maureen Macmillan for lodging the motion.

We recognise that people sometimes fall through the social work and community care nets. In my experience, they also fall through the education net, not always as a result of any flaw in the net, but because of human error or because

the networks are overstretched.

The problem with prostate cancer is that there is no net for potential sufferers to fall through. There are not even the threads of a system of screening. It is clear that there are no immediate plans to provide such a system, although I am sure that everyone's intentions are honourable. However, intentions are not enough. Time is of the essence. As Nick Johnston did, I will read from an e-mail that I received this week. I am a year older than the person who wrote it.

"I am a prostate cancer patient, diagnosed last year a few months before my 60th birthday. The tumour is too far advanced for surgery. As such, may I implore you to support the motion for screening for prostate cancer that has been tabled by Maureen Macmillan's office and which has been selected for debate in the House this Thursday, 14th September.

It is too late for myself but could help save others by catching the disease early."

That e-mail is the best argument there is for supporting Maureen Macmillan's motion.

13:44

Mrs Margaret Ewing (Moray) (SNP): I add my congratulations to Maureen Macmillan on securing the debate. She is an assiduous pursuer of members' business and has touched on many issues that impact on the lives of all our constituents.

As we know, prostate cancer is known as the silent killer. I understand from the statistics that one in every 12 men runs the risk of contracting prostate cancer during their lifetime. It is the most common cancer in men.

It has been interesting to watch how the subject has been dealt with in Parliament. I have in front of me a substantial list of parliamentary questions on the subject that have been asked by members of all parties over many months. I see the Minister for Health and Community Care nodding—she is obviously well aware of those questions. In anticipation of today's debate, all of us have received e-mails, letters, faxes and telephone calls, not just from our constituents but from many other people and interested organisations.

In the interests of brevity, I will not repeat points that have been made. However, I will turn to an e-mail that I received this morning from one of my constituents, Ronald Pittendrigh from Fochabers, who works as a cancer therapist and counsellor. My colleague Brian Adam and other members may know of Mr Pittendrigh, as he does voluntary work for CLAN—Cancer Link Aberdeen and North East. It might be useful to put Mr Pittendrigh's e-mail in the library, as it contains so much information. I will pick out an extract that may be helpful to the minister when she responds to the

debate.

"I was a guest speaker at the Scottish National Conference of Cancer Carers a couple of weeks ago in Crieff. As always, I spoke of the unnecessary deaths caused by the silent killer, Prostate Cancer. I spoke of the need for regular PSA tests for all men over 45 or 50.

Afterwards, five of the men present came up to me individually, to talk about their symptoms.

Two of the men seemed in real danger, but as a non-medical person I could only urge them to see their doctor and ask for a PSA check urgently. The other three men were worried about their nocturnal urine frequency. Sometimes this is just an indication of normal benign prostate enlargement"—

many of us are aware of that.

"I suggested that they also get a PSA check up . . . just in case. It is very important to remember that men can have a very advanced tumour, with secondaries, and be totally unaware of it . . . until it is too late."

Mr Pittendrigh also highlights the lack of support facilities.

As Maureen Macmillan, Nora Radcliffe and Nick Johnston rightly said, in addition to research, much information is available already for examination. We must also examine the PSA test, to determine whether it is possible to implement a screening facility for men over the age of 45. We should also consider how best to offer support to the support groups that do so much to help people after they have been diagnosed, when they are often suffering and in acute pain, with all the distress that that can cause their families.

The Deputy Presiding Officer: I call Susan Deacon to respond to the debate on behalf of the Executive. Minister, you have quite a lot of time—about 14 minutes. You may speak until the First Minister's statement at 2 o'clock or, if you finish before then, I will suspend the meeting for a few minutes.

13:47

The Minister for Health and Community Care (Susan Deacon): I am grateful to Maureen Macmillan for raising prostate cancer as a matter for members' business. I am also grateful for the speeches of other members in the cross-party debate.

Since the establishment of the Scottish Parliament, a number of members have taken an interest in prostate cancer—I have also taken an interest in the issue and examined it in some detail. I assure members that my interest will continue.

I hope that the debate will help to increase understanding of prostate cancer, given that the disease is diagnosed in more than 1,800 men a year in Scotland, as other members said.

I stress that the Executive is committed to tackling cancer in all its forms and in the most effective ways possible. We are investing a great deal of time, energy and resources in this area and we will continue to do so. Screening is included in that work, as is, in particular, the putting in place of effective screening programmes that will detect cancers reliably and early. Early detection means that treatment can start earlier, which, in turn, is likely to lead to more successful outcomes. In short, the Executive is pledged to ensure better prevention, earlier diagnosis and faster and better treatment for cancer in all its forms.

As far as the introduction of routine prostate cancer screening is concerned, it is important that I set out some of the issues that I must take into account, including, in particular, some of the limitations of population screening, as well as the benefits. It is also important that members are clear about the basis on which the Executive reaches decisions in this area.

As was noted earlier, a screening test is not a diagnostic test. Screening is aimed at apparently healthy people, so that the small number who may develop cancer can be detected; they might then be diagnosed and receive effective treatment sooner rather than later.

The Executive is given expert and independent advice on screening programmes by the National Screening Committee, a UK expert committee with Scottish representatives. Work continues all the time to investigate screening issues. In considering new possibilities for screening programmes, the National Screening Committee works to criteria that include two key requirements: first, that there should be a screening test that is accurate, simple, quick and easy to interpret; and secondly, that there should be a recognised and clinically effective standard treatment for the condition. At present, the National Screening Committee's advice is that the test and treatment for prostate cancer do not meet either of those key requirements.

I recognise the widespread concern about prostate cancer. Like other members, I have seen its effects at close quarters, so I understand why people are searching for the most effective way of making progress. I therefore understand the attraction of a routine screening programme of the kind that has helped so much in the fight against cervical cancer and breast cancer.

However, I stress that, in the case of prostate cancer, the issues are different. The available tests have not been found to be reliable enough. They cannot always distinguish between prostate cancer and other conditions, such as infection, or between different types of prostate cancer. As members have mentioned, current treatments for

prostate cancer have serious side effects, including impotence and incontinence. On the basis of advice and consideration by the experts on the National Screening Committee, it has been concluded that we cannot rely on a national screening programme to deliver the benefits that we have seen for some other cancers.

Prostate cancer is a complex disease, which behaves in different ways in different men. Prostate cancers grow at different rates; some grow very quickly, while others grow very slowly and may never cause problems in a man's lifetime. Currently available tests cannot differentiate between the more aggressive and the slower-growing prostate cancers. The appearance of both in the test results is the same, which makes the evaluation of prostate cancer screening difficult.

In most other cancers, a positive diagnosis would result in a decision to treat immediately. In prostate cancer, however, the treatments themselves may cause significant unwanted side effects. Those are some of the reasons why the situation with regard to prostate cancer screening is different to that for screening for other cancers.

Mrs Margaret Ewing: I do not claim to be a technical expert on the subject, but the information that I have received states that, although a PSA screening result of level 4 is acceptable, a result of level 7 or 12 would require immediate further investigation. Surely that would be at least a first step towards ensuring that we can spot prostate cancer at an early stage.

Susan Deacon: The issue of PSA is important and I shall go on to say more about that in a moment. However, while Mrs Ewing was speaking, some of her colleagues were shaking their heads. Although it is important that members of Parliament raise issues that are important to the people we represent, we must look to the best possible medical and scientific advice that is available before making policy and investment decisions about how to progress.

Men with prostate cancer tend to have higher levels of PSA in their blood than is normal. However, some men who have prostate cancer do not have raised levels of PSA, and two thirds of men who have raised levels of PSA do not have prostate cancer. Raised levels of PSA can be caused by other conditions affecting the prostate gland, such as infections. It is important to understand that a great many men who develop prostate cancer and have an elevated PSA level do not, in fact, go on to develop clinical signs of symptoms of the disease. The tumour remains within the prostate and does not grow or spread. The current PSA test cannot distinguish between those cancers, and a large number of men might be treated inappropriately if we were to rely more

heavily on PSA testing.

It is important, however, to emphasise that men who have symptoms indicative of prostate cancer or a family history of the disease can be offered the PSA test, along with full counselling and information about the risks of the test. We will continue to investigate and to assess the situation based on the best research available.

Brian Adam: Will the minister take an intervention?

Dr Richard Simpson (Ochil) (Lab): Will the minister take an intervention?

The Deputy Presiding Officer: We will take Brian Adam first.

Brian Adam: I appreciate the difficulties that are associated with the PSA test. Will the minister indicate how the Executive hopes to improve diagnostic capability for prostate cancer? What help is she prepared to give to research projects that aim to make the test more successful? Does the minister agree that if a test result shows a raised PSA level, and the test is then repeated within a reasonably short period of time and the level has risen further, that is most helpful in indicating that some kind of disease is active and that intervention is needed?

The Deputy Presiding Officer: Dr Simpson, did you want to intervene on the same point?

Dr Simpson: Yes.

The Deputy Presiding Officer: We will take both points in that case.

Dr Simpson: I apologise to members for arriving late. I had another meeting. I congratulate the minister on her exposition of a very difficult subject.

Will the minister indicate her support for a research project into prostate cancer screening? The window of opportunity to carry out such research is small—it has almost gone. Such research cannot be done in America, as they are too far advanced. There is just the possibility that it could be done in the UK. PSA is not appropriate as a screening test at present.

I should have declared an interest—I have a grant from the Scottish Executive for research into prostate disease.

Susan Deacon: I am grateful to both members for their comments. I fear, however, that we have been lulled into a false sense of security about the time. Having been given extra time, I am concerned that we may now run out. I will attempt to address the comments raised by Brian Adam and Richard Simpson by considering some of the wider work that is under way.

We are all agreed that there is a need for us to learn more about the disease, to improve testing techniques and to achieve greater clarity about treatment. That can only be a good thing. There has been a drive within the NHS in Scotland and in England for some time to take action in all those areas. Much of that work was encapsulated in the recent prostate cancer action plan, published by the Department of Health last week. The Department of Health expert group that drew up that plan included one of our expert advisers, who also works closely with the Scottish cancer group. The actions that are outlined in the plan and the additional research that is proposed will be of benefit to men throughout the UK, not just in England. That is only one example of our involvement in, and commitment to, the fight against cancer in general, and prostate cancer in particular.

In the few minutes that remain, I will give members a few examples of other work that is under way. An expert advisory group has been set up by the Scottish cancer group to examine the recognised and difficult challenges in treating prostate cancer. The group is expected to report early in 2001 and is likely to make recommendations on further research requirements, treatment and the education and training of specialists.

In addition, the Executive remains committed to improving services with faster, better diagnosis and treatment for everyone with cancer, more one-stop clinics, shorter waiting times and up-to-date equipment. As evidence of that commitment, eight one-stop prostate assessment clinics have been established. There have been investments in diagnostic and treatment planning equipment for cancer and there is a modernisation programme for radiotherapy equipment, all aimed at shortening waiting times and improving patients' experience.

For prostate cancer, as well as other urological cancers, we have invested in a nationwide programme of clinical audit, which will, for the first time, provide a comprehensive picture of patient pathways, treatment and outcomes. More widely, the preliminary results from the European randomised study of screening for prostate cancer, although not expected until 2009, will give an indication of whether population screening for prostate cancer is effective in reducing mortality rates.

A proposal for a UK prostate cancer screening trial is currently being considered by the Medical Research Council. Scottish research experts are actively involved in that.

I hope that those examples serve to indicate the Executive's commitment to taking work forward in this important area. We must acknowledge that

improvements to the current testing techniques and treatments are required before further consideration can be given to a routine screening programme. Such improvements will not happen overnight, but we are seeking them actively. I acknowledge the desire, expressed in today's debate, that we should do so with determination and urgency. I am pleased to give the commitment that the Executive will do just that.

Fuel Situation

The Presiding Officer (Sir David Steel): The next item of business is a statement by the First Minister on the developing fuel situation.

14:00

The First Minister (Donald Dewar): I thought that it was right for me to keep colleagues up to date on the latest situation. I am grateful to the Presiding Officer for making that possible and for accommodating what will be a brief statement. I apologise to the leaders of the other two main parties, who would normally receive a copy of the statement in advance. As they will appreciate, circumstances have been difficult and I was anxious that our news should be as up to date as possible.

I am very pleased—relieved might be the word—to report that the protesters have now left Grangemouth refinery and that common sense has prevailed. This morning the activities at Inverness also ceased, which is important.

However, I must emphasise the seriousness of the situation and the difficulties that remain. We were taken to the edge and even now there is likely to be a great deal of inconvenience, dislocation and financial loss, which I regret. Efforts are being made to get supplies back to normal as quickly as possible. I understand that extra tankers and drivers have been rostered at the Grangemouth refinery and that tanker loads are leaving the refinery every few minutes. However, it will take some time to make up lost ground. The assessment that we have been given is that it may be early next week before supplies are restored in all parts of the country.

The deliveries that are being made are going to priority users, including emergency and essential services and utilities and transport services, as well as to the 350 designated filling stations across Scotland. This afternoon we shall issue guidance to all concerned, to ensure that the fuel available at those filling stations goes to priority users. Priority users include people involved in milk transportation, a group to which one of my Conservative colleagues referred.

The success of this operation depends on good will and tolerance. I hope very much that that will be forthcoming, as I am sure that people understand the reason for the measures that we are taking. I appeal to the public to refrain from unnecessary purchases of fuel and other goods, such as foodstuffs. Panic buying is a very human activity, but it is unhelpful and deepens the atmosphere of crisis. It will only prolong the problems that the protesters have caused. Great

efforts have been made by the Executive to ensure good order and to help with particular difficulties in industry.

I know that there will continue to be some difficulties until early next week as a result of the activity at Grangemouth. I thank the general public for their forbearance thus far and ask them to help to ensure that those who need supplies of fuel most urgently are allowed priority on the forecourts.

It has been an enormously difficult time and there are doubtless lessons to be learned. Demonstrations have taken place all over Europe—in France, Germany, Belgium and Spain—but the extent of the problem does not diminish the very real difficulties that we still face.

Mr Alex Salmond (Banff and Buchan) (SNP): I thank the minister for his statement, a copy of which I managed to obtain a minute or two ago.

First, does the First Minister have enough information to tell the Parliament that the 48-hour crisis, of which he spoke yesterday and which could potentially affect industry and the health service, can now be averted?

Secondly, the First Minister said that this afternoon new instructions would be issued for ensuring emergency supplies of fuel for categories of industry, social work and the emergency services. Is he concerned that the system is not working smoothly at the moment?

Thirdly, to avert the panic buying of which he spoke, can the First Minister give an indication of the time scale within which it is expected that petrol will be generally available at the stations?

Lastly, the First Minister spoke of lessons that should be learned from this dispute. Can he give us an indication of what lessons the Government might be learning?

The First Minister: I will take the constructive points that Mr Salmond made at the beginning. I say to him that I did not use the word “instructions”; I used the term “guidance”. We are not trying to instruct, because we do not have powers to do so. We are writing today to a number of key bodies to ask them to distribute guidance about what is happening on the forecourt and how priority users can get some measure of priority. I cannot say at this stage how successful that will be. It would be wrong of me to be tempted to prophesy precise time scales.

I have to tell colleagues that I understand that there have been suggestions of some trouble on the forecourt in certain areas, but I think that that is very limited. On the whole, tempers are good. I hope that the relief, which I think is widely felt, that we have not been plunged over the edge into the kind of crisis that seemed imminent will stand us in

good stead in seeing through the next few days.

As for the 48-hour crisis in the health service and other areas, it is again difficult for me to make predictions, but I hope and expect that the situation will get better over the next three or four days as we move back towards normalcy. Certainly, I hope that acute crisis and difficulty in, for example, the health service can now be avoided, but I do not want anyone to take that as a guarantee that there will be no difficulties in any part of the service—that would be an extremely silly guarantee to give, as it may well not hold. I assure the chamber that we will do everything possible to minimise any disruption, difficulty, inconvenience and hazard to patients.

On the general point at the end of Mr Salmond’s question, I think that there is a very difficult problem. I referred to the fact that there had been a sweep of demonstrations across Europe. Some people might even describe what has happened as a copycat phenomenon that started with the French. I do not necessarily endorse that definition, but it is clear that there has been a widespread reaction. I endorse what has been said about the need to examine it carefully.

I do not make an easy point but, although Mr Salmond went much further than Mr Swinney on the SNP position, he was still talking about a reduction in duty of just over 2p. If members believe that the difficulties are as ingrained as some commentators and some of our political opponents have suggested, it would be an interesting debate as to whether such a reduction would be likely to change circumstances.

Governments must act responsibly. The Executive does not have responsibility for this area of policy, but any Government must act responsibly and make the proper economic calculations, consider carefully the balance of fiscal policy and do what it thinks right in the interests of the country.

David McLetchie (Lothians) (Con): I am sure that all members of the Parliament and the public appreciate the fact that we have now had statements from the First Minister on two successive days on the fuel crisis and that we had a full-scale debate in the Parliament yesterday. In the light of that, does the First Minister think that the Prime Minister should follow his example? Will he advise him to agree to a recall of Parliament, as Mr Hague and I believe some Liberals have requested, so that there can be a full-scale debate at Westminster on the crisis and its consequences? After all, the root of the crisis is a matter that is reserved to the Westminster Parliament, as I am sure the First Minister will acknowledge, and some of its consequences have UK dimensions and not simply devolved ones.

Secondly, I think that the First Minister might agree with me that it is necessary in these situations to act responsibly and use temperate language. Could I ask him to reconsider his use of the words "blockade at Grangemouth" in the statement that he has just made to Parliament?

The Deputy First Minister and Minister for Justice (Mr Jim Wallace): He did not say it.

David McLetchie: I am afraid that it is down here in black and white. The First Minister may have had second thoughts about it; if so, second thoughts are indeed desirable. To describe a perfectly lawful and peaceful protest as a blockade is not helpful; indeed, it is no more helpful than the intemperate use of words by his deputy, who yesterday described what was happening as "mob rule".

The First Minister: I think that we are seeing a statesman being born. If there is anyone in the chamber who is noted—and at times it is an endearing characteristic—for his use of intemperate language, it is David McLetchie.

I have been extremely concerned about the situation over the past 48 hours. I made the point forcefully yesterday that there was no physical blocking of the exits and entrances at the refinery, which—I have to be honest—made it doubly frustrating that there was no movement. One can argue—although I do not want to debate the question here—why there was no movement, whose fault it was and the extent to which intimidation or other causes may have been at the heart of what happened.

In passing, I would like to thank the officials of the Transport and General Workers Union, who spent a large part of last night in the plant trying to facilitate a return to normalcy.

On the other point that the honourable gentleman—[*Interruption.*] I am sorry; I should say Mr McLetchie. That was merely an attempt to recover proper etiquette, and not a moral judgment.

The Presiding Officer: I hope that we are not entering a long discussion on whether Westminster should be recalled, as that has nothing to do with us.

The First Minister: Briefly, I will say that there is a difference, in that Westminster is in recess and we are not. Whether we would have summoned back this Parliament if it were in recess is an interesting hypothetical argument. The recall of Westminster is not our business, but a matter for the Prime Minister and no doubt for the representations that Mr Hague is very publicly making.

Elaine Smith (Coatbridge and Chryston) (Lab): I thank the First Minister for his statement. I

am sure that everyone in the chamber is very relieved by what he said. Does he agree that, no matter how this situation arose, it has shown clearly that we cannot afford to be wholly dependent on a finite fossil fuel that is controlled by a few multinationals? What steps can be taken to provide access to, and promote the use of, alternative forms of fuel for the future?

The First Minister: There are many possibilities flowing from recent circumstances that will have to be examined with great care. The Executive certainly wishes to encourage alternative and sustainable fuel resources—I know that Sarah Boyack and her colleagues are working very hard to do that. The percentage of our total energy supply that comes from such resources, including the contribution from hydroelectricity, is comparatively limited. It will certainly be a long time before such resources significantly affect our dependency on oil.

The Presiding Officer: I remind members that, as this is an emergency statement, questions should be confined to the issues that are raised by the First Minister and should not raise wider matters.

Dorothy-Grace Elder (Glasgow) (SNP): The First Minister will have noticed that the Westminster Parliament is on holiday, despite the fact that that Parliament has control over fuel duty. The Scottish Parliament is working and Scotland produces the oil, but we have no control over fuel duty. Will the First Minister demand of the Prime Minister that the setting of the rates for fuel duty should be removed to this working Parliament from a bunch of holidaymakers in London?

The First Minister: No. That question simply illustrates the fundamental differences between Dorothy-Grace Elder and me.

Lord James Douglas-Hamilton (Lothians) (Con): What detailed priorities for distribution have been agreed with the oil companies? Is the First Minister satisfied that the terms of the agreement will be kept?

The First Minister: There is an understanding that the first petrol stations to be supplied will be the designated filling stations, of which there are about 350 in Scotland, with a very wide geographical spread. As I explained in my statement, we are writing to operators and to a number of key bodies to explain our anxiety to ensure that essential users will not be prejudiced but will be given a certain priority in those petrol stations. A pretty comprehensive list, which is the result of activity in the Department of Trade and Industry over the past day or two, forms the basis of our advice and guidance.

I should say to Lord James that there are many splendid independents in Scotland and I cannot

predict whether everyone will agree with the priority list and operate it fully. I am sure that the majority will. I hope that we will not get impersonation—people who claim to be what they are not—or anger on the forecourt, which can clearly lead to difficulties and unpleasantness.

Mr Kenny MacAskill (Lothians) (SNP): I was grateful that the First Minister mentioned guidelines and guidance in his preliminary statement and in his response to Alex Salmond's question. However, it is all very well saying that the fuel will go to priority users and that success depends on good will and tolerance, but success also depends on clear and precise guidelines. A colleague has advised me of an incident last night in the west of Scotland in which a manageress, whose petrol station was queued out, with three police officers controlling the traffic jam, phoned BP for guidance and was told to take the police's advice. When she spoke to the police, she was told that they were there to assist the manageress in enforcing her decisions, not to make the decisions. What are the guidelines? Who are the priority and essential users? I ask the First Minister to spell out those points so that others—not just that manageress—will not be left having to make decisions that might present difficulties and have consequences for which they cannot be expected to take responsibility.

