

MEETING OF THE PARLIAMENT

Wednesday 5 September 2001
(*Afternoon*)

Session 1

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SCOTTISH MINISTERS AND DEPUTY MINISTERS

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DEPUTY FIRST MINISTER—Rt hon Jim Wallace MSP

Justice

MINISTER FOR JUSTICE—Rt hon Jim Wallace MSP
DEPUTY MINISTER FOR JUSTICE—Iain Gray MSP

Education and External Affairs

MINISTER FOR EDUCATION, EUROPE AND EXTERNAL AFFAIRS—Mr Jack McConnell MSP
DEPUTY MINISTER FOR EDUCATION, EUROPE AND EXTERNAL AFFAIRS—Nicol Stephen MSP

Enterprise and Lifelong Learning

MINISTER FOR ENTERPRISE AND LIFELONG LEARNING—Ms Wendy Alexander MSP
DEPUTY MINISTER FOR ENTERPRISE AND LIFELONG LEARNING AND GAELIC—Mr Alasdair Morrison MSP

Environment and Rural Development

MINISTER FOR ENVIRONMENT AND RURAL DEVELOPMENT—Ross Finnie MSP
DEPUTY MINISTER FOR ENVIRONMENT AND RURAL DEVELOPMENT—Rhona Brankin MSP

Finance and Local Government

MINISTER FOR FINANCE AND LOCAL GOVERNMENT—Angus MacKay MSP
DEPUTY MINISTER FOR FINANCE AND LOCAL GOVERNMENT—Peter Peacock MSP

Health and Community Care

MINISTER FOR HEALTH AND COMMUNITY CARE—Susan Deacon MSP
DEPUTY MINISTER FOR HEALTH AND COMMUNITY CARE—Malcolm Chisholm MSP

Parliament

MINISTER FOR PARLIAMENT—Mr Tom McCabe MSP
DEPUTY MINISTER FOR PARLIAMENT—Euan Robson MSP

Social Justice

MINISTER FOR SOCIAL JUSTICE—Jackie Baillie MSP
DEPUTY MINISTER FOR SOCIAL JUSTICE—Ms Margaret Curran MSP

Sport, the Arts and Culture

DEPUTY MINISTER FOR SPORT, THE ARTS AND CULTURE—Allan Wilson MSP

Transport and Planning

MINISTER FOR TRANSPORT AND PLANNING—Sarah Boyack MSP
DEPUTY MINISTER FOR TRANSPORT AND PLANNING—Lewis Macdonald MSP

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DEPUTY PRESIDING OFFICERS—Patricia Ferguson MSP, Mr George Reid MSP

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PARLIAMENTARY BUREAU

PRESIDING OFFICER—Rt hon Sir David Steel MSP
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5 September 2001

Scottish Parliament

Wednesday 5 September 2001

(Afternoon)

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

Time for Reflection

The Presiding Officer (Sir David Steel): We welcome to lead our time for reflection today the author and theologian Elizabeth Templeton.

Mrs Elizabeth Templeton (Author and Theologian): Beginnings are both wonderful and stressful. They are wonderful because they promise new possibilities and the chance of a fresh start. They are also times that can burden us, because we know how many new beginnings end up ploughing the same old weary furrows as before. Scotland's annual ritual of making new year resolutions is followed by peaks in the counselling professions' agendas as people fail to do whatever it was: give up smoking, spend more time with their wives and children, keep up their piano practice, or find out more about how their colleagues tick.

I imagine that the start of a parliamentary year holds a similar ambivalence. Can the hopes and opportunities of this still infant Parliament be sustained, not only in public expectation—which is so ignorant of the graft of political life and so quick to follow bad media leads of cynicism and scapegoating—but, more important, in your own holding of the balance between realism and vision? Politicians who cannot dream out loud have lost something, but politicians who can only dream, without the disciplines of detailed economic, sociological and political expertise, will dream in vain.

Last week I was involved in a conference of teachers of religious education from all over Europe. Some were Christian, a few were Muslim, and an unspecified number were humanist, agnostic or atheist. At one point, we were invited to play a values game. On a pyramid-shaped board there was a range of options, which ran from "of absolute value" at the top through "earth-shatteringly valuable", "extremely valuable", "valuable", "fairly valuable", "not entirely worthless" and then, below the base of the pyramid, a dustbin. In groups of six we worked through a pile of cards: justice, wealth, success, freedom, love, beauty, self-satisfaction, tolerance and many more. We took turns to place the card in our hand somewhere on the pyramid, but if another card

was already in that space, we had to take two turns—one to demote the value that was there, and the other to replace it with the one that we valued more.

Perhaps that is a game worth playing. Which three values would be at the top of your pyramid of this Parliament's political life? Honesty? Peace? Power? Hope? Which other values would you demote to prioritise those? Should humility have a place in public life? Is integrity compatible with the pressures of presentability? Is there a way of resisting the corporate image of professional politicians, as one dictionary definition sadly puts it, as "men"—sic—"of artifice and cunning"? Pericles would turn in his grave, and most of us who know anyone in the world of professional politics find that stereotype to be an unworthy caricature. I suspect that the clash of such values is what lies behind much nitty-gritty political debate. Perhaps that deserves a moment of reflection.

Even within my Christian tradition, there is no consensus about the top values. Faith, hope and charity are big words, but can be code to many people. At the beginning of a new session, I wish you the energy to keep asking such basic questions of one another, self-forgiveness for being part of the compromised human condition, and the ability to refuse to accept that how things are is how they are bound to be.

Business Motion

14:35

The Presiding Officer (Sir David Steel): Before we consider the business motion, members should be aware that a revised business bulletin has been published and should be on every member's desk. It makes slight changes to the business motion and to the running order for later this afternoon.

I ask Mr McCabe to move business motion S1M-2165, which amends only the business programme for this afternoon.

Motion moved,

That the Parliament agrees the following programme of business—

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After the first Parliamentary Bureau Motions, insert

followed by Oath Taking

and replace Executive Business by

followed by Ministerial Statement and Debate on the Scottish Executive's Programme.—[*Mr Tom McCabe.*]

Motion agreed to.

Oath

14:36

The Presiding Officer (Sir David Steel): I now invite the new member for Mid Scotland and Fife, Mr Murdo Fraser, to take the oath.

The following member took the oath:

Murdo Fraser (Mid Scotland and Fife) (Con)

Presiding Officer's Ruling

14:38

The Presiding Officer (Sir David Steel): Before we move to the next item of business, I want to refer to the point of order raised by Fiona Hyslop at the end of our last day's sitting on 28 June, which concerned the Regulation of Care (Scotland) Act 2001 and the use of a written question.

As members know, a minor technical problem with the Regulation of Care (Scotland) Bill was rectified by the Secretary of State for Scotland by an order made under section 107 of the Scotland Act 1998. As I said on 28 June, I do not regard the matter as creating any kind of precedent.

I have since discussed the matter with the business managers. It has been agreed that should that situation arise again—I hope that it does not—each case will be treated on its merits. On the occasion of a minor change, which the change on 28 June was, a minister would make a brief statement to the Parliament on how the Executive proposed to address the situation. Where the matter was more significant, the Executive would make a more substantial statement to the Parliament and time would be allowed for members to question the appropriate minister.

I hope that that satisfies Ms Hyslop and everybody who was interested in that.

Scottish Executive's Programme

The Presiding Officer (Sir David Steel): We come to the main business for today, which is a ministerial statement by the First Minister on the Scottish Executive's programme. That will be followed immediately by a debate on the same topic. The First Minister will take a few questions for clarification at the end of his statement, so there should be no interventions during it.

14:38

The First Minister (Henry McLeish): Before I start, I offer my best wishes to the new member in his work in the chamber and within the Conservative party.

With permission, Sir David, I shall make a statement outlining the Executive's legislative programme for the coming year.

A year ago, Donald Dewar delivered the Executive's legislative statement. That turned out to be his last major statement to the Parliament. His commitment to making devolution happen and to making it work shaped our democracy as it emerged and still shapes the way we work today.

In the statement Donald Dewar said:

"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".—[*Official Report*, 14 September 2000; Vol 8, c 375.]

A year on, the proposals he described that day are part of our growing record of legislative achievement. It is an impressive record. Twenty-four acts have been passed by the new Parliament in the first 28 months of its existence. Over a comparable period, the old system might have delivered only a handful of purely Scottish acts. Twenty-four acts have been made in Scotland—using new and far more open processes—to meet Scottish needs.

By their nature, the acts have been specific and detailed and sometimes intricate and complex. Two years on, and well into the life of the first Parliament, there can be no doubt about their cumulative significance and impact. Taken together, the acts have defined the way in which the Parliament and the Executive work and have delivered a programme of modernisation and of sometimes long-overdue reform. They have made a difference for the better to many issues that matter to the people of Scotland, such as education and care, housing, transport and the environment and individual rights.

Some of our earliest legislation established the financial relationship between the Parliament and

the Executive and how public funds could be spent and should be accounted for and set out ethical standards in public life. Those are all essential preconditions for proper governance in a devolved Scottish Administration.

A far-reaching and reforming act on education—the Standards in Scotland's Schools etc Act 2000—extended rights, set priorities and guaranteed pre-school provision for three and four-year-olds. That is clear evidence of our commitment to offering opportunity through better education from the very start.

In higher education, the new graduate endowment is the basis of a package of changes to student support that is designed to broaden access. The Education and Training (Scotland) Act 2000 also established individual learning accounts. We have used legislation to improve education and access to learning and to create opportunities throughout life. That is a practical social justice objective that is at the heart of our political philosophy and which we have delivered.

For the frailest and most vulnerable in our society, the Regulation of Care (Scotland) Act 2001 offers new protection and reassurance to those who are dependent on care homes, day care and care agencies. The Adults with Incapacity (Scotland) Act 2000 helps individuals and families when the power to make or communicate decisions is impaired or lost. Together, the acts will improve the lives of those members of society who need help most.

The Housing (Scotland) Act 2001 paves the way for big new investment in Scotland's housing stock. It will improve quality, empower tenants, enhance rights and promote equality of opportunity in housing. That will bring dignity and autonomy to communities and act as a powerful new force for social inclusion.