The First Minister: We are dealing with a situation that I hope is improving, and an improving situation makes such problems much more manageable. Kenny MacAskill shakes his head. I hope that he is not suggesting that the situation is not going to improve or—worse—regretting that it is an improving situation.

A guidance on priority purposes that is being sent out with the other guidance mentions 29 categories of priority worker, including a number about which I was asked yesterday. That guidance will be in the hands of the people who have to take such decisions. The important thing is that the understanding and tolerance of the general public will improve the situation.

I hope that there will also be restraint and that people will not fill up if it is not necessary. At the moment, when people see that petrol is available, they rush in and fill up. If they can last for three or four days without doing so, they will know that, by that stage, the supply will be more adequate and available. Good sense and temperate behaviour on both sides will see us through, and I hope that we will get it.

Miss Annabel Goldie (West of Scotland) (Con): I appreciate the First Minister's attempts to reassure the Parliament and Scotland about the next three or four days. However, the boil has simply been lanced; the sepsis is still there and will not go away.

I am concerned by the second last sentence of the First Minister's statement, which says:

"It has been an enormously difficult time and there are doubtless lessons to be learned."

I am given to understand that we are currently in a period of tacit peace. Apparently, the protesters have indicated their intention to resume difficult circumstances in 60 days' time. Has the First Minister any comment on that in the light of the phrase "lessons to be learned"?

The First Minister: Of course, I have heard press reports and seen television reports about the remarks to which Annabel Goldie refers. As she knows—and as I think that her party will agree—I believe that Governments must take honest decisions, balancing the fiscal necessities and possibilities with social justice. I count on the Government of the day—which I happen to support, although I hope that any Government would do the same—to take exactly such decisions. The Government cannot be stampeded into instant decisions. That would be unfortunate and, when people had had time to think about the matter, would greatly diminish confidence in the stability and good sense of our parliamentary system.

I have no doubt that the Government will listen and consider, as it did when it abandoned the fuel duty escalator last year; when it took a very large sum out of vehicle excise duties for haulage lorries; and when it announced a major programme of road improvements running to hundreds of millions of pounds. That record is very much more substantial than perhaps people on the demonstration lines have recognised.

As I am sure Annabel Goldie appreciates, this is about not only petroleum tax revenue, but vehicle excise duty, the impact of road tolling, which is common in continental countries, and so on. The issue becomes much more complex. Of course Gordon Brown and his colleagues will have to examine it carefully, but they must come to wise decisions based on the balance of interest.

Nora Radcliffe (Gordon) (LD): What has been telling about the past few days is the speed with which the situation for people, services and businesses moved from inconvenience to the prospect of real harm. What plans does the Executive have to examine the events of the past few days with a view to putting in place contingency and emergency plans for possible future occurrences?

The First Minister: That is a fair point. Last night, members of my private office, senior civil servants and people from the departments that deal with energy and attendant matters were in the office very late trying to ensure that we had in place emergency provisions and emergency lines

that could pick up pinch points and deal with particular points of pressure. That is sensible, but we should review whether our machinery in that respect is as adequate as it can be and determine whether it can be strengthened and improved.

When the economic life-blood of the country is being cut off, panic sets in and people become fearful for the future. In such a situation, the best system in the world for alerting authorities and taking immediate remedial action will become inadequate. That is why, above all, we want to avoid the situation happening again.

John Scott (Ayr) (Con): Will the First Minister assure the chamber that bus companies, particularly those that serve outlying villages and rural areas, will be given priority in the distribution of fuel?

The First Minister: Bus companies have been one of the particular areas—I was going to say targets, but that is an unfortunate word—that have been prioritised. That is the case not only in rural areas but in Glasgow and Edinburgh. As members know, night services were being cancelled this week and great efforts were being made to deal with that. Those are priorities. We are trying hard to deal with some of the industrial problems that Henry McLeish's department is aware of outwith the priority purposes guidance that we have issued. We are trying in every field to be helpful in this, but the most helpful thing of all is to keep tankers coming out of Grangemouth, one every three or four minutes. We need that to happen solidly over the next few days.

Bristow Muldoon (Livingston) (Lab): I note that, in the wake of the recent fuel shortages, several of the oil retailers have announced price increases. Does the First Minister intend to raise that issue in his discussions with the Prime Minister to ensure that the UK Government places the pricing strategies of the oil companies and the retailers under appropriate scrutiny to ensure that excessive profiteering does not take place?

The First Minister: I have an enormous amount of sympathy with the point that Bristow Muldoon has made. I was astonished to learn that Esso had put 2p on the price at the pumps today. It seemed to me to be a counterproductive act. As far as I know—and I say this with a little care—all the signs are that the oil price is shading. That makes the price increase even more difficult to explain. I suspect that there will be a great deal of concern over the issue. Many people will want to be sure that it is not a matter of trying to recoup the costs that have resulted from the activity over the past few days.

I have been passed a note that may help. Lothian Buses will be virtually back to normal on Friday; FirstBus has no problems and no

restrictions; Stagecoach western expects to return to full service tomorrow; and Rapson's Coaches hopes to run its services in the north of Scotland unaffected. The situation is improving. The big cities were where the first difficulties arose.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): Does the First Minister agree that the overwhelming majority of people who have participated in or supported the protests have done so in a peaceful and orderly way? Does he agree that for anyone—including the Deputy First Minister—to characterise their behaviour as “mob rule” is purely inflammatory?

Does the First Minister agree with the Chancellor of the Exchequer, who believes that the rate of fuel duty needs to be increased? The chancellor and the Labour party are committed to increase duty by at least the rate of inflation in the forthcoming budget.

The Presiding Officer: Order. I said earlier that this was an emergency statement and that questions should relate to it. However, Mr Dewar may want to comment on aspects of Mr Ewing's questions.

The First Minister: I think that we will have to analyse exactly what happened. Over the past two or three days, I have met an enormous number of people representing a number of interests in the dispute. I agree—I made this point yesterday—that there were no obvious signs of intimidation at Grangemouth at the time—no signs at all, in fact. However, if Fergus Ewing were to talk to the drivers, they would tell him that intimidation or the fear of intimidation, of which they say there was real evidence outside the immediate vicinity of Grangemouth, was one of the main reasons why it was so difficult to get the tankers moving. I do not pass judgment on that, but it is perhaps a warning against an over-simplistic approach.

Robin Harper (Lothians) (Green): Will the First Minister recommend that, in order to conserve the scarce resources that are available, a 50 mph speed limit be imposed—as happened in 1975—until such time as this emergency is completely over?

The Presiding Officer: Again, that was wide of the statement.

The First Minister: The answer is no. I do not have the power to do that and I would not exercise that power if I had—but I am sure that Robin Harper will set a good example.

Alex Fergusson (South of Scotland) (Con): Given the vital importance of the car in rural Scotland, will the First Minister assure the chamber that petrol stations there will be given equitable status when it comes to replenishing fuel stocks and that they will not be left to the end of

the queue?

The First Minister: I am sure that we will be trying to make an equitable distribution right across Scotland. I think—although I will have to check this—that we have a higher percentage of designated filling stations in rural areas; that relates to the vast percentage of the landmass in rural Scotland as against its share of the population. There are, as there should be, designated petrol filling stations in the Borders, in the Highlands, on the west coast and in other areas where it is not easy for people to get to a petrol filling station—certainly if the one that they usually uses is not designated. That weighting is built into the system. I hope that this is a temporary, passing matter, which will last over the next two or three days only. We are doing our best.

Cathy Peattie (Falkirk East) (Lab): I spent most of last night at BP Grangemouth. Staff there can tell us that the tankers did not leave the refinery because of intimidation of the drivers. Car numbers have been noted and pictures have been taken, not only going through Grangemouth, but at the pumps—

The Presiding Officer: We must have a question.

Cathy Peattie: Will the First Minister agree that, as BP has said, the reason why the petrol has not left the refinery is intimidation of drivers?

The First Minister: I am not anxious to be hard and fast on this matter, but I offered Fergus Ewing the fact that that was given to me as an explanation. The remarks of Cathy Peattie, who, as the constituency MSP, has great local knowledge, give us cause for thought. In fact, the explanation may be something that has been suggested to me on a number of occasions: that the intimidation was not at the Grangemouth refinery but at the other end of the journey, at the forecourts, or on the journey. I was not there to see that, but I can only report that that was repeatedly said to me and to others.

George Lyon (Argyll and Bute) (LD): Many island communities on the west coast of Scotland rely on Caledonian MacBrayne for ferry services. When I spoke to CalMac yesterday morning, I was told that the company was down to just a number of days' fuel. Can the First Minister assure me that its services will be among the priority services to receive a top-up in fuel supplies as soon as possible?

The First Minister: I can assure George Lyon that CalMac ferries will continue to sail. My understanding is that CalMac is reasonably satisfied with its present situation. If crisis point were reached, however, we would obviously try to do something to alleviate the position.

The Presiding Officer: We must close this discussion now and move on to question time.

Question Time

SCOTTISH EXECUTIVE

School Buildings (Funding)

1. Dr Elaine Murray (Dumfries) (Lab): To ask the Scottish Executive what assistance it is making available to local authorities to prepare bids for public-private partnership funding for school buildings and how they are being informed of the availability of pump-priming funding and other forms of assistance. (S1O-2211)

The Deputy Minister for Children and Education (Peter Peacock): We are making £5 million available this year. We will issue a circular to local authorities tomorrow explaining the arrangements. Copies will be available in the Scottish Parliament information centre.

Dr Murray: I thank the minister for his response. He may be aware that Dumfries and Galloway Council has been investigating the possibility of school rebuilding and new building in my constituency, at Heathhall, Lockerbie and Moffat. The council's preliminary investigations suggest that funding those necessary projects through PPP may result in a revenue shortfall of between £3 million and £5 million. Will the Executive consider measures to help councils that are in that position to bridge the funding gap?

Peter Peacock: As the Parliament will be aware, local authorities receive an annual consent for capital and it is up to them to prioritise their expenditure. In Dumfries and Galloway, for example, £10 million will be spent on Stranraer secondary school. The funding that we have made available this year is intended to help to prepare public-private partnerships as part of the pump-priming activity that we want to happen, so that we can extend the building programme. Next week—who knows—we might be able to make some progress on that, in financial statements.

David Mundell (South of Scotland) (Con): Does the minister accept that Lockerbie is an exceptional case, given that the primary school has been burned down, the secondary school is falling down and there is an outstanding fund for leisure facilities, and that the town is worthy of the visit that Dr Murray and I have asked him to make?

Peter Peacock: Dr Murray and Mr Mundell have suggested that I visit Lockerbie the next time I am in Dumfries and Galloway. I would be happy to consider that as part of the programme. The insurance fund that was available to Dumfries and Galloway Council to contribute to the replacement of the local primary school can be applied to that

purpose but, as Elaine Murray has explained, the council is considering a public-private partnership arrangement. I hope that it will continue to view that positively. We will consider anything that we can do to assist with it.

Karen Whitefield (Airdrie and Shotts) (Lab): Is the minister aware of the desperate situation at Airdrie Academy? Will he consider North Lanarkshire Council's application for special borrowing consent to allow it to make urgent, necessary repairs?

Peter Peacock: Karen Whitefield made me aware of that situation a week or so ago, before she attended a school board meeting at Airdrie Academy. I asked her to encourage her council to make an application under the insurance fund, and I repeat that request today. The fund exists to help local authorities prepare the ground for much more capital investment. That is what we want and what we are successfully achieving, but we can take the matter further—hence the fund.

Health Services (Tayside)

2. Mr Andrew Welsh (Angus) (SNP): To ask the Scottish Executive what progress is being made in relation to public consultation on the Tayside acute services review. (S1O-2237)

The Minister for Health and Community Care (Susan Deacon): The Executive expects local health services to have effective consultation mechanisms in place to effect service changes such as local acute services reviews. It is for each local health board to determine the best way in which public consultation and involvement can be effected locally.

Mr Welsh: It is not always the case that those mechanisms are effective. Does the minister agree that the public have a right to be consulted and informed about the options that are involved in the fundamental reorganisation of health services in Tayside? Is she aware that, after more than a year's deliberation, the next round of public consultation will—yet again—be conducted on the basis of uncosted, generalised options? Will she intervene to ensure that the people of Tayside will be consulted, not insulted?

Susan Deacon: It would be more appropriate for Mr Welsh to welcome the fact that decisions about the future of the health service in Tayside are being made and discussed openly. Increasingly, that is true of decisions that affect the NHS throughout Scotland, and it will continue to be so. It is a marked change from what has occurred in the past.

Nationally, we have issued revised guidance to the health service on this issue, and the matter has been considered as part of our modernisation programme. It will be included in the Scottish

health plan, which will be published in November. We will continue to train and guide executive and non-executive members of health boards and NHS trusts to engage effectively in communication, but we are not going to organise every public meeting, write every service plan or leaflet or do all the local costings for local boards and trusts. That is why they exist—that is their job. I hope that Andrew Welsh will raise his concerns at a local level because that is the right place to do it.

Mr John McAllion (Dundee East) (Lab): Given the present financial constraints on the NHS, does the minister accept that whatever its outcome, the acute services review will not keep everyone in Tayside happy and that there will be losers who will be angry, disappointed and frustrated by whatever changes are proposed? Will she accept that that is not inevitable and that part of that anger and frustration will be because the review has been conducted by those who are neither elected by nor accountable to anyone in Tayside? Therefore, as part of her consideration of the wider NHS plan, will she revisit the old Labour idea—a very modernising idea—of trying to democratise the quangos that run one of the biggest public sector businesses in the country?

Susan Deacon: I do not know whether John McAllion had a capital O on “old Labour idea” or whether he was talking chronologically. In either case I have déjà vu—John McAllion and I had a similar exchange of question and answer last week and I repeat the assurance I gave then: that the question of effective systems, structures, governance and accountability is at the heart of the current debates taking place on the modernisation of the NHS in Scotland. It is a question on which all members of this Parliament ought to feel able to contribute, that I hope the Health and Community Care Committee will contribute on and that I hope will result in improvements. However, it is important to ensure that, alongside looking at how we improve and develop, we maintain stability. There has been a lot of structural reform in the health service and it is important to maintain sufficient stability to operate services effectively and efficiently in the future.

Nick Johnston (Mid Scotland and Fife) (Con): Does the minister accept that much of the drive for centralisation in Tayside has been portrayed as being driven by the requirements of the colleges? Is she aware that there is widespread concern among the public and GPs on Tayside that far from being driven by clinical guidelines, the acute services review is being driven by cost? Does she agree that it would be a mistake to remove maternity and other services from Perth royal infirmary on the basis of cost?

Susan Deacon: I repeat something I have said

before in this chamber. It is not for me to comment on the detailed local review of health services, particularly when they are going through a process of local consultation and debate. It is for me to set out the broad parameters within which such reviews should be conducted, and that includes the need for openness and consultation and that the reviews are taking place within the context of greater investment. As to the other detailed points Nick Johnston raises, they were set out in the national strategy document the “Acute Services Review”, published in 1998. That is what is being put into effect now. The key aim is quality and it will continue to be so.

Unison (Meetings)

3. Donald Gorrie (Central Scotland) (LD): To ask the Scottish Executive when it last met representatives of Unison and what issues were discussed. (S10-2231)

The Deputy Minister for Local Government (Mr McAveety): I met Unison on 28 June to discuss a wide range of issues affecting local government, including the post-McIntosh discussions, the forthcoming housing bill and local government finance.

Donald Gorrie: As the underlying cause of the current pay dispute between Unison and the councils is that for seven years successive Governments have not helped councils to fund pay increases for their staff, will the minister help to create a better atmosphere in which to negotiate an end to the dispute by announcing as soon as possible what practical help the Executive intends to give councils in the three coming years to pay their staff increases in line with inflation?

Mr McAveety: For clarification, for the past seven years half of all pay awards have been met by central Government. The issue of concern in the dispute is the other sector of local government employees. As to our intentions, I have been working extensively behind the scenes with the Convention of Scottish Local Authorities and others in local government to address the future financing of local government in relation to the comprehensive spending review and the issue raised by the trade unions on pay for future years. We hope that that will be part of the process with local authorities in the future.

Dennis Canavan (Falkirk West): Does the minister agree with Unison that a 2.5 per cent pay increase for local government workers is totally inadequate? Will the Scottish Executive make a statement as soon as possible on exactly how much additional money will be made available in order to give local government workers a fairer offer and to avoid the strike that is planned for next Wednesday, which could have a serious effect on local government services that are already

threatened because of the fuel crisis?

Mr McAveety: The negotiations, as Dennis Canavan knows, are a matter for COSLA and the employees. For the broader issues, we should await the announcements in the comprehensive spending review. Members can be sure that the Executive values local government and that that will be reflected in how those issues are addressed in the CSR.

Richard Lochhead (North-East Scotland) (SNP): On Monday evening, I met 20 local government shop stewards from City of Aberdeen Council. The message that they wanted me to bring to the minister is that morale in the council is at rock bottom. There are two main reasons for that: deteriorating wages over the years and the fact that, because of Government policies, vital services for the elderly and other groups are having to be cut. One lady had moved from nursing into local government in 1993. If she had stayed in her old job, she would now be earning £2,500 more. Does the minister think that that is acceptable? If not, what will he do about it?

Mr McAveety: In case it has escaped Richard Lochhead's notice, I have visited 31 out of the 32 councils. I have taken every opportunity to meet staff in those authorities to discuss shared issues. Underpinning much of our discussion has been the addressing of future issues for local government funding. The Scottish National Party has made no commitment in any real sense to local government funding. Even in its celebrated, but failed, penny for Scotland campaign, local government would not have benefited.

Dental Services

4. Pauline McNeill (Glasgow Kelvin) (Lab): To ask the Scottish Executive what action it intends to take to increase the number of national health service dentists and what specific action is planned to assist in the reduction of levels of tooth decay in adults and children. (S10-2221)

The Minister for Health and Community Care (Susan Deacon): The Scottish Executive published on 18 August "An Action Plan for Dental Services in Scotland". The action plan outlines a number of initiatives to improve the dental health of the people of Scotland and proposes a number of actions to improve service availability and access to dental services.

Pauline McNeill: Does the minister agree that dental charges, which were introduced in 1989, have led to a general reduction in the number of NHS dentists and in the number of people attending them? Will the minister consider the wider introduction of salaried dentists? If we are serious about having a comprehensive plan for tackling oral health problems, we cannot allow

dentistry to be the poor relation of the NHS.

Susan Deacon: The Scottish Executive recognises the importance of dentistry and the need to think widely and creatively to ensure that people across Scotland have access to the dental services they require. Around 40 salaried dentists are now working in Scotland. The Scottish dental access initiative continues to provide grants to dentists who are willing to set up or to expand NHS practices in areas where there is high oral health need or where patients cannot find a dentist who is willing to treat them on the NHS. We will continue to support and develop that scheme.

Mary Scanlon (Highlands and Islands) (Con): Given the minister's commitment to increase the number of dentists, how will the capacity and resources of our dental hospitals be increased to allow them to train and educate additional dentists? I believe that they are currently working to full capacity.

Susan Deacon: Only a few weeks ago, I met representatives of the British Dental Association—in fact, it was on the same day as we published the dental action plan. Education and training was one of the issues that was discussed and it will continue to be one of the issues that is discussed. Just as in other areas of the NHS in Scotland, we are determined to ensure that we have the capacity and the skills—not only now, but for the future—to meet the needs of the Scottish people. A lot of planning and investment issues arise, but we are actively addressing those issues.

South of Scotland University

5. David Mundell (South of Scotland) (Con): To ask the Scottish Executive what progress has been made by the committee on the establishment of a south of Scotland university since the commitment to its establishment in the partnership agreement. (S10-2244)

The Deputy Minister for Enterprise and Lifelong Learning (Nicol Stephen): "Partnership for Scotland" included an undertaking to investigate a south of Scotland university. The steering group that was established to take that forward has met twice so far. The next meeting has been arranged for Tuesday 10 October in Dumfries. The group hopes to make an interim report to ministers in the early part of 2001.

David Mundell: Although the minister's helicopter was not working properly the day he was supposed to visit the campus, I am sure that he will agree that the Crichton campus is one of the most exciting further and higher education development sites in Scotland. Will he ensure that the committee on the south of Scotland university works as closely as it can with the existing institutions on that site, and the developments that

they have in hand, and does not try to reinvent the wheel?

Nicol Stephen: I would have been very happy to visit the Crichton campus on that occasion, but it was not thought appropriate for a Scottish Executive minister to arrive by helicopter.

I look forward to visiting the site shortly. I am aware of the very good work that is being done there. I am also aware of the good work that is being carried out in the area by other universities—the Open University, Heriot-Watt University, Paisley University and the University of Glasgow. There is no fixed model for the proposal for the university in the south of Scotland. So far, the co-operation and collaboration between the universities and the further education colleges has been positive and constructive. We hope to continue to make solid progress.

Landfill

6. Ms Margaret Curran (Glasgow Baillieston) (Lab): To ask the Scottish Executive whether it is satisfied with the level of monitoring by the Scottish Environment Protection Agency of the Paterson's landfill site. (S10-2227)

The Minister for Transport and the Environment (Sarah Boyack): Yes. SEPA is the waste regulation authority and it regularly monitors Paterson's site to ensure that the conditions in the waste management licence are met. SEPA's monitoring has been enhanced in recent months in response to complaints about odour problems from residents near the site.

Ms Curran: Perhaps the minister should not be so satisfied. Does she appreciate the deep frustration that is felt locally at SEPA's failure to ensure that Paterson's fulfils the conditions of its licence and deals with the pernicious odour emanating from the site? Does she appreciate that life in the vicinity of the odour is intolerable? Will she direct SEPA to take decisive action to eradicate the odour and thus begin to win back the confidence of local people?

Sarah Boyack: It is important to emphasise to Margaret Curran that I am satisfied in the context of the extra monitoring that is now being carried out—largely because of the demands that have been made by her constituents about the problems that have been experienced at the site. Usually, the site receives a minimum of two visits per week, but that has been increased because of the local complaints. I accept the member's point about the need to ensure that the problems are dealt with effectively. That is why it is important that additional monitoring—as well as regular out-of-hours checks—is carried out. Some of the problems do not relate just to daylight hours—there are problems at the beginning of the day.