The Transport (Scotland) Act 2001 marks the start of the upgrading of Scotland's transport system. It is a key component of our commitment to investing for the long term.

The National Parks (Scotland) Act 2000 will ensure the protection and wider enjoyment of some of Scotland's most beautiful natural heritage. Another environmental measure—the Salmon Conservation (Scotland) Act 2001—will conserve stock and maintain our fisheries.

In individual rights, the Convention Rights (Compliance) (Scotland) Act 2001 ensures that important elements of Scots law are compatible with the European convention on human rights.

Our legislative record, as an Executive and as a Parliament, is one of devolution at work in the service of the people of Scotland, promoting social justice, improving people's lives and building for

the future. The legislative record is impressive in its scope, volume and detail. It represents a great deal of hard work here in the chamber, in committees and in consultation.

The legislative process that is now established under our constitutional settlement not only gives us far more scope to make the laws that we need, but ensures that the laws that we make are well considered, fully consulted on and fit for purpose.

Our legislative process encourages us to work together at each level and at each stage in the Parliament and beyond. Better laws result, because our programme reflects the way in which we work together in the Executive, with the Labour and Liberal Democrat groups in the Parliament having played their parts. They contribute distinctively to the fashioning of a programme that is consistent with our partnership principles. As members well know, our committee system makes great demands in terms of hours and commitment, but its record in effective scrutiny has shown again that it works and works well.

Better laws result because, in building our legislative programme, we take account of developments in the UK Government. Much Westminster legislation continues to benefit Scotland, so it is essential that the two streams of legislative effort complement each other and reflect the partnership that is at the heart of our new constitutional settlement.

Most important, better laws result from the deliberate openness and accessibility of our legislative process. That has allowed a degree of public participation that would have been simply impossible under the old system. The processes are becoming increasingly sophisticated, involving the use of workshops, roadshows and interactive electronic communications, as well as the more traditional consultation papers.

The result has been real participation in government. That has led to a sense of access and ownership of the business of lawmaking, which will, I believe, contribute a great deal more in the future. To cite only one instance, the consultation on land reform attracted more than 3,500 responses and we will be making changes as a result.

Our legislative experience, confidence and achievement have grown steadily in the 28 months. Over the same period, we have used other new freedoms in our constitutional settlement to reshape and modernise our institutions—the better to serve the people of Scotland. The Executive has set up a new central department to ensure effective co-ordination across the range of Government responsibilities. We have also, as Angus MacKay's statement of 21 June made clear, conducted a wide-ranging

review of the untidy legacy of quangos left over from pre-devolution Scotland. We will bring forward the necessary legislation to deal with that legacy.

As we move into the latter half of our first Scottish Parliament, we should be fully aware of the huge and continuing potential of devolution to release creative energy and to deliver real improvements in the lives of the people. Devolution has enabled us to do things differently, and because we are doing things differently, devolution is continuing to evolve.

We have approached our legislative programme for the coming session with that larger perspective in mind. As with previous legislation, much of it is detailed and sometimes technical. A complete list of the 18 bills that we propose to bring forward is being placed in the Scottish Parliament information centre, to be made available to all members. The list is also being placed on our new public website.

We will introduce four bills to promote social justice. First, the community care and health bill will prepare for the implementation of free personal care and free nursing care. [*Applause.*] The bill develops the work of the care development group under Malcolm Chisholm and builds on the group's recommendations. The bill demonstrates clearly the Executive's commitment to Scotland's older and frailer people and our determination to ensure their dignity and security.

The introduction of free personal care addresses a major injustice. It addresses the anomaly that imposes the costs of long-term illness, such as dementia and stroke, on individuals and families, when the sometimes comparable costs of more acute illness, such as cancer and heart disease, are fully met by the state. The bill will also improve the scope and quality of community services and it will promote consistency in charging for non-residential care. It will improve choice in residential care and also in home care services.

The bill will enhance the support given to unpaid carers—mainly family members—to recognise their enormously important role in the care of older people. Those measures, taken together with previous commitments to improve housing and community health services, show how seriously the Executive takes its commitment to Scotland's older people and to ensuring social justice for them.

Secondly, we have been considering the implications of the Millan committee's review of mental health legislation, with the help of a reference group of organisations in the field. A policy statement will be published shortly, followed by a mental health bill. The new legal structure will strengthen the rights of mental health service

users and of their families; equip professionals with the legal tools to be able to do their jobs flexibly and effectively; and support our broader aim of better, safer mental health care.

Thirdly, our first programme for government promised that by 2001 we would review the law in relation to sexual and violent offenders, including harassment and, in particular, stalking. We have delivered fully on that commitment. We now plan to introduce a major criminal justice bill to improve the system of criminal justice in Scotland. Many of the measures are also aimed at making Scotland a safer place to live. The bill will give legislative backing to new measures for the control and treatment of serious violent and sexual offenders. It will also deliver on our promise to introduce a specific power of arrest for breaching a non-harassment order and it will implement recommendations from the recent report of the expert panel on sex offending as well as from parts of our Scottish strategy for victims.

There will also be a bill to replace the diligence of poinding and warrant sale. A humane and workable alternative diligence against moveable property will be introduced. It will ensure that the interests of some of Scotland's poorest people are protected, while at the same time safeguarding the legitimate rights of creditors. The bill meets the commitment in the programme for government to have an alternative to poinding and warrant sale in place before that diligence is abolished by the end of 2002. The commitment today will ensure that that happens.

We plan a substantial programme of bills aimed at building for the future. After a lengthy process of consultation—to which I have referred—we will shortly introduce the land reform bill. It will provide a right of responsible access to land and inland water for recreation and passage, a community right to buy when land comes to be sold and a crofting community right to buy croft land. Current arrangements have failed to provide the level of access required, in particular close to where people live. The community right to buy will enable properly constituted community bodies to apply to Scottish ministers to register interest in land. The crofting community right to buy will allow properly constituted crofting community bodies to exercise the right to buy at any time. The overall effect of the bill will be to strengthen the rights of communities in ways that are long overdue and, at the same time, to balance those rights with important responsibilities.

We will introduce two local government bills. The local government (elections) bill will contain the Executive's proposals for four-year terms for councils. Deferring the next local government elections by one year will enable us to bring in that change in 2003. The second local government bill

will provide a framework for better, more responsible and responsive local government services. It will give Scotland's local authorities more flexible powers and will encourage new ways of working. The bill will provide firm foundations for the community planning process to ensure that services are co-ordinated in the best interests of the people using them; it will introduce a duty of best value to ensure the continuous improvement of public services; it will repeal compulsory competitive tendering and it will instead encourage sensible business disciplines in local government's commercial activities.

We propose two bills to reform the water industry and to improve the way in which we protect our natural water environment: our rivers, lochs and coastal waters. On 8 August, Ross Finnie announced the leadership team for Scottish Water—Scotland's new public water authority. Our vision is for a publicly owned, all-Scotland water authority that provides a high quality of service, is efficient and can succeed in an increasingly competitive market.

The water industry bill will establish Scottish Water as a public body focused on serving its customers—with a clear commercial approach, strong lines of accountability and greater responsiveness. We also plan to introduce a water environment and water services bill to promote the sustainable management of the water environment in Scotland—a vital resource that we have a duty to protect for future generations. The bill will update the framework regulating the provision of water and sewerage to take account of the possibility of competition on the public networks.

As I indicated earlier, a public bodies bill is required to implement certain recommendations of the public bodies review. It will abolish those statutory bodies not covered elsewhere in the legislative programme and will extend the remit of the standards commission to include a Scottish commissioner for public appointments. The creation of the post of commissioner will further modernise the public appointments process and will help to ensure that a wider range of people are appointed to serve on public bodies. The commissioner, once appointed, will report annually to Parliament on progress.

Finally, but no less significantly, we will introduce several measures aimed at improving people's lives. We plan to legislate to improve the education and welfare of Scotland's children in a number of ways. We will introduce a bill for the protection of children. It will have two main functions: to set up an index of adults unsuitable to work with children; and to disqualify those on the index, and those convicted of certain serious offences against children, from working with children.

The school education (amendment) (Scotland) bill will amend existing legislation to allow for a new career structure for the teaching profession and to improve arrangements for making placing requests for children about to enter primary education.

The marriage (Scotland) bill addresses an anomaly in relation to where marriages can be solemnised. Couples who opt for a religious marriage have long been free to select any location for their wedding; couples choosing a civil ceremony have not, and have been restricted to registrars' offices. The bill will open a far wider range of venues for civil marriages.

Our programme for government commits us to an effective freedom of information regime. A draft freedom of information (Scotland) bill was published earlier this year for consultation and it will be introduced to Parliament shortly. The bill will provide a legal right of access to information that is held by a wide range of Scottish public authorities including the Executive, local authorities, schools, the police and NHS Scotland. A fully independent Scottish information commissioner will have strong powers to promote and enforce the legislation.

We will also introduce a Scottish public sector ombudsman bill, which will set up a modern public sector complaints system for Scotland. It will fulfil the Scotland Act 1998 requirement for the Parliament to make provision for investigating complaints of maladministration that are made against the Scottish Executive. The key proposal is a one-stop shop that will combine the offices of the Scottish parliamentary ombudsman, the health service ombudsman for Scotland, the local government ombudsman and the housing association ombudsman for Scotland. It will make our complaints system much more accessible and transparent.

The hallmark of our new constitution is the power of the Scottish Parliament to make laws across a huge range of policy areas. Our record in legislation, and the programme that I have just announced, more than justify the faith that the people of Scotland placed in the Parliament when they voted so decisively for it in 1999.

I am aware that there are those who still believe that the problems and challenges that arise in Scotland cannot be addressed adequately without continual constitutional upheaval. The strongest argument against that point of view is the record of our partnership, which shows that we have got on with the business of government in the interests of the people of Scotland.

The Executive and the legislature—working together for the people of Scotland—can deliver legislation that is made in Scotland specifically to

meet Scottish needs. Devolution is succeeding. It enables us to change the way in which we go about the business of government in Scotland and to do far more for the people of Scotland. It enables us to promote social justice, to improve people's lives and to build for the future and for a confident, compassionate and competitive country.

I commend our legislative programme to the Parliament and to the people of Scotland.

The Presiding Officer: As I said before the debate, I will allow a few brief questions for clarification.

Mr John Swinney (North Tayside) (SNP): I ask for one point of clarification. In the First Minister's 2,902 words to Parliament, he did not mention the subject of proportional representation for local government. Can the First Minister give a guarantee that before May 2003 he will bring forward proposals to introduce proportional representation for local government elections in Scotland?

The First Minister: As John Swinney knows—*[Interruption.]* I appreciate that John Swinney has asked a question, which requires an answer. I am attempting to give one.

Our programme for government included our wish to take forward the issue of electoral reform in Scotland. That is being done—a ministerial committee is working on the wider proposals of Kerley and is examining the whole issue of electoral reform. We will be happy to discuss the issue further with John Swinney at an appropriate time.

Miss Annabel Goldie (West of Scotland) (Con): Is the First Minister concerned that what he proclaims to be a radical charter or programme of government reads more like a charter for dreary municipal officialdom, with certain honourable exceptions? Is not he concerned that the parliamentary committees will be bogged down with tedious review work instead of getting into the nitty-gritty of providing radical ideas for the betterment of Scotland?

The First Minister: Let me detail the dreary municipalisation that has been talked about—a community care and health bill, a criminal justice bill, a freedom of information bill, a land reform bill, a marriage bill, a mental health bill, a protection of children bill, a public bodies bill, a school education (amendment) Scotland bill and a water environment and water services bill. I have never heard such a ludicrous response to a set of proposals that are in Scotland's interests and which have been worked out in great detail for the Parliament.

Let us look at the programme in detail—some members will have time to do that later. It is an

ambitious programme that strikes at the heart of needs in Scotland. It represents partnership interests. We shall deliver the ambitious programme as we have outlined today.

Iain Smith (North-East Fife) (LD): The First Minister will recall that the first debate after the Scottish Parliament assumed its full powers in 1999 was on the McIntosh report on local government reform. Will he confirm that the proposed local government bill will include the power of community initiative? Will he further confirm that the Executive remains committed to making progress on other McIntosh and Kerley recommendations on local government reform in this session of Parliament?

The First Minister: I am pleased to respond to Iain Smith's question by confirming that the local government bill will include the power of community initiative. As we modernise our public services, including local government, it is important that we have a chance to have integrated government at local level. The powers of community initiative are vital and will be in the bill. I can also confirm that we are making progress in our discussions on the wider Kerley agenda. We want to ensure that we can effectively hold to account those who take decisions, so the Kerley principles will be at the heart of our modernisation of local government.

Mr Andy Kerr (East Kilbride) (Lab): I was delighted to hear the First Minister's commitment to keeping water in public hands. That is an aim that I and many of my colleagues share. Will he provide greater detail about how he expects to achieve that with the bill that he has announced?

The First Minister: We will soon detail how we will progress the matter. Consensus on such matters is important and I am glad that Andy Kerr raised the point. It is vital that all members are committed to a public water authority as a first step. We can then take every measure to ensure that that commitment is developed and that, in a fiercely competitive environment, the water authority goes from strength to strength after it is set up. We will outline further details of how that is to be achieved.

Mr David Davidson (North-East Scotland) (Con): In the spirit of freedom of information that he talked about today, the First Minister might like to tell us what sort of costs are involved in the programme. Where is the money coming from and what is being pushed back? What areas are having money taken away? Perhaps he will also comment on the burden of regulation—not only on Scottish business but on the voluntary sector—that will result from the programme that he has detailed.

The First Minister: We have a consistent

approach to the burdens of what we do in Government and I would like to think that the Conservatives also take a positive view of what the Government can do for the business community to facilitate positive changes. As with all bills that are introduced, the financial implications of the new bills will be dealt with and the details will undergo proper consideration in due course. As far as the freedom of information bill is concerned, suffice it to say that resources are indeed available and that we shall push on on that basis.

Roseanna Cunningham (Perth) (SNP): I am curious about an omission. With our newspapers and airwaves full of concern about the treatment of asylum seekers in Scotland, and given the cross-party consensus, which I suspect exists, that we should be doing a good deal better than we are doing, I am surprised that there was nothing in the First Minister's comments or in the Executive programme that goes any way towards alleviating the problem. Surely the Executive, with all its highly paid advisers at its fingertips, should be scrutinising carefully the areas where the Parliament can make a difference. Could we please have an explanation for the silence?

The First Minister: Seeking a consensus, as has been indicated, is exactly what the Executive is doing. In listening to the airwaves, Roseanna Cunningham may have picked up the fact that we have set up a review. The Cabinet will receive the report next week. We are also committed to reviewing the 18-months asylum legislation, which will take four months. We are sending representations to Westminster about the dispersal policy, which is a reserved function, and about the voucher system, which is also a reserved matter. All that has happened in the space of a few weeks since the situation developed in Sighthill.

Practical politics will always outweigh a constant clamour to seek the constitutional quick fix. We send 72 colleagues to Westminster to deal with reserved matters. We take our devolved responsibilities seriously; I wish that the SNP would sometimes do the same.

Mrs Margaret Smith (Edinburgh West) (LD): I welcome the First Minister's statement, in particular the announcement about the community care and health bill—that is not surprising. The First Minister has stated that the so-called long-term care bill will be law by next spring. Will he clarify whether it is on course? What consultation will be undertaken on the care development group's report?

The First Minister: We are on schedule to deliver a commitment that Parliament supports. The process will involve the arrival of the care development group's report, its publication and the

response. The Executive will respond to the report and a lot of hard work will then have to be carried out with all the specialist groups.

I reaffirm our commitment. We promised and agreed that that commitment would be delivered in April 2002. The legislation will run in tandem with that. The SNP should applaud us for something that will be welcomed in Scotland. The proposals put the needs of older Scots first and there should be a rich consensus to proceed as quickly as possible.

Hugh Henry (Paisley South) (Lab): When the Executive reviews the responsibility of the ombudsman, will it take steps to extend the scope of the ombudsman procedure to those public and semi-public bodies not previously covered by the ombudsman?

The First Minister: I take Hugh Henry's point. The appropriate ministers are listening and I welcome such points.

I talked about consultation with a wider Scotland. It is vital that every MSP feels that they are intimately involved in that. I give a commitment to Hugh Henry that he will be able to discuss his suggestion with the appropriate minister.

Dennis Canavan (Falkirk West): The First Minister referred to a large number of responses on the draft land reform bill. Will he assure us that the redrafted bill will not give landowners the right to use criminal law to exclude people from the countryside, but will ensure a genuine right of responsible access to the countryside, bearing in mind that the mountains, hills, lochs, glens and rivers of Scotland are part of our national heritage and not simply the property of the landed gentry?

The First Minister: I thank Dennis Canavan. I am aware of his long-term interest in environmental issues, which is shown by his question. I have spoken to the Deputy First Minister and there will be significant changes to the legislation after the consultation period. I do not know the details to reply to Dennis Canavan's question, but I will ensure that his specific question gets a specific answer as soon as possible.

The Presiding Officer: I must protect the debate, which is heavily oversubscribed. I have taken note of the five members whom I have not called. There will be more questions tomorrow.

15:08

Mr John Swinney (North Tayside) (SNP): The First Minister's statement is an intriguing start to the parliamentary year. An explanation from the Deputy First Minister of the change of seating arrangements for the Liberal Democrats would be equally intriguing. Perhaps the change represents the final absorption of the Liberal Democrats into

the Labour party, or perhaps the Liberals are nudging closer to the Conservatives—that would be even more bad news for the Conservatives.

I welcome Murdo Fraser, the new member for Mid Scotland and Fife, to Parliament. I had the privilege of contesting the Scottish parliamentary elections with Murdo Fraser in North Tayside and the even greater privilege of defeating him. I believe that he has been touted as a challenger to Mr McLetchie for the leadership of the Conservative party. If Mr McLetchie needs any advice, I will give him some—in the nicest possible way—about how to see off Mr Fraser.

I do not want to start on a sour note, but there was a mistake of enormous significance in the First Minister's statement. The programme that the Executive has put before Parliament, and on which the First Minister has commented, allegedly involves 18 bills, but we will hear tomorrow about a 19th bill. The need for that bill has been created by the Executive's incompetence even in continuing with some of its existing policies. The First Minister made great play in his statement about the fact that the laws that he is introducing are

“well considered, fully consulted on and fit for purpose.”

There is no way that the legislation on the Erskine bridge, which will be rushed through Parliament tomorrow, could be described as well considered, fully consulted on or fit for purpose. We have arrived at that situation because of the Executive's chaos.

The message from the First Minister's statement is that a substantial gulf exists in Scottish politics between those of us who have high ambitions for Scotland and those who are prepared to satisfy themselves with the mediocrity of the Government's proposed legislative programme. The SNP will always support measures that make sense for Scotland and benefit the people of Scotland. That has been our approach so far and it will continue to be our approach. Several of the measures that the Government is introducing are measures that the SNP has argued for—and been ridiculed for doing so—in previous elections.

One example is the Government's legislative proposals on free personal care for the elderly. It would not be possible to argue that the Government has brought those proposals to Parliament with a sense of urgency or enthusiasm. The Government has been forced, kicking and screaming, to do so by parliamentary pressure from across the political spectrum. If the Minister for Health and Community Care had had her way, the Government would not have brought forward proposals on free personal care for the elderly.

If we are to make good our commitment to older people, we must have the ability to deliver

properly. That means that the Scottish Parliament must be able to take on full financial and social security responsibilities to ensure that we deliver the best deal for our pensioners. The commitment on free personal care has, rightly, been made, but we must take on the responsibility for funding that commitment, not go cap in hand to Westminster for the resources to allow us to do that.

Ms Margo MacDonald (Lothians) (SNP): Hear, hear.

Mr Swinney: I have powerful supporters.

The SNP will do more in this Parliament than just support the measures that make sense. We will continue to support and defend the Parliament when it is undermined by the Executive here in Edinburgh or by new Labour in London. We must hope that we never again experience the disgraceful events of the past year when the Executive studiously ignored the democratically expressed views of this Parliament on the fishing industry. The Parliament expressed its view clearly and the Executive failed to deliver. That was an affront to democracy. This Parliament must assert its rights and responsibilities over the work of the Executive.