We need the extra monitoring that is currently being carried out.

The dialogue with local residents that Margaret Curran has been involved in is critical in ensuring that the issue is kept to the fore and that SEPA remains well aware of local concerns.

Ms Curran: I appreciate what the minister is telling us, just as I appreciate the fact that SEPA has taken some action, but deep frustration is felt locally because every time Paterson's says that it is taking action, the problem persists. There is a condition in Paterson's licence that stipulates that it must deal with the odour. Time and time again, the company has been told to deal with the problem. It is time to take action against the company and to shut the site until the odour can be removed—so that people can live in acceptable circumstances.

Sarah Boyack: The only point that I would add is that monitoring that is independent from the operators of the site is now being carried out. I am keen that we get decisive action so that residents are content with their experience of living in the area.

Local Government

7. Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): To ask the Scottish Executive what progress has been made by the working group set up to consider the Kerley committee's proposals and when it expects its findings to be published. (S10-2233)

The Minister for Communities (Ms Wendy Alexander): An ad hoc ministerial working group has been established to consider the recommendations of the renewing local democracy working group, better known as the Kerley committee. The ministerial group has begun its work. It will report to Cabinet and Cabinet's conclusions will be announced in due course.

Ian Jenkins: In Midlothian Council, there are 17 Labour members and one hard-working, effective, but heavily outnumbered Liberal Democrat—[MEMBERS: "Aw."] In such councils, the electorate feels that there is no satisfactory machinery to scrutinise, analyse and challenge the decisions of the ruling group. There are no SNP councillors, no Conservatives and no Green members. Does the minister accept that there is a democratic deficit that must be addressed? When can we expect a bill to address the Kerley and McIntosh proposals for local democracy?

Ms Alexander: I think that the partnership arrangements to which the member alludes work rather well here and perhaps work rather well in other parts of the country. Let me make a serious point. Proper consideration of these issues cannot

be sacrificed for the sake of speed. The proposals that Kerley has made would introduce different electoral systems for all four nationwide elections: to the European Parliament, to Westminster, to the Scottish Parliament and to local government. Some of those elections, with different systems, could take place on the same day. Those are some of the complexities that the ministerial group is wrestling with, and it will report in due course.

Mr Keith Harding (Mid Scotland and Fife) (Con): As there is to be no local government bill before the autumn of 2001, are any changes likely to be implemented before the next scheduled local government elections in 2002?

Ms Alexander: As the member knows, the timing of the next local government elections was commented on by the McIntosh commission, and it is something that this Parliament will have to take a view on in due course. As I said, the issues are complicated and interrelated. In due course, the Cabinet committee will report on the timing of elections and on electoral systems.

Mr Kenneth Gibson (Glasgow) (SNP): Given that the Liberal Democrat worm is finally beginning to turn on this issue, will the minister advise me when local government will be informed whether the next local government elections will be held in May? If they are not held then and they are delayed, possibly by a year or even longer, will they be fought under a system of proportional representation?

Ms Alexander: The member raised the issue of whether we move to a four-year term for local government. In the answers that I have just given, I have tried to allude to the complexity of this matter. Moving toward the recommendations would involve using four different electoral systems, some of which would be used on the same day. This is a complex matter and we look forward to everybody contributing to the debate in the interests of the welfare of local government in Scotland.

Digital Hearing Aids

8. Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): To ask the Scottish Executive when it expects digital hearing aids to be made available through the national health service in the Grampian area on the basis that was proposed for all NHS areas from April 2000. (S10-2242)

The Deputy Minister for Community Care (Iain Gray): This is a matter for Grampian Health Board. The decision to prescribe a digital aid for a patient must be taken at local level based on clinical judgment and clinical priorities. Nine different types of digital hearing aid are available to the NHS in Scotland through the central

contracts negotiated by Scottish healthcare supplies.

Mr Rumbles: The minister must know that digital hearing aids are not available on the NHS in Grampian. Regardless of the matter being one of trust prioritisation, does the minister share my concern that patients in Grampian, Orkney and Shetland are being disadvantaged and are not able to benefit from the latest technology?

Iain Gray: Digital aids are not suitable for all patients, but we are aware that local advice to patients is not always consistent. Indeed, we have asked our officials to approach health boards and trusts, find out the current position, assess it and report to us. If Mr Rumbles has specific information that he wants to send to us, I will ensure that it is fed in to the process.

Mr David Davidson (North-East Scotland) (Con): What targets have been set for the screening of pre-school children for hearing difficulties that can lead to learning disadvantage?

Iain Gray: Through different members' debates we have had some consideration of screening. We are advised on this matter by the national screening committee. The point that the member raises is under consideration, and we will consider the committee's recommendations when they are given to us.

St Abbs Harbour

9. Euan Robson (Roxburgh and Berwickshire) (LD): To ask the Scottish Executive whether it will provide financial assistance for repairs to St Abbs harbour. (S10-2238)

The Deputy Minister for Rural Affairs (Mr John Home Robertson): We will be able to consider the case for assistance for repairs to St Abbs harbour if and when an application is received from the harbour trust.

Euan Robson: I understand that a formal application is imminent. Can the minister confirm that the Executive understands the difficulty for harbour trusts in raising funds for major repairs, especially for small harbours such as St Abbs? Is advice available in his department about additional or alternative sources of funding from other bodies?

Mr Home Robertson: Limited funds are available for emergency repairs to fishing harbours. My officials are aware of the problem at St Abbs and they have discussed the situation with representatives of the harbour trust. Indeed, that is when they gave the trust an application form. I understand that, as of this morning, no application has been received. If, in due course, we receive an application from St Abbs harbour

trust, I can assure Euan Robson that it will be considered fairly and perhaps even sympathetically.

Social Inclusion Partnerships

10. Ms Sandra White (Glasgow) (SNP): To ask the Scottish Executive what representations it has received concerning the allocation of social inclusion partnership funds in Glasgow. (S10-2216)

The Deputy Minister for Communities (Jackie Baillie): The Scottish Executive regularly receives representations from individuals and organisations on the allocation of SIP funds in Glasgow.

Ms White: Is the minister aware—I presume that she is if she has received individual applications—that in some areas, particularly in the north of Glasgow, some groups have waited more than a year for decisions, then have been asked to resubmit their applications? They may eventually not even receive a grant. In Drumchapel, one such group has withdrawn its application. Drumchapel, an area that desperately needs social inclusion partnership funds, is fed up with the way it has been treated. Has the minister heard any other concerns on that matter?

Jackie Baillie: I would be interested to hear more about the concern that the member raises. We are keen to ensure that social inclusion partnership moneys are well targeted, which is why it is appropriate that the applications that we receive are scrutinised with care. However, there should be no unnecessary delay in the process.

Aggregates Tax

11. Alasdair Morgan (Galloway and Upper Nithsdale) (SNP): To ask the Scottish Executive what discussions it has had with the Chancellor of the Exchequer regarding the impact of the aggregates tax in Scotland. (S10-2239)

The Minister for Transport and the Environment (Sarah Boyack): We are in contact with the UK Government on a wide range of issues, including the aggregates tax.

Alasdair Morgan: I am grateful for that informative reply.

I hope that the minister is aware that, on average, Scottish quarry products sell at around £5 a tonne, while the very different product from south of the border tends to cost £10 to £11 a tonne. Will the minister confirm that the current proposal is for the aggregates tax to be a flat-rate tax? Does she agree that that would mean a far higher percentage tax on the Scottish product than on that from south of the border? Would that not amount to a poll tax on Scottish quarries? What, if anything, will she do about that?

Sarah Boyack: The point that was missed out in the question is whether Mr Morgan accepts the need for the principle of an aggregates tax. It is important that we accept that principle. I am happy to write to Mr Morgan about the specific points he has raised. If he accepts that there is a need for the aggregates tax, it is important that we make it work in Scotland's interests.

Miss Annabel Goldie (West of Scotland) (Con): It may be a problem in its own right, but does the minister accept that it must be particularly difficult to have meaningful discussions with the chancellor if she does not have the specific background on the effect of this impost on our Scottish quarrying industry to which my colleague Mr Morgan has referred?

Sarah Boyack: Absolutely not. The key point of importance for us is that we have been extensively involved in discussing the implications of the aggregates tax for Scotland. One of the reasons we feel that an aggregates tax is an appropriate response is that the proposals that were put forward by the Quarry Products Association were not in Scotland's interests. The proposals did not recognise our land designation system or key issues about procurement guarantees given by the Government in a way that was acceptable to us. The suggestion that we have not considered this issue from the Scottish perspective is unfounded.

Manufacturing

12. Andrew Wilson (Central Scotland) (SNP): To ask the Scottish Executive what the changes in manufacturing output and Scottish gross domestic product were in the most recent quarter for which official figures are available. (S10-2218)

The Minister for Enterprise and Lifelong Learning (Henry McLeish): In the first quarter of 2000, Scottish manufacturing output fell by 1.7 per cent compared with the previous quarter. Over the same period, Scottish GDP fell by 0.2 per cent.

Andrew Wilson: Does the minister remember that, in February 2000, he told the Parliament:

“output in the Scottish economy continues to expand”—
[*Official Report*, 12 February 2000; Vol 4, c 917.]

The minister made that remark when the figures that he had just announced showed that the Scottish economy had entered an official recession for the first time since the early years of Mrs Thatcher's time in office.

Why was that recession notified only through a leak to *The Times* during the summer? When will Labour ministers begin to admit that there is a problem, recognise their responsibility and act on it, rather than hide behind fiddle and spin?

Henry McLeish: That was really pathetic, even by the SNP's usual standards of intervention in

economic debates. The SNP is a party that has no economic strategy and that will talk down Scotland on every occasion. [MEMBERS: "Answer the question."]

Scotland is rejoicing in the fact that, under a United Kingdom Labour Government and a Labour-Liberal Democrat partnership in Scotland, unemployment is at its lowest point for 24 years, employment is at its highest point for 34 years, youth unemployment is at its lowest point ever, long-term unemployment is at its lowest point ever, GDP is up by 2.2 per cent over the year to quarter 1 of 2000 and, in manufacturing, output is up as well. [MEMBERS: "Speech."] We have low interest rates, low inflation rates and stable public finances. The SNP is able to talk only about something that is theological in the calculation of the index for GDP.

I will conclude by explaining that theology in simple terms. [MEMBERS: "Answer the question."] If members would be quiet for a minute, they might understand my point.

Tricia Marwick (Mid Scotland and Fife) (SNP): On a point of order.

Henry McLeish: The GDP index was published on 2 August and showed that quarter 4 of 1999 remained unchanged and that there was a slight reduction in quarter 1 of 2000.

Tricia Marwick: On a point of order.

Henry McLeish: When the figures between the two quarters are calculated—

The Presiding Officer: There is a point of order.

Henry McLeish: Because those figures are unrounded, one ends up with 0.1 and 0.2.

Quite simply—

Members: There is a point of order.

The Presiding Officer: Order. There is a point of order.

Henry McLeish: The SNP has no policy other than to seek mischief while Scotland enjoys substantial economic success. [*Interruption.*]

The Presiding Officer: Order. A point of order may take time away from the supplementary question that I was going to call.

Tricia Marwick: I hope that my point of order does not take time away from a supplementary question, Presiding Officer, as the minister has singularly failed to answer the original question. On a point of order—

The Presiding Officer: No. I am sorry, but the content of answers is not a matter on which points of order can be raised.

Mr John Swinney (North Tayside) (SNP): Perhaps, in his long ramble, the minister might have liked to admit the fact that GDP output in Scotland declined for two quarters in a row—the classic definition of a recession. Why cannot the minister answer a straight question with a straight answer?

Henry McLeish: I understand that the Scottish Executive cannot produce statistics to cope with SNP holidays. This matter was debated in Scotland on 2 August. Four weeks later, the possible leader of the SNP enters the fray, and two weeks later, Mr Wilson enters it.

At the risk of boring MSPs who are concerned about real-world issues, I repeat that the published GDP index showed no change in quarter 4 of 1999 and a slight fall in quarter 1 of 2000.

The way in which the figures are calculated—not rounding them up to decimal points—shows the different figures. Both pieces of information are in the public arena—there was no attempt to hide them. The SNP wishes to make a song and dance about this technical issue only because that party is bereft of an economic policy that is in the interests of Scotland.

Dorothy-Grace Elder (Glasgow) (SNP): On a point of order. The minister makes speeches to cover up the fact that he has no answers.

COSLA (Meeting)

13. Mr Keith Harding (Mid Scotland and Fife) (Con): To ask the Scottish Executive when the Minister for Finance last met representatives of the Convention of Scottish Local Authorities and what issues they discussed. (S10-2214)

The Minister for Finance (Mr Jack McConnell): I met representatives of COSLA on Monday 11 September. We discussed the 2000 spending review and the reform of local government finance.

Mr Harding: I thank the minister for his answer.

I understand from press coverage that, next year, additional resources will be allocated and pay increases will be funded. Will the Scottish Executive fully fund pay increases for all categories of local government employee, not just those deemed a priority by the minister?

Mr McConnell: It would be inappropriate to state that we will fully fund pay increases that have not yet been negotiated. That would be irresponsible in the extreme—for the Executive and for the local authorities that have to conduct those negotiations. I hope that, over the next three years, partly because of the resources that will be made available by the Scottish Executive, local authorities will not only have successful negotiations on pay increases but will continue to

improve performance and management. If that can be achieved with the resources that we will make available, that will be a good thing for people throughout Scotland.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): Does the minister agree that many of the problems that face local government are a legacy of the 18 years of under-investment by Conservative Governments, which consistently failed to understand the importance of the services that local government delivers?

Mr McConnell: Mr Harding always personified that record during his time as leader of Stirling District Council. It would be good to see him here next Wednesday. Not only can we compare the spending plans of this Administration with those that were in place during the years of Tory government at Westminster; we can compare them with the plans that might be implemented if the Tories were to take power again. The £16 billion that would be cut from the UK's public finances would decimate Scottish local government again. We shall not allow that to happen. Next week we will announce our spending plans to invest in public services in Scotland.

Mr Duncan Hamilton (Highlands and Islands) (SNP): At the meeting with COSLA, the minister was presumably made aware of the distribution committee's recommendation that, in principle, Argyll and Bute Council should receive payment under the special islands needs allowance. Will the minister give personal support to that principle? Does he accept that it has been central to the campaign for SINA for the Argyll and Bute area that no other area will lose out? In other words, the Western Isles, Orkney, Shetland, North Ayrshire and Highland should not lose SINA if Argyll and Bute gets it. If he accepts that central principle, will he tell the chamber why the SINA payments have been reduced from £28 million to £13.4 million?

Mr McConnell: First of all, SINA payments have not been reduced. Secondly, the consultants report discussed by the distribution committee is a long way from being anything like a Government policy. Thirdly, the review of SINA, which has been going on for about two years and is about to come to a conclusion, will be carried out in a proper and responsible manner by local authorities and by the Executive. I welcome Duncan Hamilton's late entry into discussions on SINA for the Argyll and Bute Council area. In the interests of members and local residents in Argyll and Bute, I record the fact that the only political party in this Parliament that has never written to me about SINA is the Scottish National Party.

Housing Bill

14. Fiona Hyslop (Lothians) (SNP): To ask the Scottish Executive when it intends to publish its draft housing bill. (S10-2240)

The Minister for Communities (Ms Wendy Alexander): We published our detailed proposals for the housing bill on 5 July and the First Minister will confirm later today that we plan to introduce the bill into Parliament before Christmas. Fiona Hyslop will recall that, since the day and hour this Parliament convened, we have made it clear that we intend the housing bill to be one of the flagships of the second year of our legislative programme, and that is how it will be.

Fiona Hyslop: The minister will remember that she first promised the bill in the first six months of 2000. I ask her to comment on her June statement on local government, when she said:

"we expect to publish draft sections of the bill in the next three weeks. We will use the draftsmen's time over the summer to write further sections, with a view to publishing the bill at the beginning of September."—[*Official Report*, 8 June 2000; Vol 7, c 165.]

Where is the bill? Why is it not ready? Is it because of the minister's interference in the right to buy? Why has she taken the ambitious proposals from the green paper and turned them into a flawed consultation document? Can the minister explain—

The Presiding Officer: Order. That is enough. You have made your point and should now let Ms Alexander answer.

Ms Alexander: I do not want this to be an issue of division. Colleagues in all parts of the chamber are aware of the pressure on draftsmen's time. We are proud of the fact that we said we would publish our plans for the housing bill in July and that we did, not in the form of draft legal clauses that require draftsmen, but in an accessible form that could let people contribute to the process. As I said, the bill will have reached stage 1 before Christmas. If the SNP's only criticism of the most radical housing bill in a generation is that we did not monopolise draftsmen's time, I plead guilty.

First Minister's Question Time

SCOTTISH EXECUTIVE

Prime Minister (Meetings)

1. Mr Alex Salmond (Banff and Buchan) (SNP): To ask the First Minister when he last met the Prime Minister and what issues were discussed. (S1F-535)

The First Minister (Donald Dewar): I met the Prime Minister last at the joint ministerial committee meeting in Edinburgh on 1 September. We discussed matters of mutual interest. I want to be helpful, so I will tell Mr Salmond that we discussed in particular the success of devolution in Scotland.

Mr Salmond: That would not have taken long.

Does the First Minister agree that, having dealt in his statement today with how the emergency situation is proceeding, we should now examine the underlying causes of the unrest? I saw the Prime Minister in a live broadcast from Downing Street at 1 o'clock. In response to the news that Exxon has today increased the posted price of petrol by 2p and the price of a litre of diesel by 4p, he said that he "cannot understand" why fuel companies increase prices.

Does the First Minister accept that the overwhelming majority of people in Scotland cannot understand why the Prime Minister does not act to bring fuel prices down?

The First Minister: I certainly accept that tax reductions tend to be popular and that people want to take them up. However, the consequences on public expenditure and social investment and the balancing that may have to be done in other parts of the fiscal system are not necessarily so popular. I am sure that Mr Salmond will admit that, as I pointed out, other matters—such as vehicle excise duty and the toll systems on many continental roads—must be taken into consideration. If Mr Salmond took the trouble to do that, he would find that the sum is much more complicated than he suggests.

Mr Salmond: The Institute for Fiscal Studies estimates the chancellor's windfall from rising oil prices at £600 million from the increase in VAT and up to £2,000 million from direct oil taxation. Does not the First Minister accept that that is a substantial windfall, which could be used to bring prices down and help fuel-dependent industries?

The Prime Minister also stated:

"Of course we will listen".

Will the First Minister act now to call a summit of

those who are affected by the crisis, the fuel-dependent industries and the political parties to take a joint Scottish message to Tony Blair that something must be done to bring fuel prices down?

The First Minister: I am always interested in discussion and debate, but I am not sure that the kind of summit that Mr Salmond suggests would be likely to reach a unanimous view. In the very near future, we will announce a sharp increase in public spending. Despite that, there will be people, some of whom are probably in the gallery here today—certainly people from rural areas—who will ask why we do not spend more on A, B, C, D, E or F. They will ask because they feel that there is a genuine need for that expenditure and that it should be a priority. There are always such choices in politics. Similarly—I make no objection to this, because leaders, while they are leaders, are entitled to lead—I was interested to see that Mr Salmond had simply overridden the clear statement of SNP policy by his deputy leader at the recent Scottish Grand Committee. [MEMBERS: "No."] Members are saying, "No," but I have it here. Mr Swinney said—he made it very clear—that a freeze on duty was the clear commitment of the SNP.

Mr Salmond overrode that and said that he would be in favour of taking 2p off the price of a litre of petrol. I do not think that that kind of adjustment is anything more than opportunism. I do Mr Salmond the credit of thinking that he is a serious politician, but I do not believe that he would, outside the needs of being in opposition, advocate making fiscal policy on the basis that we have heard him advocate during the past two or three days.

Mr Salmond: The First Minister should not be surprised that I want to cut the price of petrol. I voted for it in July in the House of Commons, as did Mr Swinney and the First Minister's deputy, Mr Wallace. I also want the price of petrol in Scotland brought down to the European average over a period of time—that seems only fair for an oil-producing country in Europe.

I also want help for the fuel-dependent industries and an extension of the essential users rebate. I do not understand why we cannot have a national price for fuel throughout Scotland, given that the Government has the power to set one. The First Minister has the right to deal with the immediate crisis that has taken place over the past few days. However, the Government also has a responsibility to listen. Unless the Government shows that it is capable of listening to the voice of protest, the same thing will happen to Blair over the fuel tax as happened to Thatcher over the poll tax.

The First Minister: As a contribution to good

manners and tolerance, I will start to refer to Salmond, rather than Mr Salmond, in future.

I believe in good and measured government. I am not desperately impressed by the opportunism of the SNP's ever-extending list of concessions on fuel tax, which seems to be born of the events of the past couple of weeks, rather than any deep commitment. I refer again to Mr Swinney's words:

"We have said that we shall freeze fuel duty. That is our clear policy commitment."—[*Official Report, House of Commons, Scottish Grand Committee*, 10 July 2000; c 32.]

Suddenly that commitment is torn up. I also took the trouble to look at the 1997 and 1999 SNP manifestos. In defence of the 1999 manifesto, one could say that fuel duty is a reserved matter, but I did not find any reference to this burning issue in either document. That suggests to me that there is a rather tinny ring to the synthetic anger that we have seen from the SNP in the past day or two.

As Mr Salmond will know, we took a substantial sum out of the costs that are faced by hauliers by changing vehicle excise duty. As he also knows, we will invest a good deal of money in transport during the coming period. Mr Salmond should acknowledge that and our abandonment of the fuel escalator, which was important and helpful.

We will reconsider those matters as, I am sure, will the Government at Westminster. However, we will not be hounded by the spleen of Alex Salmond into making wrong decisions for bad reasons.