We will also work to ensure that the expectations for the Parliament, which are held dearly and properly by people outside the Parliament, are achieved. We must face the reality that the expectations for the Parliament have not been realised in the two years since it was established. A substantial majority of Scots still say that they want the Scottish Parliament to have more influence over their lives than Westminster has. At present, they believe that Westminster retains the whip hand on the issues that we discuss. It is the job of all of us who care about the success of our new Parliament to ensure that it has the power to make a real difference to the lives of people in Scotland. In that way, we can show that the heady expectations for this Parliament were justified and can be fully delivered.

As we consider the Government's legislative programme, we must face up to the reality of the Scotland that exists today.

Karen Gillon (Clydesdale) (Lab): If the people of Scotland are so disillusioned with the constitutional settlement and strive for independence, why did the SNP win only five seats at the general election in June?

Mr Swinney: That is a really new intervention.

The SNP is in the business of addressing the reality of the circumstances that exist in Scotland. [MEMBERS: “Answer the question.”] If new Labour ministers do not want to hear about the realities of Scotland today, which I am about to list, the

Labour party in Scotland will reap the consequences when the SNP removes them from leadership in 2003.

Let us face the reality of Scotland today. Nearly one third of Scotland's children live in poverty. The Executive has succeeded in taking 1 per cent of Scotland's children out of poverty after two years in office and four years of a Labour Government. At that rate it will take us 100 years to conquer child poverty in Scotland. Does that feel like we are facing up to the realities of Scotland today? Around one quarter of Scottish pensioners live in poverty and the numbers are increasing. They have increased by 2 per cent since the Labour Executive took office. Hospital waiting list figures have gone up by 8,000 since the Executive came to power. Waiting time figures are also rising and the numbers of out-patients who are seen within nine weeks of referral from a general practitioner are the lowest on record. Crimes of violence, fire-raising, vandalism and shop-lifting are up, while police numbers are starting to fall again.

Scotland's level of economic growth is among the worst in Europe and is little more than a third of the United Kingdom level. This week's latest report from the Bank of Scotland shows manufacturing output falling for the fifth consecutive month. Nearly 40,000 manufacturing jobs have been lost from Scotland since new Labour came to power. Does this feel like a programme that will address the social and economic record that faces Scotland? The answer is conclusively no.

We can do some things, with the powers that the Scottish Parliament has, to make more effective use of the resources at our disposal. The Minister for Finance and Local Government's budget statement referred to the flexibility and scope for change within the overall budget. That was just another way of dressing up the fact that he has cut £32 million from the social justice budget, £24 million from the transport budget and £9 million from the environment budget. Is that addressing the realities of Scotland today?

One of the other issues that we could be dealing with is the power of the Scottish Parliament to develop properly the debate about rejuvenating our local authorities. That debate, we are told, lies at the heart of what the Liberal Democrats have brought to the coalition agreement. Jim Wallace told us:

"We will ensure that the publication of the final McIntosh recommendations is followed by an immediate programme of change including progress on electoral reform."

He told us later:

"we are fighting to win PR for local government and we will not flinch from that goal. We must not underestimate the self-interested resistance from those fiefdoms will be challenged by a fair voting system."

Perhaps the Liberal Democrats have joined those self-same fiefdoms in enjoying the privileges of office.

The First Minister used 2,900 or so words in his statement, but the one word that he did not use about proportional representation for local government was one that I think Margo MacDonald suggested—the word "no". There is no intention on the Labour benches to introduce PR for local government and properly rejuvenate our local authorities.

Pauline McNeill (Glasgow Kelvin) (Lab): Mr Swinney mentioned counting the number of words that the First Minister used. Mr Swinney has said a few thousand words, but has not said one word yet on his party's programme and what he thinks that the people of Scotland want.

Mr Swinney: This debate is about the Executive's programme. I am putting that programme in the context of the realities that we face in Scotland today.

A set of proposals on land reform is emerging.

Mr John McAllion (Dundee East) (Lab): I want to bring something to John Swinney's attention, regarding his statement that there was no intention on the Labour benches to support PR. I have been a lifelong supporter of proportional representation and would introduce the system at every level of government in this country.

Mr Swinney: I hope that the front-bench members are listening to Mr McAllion. They do not often listen to his wise words, but I hope that they are listening to him on that issue.

Phil Gallie (South of Scotland) (Con): Will the member give way?

Mr Swinney: I have taken a number of interventions, but I will give way.

Phil Gallie: A few moments ago, reference was made to Mr McLeish's words. Does Mr Swinney recall Mr McLeish complaining, prior to his electoral promotion in 1997, about the reduction in Scotland's manufacturing base and claiming that no self-respecting nation should have to sustain an economy based on service industries?

Mr Swinney: I remember many things that Mr McLeish said about manufacturing. One of the things that he did was to introduce a new manufacturing strategy for Scotland, which has resulted in further manufacturing job losses. That proves the point about where the real powers lie over manufacturing industry.

If it wanted, the Parliament could make further reforms on tobacco advertising, but the Executive has not introduced any proposals for the Parliament's consideration.

Yes, there are things that we could do with the Parliament's powers that would make it more effective and that would create a better Scotland. However, if we want to create the best Scotland and the best country in which people can live, we must have the normal powers of a normal independent Parliament. If we want to make the big decisions that affect the lives of people in Scotland—for example, to use the tax system, the benefits system and the employment system to take people truly out of poverty—we must have the real powers of a normal Parliament.

If we want to tackle the injustices in issues involving asylum seekers, we must be the people who take decisions on the way that such issues are considered. I was very heartened to hear the First Minister say that he would make representations to the Home Office on the voucher and dispersal schemes for asylum seekers. However, the problem is that the First Minister has not brought those proposals to the Parliament; although I know that Mr McAllion and Mr Chisholm are opposed to the voucher scheme, I have no idea about the Executive's position on those issues. I hope that the First Minister will accept my invitation to introduce those proposals, because he was opposed to the voucher scheme. If he wants to reform the dispersal system, the SNP will be right behind him in justifying such measures.

Furthermore, if the First Minister wants to extend the Parliament's influence to include the ability to express its opinions on whether more nuclear power stations should be sited in Scotland, the SNP will welcome the debate and will be part of a consensus that opposes such a policy.

We can use the powers of the Scottish Parliament to create a better Scotland. However, if we want to create the best Scotland; to give people the type of opportunities that they truly deserve; to remove people genuinely from poverty; and to give our businesses the opportunities to conquer the challenges of the international marketplace in order to boost our economic growth rate, we must have the normal powers of a normal Parliament. That is what the SNP will argue for.

15:22

David McLetchie (Lothians) (Con): On behalf of my new colleague Murdo Fraser, I thank the First Minister and John Swinney for the generous welcome that they have extended to him.

Roseanna Cunningham (Perth) (SNP): He is behind you.

David McLetchie: I know that he is well behind me; he is a strong supporter. Murdo Fraser will make a very effective member of Parliament and contributor to its work.

The legislative programme contains many worthy proposals that I am sure the Conservatives will be able to support when we see the detailed provisions and come to debate them in committee and in the chamber. However, I fear that, despite the volume of legislation that has been pledged, there is no sense of a coherent programme that will improve the lives of people in Scotland in the areas that really matter to them. That is regrettable, because the Scottish people will not fully accept this Parliament as a mature institution until they see that it makes a real difference to their lives.

The Scottish Executive's approach fails for two main reasons. First, it is governed by outdated ideas of big Government and uses the number of bills as a smokescreen for the fact that the Executive has no ideas about how to effect improvement in public services. The First Minister's speech at the University of Glasgow on the aims and values of his Executive and today's statement on the forthcoming legislative programme give the game away on the approach to legislation. The First Minister boasts about the sheer volume of legislation that has been passed by the Parliament; he tells us that 24 bills have been enacted, with another five in progress, compared with the three or four that might have been achieved at Westminster over a similar period. However, the comparison is not fair. Although it might be true that only three or four specifically Scottish bills might have been passed in that period, the claim ignores the number of UK bills passed that included substantial Scottish sections on issues that are now legislated for separately.

The really worrying revelation is that the First Minister seems to believe that more is better and that, by implication, the answer to all Scotland's problems can be found in legislation, or at least in Executive action. There is a suspicion that Labour and the Liberal Democrats are trying to justify their own existence, and that of their army of spin doctors, by proposing more and more legislation in the vain hope that it will lead people in Scotland to public acceptance of the burgeoning size of Government in the country. For example, administration costs have risen £80 million in the past few years, and 22 ministers are now doing the work of five. Where is the evidence of that public acceptance? Until now, the reaction to the Parliament of the majority of people in Scotland has been disappointment, if not contempt, notwithstanding the 24 acts that have been passed. Support for the Parliament will not be won through churning out more and more legislation and telling everyone that we are doing so well simply because we are doing so much.

The Parliament must demonstrate that it can make a real difference to the lives of people in

Scotland, and the only way to do that is to deliver real improvements in our public services and in the performance of our economy. More laws that increase the burden of regulation or enhance the power of the state are not the answer; in many respects, they are part of the problem.

The quality of the legislation that we pass is far more important than the volume. We must be certain that bills are subject to proper scrutiny, which will not happen if MSPs are buried under a mountain of them. We must also be certain that we are not forced into over-hasty legislation in response to a perceived demand from the public to remedy an apparent specific injustice. Hard cases make bad laws. The case for legislation should have to satisfy a far heavier burden of proof than is currently required before we rush to judgment or legislation. The Parliament should not become a legislative sausage machine, churning out more and more laws and regulations with the bureaucracy and costs that inevitably follow in their wake. We should bear in mind the maxim that, if it is not necessary to change, it is necessary not to change.

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): Will the member tell us which five bills he would not proceed with?

David McLetchie: The proposed land reform bill—which I shall speak of in a moment—the proposed freedom of information bill and the measures to reform local government services. If I have the opportunity, I shall mention a couple more.

We must move away from the outdated approach of introducing more and more legislation, as a radical shift in philosophy and practice is required to raise standards. The belief that progress will come only through Government action betrays the lack of trust that Labour and the Liberal Democrats have in the Scottish people. Instead of berating those who work in our health service for telling the truth about the appalling state that the service is in, Susan Deacon should treat health professionals and workers with the respect that they deserve and show some faith in them. The state of our health service is entirely due to the Executive, which has promised much yet delivered little; which has increasingly taken control of the service into the centre; but which is unwilling to accept the responsibility for its miserable failures. It is not legislation that is required to change the situation, but a change in the Executive's attitude. We want power and responsibility to be devolved down in our health service, and we want patients to be given far greater choice than they have at present.

The same situation exists in education. The Parliament has passed one education act, the main purpose of which was to end the self-

governing status of a small, highly successful and popular primary school in Dunblane. Last week, Jack McConnell finally signed the order to bring St Mary's Episcopal Primary School back under local authority control. That will do nothing to raise educational standards; it is an act of sheer spite that is designed to appease those in the Labour party and the teaching unions who could not abide the independence that St Mary's enjoyed through direct grant funding.

St Mary's was a model for schools throughout Scotland, yet its success was its downfall. Strangely, direct grant funding is tolerated in the case of Jordanhill School. Perhaps that policy will change when the school education of the children of Labour hypocrites such as Sam Galbraith has been completed. So much for Mr McLeish's claim that he puts pragmatism before ideology. He should try telling that to the parents, teachers and pupils at St Mary's. The First Minister is fond of saying, "What matters is what works." Well, St Mary's works, so why does not it matter?

The Executive should focus on legal reform where there is a proven need to update the body of Scots civil and criminal law, on reforms to improve our public services—whether or not those reforms require legislation—and on reforms that devolve power downwards and remaximise choice, responsibility and accountability. The Executive should also focus on removing regulatory and tax burdens on our businesses to promote the creation of jobs and wealth. In short, the Executive should be placing its trust in the Scottish people and giving them the opportunity to fulfil their potential. Instead, the Executive is hiding behind a blizzard of new bills. Although we might support some of those measures and parts of others, some of the so-called flagships of that legislative programme will be regarded as unnecessary, damaging and irrelevant to the concerns of people in Scotland.

For example, much of the Parliament's time in the new term will be taken up by the dog's breakfast of the land reform bill. Only an Executive that is so out of touch with the Scottish countryside could think that land reform is a priority at a time when rural Scotland is still reeling from the foot-and-mouth crisis. The bill is a classic example of complex and unnecessary legislation being produced, as access, until now, has been governed satisfactorily by voluntary arrangements.

We did not need a land reform bill to create the west highland way, the southern upland way or the many other walks through public and private land that are much enjoyed by our walkers and ramblers. Our climbers do not need a land reform bill to bag their Munros. Over the summer, I received letters from walkers who claimed that the bill as proposed would end up restricting the

access that they presently enjoy. What an irony—a bill that is intended to confer rights might end up restricting the freedoms that people currently enjoy. Some liberal measure. It demonstrates the Executive's misguided faith in legislation, which will in this case serve only to make matters worse. Such legislation will create a whole panoply of laws, regulations, codes, guidelines, rights, duties, exemptions, exceptions, provisos, conditions and qualifications that will turn our countryside into a legal battleground. It is no substitute for commonsense, give-and-take, live-and-let-live mutual respect, which is the essence of good relationships and good neighbourliness, and which all reasonable people in Scotland understand and practise without the necessity of laws passed by the Parliament.

The same is true of the new bill on freedom of information. I am all in favour of open government, as, reputedly, is the Deputy First Minister. In that case, can the Deputy First Minister explain which categories of information held by Scottish Executive ministers, which, as a matter of policy, they presently refuse to publish and disclose to us, will be published after the passing of the act? As he knows, many people believe that the bill is not about freedom of information; it is about creating a statutory basis for the restriction of information. It is not only unnecessary, but could be counterproductive. Is not it ironic that the Executive, while claiming to increase public accountability, proposes to change the date of council elections to coincide with the Scottish Parliament elections, contrary to the recommendation of the McIntosh committee?

There will be no proper focus at local elections on local issues and on the performance of councils, because Labour wants to get its councillors re-elected under the cover of darkness.

Ms MacDonald: Will the member give way?

David McLetchie: I am in my last minute.

The First Minister has spoken several times of a confident, compassionate and competitive slogan—competitive Scotland, I meant to say.

Mr Swinney: It is a slogan.

David McLetchie: It is indeed a slogan. On television on Monday, the First Minister claimed in his party-political broadcast:

“This is not a soundbite or a slogan.”

Oh really? Next he will be telling us that he feels the hand of history on his shoulder.

Why should Scotland be confident about its future when the Executive is leading us down the wrong road? Where is the compassion for the 83,487 Scots who are waiting for hospital treatment? That is 13,000 more people waiting

than when the Labour-Liberal Democrat Executive came into power. What is so competitive about a Scotland in which our businesses pay rates poundage that is 9 per cent higher than that paid by our competitors down south? What is so competitive about our economy, which is growing at half the rate of the UK as a whole?

The Executive is not creating a confident, compassionate and competitive Scotland, but there are some other C-words that describe the Executive far better: complacent, careless, clueless, condescending, contemptuous, cowardly and cynical. That is not a soundbite; it is a fact. It is what the people of Scotland really think of the Executive and the sooner that the First Minister wakes up to that, the better.

15:35

Tavish Scott (Shetland) (LD): I begin by welcoming Murdo Fraser to the chamber. I thought that Mr McLetchie's welcome was slightly grudging. I would have thought that he would have appreciated another good solid right-winger on the right of his team, but his welcome struck me as that of a man looking over his shoulder and worrying about what was behind him. That says more about what is going on in the Conservative party than is imaginable from reading the press day in, day out.

John Swinney seemed to get excited about where the Liberal Democrats sit in the chamber. The only observation that I would make is that, from my perspective, it is good to be able to see where the SNP sit—to the left, the right and the centre of every policy area.

I welcome the First Minister's statement. It expresses the commitment of Liberal Democrat and Labour colleagues to work in partnership in the Parliament to make a difference to people's lives in Scotland. As others will no doubt do later on, David McLetchie roundly condemned the coalition Government. Indeed, the level of vitriol poured on my colleagues—particularly Liberal Democrat ministers—by Tory and SNP members illustrates, on one hand, that the Tories are, at best, agnostic about devolution and will no doubt oppose devolution if Mr Duncan Smith wins the leadership election and, on the other hand, that the SNP wanted this Parliament but does not know what it wants to do in the Parliament. The SNP appears to be becalmed in the idle backwaters of Scottish politics. The Liberal Democrats and Labour, working together, are making positive differences and real changes for the people of Scotland.

The legislative programme that was announced today outlines no fewer than 18 bills that ministers will put before Parliament for its active

consideration and scrutiny. The Scottish Parliament has already passed 20 acts initiated both by the Executive and by members, and I hope that it will soon pass acts initiated by committees. I find it extraordinary that some people—including David McLetchie, who let the cat out of the bag today—would have us return to a situation in which one miscellaneous provisions (Scotland) bill fought for time in Westminster every year.

Ms MacDonald: Does the member believe that the local government legislation will make provision for proportional representation?

Tavish Scott: I heard clearly what the First Minister said in response to Iain Smith's question. I will quote his words, in case no one was listening.

"The Kerley principles will be at the heart of—the Executive's agenda for—the modernisation of local government".

I accord with that view and I believe that it is important that that happens. Perhaps the SNP members should go away and read the Kerley recommendations again as they have clearly forgotten them.

The legislative programme that was outlined today contains measures in the two key areas of public service: health and education. However, I also welcome the freedom of information (Scotland) bill, which the Conservatives are clearly going to oppose. Many parliamentarians, organisations and people in Scotland have fought for the opening-up of government at all levels. It has always been a source of amazement to me that it was possible to get more information about the British nuclear industry from Washington than from London. The Conservatives appear to oppose that opening-up of government.

David McLetchie: Would Mr Scott give me an example of one piece of information that is held by Scottish Executive ministers that will be made available after the bill passes but which, as a matter of policy, they currently refuse to publish or disclose?

Tavish Scott: As Mr McLetchie knows, the advice given to ministers by civil servants will not be included in the freedom of information regime—

David McLetchie: What will be?

Tavish Scott: Mr McLetchie will have to wait until the bill is introduced. The Conservatives may have already decided to oppose the bill but I am comfortable with the principles of the bill and support it.

I am not persuaded that other levels of government or agencies should be exempt from

the bill. In that regard, I welcome the point that the minister made earlier about local government.

I also welcome the water industry bill. I believe that, as Andy Kerr said earlier, it is an important measure. Indeed, it follows the Transport and the Environment Committee's important work on and substantial inquiry into the industry.

To retain the water service in public control is, as Andy Kerr said, an important measure. I was never persuaded by Michael Forsyth's Tories that they should take water out of the control of local government. Particularly in an island context, it made no sense whatsoever.

Mr Brian Monteith (Mid Scotland and Fife) (Con): Will the member give way?

Tavish Scott: I will in just a minute.

However, the scale of investment that is needed, the rigours of the Competition Act 1998 and the need to minimise price rises—particularly for the domestic consumer—mean that the bill is inevitable and necessary.

On the water environment and water services bill, the important point is the updating of the framework of regulation. I would appreciate ministers examining closely the power and the point of the water commissioner. I am less than convinced that the postholder has been a consumers' champion and has stood up for the individual customers and businesses. The water commissioner has an annual cost of £1 million. The consideration of the framework of regulation is welcome.

When I think of the land reform bill, I start to think of Gladstone. It contains measures, particularly on crofting reform, that many of us have fought for for many years—right back through the ages in my party. It is a source of pleasure that those measures will be introduced under the Executive and through the proposals that will be announced in due course.

Consultation on the land reform bill has created the widest range and biggest number of responses from the public and organisations throughout Scotland. That is hardly surprising, given the nature of the bill. MSPs have been bombarded. I cannot be the only constituency member who has met people on both sides of the debate in the recess and heard the arguments put with considerable passion and conviction. I suggest that, in the light of the 3,000 plus responses, ministers have to make changes to the draft bill and I welcome the First Minister's clarification of that earlier on.