Secretary of State for Scotland (Meetings)

2. David McLetchie (Lothians) (Con): To ask the First Minister when he next intends to meet the Secretary of State for Scotland and what issues he intends to raise with him. (S1F-523)

The First Minister (Donald Dewar): I speak to the Secretary of State for Scotland frequently on the telephone; indeed, I spoke to him but a couple of hours ago. However, I might not see him until the Labour Party conference, where I am always glad to have civilised conversation.

David McLetchie: Given that the First Minister and the secretary of state had such an enjoyable meeting last year, I am sure that they cannot wait to get to grips with each other again.

I suggest that the First Minister should discuss with Mr Reid the continuing consequences for Scotland of the fuel crisis. As he acknowledged fairly, it will be some time before public services are back to normal. The Conservatives are concerned that one of the consequences to the national health service might be that people have to wait longer for operations in our hospitals.

However, before the fuel protests are blamed for everything that has happened, and history is

rewritten by the Executive's spin doctors, will the First Minister confirm—for the record—that waiting lists in the Scottish health service have been rising for the past year and a half and are currently above the level that Labour inherited from the outgoing Conservative Government in May 1997?

The First Minister: I concede that waiting lists have increased—we have made that clear. Mr McLetchie might be quoting from an Executive press statement, which would be an improvement on many of his previous sources. If he is, he might want to examine the rest of the statement, which indicates that there has been considerable progress in bringing down waiting times. I remember that on many occasions in the past, Mr McLetchie and his colleagues have suggested—with some justification—that waiting times were the true test of the health service.

We are taking energetic steps to improve the situation, but that requires a great deal of money and investment—fortunately, we are in a position to provide that. It is important that we deal with the present crisis and minimise the damage to the figures that we are discussing—some damage is likely to result from problems in the aftermath of the fuel demonstrations. I regret that fact and that it will inconvenience patients. That, however, is something that those who were involved in the action would have had to take into account when they made their decisions.

David McLetchie: I thank the First Minister for his frankness. I also agree that waiting times are the important component. I suggest that—as Labour chose the target and the benchmark in the previous general election campaign in 1997—the Government should be judged by that target. It was the First Minister's choice and he should stand and fall by it.

On fuel taxes—with which everyone is preoccupied—following the vote this morning on the Transport (Scotland) Bill, there exists a situation in which the Executive, with the support of the SNP, is determined to impose city entry tolls and workplace parking taxes on motorists and businesses throughout Scotland. [MEMBERS: "No."] I am afraid that SNP members did not vote for Mr Tosh's amendment today. The SNP will be judged by its record, just as the Executive will.

That action will be taken despite evidence from business organisations, the Scottish Trades Union Congress—which was overwhelmingly opposed to workplace parking taxes—and Labour councils, such as those in Glasgow and Aberdeen, which have said that they will not use the new powers to finance new roads in their areas. Why have the First Minister and the Scottish Executive not learned the lesson of the fuel tax protest, which is that they cannot keep piling taxes on to motorists and businesses without something snapping? Will

the First Minister listen to that voice of protest and abandon the new taxes before they do more damage?

The First Minister: On waiting times, I remind Mr McLetchie that 43 per cent of patients are treated immediately and never join a waiting list. Of those who have to wait, 46 per cent are seen within a month and 83 per cent are seen within three months—that is encouraging. We would like to improve the situation, but those figures are a corrective against some of the excitable comments that we hear on the issue.

On taxing motorists, I made the point that we must consider the range of impositions and concessions that apply to motorists. Mr McLetchie will be well aware that, if we consider the official figures, the cost of running a car has risen at a much slower rate than the cost of public transport. Those who—perhaps through economic difficulty—cannot afford a car have had to pay a great deal more for their transport in terms of the increase over the past few years than have those who can afford a car. We must balance those things, but the Transport (Scotland) Bill gives us options. Options should not be taken to mean that everything will be imposed everywhere. It is right that those options should exist. It is right that they should be a matter for local government and central Government to consult on and decide on. It is right to consider what is in the best interests of keeping traffic moving and in the long-term interests of those who drive and ride in cars.

Pensioner Poverty

3. Alex Neil (Central Scotland) (SNP): To ask the First Minister what progress has been made in reducing poverty among pensioners in Scotland since July 1999. (S1F-519)

Will the First Minister join me in welcoming the Scottish confederation of the elderly to the gallery?

The First Minister (Donald Dewar): I am delighted to see that Mr Neil has been allowed to progress to the second rank. I welcome his question.

A comprehensive programme of action is in place for tackling poverty among pensioners in Scotland. That programme includes the minimum income guarantee, with which Mr Neil will be familiar. We calculate that 200,000 Scots can benefit from it; I say can, because we will have to run a take-up campaign to ensure that all who are entitled to it benefit from it. Nine hundred thousand Scots got the £150 winter fuel payment this year. [*Interruption.*] I record that that is a fact. If people do not want that £150, they can refuse to take it. The warm deal will benefit 25,000 homes in Scotland each year and 100,000 homes are to be improved under the healthy homes initiative by

2003. There will be a big increase in community care and there will be free television licences for the over-75s.

I want to do more—we all recognise that more must be done. We hope to have something positive to say in the very near future on some of the key areas of investment.

Alex Neil: Does not the First Minister find it shameful that now that we have two Labour Governments—one in Edinburgh and one in London—our pensioners are the third poorest in Europe? Will he guarantee today that, after 20 months of waiting, the Scottish Executive will implement the Sutherland report in full? Will he also guarantee to make representations to and use his influence with Tony Blair and Gordon Brown to ensure that we never have a repeat of the obscenity of a 75p increase for pensioners, and that pensioners receive a decent increase this year, as they deserve?

The First Minister: Mr Neil might acknowledge that, because that was an inflation-linked increase, it was a mark of the fact that inflation is very low in this country.

Secondly, Mr Neil's figures on Europe are as spurious as many others that he uses.

Alex Neil: No they are not.

The First Minister: That might be the case if one considers only the basic state pension, but as Mr Neil knows, in the United Kingdom we have a very substantial occupational pension sector, which makes a big difference to the statistics.

By 2001, as a result of the budget measures that have just been announced, an average UK pensioner will be some £400 a year better off. A 75-year-old pensioner on the minimum income guarantee will receive £950 more a year and a couple on the minimum income guarantee will receive £1,350 more. Alex Neil is being very selective. Perhaps he is, as all Opposition members do—I do not complain, as I was on the Opposition benches for long enough—tailoring those statistics to his own political convenience.

Tommy Sheridan (Glasgow) (SSP): The First Minister mentioned the minimum income guarantee. The findings of the Joseph Rowntree Foundation report, which were exposed in *The Herald* on Monday, show that the number of people living in poverty in this country is higher now than it was two years ago. Will the First Minister therefore acknowledge that means-testing is insulting to our pensioners and that it is an unnecessary and totally inefficient way of tackling pensioner poverty? Will he agree to fight tenaciously on behalf of our pensioners in Scotland for a substantial rise in the basic state pension, in order to tackle poverty in this country?

The First Minister: I welcome the presence of pensioners' delegations in the gallery of Parliament today. I have something of a fellow feeling with them because I will qualify for a state pension in two years.

I will tell members a secret—I do not know whether it is an admission or a confession: I am reasonably comfortably off. If anyone tells me that the best way of helping the poor pensioner is to increase my pension, I will answer that it is not. That is an extremely inefficient and expensive way of helping people. I repeat—through the minimum income guarantee a couple will receive £1,350 more by 2001. It seems right that we should do something to help those who are struggling at the bottom end of the retired income bracket. If we are to do that, we have to do it on an affordable basis. The minimum income guarantee is a substantial step forward.

Malcolm Chisholm (Edinburgh North and Leith) (Lab): I, too, welcome the pensioners to the gallery and I welcome the warm deal. Will the First Minister develop and build on the warm deal in the forthcoming spending review so that more pensioners can save more money on their heating bills and be free from the illnesses and hospitalisation that so often result from cold and damp homes?

The First Minister: I have enormous sympathy for the point that Malcolm Chisholm makes. It is important that we deal with the self-evident difficulties with the housing stock. It is true that we want to ensure that houses in which pensioners live are properly heated and insulated. We will have something positive to say about that very shortly.

National Health Service (Funding)

4. Patricia Ferguson (Glasgow Maryhill) (Lab): To ask the First Minister whether monitoring measures will be introduced in order to ensure that local health boards direct the funding that is received under the Arbutnott formula, particularly where there is additional funding, to those areas that have been identified as being of greatest need. (S1F-528)

The First Minister (Donald Dewar): Health needs are strongly influenced by deprivation. That is the key factor that is taken into account by the Arbutnott calculations. The Arbutnott formula allocates national health service funding to health boards and their local health care partners on what we believe is a more equitable basis. The existing rigorous monitoring arrangements and the annual accountability review will ensure that the extra funding that is received under the Arbutnott formula is directed to the areas of greatest need.

Patricia Ferguson: Does the First Minister

agree that further discussion with partners on social inclusion partnership boards in areas of great deprivation should be considered to ensure that such areas benefit and that health improves as quickly as we all want it to?

The First Minister: That is an important consideration. Furthermore, it is vital that we have proper discussion and co-ordination and that we make the best use of this opportunity. If I remember rightly, Patricia Ferguson has direct experience of hospital management and, perhaps, of accounting control in hospitals. We must give a very high priority to those matters.

I am proud of the Arbutnott report and the decision to implement it—it is never easy to take on these problems. The outcome of the Arbutnott report is a significant increase in funding for inner-city areas that suffer great deprivation. Such funding takes proper account of and therefore benefits areas where the delivery of medical services is expensive because, for example, they are rural areas.

The situation is manageable because we have increased funding substantially, which means that even those who are losers—in inverted commas—are not put in a position where their budget is shrinking.

Kay Ullrich (West of Scotland) (SNP): What percentage of the total national health service budget in Scotland will be redistributed through the Arbutnott formula?

The First Minister: I must take refuge in saying that I will write to Kay Ullrich on that. The amount is on the margin; however, that is important in such areas.

Kay Ullrich: Is the figure about 2 per cent?

The First Minister: That sounds right to me. However, I will have to check, as I do not have the figures to hand.

The issue is important. For example, Glasgow has been one of the winners and the extra finance that will result will be very welcome, particularly given the difficult period that we face with the health service in Glasgow and the pressing need to alter the profile of hospital provision.

Scottish Executive's Programme

The Presiding Officer (Sir David Steel): The next item of business is a statement by the First Minister on the Scottish Executive's programme. There will be no interventions during the statement, as there will be an opportunity for members to raise points in the ensuing debate. I understand that the First Minister has undertaken to respond to those points.

15:32

The First Minister (Donald Dewar): I blush for appearing at yet another occasion.

With permission, Sir David, I propose to make a statement on the Executive's programme, with particular reference to our legislative intentions over the next parliamentary year.

Before setting out our plans, I want to pay tribute to members of the Parliament for their consideration of our legislative proposals over the past year. Throughout the year, the Parliament and Executive have worked together in the spirit that was envisaged by the devolution legislation. In the case of every one of our bills introduced since last October, the Parliament—both in plenary and in subject committees—has approached very constructively the task of examining the policy development process and the contents of our measures. I hope and expect that the harmonious working relationships that have been established will continue over the coming year.

I am particularly grateful to my colleagues in the Labour and Liberal Democrat groups who have played a very full and constructive part in the policy-making process. The partnership, no doubt to the disappointment of some, has shown admirable staying power, and long may it continue.

Our programme of legislation reflects what we believe and what we are seeking to do for Scotland. We want to promote social justice; improve people's lives; build for the future; foster a competitive, wealth-generating economy; and deliver modern, cost-effective public services. Those purposes reflect the political priorities and objectives of the Executive. They run right through our programme for government—on which we shall make a further statement in October—our approach to legislation, and our expenditure priorities.

On spending, there will be a dramatic increase over the next three years, taking the total in real terms well beyond the highest level ever recorded in Scotland. We plan increases of over £1 billion,

£2 billion and £3 billion in the next three years, which will enable us to support people in the whole community and improve the social conditions of all. We will ensure that public spending is more closely attuned to policy objectives and less to departmental boundaries. For example, Scotland's elderly will benefit from that with a package amounting to much more than £100 million over the next three years and from the provision of extra help on keeping warm at home, concessionary fares and long-term care, which Malcolm Chisholm talked about.

Next week's spending statement will provide the means to deliver the difference we want to make in Scotland. We need to ensure that that money is used effectively on health, education, crime prevention and all the other key services that the Administration provides. By making that difference, we will improve the lives of all Scots—children, working families, pensioners and particularly those who most need our help.

The spending announcements and the legislative programme reinforce each other. The legislation programme that I am announcing today is essential if we are to deliver the difference and make Scotland a more effective and caring society.

In June last year, I announced a programme of eight bills and we subsequently brought forward a further seven proposals. We have made significant progress in the area of social justice, in improving people's lives with the passing of the Adults with Incapacity (Scotland) Act 2000, the Education and Training (Scotland) Act 2000, and the Standards in Scotland's Schools etc Act 2000.

The Abolition of Feudal Tenure etc (Scotland) Act 2000 and the National Parks (Scotland) Act 2000 were both long-overdue reforms. We have also introduced the Transport (Scotland) Bill, which is tackling problems that others have ducked, in a policy area where opportunism has been all too common.

Our main proposals for land reform legislation have been delayed for the best of reasons. We are now including the crofting community right to buy. Making new law in that area is especially complex and we must get it right; it will be introduced in this parliamentary session.

On modernising public services, the Parliament and the Executive, working together, have made significant advances with the passage of the Public Finance and Accountability (Scotland) Act 2000 and the Ethical Standards in Public Life (Scotland) Act 2000.

To date, the Parliament has passed no fewer than 12 Executive bills. In the jostle of the Westminster legislative queue, the Scottish Office counted the securing of two or three significant

bills as a success. What has been achieved is quite remarkable, and is concrete evidence of the benefits of devolution to the people of Scotland.

In the coming year, our intention is to introduce nine bills. We shall introduce our housing bill before the end of this calendar year, as Wendy Alexander explained a few moments ago. That bill will form the basis for the most radical restructuring of the social housing sector in Scotland in a generation. It will provide a coherent framework for tackling Scotland's most pressing housing needs.

We aim to boost tenants' rights and to ensure that their homes are of a high standard. Scotland will have a common social tenancy and a modernised right to buy. The scourge of homelessness will be tackled by strengthening local authorities' duties towards homeless people. Scottish Homes will be converted from a non-departmental public body into an executive agency working with local authorities, housing associations and other providers to improve housing conditions in Scotland.

We are continuing to examine how our proposals can be further improved, particularly in tackling fuel poverty. The housing bill will provide the guarantee that tenants seek as they look to the future. Through the community ownership initiative, tenants will have the opportunity to vote for massive additional investment. Their rights will be protected and a strong regulator, accountable to the Parliament, will protect their interests. Community ownership will draw in private finance, allowing public funds to be targeted towards improving the heating and the fabric of Scotland's most deprived homes. The bill will mean not just warm words but warm homes. It will improve people's lives, build for the future and promote social justice.

We will introduce a bill on the regulation of care that will be aimed at strengthening the protection of children and vulnerable adults. It will establish two new national bodies: the Scottish commission for the regulation of care and the Scottish social services council. The commission will register care services and make regular independent inspections. For the first time, there will be registration and inspection of care services, including those that are delivered in people's homes. Children's services will also be covered. The council will regulate the social services work force and co-ordinate the education and training of social services workers.

Most of us have friends or relatives who will need care services at some time in their lives. Indeed, most of us will be in that position at some stage. The effect of changes made through the bill will be to make people more confident that care is of an assured quality and is being provided by

people who are properly trained. This major bill will also address the recommendations of the Royal Commission on Long Term Care of the Elderly relating to quality of care. In the coming weeks, Susan Deacon will present to the Parliament a more detailed response to the commission's report.

Our guiding principle will be to deliver the maximum possible benefit for the maximum number of people from the resources that we have available. The test to be met is that public funds must improve the standard of care for the oldest and frailest members of our society and must benefit as wide a range of people as possible. We will target particular effort and resources to those in greatest need. Too many older people and their carers are let down by current systems of health and social care. We are determined to address that, through investment, policy and legislation. As a society, we must recognise the challenges of an aging population and the work that must be done to ensure cost-effective, high-quality health and social care for all the older people of Scotland.

We will introduce a bill to provide for the payment of a graduate endowment by Scottish and European Union students who have completed a degree course or who have graduated, having studied at a Scottish college or university. The graduate endowment scheme will recognise the benefits that graduates have gained by studying in Scotland, and will help to support the students who come after them.

The bill will also ensure that students who study by distance learning will no longer be excluded from receiving financial support from the Executive. The new system will provide improved support for students from disadvantaged backgrounds and will encourage their entry into higher education. When fully implemented, the scheme will put an additional £50 million a year into student support. That is real proof of our commitments to widening access to higher education and to improving Scotland's skills base.

Our commitment to social justice also underpins our intention to introduce an evidence (sexual offences) bill. As the Deputy First Minister has explained, we are committed to preventing the accused from cross-examining the victim in person in sex offence cases. We also intend for that bill to strengthen the current restrictions on cross-examination on sexual history and character.

We will introduce a water services bill, which will provide a new legislative framework to safeguard public health, protect the environment and provide accessible and affordable water services. The bill will also ensure that competition works in the interest of all customers. The framework will establish a regime to license new entrants to the market in the interests of quality of service. The

framework will also ensure that new entrants pay a fair share of the cost of maintaining public networks. I am firmly committed to a publicly owned Scottish water industry, owned by authorities that remain accountable to ministers and to the Parliament.

There will be a bill to deal with the need to strengthen rights that have been brought to the fore by the incorporation into Scots law of the European convention on human rights. The bill will cover matters of substance, focusing on adult mandatory life prisoners, security of tenure for Parole Board for Scotland members and legal aid. It is essential that we deal with the challenges that have emerged, and it is our intention for that bill to be introduced later this autumn.

The Executive's programme will also include an international criminal court bill, reflecting the joint responsibility of the Executive and the Parliament for observing and implementing the United Kingdom's international obligations in so far as they relate to devolved matters. The purpose of the bill will be to give effect in Scotland to the UK's obligations under the relevant international treaty, and to enable the UK to become one of the founder members of the new international criminal court, to be based at the Hague. The UK has taken the lead in calling for the establishment of a permanent international court to deal with persons who have been accused of international offences such as war crimes, torture and genocide. The bill will enable us to play our part in making the international court a reality.

We will introduce a salmon conservation bill, which will deal with concerns about declining salmon stocks by broadening the range of measures to conserve salmon.

The bill will also allow district salmon fishery boards to apply to the relevant minister for regulations that are designed to enhance conservation. *[Interruption.]* Members should be under no misapprehensions about my intentions in this matter—or about the title of the bill. I am very fond of retired people, but I make some exceptions. *[Laughter.]* The salmon conservation bill will also permit ministers to introduce area-specific or Scotland-wide measures, when that is necessary.

Finally, we will introduce our annual budget bill. A requirement for additional bills may arise, for example from the important negotiations on the findings of the McCrone report on teachers' pay and conditions, or to provide further measures to protect the public from sex offenders. We also have a real interest in several members' bills that the Executive would be happy to have on the statute book. I can promise that 2001-02 will be a busy year.

I underline the fact that we remain committed to introducing a freedom of information bill. That bill will provide the public with an important new legal right of access to information that is held by Scottish public bodies and will establish an independent information commissioner to protect and enforce the regime. We are developing the legislation in an open and inclusive way, and were encouraged by the generally supportive response to our consultation document "An Open Scotland". The next step will be the publication of a draft bill, around the turn of this year, which will be subject to full consultation and pre-legislative scrutiny. We will consider the results of that carefully, but we aim to introduce the bill as soon as possible, later in 2001. Freedom of information requires important legislation, and we remain committed to delivering the distinctive freedom of information regime that Scotland deserves.

I have set out an ambitious programme of legislation for the Executive in our second year. I have no doubt that it will expand with circumstance, and many ambitions will favour that expansion. However, I have announced a substantial, relevant and coherent package, which sits well with our long-term intentions. I have presented the programme to Parliament with confidence, given what we achieved in our first year. In our second year, the Parliament and the Executive will once more work together for the benefit of the people of Scotland.

This programme, like its predecessor, will help to improve people's lives, build for the future, improve Scotland's competitiveness and get the best value from increased public expenditure. It underlines the Executive's determination to work for social justice in Scotland. I commend the programme to the chamber, and to the country.

15:48

Mr Alex Salmond (Banff and Buchan) (SNP): I welcome the salmon conservation bill and assure the First Minister that I will be right behind him, on that high ideal, as the bill progresses through the Parliament.

There are several bills that I will support. The evidence (sexual offences) bill will deal with an important issue that the Parliament needs to address; the international criminal court bill is also laudable; and the regulation of care bill is important too. Those bills will, no doubt, be subject to detailed amendment, but will perhaps not enjoy great political controversy. With the exception of the housing bill, which will be deeply contested, it would not be possible to agree with the First Minister's description of the legislative programme as ambitious.

I am able to say which of the bills I would

support because I received a list of the proposed bills before I received a copy of the First Minister's statement. When I asked the people in our research department how they managed to produce that list and get every single bill right, they told me that the list was in *The Scotsman* of 17 August. That leak was subsequently denied by Labour sources, but every part of it has been confirmed by the First Minister's statement today.

The Scotsman said that the programme

"will come as a major disappointment to those who had hoped for a reforming administration."

Even now, *The Scotsman* is not a newspaper that is right behind the First Minister. It went on to quote Labour sources who called the programme lacking in "ambition", "deeply disappointing" and "unimaginative".

If the First Minister looks with fairness at the legislative programme, and indeed last year's, he will come to the conclusion that while it includes important and worthy measures and things that need doing—and many things that the SNP will support—it does not exactly grapple with the towering heights of the Scottish economy or social life.

Last year's programme was described, rightly, as the Groundhog programme because—as we demonstrated—it repeated announcements not just from Labour in the Scottish Office, but from Michael Forsyth's health service and building programme.

This year's legislative programme might be described as coming from the "Big Brother" Executive. Members will be familiar with "Big Brother", which is so popular on Channel 4 at the moment. It shows a group of people who are locked away from reality and are out of touch, who spend their time bickering among themselves and have a Big Brother who tells them what they can and cannot do. However, there is a fundamental difference between the TV programme and the Labour-Liberal Executive—every week, somebody is evicted from the "Big Brother" house. As yet, the Minister for Children and Education has not been evicted.