The principle is clear: there should be increased access. That principle is opposed by the Tories. Access should be increased responsibly. It is also vital that we have a joined-up government

approach to that for the vast majority of Scots who want to be able to stroll and enjoy countryside close to home. Investment in footpaths, working with local authorities and other agencies, in and around Scotland's main conurbations must be part of the overall Government approach.

I will make points relating to representations that I have had on the land reform bill. They are about the legal liability and the criminality elements that were in the draft bill. I do not agree that land managers should be exposed to increased legal liability that would allow people who climb over a fence and injure themselves to take legal action against the land manager. I hope that the bill will reflect land managers' concerns on that point.

I also have concerns, which Dennis Canavan expressed, about introducing a criminal offence that excludes people from the countryside. I hope that that will be examined before the bill is introduced to the Parliament.

I also welcome the community care and health bill. It must be considered a considerable achievement of the Parliament and the Executive. Many argued that it could not be done or that it should not be done. I welcome the commitment that the Executive gave, which sets a standard of dignity for those who have paid taxes all their days, who have worked for their fellow man and woman and who have served and given for their country.

A caring, compassionate Scotland is one that looks after its elderly. The community care and health bill must do that. As it will, it should be welcomed. The bill, which is at the heart of the Government's legislative programme, illustrates the focus on addressing the public service needs of Scotland. That programme is brought to Parliament by Liberal Democrats and Labour colleagues working together.

I support the legislative programme that the First Minister outlined today.

15:44

Dr Elaine Murray (Dumfries) (Lab): There has been scepticism in some quarters that the Scottish Executive would deliver on its commitment to land reform. I am therefore pleased to hear the First Minister say that the land reform bill will be introduced in the next year. Land reform is an important, and in some cases contentious, issue. Time has to be taken to get it right, but I am glad to hear that the Parliament will soon get the opportunity to discuss the bill.

Land reform is important to me as a member of the Labour party. The Labour movement has held the land reform agenda dear since before the inception of the Labour party—from the time of the

Land League protests in the 1880s. Land reform was one of Keir Hardie's commitments, and it fuelled the Kinder Scout trespasses in the 1930s. It has already inspired legislation in the Parliament, in the shape of the Abolition of Feudal Tenure etc (Scotland) Act 2000.

The issue of access has been contentious, and I am sure that MSPs of all political persuasions have been heavily lobbied from all sides of the debate. The right to roam—for the people of Scotland to enjoy the land in which they live—is a fundamental principle. There are of course important balances to be struck: the environment has to be protected; people's livelihoods have to be protected. The principle of maximum responsible access must be upheld. The access forum produced, by discussion and consensus, a detailed draft code, and I look to colleagues on the front bench to ensure that the agreements that were reached are reflected in the bill when introduced.

There are two other important strands to the land reform bill. The first is the community right to buy. The so-called new politics sometimes appears to be so consensual and pragmatic that there are no issues of principle left. Let me say, however, that when a community is under threat from an absentee landlord or when its members' livelihoods are threatened by undue cost or lack of concern, the Labour party knows what side it is on. It was clear from Mr McLetchie's comments that the Tories also know what side they are on. Communities look to the bill to right such wrongs. There is also reform of crofting tenure. That may not affect my constituents nor those of most members, but it affects the lives of people in some of our most fragile rural communities. That strand in the bill is also to be welcomed.

The introduction of the land reform bill will demonstrate again the value of the Scottish Parliament. This legal reform is long overdue and, without this Parliament, who knows when the bill would be introduced? It might have been many more decades, or even centuries, before it was discussed at Westminster.

The ramifications of the foot-and-mouth disease outbreak brought to the attention of all our citizens, both urban and rural, the problems of rural Scotland. The land reform bill presents all our citizens with the opportunity to treasure, value and enjoy the pleasures of the countryside, and it gives long-overdue rights to rural communities. It will therefore be an important piece of legislation. I suspect that the passage of the bill will not be straightforward, but I very much welcome its imminent introduction.

15:47

Bruce Crawford (Mid Scotland and Fife) (SNP): We welcome the announcement that the Executive intends to introduce two bills in the coming year to deal with the important issue of water.

There are vital matters to be debated, not least competition and whether it is necessary or desirable. It was interesting to hear what the First Minister had to say on that. He talked about the possibility of competition on the public networks, perhaps indicating that it is not a foregone conclusion. It will be interesting to see how that turns out.

It will be interesting to learn whether it is the Executive's intention to transfer planning control over inshore waters from the Crown Estate to local authorities under the water environment and water services bill. Such a move would be widely supported, and would help us deal much more effectively with environmental concerns on a strategic level. That bill also provides a vital opportunity to consider how best to deal with such matters as diffuse agricultural run-off and the growing problem of marine eutrophication, on which Scotland sadly continues to be in breach of its international commitments.

There will be disappointment that, following the Executive's publication of "The Nature of Scotland: A Policy Statement" earlier this year, no bills are being introduced to carry forward that excellent piece of work. I am sure that Sam Galbraith will be looking on. He will be particularly disappointed that there are no legislative proposals to deal more effectively with wildlife crime.

In a debate such as this, it is important for us to go back and consider the first principles, which provide the framework for Government programmes. The foundation stone for the Executive is the partnership document. In the section dealing with the environment, there are fine words:

"We will integrate the principles of environmentally and socially sustainable development into all government policies."

We all know that actions speak louder than words, and there can be no question but that those words have been shown to be hollow in the light of recent experience.

Not only has the Executive singularly failed to produce a strategic overview or national plan on how it will deal with issues of environment and sustainability; in the recent past, the Executive has also taken decisions that have flown in the face of its stated intentions. How else can one interpret the incredible decision to proceed with a new round of genetically modified crop trials when new European Union guidance is being processed and

particularly when the leader of the Liberals is so opposed to those trials? There is also the remarkable decision not to undertake a full public inquiry into sea cage fish farming to ensure that it has a sustainable future.

The Executive's biggest test is yet to come—to be tested against its fine words. In the face of a UK Government that is determined to foist new nuclear power on Scotland, will the Executive have the determination to stand up to London? Will it tell Westminster in unequivocal terms that it will use the powers available to it in the Parliament to stop any proposal for new nuclear power in Scotland dead in its tracks? Will the Executive have the courage to let the Scottish Parliament make that decision on behalf of Scotland? Will those Labour members who have been so impeccably opposed to the nuclear industry in the past hold firm to their beliefs or will they sell out their principles as easily as the Liberals have shifted their seats in the chamber today? Will we see Liberal members prepared to stand up for what they believe in at last, or will the line in the sand be redrawn again?

I promise that the Scottish National Party will use all means at its disposal, both in the Parliament and outside, to ensure that new nuclear power is not forced on the nation by new Labour.

15:51

Mary Scanlon (Highlands and Islands) (Con): Given the limited time available to Opposition MSPs to examine the Executive's legislative programme, I will refer to the two pieces of health legislation.

The Conservatives welcome the mental health bill and give it broad support. There is no doubt that the rights of people who use the mental health services need to be strengthened. I am also concerned about an issue that is not in the bill and is almost impossible to write into a bill. I commend Adam Ingram for raising the topic. For too long, mental health has been the Cinderella of the health service. We welcome moves to embrace mental health issues, to reduce the stigma relating to mental illness and to support the families of those with mental illness.

None of that could happen unless professionals are equipped not only with the legal tools for the job—as the First Minister said—but with the respect and dignity that all patients deserve when undergoing all forms of care and treatment in the NHS. I use that as an example because of the bad experience in Inverness last week.

MSPs from all parties can send out a clear signal that people with mental illness deserve the same care and treatment as other patients within

the NHS. I hope that the mental health bill will provide an opportunity for members to work together in a less adversarial and more consensual manner. Mental health is one area of the NHS that needs our attention and compassion.

On the community care and health bill, the First Minister said that he is on track to deliver a commitment to and is preparing for the implementation of free personal care and free nursing care. When I spoke to the health department today, the care development group, which was to decide on the definition of personal care, had still not reported. I understand, however, that we are likely to get a report next week. The Conservatives fully support the principle that people with dementia, or who have had a stroke or are frail and elderly, should have their care in old age paid for, as do people with cancer and heart disease. For that reason, the Conservatives fully embrace and support the proposed bill.

On free personal care and free nursing care, I refer members to the report "With Respect to Old Age: Long Term Care—Rights and Responsibilities" by the Royal Commission on Long Term Care for the Elderly, chaired by Professor Sir Stewart Sutherland. I remind the chamber that every debate we have had on that issue has been based on the definition of personal care that is set out in the commission's report. If that definition is about to change, the whole debate will change. As Stewart Sutherland said last year, the haggling will be over the definition.

I will not read out to members all six of the principles that are included in the definition, but I will quote from page 67 of the commission's report. It states that personal care

"falls within the internationally recognised definition of nursing, but may be delivered by many people who are not nurses, in particular by care assistants employed by social services departments or agencies."

That is at the heart of free personal care. I, along with many people throughout Scotland, would be desperately sad were we to abandon the commission's definition of personal care, which has been the basis of discussion of the issue both in the Health and Community Care Committee and in the Parliament as a whole. I ask the Executive when it comes forward next week with a new definition of personal care to embrace that set out in the Sutherland report. That is what it must do if it wants to have the full support of Conservative and, I hope, other members of this Parliament.

15:56

Trish Godman (West Renfrewshire) (Lab): I believe that the Executive has set out a concise and solid programme for government, and I am more than happy to support it. In my speech I

would like to concentrate on the two bills that will be considered by the Local Government Committee—the local government (timing of elections) (Scotland) bill and the local government bill.

The committee has already carried out pre-legislative scrutiny of the local government (timing of elections) (Scotland) bill. That is a matter of public record. Recently Labour members celebrated a massive victory in the elections for the Westminster Parliament, about which we were all delighted. However, we were not delighted about the low turnout in those elections. It would be dishonest for us to say anything else.

Local authorities will be asked for ideas for a pilot project to modernise the administration of local authority elections and to help people to vote in an easier way. One issue that has been raised in pre-legislative scrutiny is that the 2003 elections will take place on a public holiday. That will give the chief executives who run the counting for elections some major problems. The administration of local authorities will have to consider that issue very seriously.

Local elections are a vital part of local democracy. We should not be afraid of innovative ideas or radical change to elections and procedures. I do not accept the classic Conservative argument that the time is not right for change.