The First Minister gave the game away when he began his statement on the legislative programme by talking not about its content, but about next week's spending announcements. He spent the first part of his statement not on today's business, but on next week's business in education and health. Those are the towering heights of the Scottish economy and social life.

Significantly, in that articulation, the First Minister made no reference to the £23 million cuts to the education service in Scotland this year, which have been felt particularly in Aberdeenshire,

where children in my constituency are being decanted from school buses because of spending cuts that the council blames on Jack McConnell and that Donald Dewar blames on the council. There was no reference to that in the First Minister's statement. Nor was there a reference to the catastrophe in Scottish education that has been presided over by the man who should be evicted from the First Minister's Big Brother house.

The First Minister mentioned health and what would be done—

Johann Lamont (Glasgow Pollok) (Lab): Will the member give way?

Mr Salmond: There was no mention of the waiting lists, which rose from 75,000 to 86,000 between June 1999 and June 2000. Of course I will give way on the subject of waiting lists in the national health service.

Johann Lamont: It is rather a novelty for Alex Salmond to take an intervention from a back bencher—perhaps he could have the respect to allow the back bencher to decide the subject on which she will intervene.

Alex Salmond raised the idea of people being evicted. What are we supposed to make of someone who walks away voluntarily from his position as Opposition leader because he is no longer able to control his party?

Mr Salmond: In July, in common with the Deputy First Minister, I went down to Westminster for the final few weeks before the recess. I had a good look at the Prime Minister's demeanour and noted the change that has come over him. I came to the conclusion that Tony Blair will not last 10 years as the leader of the Labour Party if he goes on the way he is doing.

It is a pity that Labour members, when asked to comment on the NHS, do not want to comment on what was wont to be one of their profound ambitions, and do not want to comment on the fact that patients with cancer who require radiotherapy should wait a maximum of two weeks for the start of their treatment—

The Deputy Minister for Local Government (Mr Frank McAveety): Will the member give way?

Mr Salmond: I think that we should talk first about the patients with cancer, then take the intervention. Patients who require radiotherapy should wait a maximum of two weeks for the start of their treatment, but the Scottish average is six weeks and some people wait as long as six months. Perhaps the minister, in his intervention, would like to defend that situation in the NHS in Scotland.

Mr McAveety: The minister would like to mention that the difference between Mr Blair and

Mr Salmond is that Mr Blair can at least be elected to leadership to take decisions, unlike Mr Salmond, who has walked away. If Mr Salmond can say in Parliament that one of the flagship bills—the housing bill, which will radically transform opportunities in housing and opportunities for investment for the people of Scotland—is meaningless, he does not deserve the support of the people of Scotland.

Mr Salmond: The minister should check the record: I exempted the housing bill, and said that it would be politically controversial—

The Minister for Communities (Ms Wendy Alexander): Why?

Mr Salmond: Because of the right to buy. I am sure that, in the intense debate that the minister is having with tenants around Scotland, she has realised that her bill will be controversial.

Mr McAveety did not want to speak about the NHS. Is he defending a situation in which we have those waiting times and waiting lists? Is he defending a situation in which the Minister for Health and Community Care underspent last year because the Minister for Finance was moving money into forestry and other things?

The Minister for Enterprise and Lifelong Learning is leaving his place, but I see that he is now coming back. In supporting the earlier rant from his minister, the First Minister said that we should be celebrating the unemployment position in Scotland. Should we be celebrating the real unemployment figures—the figures from the International Labour Organisation that Labour in Opposition used to use? There are 170,000 people unemployed in Scotland. That represents a rate of 6.7 per cent, in contrast to Austria, which has 3.2 per cent—

The First Minister: Austria?

Mr Salmond: Denmark has 4.8 per cent, Ireland has 4.5 per cent, the Netherlands has 2.6 per cent, Portugal has 4.3 per cent, and Sweden has 5.6 per cent. I heard the First Minister gasp, “Austria” as if that was a strange international example to choose. Those are all small independent countries in Europe with low unemployment rates.

The First Minister’s legislative programme is lacking in ambition. It does not tackle the key issues in the Scottish economy and in Scottish social life. The First Minister’s legislative programme does not explain why, in Donald Dewar’s Scotland, children cannot get their examination results, their parents cannot get petrol on the forecourts, and their grandparents have to sell their homes to pay for long-term care.

Let us have an explanation of the legislative programme. It does not explain why the largest oil

producer in Europe has the highest petrol prices. It does not explain why the minister who presided over the greatest disaster in Scottish education in living memory still retains his place in the First Minister’s Cabinet. It does not explain why the First Minister allowed a chief of staff to tell fibs—to put it mildly—about death threats to the Minister for Health and Community Care and then took time to remove him. It does not explain why 47,000 manufacturing jobs in Scotland have been lost since Labour took power, and it does not propose any action to deal with that.

The First Minister: Pathetic.

Mr Salmond: It is pathetic that manufacturing employment in Scotland is below 300,000 for the first time since the industrial revolution.

The First Minister: Did Alex Salmond read this month’s Bank of Scotland economic report, which said that manufacturing output was up for the 22nd month in succession and that the pace of that rise was increasing? It also reported an increase in manufacturing employment. Mr Salmond really must not go in for selective quoting. Anyone who looks round this city and round Scotland will see that we are going through a strong economic phase. I do not believe that that can possibly be described as a partisan interpretation.

Mr Salmond: Rather than spending his time reading the Bank of Scotland’s economic summary, perhaps the First Minister should examine the gross domestic product statistics that the Minister for Enterprise and Lifelong Learning—who has conveniently left the chamber—is unable to explain. The minister is unable to explain why a decline in GDP over two successive quarters does not constitute an official recession. After the earlier rant, we heard a quiet explanation: the Government had avoided a recession by rounding down the first set of figures.

The First Minister should consider the reality, rather than the spin: the Scottish economy is suffering a manufacturing recession. He should recognise the fact that Scottish agriculture is suffering a recession. Why does the First Minister think that key fuel-dependent industries have been protesting over the past two weeks? Does he think that they are imagining the threat to their industries and jobs? Has not he made representations to the Prime Minister, telling him that Scottish manufacturing, exporters and key Scottish industries are suffering from an overvalued pound? Does not the First Minister recognise the reality of the Scottish economy, as opposed to what is regurgitated in the statements of the spin doctors?

Dr Richard Simpson (Ochil) (Lab): As always, it is very interesting to listen to Mr Salmond. Will he tell us what legislative programme he would

come up with if he were to remain as leader of the Opposition? What legislation would he propose? All this stuff about budgets and funding is more suitable for the debate on the comprehensive spending review to be held next week. He seems to have confused his speeches.

Mr Salmond: It was the First Minister who started talking about next week's debate. However, budgets and funding are at the heart of what I am saying and are the reason why the Government's programme is so unimaginative and limited in its scope and intent. It may come as a surprise to Richard Simpson that part of our argument is that the two legislative programmes have been unimaginative and have not transformed Scotland not just because of the problems of the First Minister and his deputy, those of holding the Executive together, or the limitations of the ministers, but the limitations of the Parliament's power to command the heights of the Scottish economy.

I will not dwell on the disasters that have befallen the Scottish Executive in the past year. *[Interruption.]*

The Deputy Presiding Officer (Patricia Ferguson): Order.

Mr Salmond: I see that the Minister for Rural Affairs is deep in contemplation. I hope that, in the coming year, when the UK Minister of Agriculture, Fisheries and Food is about to license or approve trials of genetically modified crops in Scotland, he will he have the decency to inform the minister who is responsible for agriculture in Scotland.

Even if we do not immediately get the powers that the Parliament needs, I hope that when an issue such as the Mike Tyson fight comes up, we will have an Executive with the ability to articulate Scotland's concerns to Westminster. I want an Executive and a Parliament that, when they are lobbied by pensioners such as the group that visited us this afternoon, do not have just the ability to offer a concession on warm homes—welcome as that is—but are able to meet their concerns about long-term care and the basic pension. I want a Parliament and an Executive that can legislate on the Scottish economy and Scottish social life and can command the fiscal decisions to get the Scottish economy moving. I want an Executive that does not have to fiddle the Scottish GDP figures, because, as in the other small countries in Europe, Scottish gross domestic product will be moving ahead. I want an Executive and a Parliament that are grown up enough to realise that only through independence in Europe shall we realise the hopes of the Scottish people.

16:04

David McLetchie (Lothians) (Con): In setting

out the Executive's programme for the coming year, the First Minister has clearly attempted to draw a line under the failures that have characterised the Administration since its inception. Political relaunch is invariably a sign of failure and of an Administration in trouble—words such as "Titanic", "deckchairs" and "rearrange" come to mind.

The failures are well documented. In its first year, the Executive failed to address the issues that matter to the people of Scotland, such as health, education and law and order. Instead, it was perceived to be concentrating excessively on fringe issues, such as the repeal of section 2A, on which it was badly out of touch with public opinion. Perversely, in year 1 of operation, the Executive seemed determined to reinforce the commonly held public perception that politicians are more interested in themselves than in the interests of ordinary people.

We continue to protest about the number of ministers in Scotland, who are enjoying the perks and privileges and salaries of office—four times the number that was required to run this country efficiently for 18 years under the Conservative Government. We continue to protest at the absurd prioritisation—and in this coming year we will continue to protest about the excessive cost—of the Holyrood project, that monument to the ego of politicians, which is running at five times what Donald Dewar promised when he signed off the devolution white paper in September 1997.

Dr Simpson: Let us have something new.

David McLetchie: There is plenty new to talk about. Dr Simpson will be needing his surgery after this.

The failure to address the real issues stems from a far deeper problem. The Executive has no coherent philosophy on which to base its programme for reform of our public services. Instead, there is a Blairite obsession with strategies, action plans, holistic approaches, performance indicators, benchmarking and all the rest of the techno-psychobabble that is such a feature of new Labour.

Even judged by its own criteria, the Executive is failing to meet its targets—targets that encourage the trend towards administrative centralisation, which is proving to be so damaging to our health and education services. Ministers are taking more and more powers to themselves to try to meet those targets, knowing that they will be blamed if they fail to do so. It is a vicious circle that is entirely of the Executive's own making. It ignores the fact that our public services are crying out for greater devolution of power from politicians and the centre to individuals, families and communities.

We need to strike the right balance between the responsibilities of Government and the institutions that make up our society. I do not see the Executive striking that balance.

Ms Alexander *rose*—

David McLetchie: When the Executive comes forward with policies that are in line with that approach, it will have our support, as it has done previously in the Parliament. However, there is no sign that there is a change in that direction, although I am sure that Ms Wendy Alexander is about to tell me otherwise.

Ms Alexander: In line with empowering local communities, I take it that we can look forward to Conservative party support for the power of community initiative, which enables local authorities in Scotland to lead community planning in their communities.

David McLetchie: Yes, I am sure that the minister will have our support, as she will for many aspects of her housing bill, because she is simply adopting and extending ideas that we pioneered in government and that we are delighted to continue to support. On the issue that she mentions, she will have our full-hearted support.

We have seen in the health service that the attempt to meet centralised targets—in particular the discredited Labour manifesto pledges on waiting lists—has led to greater centralisation and to Susan Deacon adopting a dictatorial approach to the NHS in an attempt to achieve her ends. That has done untold damage to our health service. We have ended up with the ironic situation—as the First Minister was good enough to confirm at question time today—that waiting lists in Scotland are higher today than they were in 1997.

Dr Simpson: First, will Mr McLetchie acknowledge that the promise was given in 1997 on the basis of what we would achieve by the time of the next general election? Despite his best wishes, or perhaps his worst fears, we are not yet at the next general election. Secondly, will he acknowledge that Scotland, of all the regions of the United Kingdom, has the most patients treated in the quickest time, and that it exceeds other areas by a substantial margin? Improvements to waiting times are what his party has been demanding ever since the election, and that is being achieved.

David McLetchie: The member raises a point that I answered in discussions earlier today with the First Minister. Labour set the targets and is failing to meet them. It was Labour's choice, not ours. We made the very point that Dr Simpson is making to me. Labour has a few months left in which to realise those targets. We will be watching very closely when—or if—it does. At the next

question time, we could ask Ms Deacon for a guarantee that those targets will be met by election day. It will be interesting to hear the answer. Perhaps Mr Simpson might like to ask that question.

As well as failing to understand the need for greater devolution of power, the Executive has, I would submit, failed in the roles that Government—and only Government—can perform. The primary task of Government in that respect is to uphold the rule of law. I submit that the Executive is unwilling to take the measures that we believe are necessary to tackle the rising crime rate. There are fewer police officers on our streets. Four prisons have been closed and more dangerous criminals are being released early from prison at a time when Mr Wallace meekly presides over an initial 10 per cent cut in his justice department's budget.

I am disappointed that there is nothing in the legislative programme about restoring honesty in sentencing. There is nothing about extending the use of mandatory sentences for repeat serious offenders.

The Deputy First Minister and Minister for Justice (Mr Jim Wallace): If Mr McLetchie reads the newspapers, he will know that a week last Friday the Prime Minister and I attended the end of the first week of training of the biggest intake of recruits to Strathclyde police in a generation—80 in one month. The chief constable was able to report not only falling crime rates in Strathclyde but rising detection rates. That is a somewhat different story from the lurid one that Mr McLetchie tries to paint.

David McLetchie: That is one part of Scotland where I am delighted that progress is being made. However, Mr Wallace should not fall into the trap that Mr Straw did. He should consider the overall balance of the establishment of police forces. Before he starts crowing about the number of recruits, he must consider the number of retirees. I hope that he is not guilty of Mr Straw's dissembling on that aspect of police numbers.

The exams fiasco has left the reputation of the Scottish education system in tatters. Even the First Minister is honest enough to admit on television that it has been a disaster. We all wonder why the minister responsible remains in office—he is out of the chamber but regrettably not yet out of office. We wonder why that removal, which is so necessary to restoring public confidence in our system, has not yet taken place.

It sometimes seems to me that Mr Dewar is not so much the First Minister of Scotland as its head waiter. We are all waiting for correct exam results, waiting longer for operations in our hospitals, waiting for crime rates to fall and waiting for a fair

deal for our motorists and hauliers. I will give the head waiter for Scotland a tip that he does not deserve: the longer people wait, the more frustrated they become. The day of reckoning for new Labour in Scotland is nigh.

I turn to some of the specifics of the legislative programme announced today. As Mr Salmond says, there are elements that all parties in the chamber would probably be happy to support. Among the measures he highlighted were: law of evidence; the international criminal court; salmon conversation—[*Laughter.*] I meant to say salmon conservation. We have had an awful lot of Salmond conversation, but salmon conservation is equally worthy of support. We support some of those measures.

We accept that much of the work of Government does not require legislation but is about the exercise of powers that the Executive has already been granted. For many businesses and employers, the absence of legislation is welcome. They are already struggling to cope with the burden of regulation and red tape that has been heaped on them since 1997 by the Labour Governments here and at Westminster.

I was intrigued by a reference near the close of the First Minister's statement. He said that he had

"a real interest in several members' bills that the Executive would be happy to have on the statute book."

I hope that the First Minister is not in the least bit happy to see on the statute book Lord Watson's Protection of Wild Mammals (Scotland) Bill. Perhaps when the Deputy First Minister sums up, he will kindly confirm for the benefit of the Parliament that the Executive will not move the financial resolution that that bill in its present form apparently requires. We need to know the Executive's position on the bill. I have put that matter several times to Mr McConnell, the Minister for Finance, but it has been ducked.

As I said in response to Ms Alexander's intervention, there is much in the housing bill that we support and welcome. I hope that, in line with my suggested theme for the Administration, the Executive will devolve power to more community-based housing associations, rather than having the single, monolithic Glasgow city-wide association that appears to be in favour with current ministerial thinking.

Before the First Minister made his statement, there was a lot of media briefing about both that statement and other announcements that he would be making, particularly in relation to extra help for the elderly. Of course, those announcements are happily designed on his part to try to compensate for the embarrassment from which Labour is suffering in relation to the pension increases that the Chancellor of the Exchequer

announced earlier this year.

Although some of Mr Dewar's proposals on the elderly are worthy, it is fair to say that he continues to duck the central question on the Sutherland report. We have been happy to commit ourselves to implementing the key Sutherland report recommendation on making all personal care free, from a unified health and social services budget, for people who require long-term care. I believe that all members would fairly acknowledge that such a step would end the major fear facing many elderly people that they will be unable to meet the costs of their long-term care without depleting virtually all the savings that they have built up over a lifetime of work and of paying their dues and taxes.

Mr Dewar and the Scottish Executive may think that it is appropriate to improve access to information technology for older people. However, when it comes to political priorities, the grannies of Scotland would far prefer a Sutherland safety net to surfing the net. That kind of perverse and distorted priority makes the Executive deserve condemnation for its failure to be more forthright about what it is going to do about Sutherland.

The Minister for Finance (Mr Jack McConnell): I have two questions for Mr McLetchie. First, how much would his proposal cost and from where, in his version of the Scottish budget, would the money come? Secondly, in order to unify the health and social services budgets, would he take the responsibility of social services from councils or the responsibility of health from health boards?

The Deputy Presiding Officer: Mr McLetchie, you must wind up now.

David McLetchie: Oh. I have taken lots of interventions, Presiding Officer.

The estimated cost of the implementation of the Sutherland recommendations for Scotland is approximately £110 million, which, I understand, is about a tenth of the total £1 billion costing. As Mr McConnell knows, the additional funding announced in the budget in March, to which we are committed, is £173 million. I am quite happy to say that, for us, the implementation of Sutherland is a higher priority for that kind of spending than the First Minister's priority of the internet for grannies. We will give members more details on our proposals when we come to the debate on spending.

We will oppose, with all due vigour, the graduate endowment bill. The phrase "graduate endowment" is made up of typical new Labour weasel words. It is not an endowment; it is a graduate tax, which will hit home for every student when they start to earn the modest salary of £10,000, although that amount is not much more

than the minimum wage. If that bill is enacted, as, sadly, I suspect it will be—

The Deputy Presiding Officer: Please come to a close, Mr McLetchie.

David McLetchie: The bill will stand as a fitting memorial to the duplicity and double-dealing of the Liberal Democrats, who betrayed the young people of Scotland in the aftermath of the election.

In obedience to your admonitions to conclude, Presiding Officer, I shall simply say that the Executive's programme and record fail on the fundamentals and on the key issues and concerns of people in Scotland. For that it deserves no welcome in this Parliament.

16:20

Robert Brown (Glasgow) (LD): I have listened with interest to the diatribes that we have heard from the leaders of the two Opposition parties. I noted that it took Mr McLetchie some nine minutes to get round to mentioning the legislative programme and I am not entirely sure that Mr Salmond ever got there at all.

The actions of Government and Parliament comprise not just legislation, but administrative acts and financial provisions. We will be debating the financial aspects next week, which I hope will bring some new material to bear on the matter.

The Liberal Democrats are delighted to welcome the statement by the Scottish Executive on the next legislative programme. It is—not least with regard to the graduate endowment bill—the centrepiece of the further fulfilment of the partnership agreement between the Liberal Democrats and Labour. More important, it represents the further delivery by this Parliament of the reforms needed to bring Scotland up to date and to meet the hopes of the multitude of people who put faith in us to make this Parliament an instrument of the social changes that so many of us came into politics to bring about.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): Will Mr Brown give way?

Robert Brown: I would like to get started, if Stewart Ewing will allow me to.

Echoing Donald Dewar's earlier comments, I make a plea to the Executive to take these bills through Parliament in partnership with the Parliament and its committees, and in a way that allows the growing experience of MSPs and the wealth of expertise from civic Scotland to be reflected in the final version of the legislation.

As a Liberal Democrat, I am particularly glad to commend the graduate endowment bill to Parliament. Seldom in the annals of political controversy can so much venom have been

heaped on any politician or political party as has come from the leaders of the Conservative and SNP groups and their various followers in the direction of Jim Wallace and the Liberal Democrats on the subject of tuition fees and graduate support. The experience tested the political skills of our coalition parties and strengthened the partnership. The way in which it was resolved was a textbook case for the Parliament.

Phil Gallie (South of Scotland) (Con): Will Mr Brown take an intervention?

Robert Brown: Not at the moment.

An expert committee was appointed and produced an excellent report, and the partnership parties produced a set of solutions that, quite frankly, are better than those that either of them put forward at the election—they are certainly far better than anything that either of the Opposition parties proposed. Across Scotland at this very moment, thousands of students are registering for the new university and college sessions, free of the incubus that is tuition fees. The package is increasingly recognised as one of the best student support packages in Europe. In the coming year, we shall legislate on the part of the proposals that reinstates student grants.

Fergus Ewing: Although I am grateful to Robert Brown for giving way, I should point out to him that my name is Fergus. Stewart Ewing is my father, with whom he served on Glasgow District Council some years ago. Perhaps I am beginning to look older.

As Robert Brown is giving us a non-diatribic, perhaps he could respond to a simple factual question. Are there any bills that the Liberal Democrats proposed for inclusion in this year's programme for government that are not in this year's programme for government?

Robert Brown: I am not sure that I quite follow the question. Double negatives seemed to predominate.

Fergus Ewing: I shall rephrase the question. Have the Liberals put forward to their coalition partners in the Labour party any bills that they feel should be included in this year's programme for government that have not been accepted by the Labour party for inclusion in the programme?

Robert Brown: I shall come to that later in my speech, if I may. I have one or two things to say about inclusions and exceptions from the programme.

Mr Duncan Hamilton (Highlands and Islands) (SNP): Answer the question.

Robert Brown: I have said that I will come to Fergus Ewing's point later. Perhaps I might be

allowed to continue.

I do not want to go into detail, but I want to mention the liberal reforms that are being made in relation to compliance with the European convention on human rights, the international criminal court and preparations for the important issue of freedom of information. I hope that the consultation process on the Scottish human rights commission will be followed by legislation next year to set up a body fairly urgently. The bills on regulation of care, sexual offence evidence, water and salmon are all important measures. I commend and welcome, in particular, the continued commitment to the retention of water in public ownership.

There are one or two things on which the Liberal Democrats have a frisson of difference of emphasis. The housing bill is only one component of the Executive's housing strategy, which also comprises a growing range of financial and administrative measures, such as the homelessness task force reports, the various rough sleepers initiatives and the programme of major investment and community empowerment represented by stock transfer. The housing bill is a significant measure, which sets out the strategic and monitoring framework and improves the arrangements for dealing with homelessness and implementing the single social tenancy.

The proposals on extending the right to buy are much improved on the original suggestion, but it is a great pity that so much time and energy had to be spent improving a concept that met pretty general hostility from housing professionals and that many of us thought a distraction from the real housing issues. It is right to pay tribute to the Minister for Communities and the ministerial team for listening and responding to such concerns. To put it neutrally, we await the detailed terms of the bill with interest.

The housing bill should lead to a step change in community empowerment. Many communities, not least in Glasgow, will have real control of decisions and investment in their area, building on the pioneering work of the community-based housing associations, which have done so much to change perceptions of the potential of social housing.

Fiona Hyslop (Lothians) (SNP): Will the member give way?

Robert Brown: No, thank you.

I hope that in the stock transfer debate to be held shortly, the SNP will come off the fence about where it stands on the issue and give support to this major move towards investment in Scotland's housing stock.

Fiona Hyslop: Will the member give way?

Robert Brown: With respect to Fiona Hyslop, I do not have too much time.

I want to tackle the issue of future maintenance of tenement stock, particularly where there is mixed tenure. I have a significant worry, which I will share with the chamber. I am concerned that that means-testing of improvement and repair grants, further fragmentation of ownership through the right to buy and the lack of a compulsory sinking fund for major repairs such as roof and rough-casting renovations will lead to the frustration of proper maintenance. I urge the minister to examine that area urgently and if possible to include at least interim measures in the bill. If not, we will face the need for massive investment along the lines of that required in red sandstone tenements in the 1970s.

On local government, the housing bill rightly gives councils a potentially key strategic role in the housing plan, housing investment and, in particular, homelessness. However, I wonder whether the First Minister accepts the strength of feeling on Liberal Democrat benches about the need for wider reform of local government, including a fundamental review of the basis of local government finance and the electoral system for councils.

Fiona Hyslop: As the Liberal Democrat spokesperson, does Robert Brown share the concern that I felt when the Minister for Communities said in her local government statement in June that the Convention of Scottish Local Authorities had decided that it would much prefer a housing bill in next year's proposals to a local government electoral reform bill? Does he agree that it would be helpful if local government electoral reform were pushed forward and that we should not use the excuse of the housing bill to delay electoral reform for local government?

Robert Brown: There is no question of the one delaying the other. In my view, the two are linked. Once we have strategic reform, giving councils powers over housing, we must have properly elected councils that can be properly accountable to the electorate. It is no secret that that is the Liberal Democrat view. One of the important aspects of the Liberal Democrats' participation in the partnership is that there will be progress on that matter.

I suggest to colleagues in the Administration that, although Wendy Alexander would not commit herself in answer to Ian Jenkins's questions about dates, which might be fair given the differences to be resolved, it is surely possible for the Executive to say whether there will be legislation this year or next to implement the outcome of the Cabinet committee discussions. That is an important matter about which Liberal Democrat members feel strongly.

As the First Minister said, this is an ambitious and worthwhile programme of legislation. Its passage will make a real difference in many areas, and I am prepared on behalf of the Liberal Democrat group to commend it warmly to Parliament. I would like to think that in the rest of the debate there will be no more attempts to raise non-legislative issues and that we will have a real debate on what is included in the programme, on the issues that should be included but are not and on the points of detail about which members have concerns, so that the Executive—which, as I have said, is a listening Executive—can take those concerns on board. There are many things for this Parliament to do and we should not waste time on set-piece speeches that go off on tracks and have nothing to do with the subject of this debate, whatever the merits of the arguments.

The Deputy Presiding Officer: We now move to the open part of the debate. I call Malcolm Chisholm.

16:31

Malcolm Chisholm (Edinburgh North and Leith) (Lab): I do not want to spend the second day in a row deconstructing a speech by the leader of the Opposition, but I must say how disappointed I am that Alex Salmond neither addressed the legislative programme in detail nor suggested any other legislation that the SNP would introduce. He is perfectly entitled to make general points about the constitution, but even in an independent Scotland we would need bills on education, health, housing and justice. We still know nothing about what the SNP has in mind in those areas.

Fergus Ewing: In the Government's programme, I heard no reference to specific help for people on low incomes and pensioners in respect of the unreduced and extortionately high water charges. Would the member support such help if it were part of an SNP Government programme?

Malcolm Chisholm: At this stage I do not know the contents of the water services bill, but I heard the First Minister say something about pensioners. Before discussing the bills individually, I was going to say that I was very encouraged by the beginning of the First Minister's speech because he mentioned social justice as the first of his several priorities and because he flagged up £100 million for pensioners. Fergus Ewing may not have been listening, but that included action on warm homes. The First Minister also said that the Executive is now less constrained by departmental boundaries than it has been in the past. A good example of the positive effects of that is the interrelationship between the departments of housing and health.

I was struck by a number of general points: the large number of bills compared with what I was used to at Westminster; the different way in which we will do legislation, of which the annual budget bill is the best example; and the fact that we are taking different policy routes from Westminster. The graduate endowment bill and the freedom of information bill, which proposes a more robust test of harm and a stronger role for the information commissioner than does its Westminster equivalent, are good examples of that.

The flagship bill is, of course, the housing bill, which I welcome. I welcome the bill because it boosts the rights of tenants, strengthens the duties of local authorities towards the homeless and changes Scottish Homes from a non-departmental public body into an Executive agency. That may be the precursor to changes in the status of other bodies.

There will be debate about the specifics of the bill and members will argue for the inclusion of more about private tenants and fuel poverty. I was encouraged by the First Minister's suggestion that the bill will include provisions relating to fuel poverty. In conjunction with the money that has been flagged up, I hope that those provisions will do a great deal to improve the health of people on low incomes. The scandalous fact is that 78 per cent of households with weekly incomes of less than £100 spend more than 10 per cent of their incomes on fuel. That is the definition of fuel poverty.

Fiona Hyslop: Will the member give way?

Malcolm Chisholm: I have about one minute left, but I will give way in a moment if I have time.

I was very encouraged by the announcement of the regulation of care bill. By establishing the Scottish commission for the regulation of care, the Executive will be implementing one of the central recommendations of the Sutherland report.

Fiona Hyslop: Will the member give way?

Malcolm Chisholm: I will give way briefly.

Fiona Hyslop: Malcolm Chisholm has raised an important point about fuel poverty. If this Parliament is to do anything, it must tackle fuel poverty. Does he share the deep disappointment that many of us felt when we saw the consultation document, which did not mention tackling fuel poverty? It is essential that, if the Government does not include anything about fuel poverty in that bill, we ensure that the Parliament takes ownership of it and makes fuel poverty a key element of the bill.

Malcolm Chisholm: I do not have any inside information on that, but I am certainly encouraged by what the First Minister said today. I am confident that there will be significant action on

fuel poverty in the next few weeks.

I welcome the evidence (sex offences) bill, which will end the cross-examination of rape victims by the accused. I remind members of the excellent work done by Johann Lamont and others in bringing that about. This is related to the European convention on human rights. I am glad that there is to be a bill. Some of us were concerned that it was being misused in connection with the rape cross-examination issue. We welcome the incorporation of the convention in Scottish law.

Although the programme is extensive, some of us will want to push it a bit further. I would like to see legislation on stalking and harassment, with a new, specific offence of harassment, following the consultation paper that was issued on the matter by Jim Wallace before the summer recess.

16:36

Roseanna Cunningham (Perth) (SNP): A key question for the Executive must be whether this programme will effect positive change in the lives of our citizens. I look forward to the spending statement next week. However, I think that some opportunities are being missed.

I will comment on some of the justice proposals that have been made today. I do not want to confine my comments to the proposals that have been announced because I think that one or two other matters, on which proposals have not been announced, need consideration.

On the proposals, three bills out of eight are on justice, but two of them have to be described as essentially reactive—the international criminal court bill and the ECHR compliance bill. The international criminal court is a welcome development—it is very worthy—but it is unlikely to affect Scots materially in their justice interests. While ECHR compliance may be required in terms of legislation, I see that there is nothing about making other aspects of our justice system compliant. I have in mind a recent Prison Reform Trust document, which suggested that a large number of areas in the prison system throughout the United Kingdom are likely to be challenged under human rights legislation. It is a pity that when we talk about ECHR compliance we are talking about it in narrow legislative terms.

In truth, only the evidence (sexual offences) bill that was announced today can be described as proactive. It is likely to be very welcome. I await the detail, but I cannot imagine that there will be much opposition to it now that the Conservative party leadership has ensured that Brian Monteith and Phil Gallie are quiet.

Johann Lamont (Glasgow Pollok) (Lab): Will

Roseanna Cunningham give way?

Roseanna Cunningham: I will move on a little, if Johann Lamont does not mind.

The majority of people will be content with that bill and will be happy that it is being proposed. I would like more detail on its extent and how confined it is going to be, because other issues are important in respect of vulnerable witnesses. I wonder whether its title can be changed and its scope extended a little, to examine sex offenders in Scotland. There is no mention of that, but important moves could be made there, including consideration of a proposal that the SNP has long argued for: the imposition of lifetime supervision orders for some very violent and serious sex offenders. I would be interested to hear how narrowly confined that bill will be.

There are huge omissions. The First Minister talked about the freedom of information bill. I have no doubt that the Minister for Justice wants to see that sooner rather than later. A land reform bill was promised last year. It was delayed and I know that a draft bill may finally emerge in February 2001, but I do not understand why it has been so badly delayed. It is the piece of legislation in the land reform package that was most eagerly awaited and about which I received most correspondence, yet it is still missing in the Parliament's second year. Could the Executive not consider splitting some of the legislation? It seems obvious that we could proceed with the access proposals earlier, rather than wait for the crofting right to buy to be drafted into the other right to buy.

As convener of the Justice and Home Affairs Committee, I appreciate that it might appear odd that I should plead for more rather than less, but we have to consider what is most appropriate. Last year, three of the eight bills that were announced were justice bills. Three out of nine this year is slightly less onerous on paper, but the reality last year turned out to be five out of 12. I would like to tease out what extra legislation will appear, as I have no doubt that that will happen.

The issue is surely one of balance. For example, there are no initiatives on drugs in the criminal justice system, as I would have liked there to be. Legislative changes could be made that would make a difference in that area. I make the plea again that the domestic violence element of the family law bill be taken out. Let us get on with addressing that problem sooner rather than later, as it has a direct impact on a huge number of people. People in Scotland want the Parliament to legislate on such matters now; they want the Parliament to be proactive rather than reactive. It is difficult to explain to women who are desperate for more effective remedies that setting up the international criminal court should take priority. I do not think that the vast majority of people think

that it should.

I will make one last plea on long-term care, which is not in the Justice and Home Affairs Committee's remit. It occurred to me while the First Minister was talking about the regulation of care that the vast majority of carers are not professional carers, but spouses and adult children. What is the Executive doing to make the lives of those carers better? As far as I can see, the Executive is doing precious little, if anything.

16:42

Phil Gallie (South of Scotland) (Con): I, too, speak on those parts of the Executive's programme that relate to justice, but I make no apology for referring to the graduate endowment bill because it cuts across justice by being in breach of the Trade Descriptions Act 1968. As David McLetchie suggested, the graduate endowment is an additional tax. Robert Brown's mincing support for what is, in effect, tuition fees mark 2 is the kind of thing that brings politicians' reputations into disrepute, particularly given that the Liberals changed their minds overnight between 7 May and 8 May 1999.

David McLetchie also referred to the reduction in police numbers, the closure of prisons and conditions in prisons and the courts. I did not expect that such matters would be included in a bill today, as they are management issues that will no doubt be covered under the budget bill when that is finally revealed to us.

I will take Jim Wallace to account on Strathclyde police recruitment. Strathclyde police are currently 350 officers undermanned. That has to change. The Conservatives would welcome in the budget bill the sustainability to which he referred, so that recruitment is sustained into the future.

I am disappointed by what is not included in the bill, although I am not seeking extra work for the Justice and Home Affairs Committee. Its work programme will be packed out over the coming months. To a degree, that undermines one of the fundamental principles of the Parliament: that members should be able to take issues that are dear to their hearts to the committees. The Justice and Home Affairs Committee has found that the legislative programme has been such that there has been no time for that to happen. The work programme this year will probably ensure that, once again, our wishes will have to be put on the back burner.

The international criminal court bill is a Westminster-led bill. I suspect that if the Parliament chose not to support it, that would have very little effect on the United Kingdom and Scotland. We would still sign on to the court and Scotland would comply; however, I seek the

minister's guidance on that point. The fact remains that the bill is Westminster-induced, not Scottish Parliament-induced.

Mr Jim Wallace: We need to pass the bill so that the UK can ratify the treaty. If the rules do not apply in one major part of the UK, ratification will not be possible. Furthermore, if we are not in the first 60 countries to ratify, we will lose considerable influence on the shape of the international criminal court.

Phil Gallie: Although I accept the minister's comment, he should not tell us this time next year how many bills have been pushed through Parliament as a number of the bills going through this year and next will simply be piggybacking on Westminster legislation. The same point can be made in respect of the European convention on human rights. Bills associated with the ECHR both last year and this have been virtually mandated by the incorporation of the ECHR in the Scotland Act 1998. Such a situation can hardly be to the Parliament's credit.

Notwithstanding Roseanna Cunningham's comments, the Conservatives fully support the evidence (sexual offences) bill. As for other elements, we might seek an extension to some of the issues that might be included in the bill. We await it with some interest.

Our disappointment stems from the fact that many of the real issues have not been addressed. On the war on drugs, Angus MacKay promised much about the confiscation of assets. Where is that in the Government's programme? Changes to sentences are also greatly needed. Roseanna Cunningham mentioned the public's perception of how the courts treat individuals such as rapists, paedophiles and violent criminals. There needs to be change in sentencing policy to recognise the importance of keeping under control those who threaten society.

I am sure that many other issues will emerge in future debates, but I will put on record our reaction to the programme: disappointment, with a marginal welcome of some aspects.

16:47

Helen Eadie (Dunfermline East) (Lab): I congratulate the First Minister and everyone who has worked so hard across civic Scotland to deliver last year's legislative programme and look forward to the challenges of the coming parliamentary year. Those bills are already beginning to have an impact on my constituents.

Fergus Ewing said that he does not see any benefit to the elderly in the programme or spending proposals. Perhaps I imagined it, but I am certain that I heard the First Minister mention

£100 million in concessionary fares along with the provision of care for the elderly. Furthermore, I disagree quite strongly with Roseanna Cunningham's comments about the international criminal court, because such proposals materially impact on people in Scotland.

I leave it to others to deal with the range of legislative proposals that have been introduced today; along with them, I see real benefits for many people across Scotland.

Fergus Ewing: Will the member give way?

Helen Eadie: No, Fergus; do not do that. [Laughter.]

I warmly congratulate the Executive on the proposed legislation on the international criminal court. The people of Scotland are known worldwide for their strong sense of justice and fairness. Over the years, as a Labour party activist, I have fought shoulder to shoulder with other party members across the country for a world in which religion, sexuality, disability or colour of skin never work against someone's right to equality of opportunity. The establishment of a court where those who offend against such values can be brought to justice is no less than a magnificent step forward. I do not agree with Phil Gallie's comments and do not care that such legislation piggybacks on UK legislation. People in Scotland want that legislation.

I am sure that human rights organisations across the land will welcome the First Minister's proposals. Remembering the genocide in Kosovo that we have witnessed on our televisions in recent years, the holocaust and the history of Nazi Germany and Pinochet of Chile, I think that there will be nothing less than full and total commitment to the establishment of this international standing court.

Yesterday, young people from Fife—some of them from my constituency—returned from a visit to Romania, where they had been exhibiting the cultural strength of Scotland through their dance and music. On their trip, they will have visited the graves of 14 and 15-year-olds who gave their lives to fight for freedom and democracy. Those young people returning to Scotland will remember those who were so much younger than them. The Ceausescus, the Milosevics and the Pinochets can never be allowed to find a safe harbour in this world. This Sunday, with ex-servicemen and ex-servicewomen of the Royal Air Force, I will lay a wreath in remembrance of those who made the ultimate sacrifice and gave real meaning to the statement championing democracy:

"I may not agree with what you say, but I will fight to the death to protect your right to say it."

Was it Rousseau who said that?

The First Minister's statement and proposals are a fitting tribute at the start of this new millennium to those who have lost their lives at the hands of tyrants. Such tyrants will now face the international court. The fact that the UK is one of the founder members of the international court is as the people of Scotland would want it to be. We need to be at the forefront of international treaties. The fact that we are spearheading ratification of the treaty is to be welcomed. While there will not be retrospective powers, the court will act as a deterrent, putting would-be war criminals on notice that they can no longer commit war crimes with impunity. Sadly, experience shows that it is unlikely that those crimes will stop overnight. A lasting memory for me will be the friend who came back from the football stadium in Chile. He recounted the eerie feeling as he stood in the stadium and remembered the bodies that had filled the stadium and had disappeared overnight.

I would say to Roseanna Cunningham that the international criminal court matters.

16:52

Fiona Hyslop (Lothians) (SNP): I welcome the announcement that there will be a housing bill this year. I welcome it in the same way as I welcomed it when it was announced in June, September and December 1999 and in June 2000. Yet again, we have received the latest in a series of promises on the bill. If there is a serious drafting problem with the bill, it is important that the chamber be told.

It is important to remember that, while legislation can and will help Scotland's housing situation, it cannot do it in isolation. Significantly, we have seen no real progress on housing investment. The Government could have been forgiven for late legislation—it might even have had a better reception for what we suspect will be an inadequate bill when it appears—if it had delivered on its housing pledges and if it had delivered desperately needed investment in Scotland's homes and housing that will deal with the record levels of homelessness that it presides over, but it has not.

It is clear that NHP stands not for new housing partnership but for no housing progress. The Minister for Communities recently boasted in a written answer to a question I lodged that housing investment over two years in Scotland will be more than £1 billion. She is clearly proud of that figure, but even in the darkest days of Tory rule £1 billion was spent each year—not over two years—between 1989 and 1996. The reality is that this Government, which claims to view housing as a priority, has presided over a catastrophic fall in housing investment.

The First Minister presides over record levels of

homelessness, record numbers of families living in damp and cold homes, an acceleration in levels of children with asthma and the daily tragedy of young families being forced out of their communities because of a lack of available accommodation. A bill will not tackle that on its own. Investment is needed.

Outside the claustrophobia of Victoria Quay is the real world and the reality of housing policy. I am not alone in thinking so. In *The Herald* today, Councillor Madge O'Neil, a Drumchapel councillor from the heart of the First Minister's constituency, described the stock transfer proposal in the most unflattering terms.

Is the Minister for Communities aware that we might not have a Glasgow stock transfer ballot before the end of 2001? Is she comfortable with such a deadline? Is she aware that, if the ballot keeps slipping, there is the potential for an underspend of £80 million in Glasgow, which has to be spent by March 2002? It is time for the minister to admit that, as far as Glasgow is concerned, the game is up.

Ms Alexander: I have one simple question. Does the SNP support the community ownership proposals of the Executive, endorsed by this Parliament's Social Inclusion, Housing and Voluntary Sector Committee? Yes or no: is the SNP in favour?

Fiona Hyslop: The SNP's policy has been to oppose wholesale stock transfer, and that has been its position since we debated the matter at our conference last year.

The potential underspend of £80 million would build 2,000 new homes, completely renovate 4,000, re-roof 8,000 or centrally heat and double glaze 16,000. That is money in the budget of the Minister for Communities which she is in danger of losing because of her problems with the Glasgow housing stock transfer.

We expected the housing bill to be a national housing bill for all Scotland. Instead, it is likely to turn out to be a more limited social housing bill. The housing bill will bring some welcome measures, but I remind members of what we expected to see, of what was in the green paper "Investing in Modernisation: An Agenda For Scotland's Housing". It included provisions for housing design, additional planning measures, a review of the level of tolerable standards, improving energy efficiency, additional powers for local authorities to tackle substandard housing, flexible tenure systems and seller surveys. None of those is in the consultation document "Better Housing for Scotland's Communities: the Executive's Proposals for the Housing Bill".

The housing bill offers a golden opportunity to introduce much-needed measures that can affect

hundreds of thousands of people. Parliament must reclaim the housing bill to ensure that it lives up to the expectations of Scotland. The Government must remember that it is not just about legislation, but about investment in Scotland's housing needs.

16:57

Euan Robson (Roxburgh and Berwickshire) (LD): Last year's 12 bills are concrete evidence of the benefits of devolution to the people of Scotland. We understate our achievement over the past year, as we had to learn the legislative process, if we dismiss the year's programme, which included such important measures as the Adults with Incapacity (Scotland) Act 2000.

It seemed at times that all the bills were coming before the Justice and Home Affairs Committee at stage 2—and I see that there is more in store for us this year. However, I extend a particular welcome to the freedom of information bill, which has long been the policy of my party and of others. I trust that it will go further than the English and Welsh legislation.

I regret that Mr Salmond, in the twilight of his leadership, suggested that the bill is somewhat unimaginative. I think that a freedom of information bill is a very important change that will bring a number of benefits to Scotland.

The proposed evidence (sexual offences) bill will be appreciated by the victims of sexual offences. In our view, it is immensely preferable that agents acting for the accused cross-examine the victim.

Mr John Swinney (North Tayside) (SNP): I have listened carefully to Mr Robson's argument—and to that presented by the First Minister—about the freedom of information bill, which appears to be coming along later in 2001, which is what the First Minister said. Will Mr Robson explain to me what I read on what I am told is called a rolling sentence on the Liberal Democrats' website today? It says:

"After only one year, Scottish Liberal Democrats have made a difference . . . Delivering on our promises . . . a far-reaching Freedom of Information Bill"

Where is it if it is not in the legislative programme announced today? The Liberal Democrats' website is saying that the bill is here today—not arriving tomorrow or in 2001.