At the previous elections in England and Wales some pilot projects were conducted. People were allowed to vote in supermarkets or at weekends, and hours of voting were extended. In one area only postal voting took place. Surprise, surprise, that was the most popular option. There are ideas that we can use to increase voter participation. New ideas may catch the public imagination and, it is to be hoped, increase turnout.

Miss Goldie: Mrs Godman has said that we want to engender greater interest in the political process—particularly in local government, which is of great importance to the people of Scotland. Could it not be argued that combining local government elections with the Scottish parliamentary elections will damp down interest in the former? Might it not deprive local authority candidates of an opportunity fully to explain their platforms and what they seek to do? Might it not deprive the public of an opportunity to see local government in its own right and to assess candidates on their own merits?

Trish Godman: Not at all. We have carried out pre-legislative scrutiny of the local government (timing of elections) (Scotland) bill. I suggest that the member read the public record, where she will find that perhaps two councils half-agree with her view, but the rest do not.

In the local government (timing of elections) (Scotland) bill, we are looking for local authorities to work innovatively on delivering the services that people need. Part of that work will involve the power of community initiative, which will enable local authorities to work in partnership with their communities, especially on community planning. David McLetchie said that we have too much legislation for local authorities, but local authorities are asking for legislation to give them the power of community planning. That power will streamline, integrate and improve local authorities' partnership working with local people and communities. Local authorities are asking for a statutory underpinning of community planning. As I said, such legislation will be welcomed by local authorities and will benefit all communities.

I look forward to the Local Government Committee's examination of both bills. Some difficulties were thrown up during the pre-legislative scrutiny. Annabel Goldie asked me a question about such a difficulty, and I have mentioned the difficulty with the holiday weekend. Another issue is being raised loudly and clearly, and I support those who raise it. During the previous Scottish elections, all the television advertisements that advised people how to vote for the new Scottish Parliament told them that there were two votes. However, there were three: one first-past-the-post vote, one for a list and one for the council. We must address that issue properly—I am sure that I can speak on behalf of the committee, as no member moved away from that position.

I believe that the ideas that have been proposed in the local government (timing of elections) (Scotland) bill and in the local government bill are a positive response to changes in the way in which local services are delivered.

16:01

Tricia Marwick (Mid Scotland and Fife) (SNP): Here we are, halfway through the first term of the Labour-Liberal coalition, and we wait in vain for progress on the issue that dare not speak its name. I speak of proportional representation in local government, of course—[*Interruption.*] I thank Mr Rumbles for his applause—it is always welcome.

First, however, I will deal with the local government (timing of elections) (Scotland) bill. The Executive is hell-bent on holding the local elections on the same day as the Scottish Parliament elections in 2003. Local elections should be about tailoring local policies to communities. They should be about scrutinising individual councils and making local councillors accountable. They should not be fought against a background of national issues, because that is not

in the interests of local government.

The draft bill will allow the Executive to obscure the local government agenda to such an extent that no one should be surprised if the electorate decides that local government is simply not worth turning out to vote for. I have no doubt that, as Trish Godman said, the Executive will argue that that measure could increase turnout. I will be frank: that argument is spurious. The way to increase turnout is to ensure that local government remains relevant to the electorate. The draft bill does the opposite.

I now turn to the absence of PR from the Executive's programme. What do the junior partners—the Liberals—have to say about that? Iain Smith asked the First Minister about McIntosh, but did not mention PR.

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Yes, he did.

Tricia Marwick: He did not mention PR by name.

Tavish Scott also tried hard to get through his speech without mentioning PR.

Mr Rumbles: Will the member give way?

Tricia Marwick: Okay.

Mr Rumbles: I want to make it clear to members of the SNP, and to all members in the chamber, that those who sit on the Liberal Democrat benches certainly expect legislation to implement PR to be included in the partnership parties' programme before the 2003 elections.

Tricia Marwick: How grateful we are for Mr Rumbles's comments. However, it was a pity that, when the First Minister was asked the same question, he refused to say whether such legislation would be proposed in the period leading up to 2003. Perhaps Mr Rumbles is looking to become First Minister—perhaps he knows more.

Let us remind ourselves of what Mr Wallace said two years ago when he picked up the keys to his ministerial Mondeo:

“We will ensure that the publication of the final McIntosh recommendations is followed by an immediate programme of change”

including progress on PR.

In June 1999, McIntosh said that proportional representation

“appears to command very wide support”

and that it should be introduced immediately to local government elections.

A year later, Kerley said:

“We would urge the Scottish Executive to take an early decision on the date of implementation of a new electoral

system.”

There has been no progress—immediate or otherwise—no bill, no proposal, nothing. Today, we have heard hardly a word from the Liberal Democrat or Labour members about PR.

Some Liberal Democrats claim that PR is the rock on which the coalition will founder. It seems that other Liberal Democrats want to use PR as the get-out clause to escape from the coalition. That would enable them to pretend to the electorate in 2003 that they are principled or that they have a separate identity and are independent from Labour. Is it any wonder that the electorate is cynical about politicians when Liberal Democrats are prepared to sacrifice PR for power?

Let me now turn to the Labour party.

The Deputy Presiding Officer (Mr George Reid): You only have 20 seconds.

Tricia Marwick: Twenty seconds is usually enough.

A local government bill that omits PR, which is the single most important action that could revive local democracy, is a wasted opportunity. The SNP is determined to make a positive case for local government. That means giving councils strength, legitimacy and freedom to act. It means ensuring that local authorities are accountable to the electorate. Above all, it means putting power into the hands of communities with a voting system that ensures that every vote counts.

16:06

Donald Gorrie (Central Scotland) (LD): It is interesting to have a different view on the world, as the Liberal Democrats do today. I am just sorry that the excellent desirability of having Liberal Democrat members sitting together—so that, instead of being separated by people from other parties, our back benchers and our ministers are in one slice of cake—has separated me from my friend Margo MacDonald. However, I assure members that it will not reduce our capacity to rock the boat in future.

I am happy to welcome the First Minister's excellent statement and the list of important bills. The claim that we are dealing only with peripheral affairs cannot be sustained; we are dealing with things that are right at the heart of Scotland.

By delivering on personal care and care in the community, which are absolutely critical, we have shown people—quite often Westminster politicians—who said that we could not deliver that we can deliver. That is important.

We have been assured that the freedom of information legislation will be much better than what is prevalent in England and Wales. That is

also important.

We will be dealing with a lot of important issues: provisions to deal with mental health, to safeguard children, to improve the conduct of public bodies and to create a better career structure for teachers.

On local government, we will provide for powers of community initiative, which are what used to be called powers of general competence. Those will help councils to do useful things for the community, which is an excellent and liberating effect that is to be greatly welcomed.

We are also promoting best value. I would find it helpful if the Executive told us what best value is. I have lodged a number of questions over some months to get clarity on the issue but have failed to achieve that. I am sure that best value is a good thing, but if we knew what it was we could support it with greater gusto.

Obviously, bills depend a lot on the small print. The concepts are often excellent. For example, the land reform bill contains important ideas about land ownership, both by the community and by individuals, which have widespread support. However, access to the countryside has aroused much more controversy. The way that the draft bill deals with it is different from the access forum's proposals. Jim Wallace has promised us considerable changes in the bill. If it is not possible to produce proposals on access that satisfy the legitimate interests of the various parties, it would be sensible to withdraw that part of the bill. We would not then need to spoil the whole bill; another bill that had been better negotiated with the various people involved could be introduced next year. Ministers should not be too proud.

The question of proportional representation has been raised. As Mike Rumbles said, it is important that the issue is addressed because, if we are to pass a bill before the election, work has to start on it reasonably soon. The timetable for that has to be addressed. I say to some Opposition members that the fact that not many huge speeches have been made about the issue in public does not mean that discussion and negotiation about it are not going on in private. We will have to see what we will achieve on the issue.

Bill Aitken (Glasgow) (Con): Will Mr Gorrie advise members whether he seriously expects the principle of PR in local government to be established prior to the next general election? If he does, will he confirm whether he also believes in Santa Claus and the tooth fairy?

Donald Gorrie: Yes, I believe in Santa Claus.

We also welcome the other measures that the Executive is implementing, such as establishing a committee on licensing and setting up a study of

the security industry. I hope that that will include the issue of door stewards, which I have been pursuing with energy.

We have to examine the ability of the Parliament's timetable to deal adequately not only with Government legislation but with non-Executive legislation. Many useful members' bills are being introduced, such as the one on sectarianism that I lodged. We have to examine our procedures to ensure that we adequately scrutinise all the bills that are introduced and allow ourselves plenty of time to deal with them.

16:11

Johann Lamont (Glasgow Pollok) (Lab): I am very happy to participate in the debate. I was absolutely amazed to hear that Annabel Goldie found the package dreary. Perhaps the fact that the Tories find the package dull while Labour members find it challenging says everything about the Tories' priorities in relation to Labour's.

The SNP leader charged that the problem with the package was that it undermined the Parliament. The SNP leader spends most of his time telling us about the problems with the Parliament and what it cannot do—that is a significant way of undermining the Parliament.

John Swinney mentioned asylum seekers. I ask him what he has done in his area to ensure that the local authorities that he controls support the asylum seeker system and the dispersal system. As far as I am concerned, we should use the powers that we have—[*Interruption.*]

Bruce Crawford *rose*—

The Deputy Presiding Officer: Are you giving way to Bruce Crawford, Ms Lamont?

Johann Lamont: No. I did not say Perth and Kinross. I am talking about SNP-controlled authorities. I want to know what every member who criticises what has happened to asylum seekers in this country has done to support the dispersal programme to ensure that asylum seekers go to places other than just Glasgow.

I acknowledge that our role is only partly to do with legislation.

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

Johann Lamont: Sit down.

We have a crucial role in making a difference to people's lives, which does not always require a change in the law. In that regard—[*Interruption.*]

The Deputy Presiding Officer: Order.

Johann Lamont: I make a simple point on asylum seekers: we all have a responsibility to do

our best rather than to talk about the powers that we do not have.

Roseanna Cunningham: Apologise.