Euan Robson: Mr Swinney will understand that I am not responsible for the website. What is clear is that we have had a long-term commitment to such legislation and, as members heard earlier, legislation will be introduced. I hope that it will be on the statute book at the end of this year, proving what we have said on our website to be substantially correct.

There are some points of this year's legislative

programme which I consider particularly important. We need to strengthen local authorities' role in preventing homelessness: we need more temporary hostel-type accommodation, particularly in rural areas, where homelessness often goes unseen and unrecognised. In getting an individual permanently housed, it is often critical that accessible, local temporary accommodation is available.

After some years of experience, I remain convinced that consumer representation is best provided by an independent body that is separate from the regulator and regulatory authorities. I hope that we have a chance to address that in the water services bill. At close hand, I have lived through the advent of competition in the energy industries, and I am not sanguine about the prospect of a smooth introduction of competition in the water industry. However, I commend the Executive on its aims in that area.

I recognise and welcome the thrust of the salmon conservation bill, but I stress the overriding importance of local conservation before Scotland-wide measures are introduced. I commend to ministers the voluntary catch-and-release schemes that are operating in many parts of the country—including on the Tweed, where there is a problem with spring salmon—and the local habitat improvements.

Finally, the First Minister mentioned members' bills. I shall vigorously oppose one of those, but there is another one that I shall propose. I hope that the Deputy First Minister will indicate whether he is prepared to support a proposed civil marriages (venues) bill.

17:01

Dr Elaine Murray (Dumfries) (Lab): I welcome the First Minister's statement on the legislative programme. I intend to be slightly controversial in my speech and, as a member of the Enterprise and Lifelong Learning Committee, I look forward to consideration of the legislation on student finance.

One of the reasons I have always believed in devolution for Scotland is that that would enable a Scottish Parliament to develop legislation that was appropriate to the circumstances of our people. The actions that have been taken by the Executive are a good example of that and are a significant achievement for the Executive in its first year of operation. Tuition fees have been abolished in Scotland, as of this coming term. That removes the need for graduate students and their families to pay tuition fees up front. That is an improvement on the situation in the rest of the United Kingdom.

However, that is only part of the proposed improvements. The Executive's proposals will

redistribute further the balance of financial responsibility between low-income families and higher-income families, thereby better relating financial support to the ability to pay. Low-income families—who never had to pay tuition fees—will be entitled to a graduate endowment that will be worth up to £2,000 a year. The maximum debt at the end of study for a student from a low-income family will be reduced by an estimated £4,000. Those students will receive more maintenance during their study and will be less liable to debt at the end of it.

Richard Lochhead (North-East Scotland) (SNP): Dr Murray is talking about moving debt away from low-income households to higher-income households. Given that the water bill will introduce measures to ensure that services are affordable, does she agree that assistance should be introduced for low-income households as part of that programme, to help them to pay their astronomical water bills?

Dr Murray: As I understand the benefits system, that matter is reserved to Westminster, so those decisions would be better made there.

The Executive's proposals would remove some of the disincentives to study for young people from low-income families and would extend access to and participation in higher education. Entitlement to that endowment will be means-tested on family income, but the proposals include a taper to prevent any sudden cut-off in entitlement.

People with high incomes—MSPs, for example—will be expected to pay a higher contribution to the support of their young people in higher education. I agree with that. Why should people such as me—if I still have this job when my children go to university—who have more money and are able to contribute more, not have to do so? I have no problem with that.

Fergus Ewing: Will Elaine Murray agree with the late John Smith, who argued that people on higher incomes should pay higher income tax?

Dr Murray: I have always believed in direct rather than indirect taxation. Unfortunately, that opinion does not seem to be shared by the majority of the population—at least, it was not prior to the beginning of this week.

Tommy Sheridan (Glasgow) (SSP): Or by other members of the Labour party.

Dr Murray: In my previous employment, I was privileged to teach mature and part-time students, many of whom were engaged in distance learning. The proposals will improve the situation for mature students—who could not access student loans previously—by providing a £10 million access fund to universities and colleges for the provision of access payments.

Mature students will also be entitled to the full loan. Part-time students, such as those I taught at the Open University, were never entitled to student grants—they were always left out of the financial support arrangements that were available to other students. They will be entitled to proportional support for the first time. I think also that this is the first time that Government has recognised the need to support distance learners.

I realise that my four minutes have nearly ended. I want also to welcome the Executive's commitment to provide funding to local authorities to assist with child care and the provision of access funds for lone parents and disabled students, thereby acknowledging the special access problems that such students face. In order to be economically successful, Scottish people must be equipped with the necessary skills, but education not only improves life chances; it improves the quality of life. Therefore I welcome the measures to increase access to and participation in education at all levels.

17:06

Bill Aitken (Glasgow) (Con): Let us cut to the chase. This programme is anodyne, lacklustre and devoid of inspiration. It is likely to excite only the most sycophantic of Labour members. It is more about keeping the back benchers on board than it is about making a significant difference to the government of Scotland. It is more about keeping an increasingly fragile and disparate coalition together than it is about making a positive impact. The programme is much more notable for its exclusions than for its inclusions.

Where, for example, is the local government bill? Why have the efforts of Kerley and McIntosh been put on the back burner? The answer is that the Executive fears the reaction of the backwoodsmen in council chambers. What price proportional representation in local government now? No doubt the Liberal Democrats will go along with the programme in their usual supine manner, more concerned with the illusion of peripheral influence than with one of their principal policy goals.

The Conservatives will endorse measures in the housing bill, including the housing stock transfer. We could hardly do other than support that because it was one of our policies. We shall attempt to amend constructively certain aspects of "Better Homes for Scotland's Communities", if they are included. We have concerns over the role of Scottish Homes, which has carried out its regulatory role well in the past. With its transfer to a hands-on Executive department, it might find its role restricted to the point of emasculation. We certainly require assurances about that.

We shall endorse whole-heartedly measures to assist the homeless, but at the same time demand that the measures be governed by realism. The goal of removing rough sleepers from the streets is commendable, but we must ensure that those who are placed in permanent housing and who have a history of behavioural difficulties do not impinge on the rights and entitlements of their neighbours. As the pioneers of right to buy—a policy that increased home ownership in Scotland from 38 per cent to 60 per cent—we will retain our support for the concept. We recognise the difficulties that the extension of the right to buy under the single tenancy could cause housing associations and we will want to be satisfied that the figures stack up. We would not want to prejudice in any way the housing association movement, which has been a positive story, as is inevitably the case when people are given the responsibility of running their own affairs.

The Conservatives also recognise the problems of the elderly in care. Society has a clear duty to look after its most vulnerable members and we condemn the way in which some of them have been exploited and abused by unscrupulous and uncaring proprietors. Regulation is essential and we will support it, while noting that Labour's fine words do not match its status as the only party in Parliament that is not committed to implementing the Sutherland recommendations.

The legislation on the water industry must also be approached with realism. Water authorities require capital investment desperately and that must come from the private sector. It is essential that the industry should be allowed to enter into partnerships that will permit that investment, otherwise powerful competition from the private companies down south will be damaging.

There will be general and genuine disappointment at such an insipid programme. However, a general election is coming and Labour's strategy is quite clear: it does not want another section 28 fiasco. When electoral expediency is the principle, no measures must be introduced that might possibly frighten the horses.

17:10

Kay Ullrich (West of Scotland) (SNP): On the only health and community care legislation in the programme—the commission for the regulation of care services—the Executive will get no argument from me. After all, the proposal mirrors long-standing SNP policy.

However, I offer some words of caution: in legislating for the regulation of care services, will the Executive ensure that sufficient recognition is given to the workers in the care sector? Those workers are the people we entrust to look after the

most vulnerable and frail people in our society, yet they are among society's lowest-paid workers. They must feel valued. With such responsibilities as they have must surely come a decent wage structure, access to training that leads to professionally recognised qualifications and flexible career pathways. To ignore the needs of those workers will be to undermine the very purpose of the legislation. A caring service depends on a cared-for work force.

Let us not get bogged down in what the new Labour Executive wants to present; let us look behind the smoke and mirrors. Only in new Labour's Scotland could we have a health minister whose reaction to every question on failures in the health service has been to bombard members with a recital of figures. I will let members into a secret—no one, but no one, out there believes those figures any more. All that money is going, supposedly, into the health service, but health delivery staggers from crisis to crisis. We want answers to questions, not arrogance and evasion.

The new Labour Executive loves quoting figures, so I have brought some. There are 5,000 fewer hospital beds since 1996. There are 1,000 fewer nurses and midwives. On waiting lists—new Labour's obsession—its own latest figures show a rise of 15 per cent during the past year. Surely only in new Labour's Scotland, with a health service that is crying out for resources, could we have a health minister who manages to underspend—underspend—to the tune of £135 million.

Finally, I have a very important figure—£110 million. That amount would end the misery that is caused by the continued reluctance of new Labour in Scotland to implement the key recommendation in the Sutherland report—that personal care of the elderly, like medical care, should be provided free and from the public purse.

The Executive is always banging on about Scottish solutions to Scottish problems. Here is its chance—it must not be feared. Health is a devolved issue and the Executive does not have to take its orders from its big brother in Westminster. It should accept its responsibility and keep faith with Scotland's elderly people. Tell Tony and his cronies that if they can squander almost £1 billion on their millennium dome, the Executive in Scotland can spend a mere £110 million to end the misery and fear for the future that the Labour Government and the previous Tory Government have inflicted on Scotland's elderly people for over a decade.

One year in, and all that this Labour Government has been able to produce is more hype, more spin, more glossy brochures and, unfortunately for patients and health service workers, yet more disillusionment. We are up to

here with spin and creative accounting. Let us have no more ducking and diving. Where is the new Labour strategy and structure that will rebuild Scotland's health service?

17:15

Tommy Sheridan (Glasgow) (SSP): I want to touch on some of the proposed bills and a couple of issues that—unfortunately—are not included in the proposals.

My first point relates to the housing bill. Last year, Glasgow City Council carried out its largest ever survey of its tenants' priorities. It surveyed 2,350 tenants, 78 per cent of whom returned the forms. That makes it the most detailed survey of Glasgow City Council tenants that is available. The council asked the tenants about their priorities and to give each priority an importance rating. I hope that the Minister for Communities is listening because, in the importance ratings, a damp-free house with central heating received 90 per cent support, a responsive repairs service received 89 per cent support and security of tenure received 88 per cent support, yet community ownership was 10th on the list of priorities and received only 27 per cent support.

Ms Alexander: I am much encouraged by Tommy Sheridan's comments. First, the warm deal is addressing fuel poverty. His second point was on responsive repair services—it is important that tenants have a choice about where their repair services come from. Mr Sheridan's third point was on the need to increase new investment, which is at the heart of the bill. The bill will provide the best package of tenants' rights ever and will deliver secure tenancies. Measures on fuel poverty, a responsive repairs service and security of tenure are exactly what the bill provides.

Tommy Sheridan: The minister's words were interesting, but empty. She mentioned the concern about warm homes. I remind her that the Tories changed the capital receipt clawback rules in Scotland in 1996. Mr Forsyth did that and in 1997 he changed them again in order to take 75 per cent of capital receipts. The Labour Government has now been in power for three years. During those three years, my city of Glasgow has lost a potential investment of £58 million through the capital receipt clawback. That amounts to 25,000 Glasgow homes.

Ms Alexander: Will the member give way?

Tommy Sheridan: I am sorry, but I have taken an intervention from the minister and I would like to finish my point.

If the Labour party had removed the capital receipt clawback rules as it said it would, 25,000 families in Glasgow would have central heating or

double-glazed windows. They are sitting without those because the minister has refused to remove the capital receipt clawback rules.

The minister mentioned the idea of choice in relation to the community ownership option. What choice is Wendy Alexander presenting to the tenants of Glasgow who are already saying clearly that they do not want community ownership? She is telling them that if they do not—[*Interruption.*]

The Deputy Presiding Officer: Order.

Dr Simpson: What is the member's proof?

Tommy Sheridan: Several ministers and members, including Dr Simpson, have asked what my proof is. I have just summarised the most extensive survey of tenants by Glasgow City Council. If Dr Simpson reads *The Herald* today—[*Interruption.*] If Dr Simpson reads *The Herald* today, he will learn that at yesterday's housing investment sub-committee, the city council produced a report that said that the majority of its tenants are opposed to the transfer. The Executive should listen to what the tenants are saying.

Mr McAveety: Will the member give way?

Tommy Sheridan: I am sorry, but I am not taking another intervention. The Executive should listen to what the tenants are saying, rather than to the narrow—[*Interruption.*]

The Deputy Presiding Officer: Order.

Mr McAveety: Will the member give way?

The Deputy Presiding Officer: If you are not taking an intervention, Mr Sheridan, you should carry on.

Tommy Sheridan: I have already taken about three interventions, most of which came from a sedentary position.

The point is that it is a narrow and ideologically driven proposal, which will force tenants into community ownership although they are asking for public investment. By all means, let us have mixed tenure in the city of Glasgow. Let us have housing associations and private housing, but let us have public housing too, in the shape of the municipal authority.

I want to make some quick points on a couple of other subjects.

The Deputy Presiding Officer: Make them very quickly, please.

Tommy Sheridan: I hope that the minister will respond to my concerns about the water services bill and tell us that there will be a comprehensive and far-reaching system of rebates. The poor and the pensioners of our country cannot afford the rising water bills that they face.

I have two more quick points.

The Deputy Presiding Officer: I will allow you one, Mr Sheridan.

Tommy Sheridan: I took interventions—I will make my points very quickly.

I cannot believe, given the debate that we had in April, that the Executive has not brought forward a proposal to improve and humanise debt recovery. I cannot believe, given the importance of that issue and the fact that the Executive was overturned on poindings and warrant sales, that it will not bring forward in the next 12 months legislation to improve a situation that strikes at the heart of Scotland—the number of people who suffer from debt problems.

Finally, Elaine Murray made an honest contribution and said that she supports progressive taxation. If she does, I hope that she will join me in arguing in the chamber that the Executive and Parliament should bring forward a replacement for the council tax, which is a deeply regressive form of taxation. We have already discussed an alternative. It is called the Scottish service tax and it would tax the wealthy appropriately and exempt the poor and the pensioners.

17:21

Mr David Davidson (North-East Scotland) (Con): I read with interest a copy of the First Minister's statement, in which he said that he wishes, with the Executive, to

"foster a competitive wealth-generating economy."

He went on to talk about the Transport (Scotland) Bill which, in essence, is anti-competitive. It adds burdens to the Scottish economy that damage our businesses and their competitiveness compared with the rest of the UK. We have distance-to-market problems. We have huge difficulties with additional fuel costs and so on, and the last thing that Scottish business can deal with is additional taxation, for example, in the form of a double taxation on parking places, because already business rates are charged on parking places. I am amazed by the number of businesses that have complained to me about the threat of that taxation. Parking places are not for the convenience of directors or fat cats; they are for the running of businesses. They are essential parts of how business is done, and many parking places are used as delivery points for industry.

On the European convention on human rights, while I recognise and agree, as we all do, that people have rights and rights to protection, a litigation culture is afoot in Scotland, which is costing Scottish business £250 million a year. I have raised that matter with the Minister for

Enterprise and Lifelong Learning, Henry McLeish. I have not had a reply. Business is in deep trouble with that, and we need a lead from the Executive on how business can be advised to deal with it. Some of the chambers of commerce, particularly in Glasgow, have set up a hotline. What is the Executive doing? That problem is a consequence of legislation that has a good effect on some people, but a negative effect on the economy.

Another phrase that was used in the statement was "cost-effective public services". I was amazed when Jack McConnell came out with the fact that there will be a review of funding. Surely to goodness it is time that we had a review of what we expect local authorities to deliver. Once we can agree that, we can look at the funding package. I know that some Labour members and the Convention of Scottish Local Authorities do not agree, but there is sympathy from those who understand how money adds up. Councils should be—we must discuss this soon—enabling authorities. We need to instil a competition culture, because that is part of the economy of Scotland.

On Tommy Sheridan's little discourse about the capital receipt clawback, is he aware that it is used to pay off ever-escalating council debts? If we did not have it, the interest charged would result in increased council house rents. I am sure that Tommy Sheridan would not welcome that.

Tommy Sheridan: Does David Davidson know the percentage increase in rents that would result? It is 3 per cent, in case he does not know. The tenants of Glasgow would prefer central heating or windows.

Mr Davidson: In fairness, it is still a charge on the tenant, which I am sure Tommy Sheridan would not approve of.

On behalf of the Conservatives, I welcome the fact that community ownership will bring in private finance, but we have to ensure that that does not result in restrictive and expensive bureaucracy.

We welcome many elements of the bill for the regulation of care. I refer to comments made by Jack McConnell when I say that it is time to discuss the placing of community care into local health trusts so that we have joined-up delivery and not the haphazard mix of council and local health delivery.

I would like to hear the Executive comment on the use of private nursing homes, which give better value for money than many local authority homes. I have had many complaints lately about the openness of the tendering process. That relates to today's discussion.

On the salmon conservation bill, I am only sorry that it is a bit late to save Alex Salmond.

The graduate endowment is a tax. The Liberal

Democrat party cannot go round claiming that it is providing free education. There are young graduates in my family who will hurt when they start paying the tax. It is not a clearly thought out policy. We need to consider the index linking and the effect that graduates will have on the economy in future.

The Deputy Presiding Officer: The member has about 20 seconds in which to close.

Mr Davidson: I shall refer briefly to water. I hope that the self-proclaimed shadow minister for water sitting on the Scottish National Party benches—Richard Lochhead—will join me in welcoming the opportunity for business to get involved in the new licensing system to create competition. We need a complete review of the funding formula, because the water authorities cannot cope with the restrictions. The net result is that everybody pays higher bills, which disadvantages the economy.

17:26

Nicola Sturgeon (Glasgow) (SNP): Like other members who have spoken, I am sure that every bill announced today is worthy in its own right. Like Kay Ullrich, I want to pay particular attention to the regulation of care bill, which is long overdue and which will go some way to introducing national standards of care for children and other vulnerable individuals in our society.

Worthy though each individual piece of legislation undoubtedly is, the programme for government hardly gives the impression of an Executive with a clear vision of how to tackle the many real issues that affect the daily lives of individuals in Scotland today. What it does is to give the clear impression of an Executive that is badly out of touch with reality.

To take education, I am the first to admit that there is more to a programme for government, especially on education, than legislation. However, when we consider what has been announced today, it would seem that education as a Labour priority is nothing more than a bad memory. That is not surprising, as it is certainly not a good memory for anybody else in Scotland. Labour's biggest achievement in education to date has been to throw the examination process into chaos, to cast a shadow over the immediate future of thousands of young people and to undermine the reputation and credibility of the entire education system—a reality that, strangely enough, was not mentioned in the First Minister's statement.

What the First Minister did refer to was the Standards in Scotland's Schools etc Bill, which was passed before the recess. I have no doubt that the First Minister, if he was still present, would recall the centrepiece of that bill, which was to

place a duty on the education minister to secure continuous improvement in the standards of school education in Scotland. That is rather laughable in the wake of the events of the past few weeks. However, I suppose that it is only in Donald Dewar's Scotland that an education minister who has presided over unprecedented examination chaos could be described as a first-class minister.

Mrs Mary Mulligan (Linlithgow) (Lab): Did Nicola Sturgeon not also hear the First Minister refer to the possibility of legislation on the McCrone recommendations? Does she accept that we will need to take a great deal of notice of the McCrone report if we are to make the improvements to education that she mentions?

Nicola Sturgeon: I will reserve judgment on the Government's commitment to the McCrone process until I hear the outcome of the spending review next week. That is when we will hear what the commitment is in real terms.

Surely now—more than ever, after the chaos of the past few weeks—what the people of Scotland have the right to expect is for the Government to have some idea of how to restore credibility to the Scottish education system.

As it has obviously been beyond the imagination of the Executive to come up with anything, let me make a positive suggestion. Why does not the Executive take up the idea suggested last week by Professor Lindsay Paterson and supported by the Scottish civic forum? The idea, which was in the SNP's manifesto last year—although members should not let that put them off—was that of a standing education convention. It would be a forum that would bring together people in Scotland who know what they are talking about, to influence policy before it becomes set in tablets of stone by faceless officials in Victoria Quay.

If such a body had existed, perhaps the Minister for Children and Education would have been forced to address teachers' concerns about higher still, rather than pressing ahead in spite of those concerns. Perhaps he would have found it more difficult to turn a deaf ear to the siren warnings that have been sounded by teachers and parents about the problems in the Scottish Qualifications Authority.

The reason the Executive's message about today's programme for government will not strike a chord with the Scottish people is that the Executive speaks a different language from the Scottish people—and we all know how appalling the Executive's record is in modern language teaching.

I suggest that it is time that the Government realised, and showed that it realised, the real, pressing issues that concern the people of

Scotland, as well as showing that it has some idea of how to tackle those problems. Until the Executive does so, the people of Scotland will continue to be discontented with it, and will show that discontent at the ballot box.

The Deputy Presiding Officer: We move now to winding-up speeches. I call Margaret Curran, who has five minutes.

17:31

Ms Margaret Curran (Glasgow Baillieston) (Lab): I want six minutes, because Tommy Sheridan got six.

I am delighted to be summing up on behalf of the Labour party. This is a new year for the Parliament, and it is important that we all take some responsibility for the way in which the Parliament is perceived. It is important that we focus on the issues of real concern to the people of Scotland and that we deliver on the ground. That is the key test that faces the Parliament, and it is a test that we must pass.

I am pleased that the programme of legislation is addressing the needs of the Scottish people.

Bruce Crawford (Mid Scotland and Fife) (SNP): Will the member give way?

Ms Curran: Yes, but will the time that the intervention takes be added on to my time?

The Deputy Presiding Officer: Yes. Whenever possible, I will add a little extra time to allow for interventions.

Bruce Crawford: I am sure that Margaret Curran is aware that local authorities will not contribute to the cost of residential care for elderly people with assets of more than £16,000. Earlier, Jack McConnell said clearly that the Sutherland report will not be implemented in full, because the money will not be provided. Is Ms Curran aware that the Scottish Executive has the power to increase that threshold, and would she support such an increase?

Ms Curran: Let me make it clear that I am here to talk about the legislative programme. I will not duck questions about my views on the Sutherland report. I will answer them at the proper time.

From the proposals for funding higher education, to proposed bills on regulation of care and on evidence in sexual offences, the programme covers many important issues. I say to Alex Salmond and Roseanna Cunningham that if they think that those bills will not be controversial, it is clear that they have not been as involved in the debates on those issues as I have. If they think that a bill on evidence in sexual offences will be easy and straightforward—which is most certainly not the case—they cannot have been through the

bruising arguments that we have been through.

We have an ambitious, energetic and realistic programme of legislation that will offer significant changes in key areas of Scottish life.

I suspect that Mr Salmond must be on a retainer at *The Scotsman*, given that he quotes that paper regularly in the chamber. Today, he quoted a back bencher who said that the programme was unambitious and lacking in vision. I advise Mr Salmond that we were talking about the candidates for his party's leadership election.

The programme is governed by the themes of social justice and systematic progress. It is quite proper for the housing bill to have taken centre stage when the legislative programme was unveiled. As we have heard during the debate, housing is one of the great challenges that faces the Parliament. There is broad consensus across Scotland on the unacceptable condition of much of Scotland's social housing. We must deliver on housing if we are to make progress on health and on many other issues. If we were to ask Harry Burns, who is the director of public health in Glasgow, what we must do to tackle health issues in that city, he would say, "Tackle the poor quality of Glasgow's housing." The problems are deep-seated and intractable, and we have much to do.

I have a list of statistics, although I do not know whether I have enough time to go through them. For example, the Scottish house condition survey states that one in three houses in Glasgow is in need of urgent repair, and mentions a repair bill that is likely to exceed £2 billion. I will not go through any more statistics, but we must grasp the human story behind them—the houses that are in desperate need of repair, the rooms that cannot be used and the families who struggle to raise their children.

I do not wish to underestimate the progress that has been made in many areas, but after a generation of disinvestment, some of the problems that we face amount to real urban squalor. It is in that context that I welcome the housing bill.

Fiona Hyslop: I do not underestimate Margaret Curran's concern about conditions in Glasgow, but does she appreciate that the problems are caused by the agenda of the housing stock transfer proposals, and that the starvation diet of investment in Glasgow over the past few years has added to the burden of poor conditions that she is describing?

Ms Curran: That is absolute nonsense and it is time that Fiona Hyslop grasped that. Next Thursday, we will be debating housing stock transfer and we shall be going through all the arguments surrounding it. I commend the report of the Social Inclusion, Housing and Voluntary Sector Committee to members and, believe me, I shall be

at my assertive best when I deal with some of the tactics of the SNP in that debate. It is time that SNP members actually listened. We must get some investment into housing and it is time that the SNP stopped using the issue for party political purposes and started addressing the real needs and problems.

Allow me to quote from written evidence to the committee's inquiry:

"After several years when housing had almost no political profile, and when investment levels were being savagely cut, SFHA welcomes the interest in housing displayed by the Scottish Parliament and the Executive . . . We particularly welcome the commitment to community empowerment and community ownership, along models successfully developed over the last 25 years by housing associations and co-operatives throughout Scotland."

That quotation is from the Scottish Federation of Housing Associations, which does not slavishly support the Scottish Executive when it does not wish to do so.

As I said, I do not want to deal in depth with housing stock transfer today, as we will be having that debate next week. However, I have to say to Tommy Sheridan that the most basic point to remember is that if tenants do not want housing stock transfer, they do not have to have it. It has been made absolutely clear that there will be a ballot. All in all, we have a vision of change that utilises the energy and commitment of communities and acts as a stimulus to wider community regeneration, but which also tackles effectively the scandal of homelessness and ensures that all in Scotland will have the right to live without anti-social neighbours.

There is a profound contradiction in some of the things that Fiona Hyslop has said today. She has said that we stole all our ideas about homelessness from the SNP manifesto. That is a staggering example of vanity, but I shall address that another day. Now that the SNP has failed, its members cannot quite understand where they are coming from. Each of the spokespersons from the SNP has said, "You haven't done this and you haven't done that," despite widespread consensus that the direction that we are taking on housing is the right one.

What we did not hear was Alex Salmond interweaving the SNP's complaints into any kind of coherent vision. The SNP should put forward some kind of alternative, but it is doing what it always does, offering up a carping list of criticisms rather than a constructive contribution to the debate. The basic structural flaw in the Opposition's presentation is that the SNP listens to those who lobby the Executive and those who oppose it to determine exactly where the bandwagon is that it can jump on to.

This is the second year of the legislative

programme. We are inaugurating a new vision for Scottish housing. We must move away from articulating anger and towards creating solutions. That is the real test of this Parliament and, as a Labour party activist who is not frightened to criticise, I am proud to say that we have an Executive delivering for the poor and for women.

17:38

Miss Annabel Goldie (West of Scotland) (Con): The Scottish jury are still out on the image of this Parliament, and who can blame them? The first year may have been exciting for us but, let us be honest, it has not been particularly impressive for the wider public outside the chamber. There is little doubt in my mind that issues such as section 28, the expense of Holyrood, the Lord Advocate abandoning his job to become a judge, the obsession with abolishing fox hunting and the Scottish Qualifications Authority's fiasco with exam results have been a poor advertisement for the integrity and focus of this Parliament.

This Parliament's image needs a facelift. The legislative programme attempts a makeover, but the odd dash of lipstick and flash of mascara that it offers do not address the wrinkles and blemishes that the Scottish people still think disfigure this institution. Have the people confidence in the Executive's priorities? They are entitled to look at this legislative programme and ask what the priority is of the Scottish Executive.

Is this an Administration that thinks that wealth generation is not a priority and that spending money is? Is that why wealth generation is listed fourth on the list of objectives on page 1 of the statement? Is that why the first political priority stated on page 2 is a "dramatic increase" in spending? Without wealth generation, spending is difficult. Wealth generation in Scotland is difficult, with a crumbling roads infrastructure, no integrated transport strategy and movement of workers, goods and services now to be obstructed by workplace parking charges and road user charges.

What about the legislative programme? Bill Aitken described it as anodyne. He is charitable. Worthy though the water services bill, the bill to strengthen rights under the ECHR, the international criminal court bill and the salmon conservation bill may be, they are hardly electric as far as the people of Scotland are concerned. As for the housing bill, that is fine, but in Glasgow, surely support of community associations would be the best way to nourish local and community endeavour. Would not that be preferable to stifling such initiative with a sprawling urban bureaucracy?

On the regulation of care, I know what the

people of Scotland want. Indeed, nobody should be in any doubt having seen those present in the public gallery this afternoon—nothing short of a commitment to Sutherland will do. The image of the Parliament will be tested in year 2. Out there, we can take it that our pensioners and elderly people will be not only looking closely at the Labour Executive, but scrutinising with interest the activities of its Liberal Democrat pals in the coalition.

What about the graduate endowment tax? Because it is nothing more than a postponed tuition fee, it is still a deterrent to admissions to higher education. Frankly, seeking repayment on a graduate income of £10,000 per annum is beyond belief. Any student will affirm that. Restricting the award of bursaries to students with a joint parental income of less than £10,000 is obscene—that is less than two minimum wages.

Mr Jim Wallace: The Conservatives offered them nothing.

Miss Goldie: The Deputy First Minister says that we offered them nothing. I do not think that the abolition of tuition fees amounts to nothing. The minister will find that there is not a student in the land who disagrees with me.

I whole-heartedly welcome the bill on evidence in sexual offences and hope that it will take into account the climate of apprehension that engulfs a woman who has been the victim of rape or sexual assault. I hope that it might be possible for the bill to be extended to examine stalking. That is where the image of the Parliament might take a rise.

In short, the image of the Parliament is still dented—it is still tarnished—and I do not think that this legislative programme does enough to relieve that impression.

17:43

Mr John Swinney (North Tayside) (SNP): Annabel Goldie did the Parliament a disservice, which is rare, in confusing the Executive, which has exclusive responsibility for the legislative programme, with the Parliament. We can introduce bills as private members, but the Executive is responsible for its legislative programme. If that programme is unambitious and uninspiring, that is the responsibility of the Executive and not of the entire Parliament.

Miss Goldie: In strict analysis, I understand the distinction that the member tries to make. However, if he goes out to the Royal Mile, he will not find anyone who can distinguish between the Parliament and the Executive.

Mr Swinney: That is why it is so important to make the distinction in parliamentary debate.

When presented with the briefing document on the Executive's programme, I did a double-take on seeing that the first bill listed was on salmon conservation. I felt some unease at that blinding revelation. I thought that there was something that I had not been told. I was therefore glad when the First Minister clarified that the past eight weeks had not necessarily been in vain.

A number of interesting points were made in the debate. David McLetchie railed against the Executive's use of performance indicators. I have nothing to criticise in the Executive's use of performance indicators. I am all for the Executive using performance indicators, because such indicators prove that the Executive is failing to deliver what it tells the people of Scotland it will, just as it is failing to deliver on its commitment on waiting lists.

I was interested to hear what Elaine Murray said about the debates that we would have on student finance. However, ministers will have to offer more credible arguments if they are to justify the £10,000 threshold for repayment of the graduate endowment. From my visit to Stirling University earlier this week and other discussions that I have had with the student community, I know that there is bewilderment that the Government is continuing to argue that an income of £10,000 proves that an individual has received a material benefit from higher education. Many people can secure an income of £10,000 without going to university. I hope that, during the passage of the graduate endowment bill, ministers will be prepared in a genuine spirit of parliamentary debate to reflect on the £10,000 threshold.

I want to make a number of points about the role of the Parliament in the scrutiny of this legislative programme. The Government has proposed a list of bills and we will have a busy programme ahead of us. However, there are a number of unanswered questions, to which I hope the Deputy First Minister will respond.

Tommy Sheridan made a fair point about the absence in the programme of any measure relating to the replacement of the warrant sales system. Have we learned nothing from the past year? The Parliament flexed its muscles on warrant sales and demanded action from the Executive. However, with this legislative programme, the Executive is in effect promising slippage in the timetable for responding to Parliament's will as expressed in its welcome at stage 1 for the abolition of poindings and warrant sales.

Mr Jim Wallace *indicated disagreement.*

Mr Swinney: The Deputy First Minister is shaking his head. I have only seven minutes, so he can respond to what I have said when he sums

up.

I would also like an answer from the Deputy First Minister on what provision has been made in the legislative programme for protecting this Parliament's right to legislate in areas in which it has competence but where there is a temptation for the Executive to present us with a Sewel motion so that legislative responsibility can be passed to the Westminster Parliament. There is no indication in the programme of the Government's stance on that. We must know what position the Executive is likely to take on issues where we have legislative competence but responsibility may be passed to Westminster.

The final point that I want to make about the role of Parliament is important for the direction that we take in our second year. What will be the Executive's attitude to legitimate and substantial amendments that are lodged by Opposition parties in committee at stage 2 and at the stage 3 debate in Parliament? Far too much of the Executive's legislative programme last year was railroaded through Parliament because of the in-built parliamentary majority of the Labour party and the Liberal Democrats. Legitimate ideas, issues and amendments that were put forward by Opposition parties were accepted by the Executive parties only very rarely. I would like the Deputy First Minister, in the spirit of taking politics forward in Scotland, to commit the Executive to listening carefully to the arguments made by Opposition parties.

In this debate, a great deal has been made of the criticism of the spending aspects of the Government's programme. The Government's programme will, of course, be made up of a blend of spending announcements, legislative announcements and executive announcements. However, ministers must respect the fact that Opposition politicians have an interest in scrutinising properly absolutely everything that the Executive proposes. Too many things appear in the gloss of the published documents and in quick-burst ministerial announcements, which do not give the Parliament the opportunity to exercise its powers of scrutiny. There are substantial issues relating to the McCrone and Kerley reports and that apparition, the Bail, Judicial Appointments etc (Scotland) Act 2000—whatever happened to it?—that Opposition politicians must scrutinise and pursue.

The frustration of members at the emptiness of the Government's legislative programme arises from the fact that the Government has touched on a number of legitimate and worthy issues that we want to pursue. The SNP supports the regulation of care bill, for example. To some extent, the public will be reassured by the bill, but they would be much more reassured by a strong

announcement by the Government on what it intends to do with the Sutherland recommendations. The frustration in Scotland arises from the fact that it seems to take the Executive for ever to come to a conclusion about anything, whether it be student finance, local government reform, judicial appointments, McCrone or care of the elderly.

My final point relates to the issues raised by Margaret Curran in her inclusive summing-up. I can understand how, as a committee convener, she builds such unity in her committee with that style.

Johann Lamont: Will Mr Swinney give way?

Mr Swinney: No. I am winding up.

What will never be absent from the contribution of the SNP is our vision for Scotland. We have a vision of a just, fair and prosperous Scotland, but, most important, of a Scotland that can exercise real powers through independence to change the lives of people in Scotland for the better.

17:51

The Deputy First Minister and Minister for Justice (Mr Jim Wallace): I thank all the members who have spoken in this wide-ranging debate—the Executive's programme is wide ranging.

I am sorry that Alex Salmond was so negative and churlish. He barely mentioned the legislative programme. He made references to "Big Brother", which I suppose he now watches instead of the Ceefax pages. I notice that, like nasty Nick, he has gone under pressure before being voted out by his colleagues. He also chastised the First Minister for quoting from a Bank of Scotland economic report.

I can understand, given the SNP's general tendency to run Scotland down, that it does not like reports that talk about manufacturing output being up for 18 consecutive months, manufacturing employment being up and service sector output being up for 22 consecutive months. People can make their own judgments when reports as positive as that produced by the Bank of Scotland are dismissed out of hand by Mr Salmond.

Mr Salmond: I will make a legislative proposal to the Deputy First Minister, since he wants a constructive suggestion. Would he agree with legislation to make it illegal for a council to instruct bus drivers to decant children on dangerous roads in rural areas, as the Liberal Democrat administration is doing in Aberdeenshire at the moment? The administration blames Jack McConnell and Jack McConnell blames the administration. Does the Deputy First Minister think that it should be possible for a council to put

children in danger in Aberdeenshire?

Mr Wallace: I feel sure that Jack McConnell will make an announcement in the next week about funding for local government, which I hope Mr Salmond will be willing to support.

My understanding is that the provision of school transport by Aberdeenshire Council meets its legal requirements and delivers to most parts of Aberdeenshire a better service than is provided by SNP-run Angus Council. I will take no abuse from Mr Salmond when councils controlled by his party are doing worse than the Liberal Democrat-led Aberdeenshire Council.

I believe that the programme of legislation that we have outlined is underpinned by a coherent, comprehensive and long-term strategy to ensure social justice and make a real difference and improvement in people's lives.

The First Minister announced several bills. The housing bill is aimed at helping people in the social housing sector, including some of the most vulnerable members of our society. Several members have mentioned the housing bill. Robert Brown referred to the law of the tenement. I do not think that it would be appropriate to deal with that in the housing bill; it forms part of a land reform bill. The title conditions report from the Scottish Law Commission should simplify the law of the tenement proposals and we certainly hope in due course to be able to implement those.

I say to Bill Aitken that we have given the undertaking on financial viability which had been sought by housing associations. It is not true to say that housing has been starved of resources; there is a 40 per cent increase in housing resources compared with the Tory programme.

Fiona Hyslop: Will Mr Wallace give way?

Mr Wallace: I am about to respond to what Fiona Hyslop said in her speech. She made several comments. It was significant that we learned today that the SNP is opposed to a £1.5 billion investment in Glasgow's housing stock, which is perhaps the biggest housing refurbishment programme. The SNP was supported by Mr Sheridan, who complained about the loss of £50 million but turns his face against an investment of £1.5 billion. That is what the people of Glasgow will have to weigh up.

Fiona Hyslop rose—

Mr Wallace: I have responded to the points that Fiona Hyslop made in her speech.

Tommy Sheridan talked about choice. Of course the people of Glasgow will have a choice. When they learn that the benefit of our proposals will be £16,500 of new investment per unit instead of the current £600 per year, there will be a clear

majority for change.

Tommy Sheridan: Will the minister tell the chamber what he will give the tenants if they vote no?

Mr Wallace: The important point that Mr Sheridan and the SNP seem to reject is that that level of investment will come through accessing private capital. They do not wish private capital to be involved, but that is how we will improve the housing stock in Glasgow.

Mr Sheridan referred to three of the key issues: fuel poverty, investment and effective repair services. Wendy Alexander said that our proposals will allow choice in repair services, and I have spoken about investment. As the First Minister said, tackling fuel poverty, which was raised by Malcolm Chisholm and several other members, is one of the Administration's key concerns. As the First Minister said, we believe not just in warm words but in warm homes, and we will provide extra help to keep people warm at home.

Fiona Hyslop: Will the member give way?

Richard Lochhead: Will the member give way?

Mr Wallace: I will give way to Fiona Hyslop because she is getting desperate.

Fiona Hyslop: The people of Glasgow and the rest of Scotland would have more respect for the Government if it listened to what they said and acted accordingly. The minister should answer Tommy Sheridan's question: what additional investment will the people of Glasgow receive if they vote no?

Mr Wallace: We will listen to the people of Glasgow—they will be allowed to vote.

Tommy Sheridan: Do they have a choice?

Mr Wallace: Of course they will have a choice—they will have a ballot. I rather suspect that, given the choice between a £16,500 investment and a £600 investment, they will support the proposal.

The regulation of care bill is aimed at strengthening the protection of children and vulnerable adults. Kay Ullrich asked about staff. I assure her that there will be provisions in the bill to publish and promulgate codes of conduct and practice for all the work force and complementary codes of practice for employers. The Scottish social services council will strengthen and support the professionalism of the work force.

Kay Ullrich mentioned the length of waiting lists, although I recall that in May or June 1999 she said that the most important criterion was waiting times, which is reflected in the partnership agreement. It is quite clear that there has been an improvement in waiting times in the categories of those who are

seen within one month and those who are seen within three months.

We should also be interested to learn today from Mr McLetchie that the Conservative party is willing to allow only £63 million of the new investment in the health service to go directly into health services. We are investing substantial sums in the health service. It would be interesting to know how the Conservatives would tackle such things as the winter crisis that sometimes affects the health service.

The graduate endowment bill was welcomed by both Robert Brown and Elaine Murray. Annabel Goldie, with the kind of breathtaking hypocrisy that one sometimes hears from the Tory party, complained about the details of our bursary scheme even though the Tory party has never offered any bursary and reduced financial support for students when it was in office.

As for the graduate endowment bill, the consultation carried out on our response to the Cubie report showed that the principle of the graduate endowment was broadly welcomed as a way of providing additional funding for improved maintenance for future generations of students. On John Swinney's point about the amount for repayment of the grant, I have told him before that the figure of £10,000 was chosen as it is the current figure for the start of repayment of student loans. There was some logic in that, given that, under our scheme, no student will have loans that are higher than that figure and most students will have a lower loan.

Just as important, if we had set up a different threshold and a new bureaucracy, we would have been severely criticised for using to fund such a bureaucracy money that ought to be allowing young people from poorer backgrounds the opportunity to have a higher education. That is not our intention. I should also point out that the rate of repayment is 9 per cent on anything more than £10,000, not 9 per cent of one's full income, which means that someone who earns £11,000 will pay only 9 per cent of £1,000.

Mr Swinney: If the Deputy First Minister did not have all his problems with a different system—and I know how computer systems give the Executive some difficulties these days—would he have argued for a higher threshold than £10,000? No one made the argument about whether someone who went to university and got a job that paid £10,000 was a sufficient indication that they had benefited from such education.

Mr Wallace: Our priority is to help and give maintenance to students from poorer backgrounds rather than establish wider and greater bureaucracies. I rather hoped that Mr Swinney shared that priority.

I was interested to hear Roseanna Cunningham and Phil Gallie from the Justice and Home Affairs Committee say that there ought to be more justice bills, given that they usually tell me that they have too many bills to scrutinise. However, I was disappointed to hear Roseanna Cunningham in some way disparage the international criminal courts bill. Helen Eadie gave a very passionate speech about its importance. We as a Parliament are taking responsibility to recognise our international obligations, which shows that we are an outward-looking Parliament that does not give way to the parochialism of people such as Roseanna Cunningham.

Some questions were asked about members' bills. I was surprised that John Swinney raised the Abolition of Poindings and Warrant Sales Bill. I made the timetable perfectly clear on 8 June. Indeed, amendments have been lodged today that set the time by which we hope to have replacement legislation in place.

I can assure Euan Robson that his civil marriages (venues) bill will be supported. Furthermore, in response to David McLetchie, the Executive will allow a free vote among the Executive parties on the Protection of Wild Mammals (Scotland) Bill. For the record, I will oppose the bill. We have also indicated that we will not make any decision on the financial resolution on the bill until after the Parliament has expressed its view at stage 1, for no other reason than that we have to work out the financial implications should it pass that stage.

John Swinney made a petty point about Opposition amendments. I have accepted a number of such amendments in the past year. For example, I accepted the view of the Equal Opportunities Committee and introduced the Census (Amendment) (Scotland) Act 2000 to allow a question on religion to be asked in the census. The Executive has been responsive to the views of the committees and the Opposition. Only last week, I accepted a very substantive amendment from Michael Matheson to the Regulation of Investigatory Powers (Scotland) Bill that removed a complete ministerial responsibility. John Swinney asked about the Bail, Judicial Appointments etc (Scotland) Act 2000. If he had bothered to read the consultation document, he would have found that it has not been long since the consultation finished. The results obviously have to be analysed.

Presiding Officer, you shared with me the experiences of the consultative steering group. We were committed to a Parliament that was willing to consult. Consultation inevitably takes time; however, at the end of the day, it leads to better legislation.

I will conclude by saying that we have presented

to the Parliament a legislative programme that addresses many of the important issues in Scotland today and can make a change for the better and a difference to people's lives. It reflects a partnership Government and a partnership with the people of Scotland to deliver better services and government for Scotland. I commend it to the Parliament.

Meeting closed at 18:05.

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