Johann Lamont: I have made it clear that I was not talking about Perth and Kinross. We do not have just a legislative role.

I take the opportunity to welcome the establishment of the cities review, in which the arguments for a fair deal for Glasgow will be compelling. Fairness to Glasgow does not, of course, require an act of Parliament. However, it requires an act of will by the Executive and the Parliament to ensure that Glasgow citizens are treated fairly. I assure members that we will take the opportunity to make our case on Glasgow as fully as possible. I am convinced that the cities review will hear that case and act on it.

I have been in this job for two years and the response of Opposition front-bench members does not surprise me. The Opposition is predictable in working harder at the put-down than at offering a serious or coherent alternative.

As a Labour member of the Parliament, I particularly welcome the statement's emphasis on social justice and equality. As a Labour woman, I have fought to support an agenda over many years that understood that politics as seen by the establishment did not connect with the experience of ordinary people.

It is heartening to hear the First Minister talking in Parliament about recognising the role in our communities of unpaid carers. Very often, those carers are women. It is heartening to hear a legislative programme that addresses harassment and sexual offences. It is wonderful to hear about legislation that will further protect our children.

The legislative programme contains a commitment to understanding the way in which the legal system, rather than supporting victims of crime, often further victimises them. We should welcome the desire to have a justice system that addresses those who are the most vulnerable and undervalued.

The reality is encapsulated in the priorities that the First Minister identified. We are not in the business of debating the fine-tuning of constitutionality—debating how we favour one set of constitutional powers over other sets of constitutional powers. We are in the business of making a practical difference to the lives of the elderly, the young and those who face violence.

I especially welcome the willingness to address the issue of mental health and mental illness. I very much welcome Mary Scanlon's comments. I welcome the commitment to strengthen the rights of users of the health service and their families. As legislation goes through Parliament, I trust that it

will give us the opportunity for serious debate on mental health and mental illness. I find the increasing stigmatisation of people with mental health problems or mental illness deeply troubling. That stigmatisation leads in communities to the justification of expressions of hostility rather than of compassion towards those who suffer such illnesses.

I contend that, in this legislative programme, we see evidence of a real shift of political gravity and an acknowledgement of other authoritative voices in our communities who have campaigned in areas where change is required. As the programme goes through the Parliament, I look forward to those voices being afforded the chance—in the committees and the chamber—to be heard louder still so that a real difference can be made.

16:17

Lord James Douglas-Hamilton (Lothians) (Con): In the Administration's programme, the land reform bill inevitably features. In that connection, I mention my entries in the register of interests.

I understand that a massive 3,500 representations have been received on the land reform bill. In his remarks today, the First Minister has made it clear that the bill that is introduced will be substantially different from the draft bill. As the Deputy First Minister is currently considering these matters, I make the following requests.

Responsible access is an ideal. It is a policy that should be supported. I recall that, during the passage of the bill to set up Scottish Natural Heritage, which I piloted through the House of Commons, responsible access was encouraged through management and access agreements where sites of special scientific interest were concerned. Good land managers would naturally like the beauties of the countryside to be appreciated and shared widely. However, some practical implications cannot, and should not, be overlooked.

Establishing a core path network, for example, could take considerable time and resources. When I was a councillor in Edinburgh, I supported the creation of a walkway beside the Water of Leith. More than 25 years later, that walkway is still not complete. If the Water of Leith can cause such problems in a city, it is not difficult to imagine that a core path network for the whole of Scotland would be even more daunting.

Another example is farms, which can be dangerous places because of fast-moving machinery, especially during harvest time—a fact that was brought home to me as a child when I broke a collar bone after a steel barrel of paraffin

on a rickety stand rolled over me in a farm steading. Today, farm steadings are a great deal more dangerous than they were 30 years ago. Similarly, access to fields with bulls is most certainly not to be recommended. Indeed, cows have been known to chase young children and dogs. I hope that ministers will give serious consideration to the creation of a network of paths, to be developed in co-operation with local authorities and local communities—as suggested by the National Farmers Union of Scotland—in the interests of common sense and safety. If the Executive wishes to avoid disproportionate costs, that would best be achieved by working out consensual proposals in co-operation with land managers. Such a move would be more likely to retain good will and to be effective.

Mr Rumbles: When Lord James's leader, David McLetchie, was challenged earlier about which bills he would drop from the legislative programme, he cited the land reform bill. He would drop it even before seeing what changes have been made.

The Deputy Presiding Officer: Keep your intervention to the point, please, Mr Rumbles.

Mr Rumbles: Lord James, however, says that he will support the legislation in principle. What is the issue here?

Lord James Douglas-Hamilton: Those are not the words that I used. The Deputy First Minister has given us to understand that he has no intention of dropping the bill. Donald Gorrie made a fair point about having two bills, which we would prefer if the Executive proceeds with this matter. The Administration is entitled to produce its own legislation and to put it to a vote in this chamber, and I am entitled to make requests of the Deputy First Minister before he introduces the bill. I tell him that it is wholly inadvisable to grant a right of access at all times of the night, as that could be used as a lurkers charter if it is pursued to its limits.

A massive extension of the right to buy could result in land managers being liable for the safety of individuals on their land to a much greater extent than is the case at present. If the Deputy First Minister does not amend the Occupiers' Liability (Scotland) Act 1960, he could impose a massive and intolerable financial burden on land managers.

I have a lot more to say, but I will sum up. I appeal to the Deputy First Minister as a man with, I hope, an open but certainly not empty mind to acknowledge that communities in Scotland are in pursuit of calm, resolute and steady progress, rather than a programme of massive, headlong and unsustainable reform.

16:21

Michael Russell (South of Scotland) (SNP): I commend the Executive on a good and original programme for government. I am sure that that will come as a surprise. The reality is that the programme is both good and original, but not at the same time. The list of proposals has some good measures: the community care and health bill; the mental health bill, as mentioned by Johann Lamont in an unfortunate contribution for which I hope she will reflect on the need to apologise; and the bill to replace the diligence of poindings and warrant sales. Those are all good bills, but they are not original bills; they are bills from ideas that were brought to the Parliament by people other than the Executive.

The land reform bill could be a good bill, but it is at risk of becoming a boorach. The local government bills will not be good bills at all, especially if they are shorn of proportional representation. I am most impressed by the gullibility of the Liberal Democrats, who honestly believe that the Executive will produce a proposal on that.

I will confine my remarks largely to education. The purpose of a legislative programme is to create a coherent and intellectual philosophical framework for legislation. It should, as David McLetchie rightly said, tell us something about the people who are producing it. What is their vision of what needs to be achieved? How can they match the nation's needs with the Parliament's ability to create opportunities or to right wrongs?

If one examines the key issues in education, one is struck immediately by the sheer inadequacy of the programme. Our exam system struggled through this year, with enormous effort from those involved, and requires a major overhaul, yet there has been no word of that. Our system suffers from massive over-assessment. We have to question what we are doing with young people and how they learn to think, but there is not a word on that in the legislative programme. We have a growing crisis in teacher supply—not a word about that. Our school buildings are crumbling, but the answer was to offer in a showpiece presentation by the First Minister and the Minister for Education, Europe and External Affairs less than 2 per cent of the money that is required.

On Gaelic—and I am glad that the Deputy Minister for Enterprise and Lifelong Learning and Gaelic is here—the Labour party's manifesto in 1999 gave a commitment to grant secure status, but that status still has not been conferred.

Where is the logical, coherent intellectual framework from the Executive? It is non-existent. Presiding Officer, you will recall—although you were not there, I am sure—that Disraeli called one

of Gladstone's last Administrations a row of burnt-out volcanoes.

David McLetchie: The word was "extinct".

Michael Russell: "Burnt-out" was the word, but we can check it. The members of that Administration had done so much that they were exhausted. This lot have done nothing, yet they are exhausted. There is no coherence in the programme that has been produced. The biggest contribution that the Executive has made today to moving Scotland forward has been to move the Liberal Democrats from one side of the chamber to the other to try to give the impression of cosiness and co-operation. The reality is that the Liberal Democrats have been conned, as the people of Scotland are being conned.

The Deputy Minister for Enterprise and Lifelong Learning and Gaelic (Mr Alasdair Morrison): Will the member give way?

Michael Russell: I do not want to take an intervention, thank you.

The reality is that some good bills are coming from the Executive, but they are not Executive bills; they are bills from Scottish civic society and others. The rest of the stuff is incredibly poor.

Fortunately, there is some hope of redress, because, according to the First Minister, the Scottish public sector ombudsman bill will

"make provision for investigating complaints of maladministration that are made against the Scottish Executive".

What bigger example of maladministration could there be than the First Minister's statement, which is all that the Government could come up with after two years? Of its 14 pages, seven talk about the past and the other seven talk about other people's ideas. The Administration is a row of burnt-out volcanoes—they were never lit, but they are completely burnt out. It is time that the Government gave way to people who have a coherent view of what Scotland should achieve. There is nothing wrong with ambition in Scottish politics. The people are crying out for that and they are manifestly not getting it in the programme announced today.

The Deputy Presiding Officer: I offer my regrets to Tommy Sheridan and to Duncan Hamilton, who were not called.

Tommy Sheridan (Glasgow) (SSP): On a point of order, Presiding Officer. Six political parties are represented in the Parliament. I am the representative of the fifth political party in Scotland. I feel that it is extremely unfair that the Parliament is not at least hearing from all the political parties in relation to the programme of legislation. It is not acceptable that, because time

is so restricted, not all the political voices are being heard in the Parliament. We were elected to make our voices heard. You must protect the rights of the smaller parties, Presiding Officer.

The Deputy Presiding Officer: The member will be aware that I do everything in my power to protect the rights of minorities—to excess, some might say. If members exceed the allotted time limit, I cannot conjure time out of the air.

16:27

Karen Gillon (Clydesdale) (Lab): On behalf of the Scottish Labour party, I am proud to sum up in the debate on our third legislative programme in the first, historic Scottish Parliament.

The First Minister has outlined the 24 acts that have already gone through the Parliament, which have changed the lives of ordinary people significantly. Regardless of what Mike Russell says, I will not apologise for the fact that Parliament and the Executive are bringing forward 18 bills that reflect the views of civic society in Scotland. That is what the Parliament should be doing; it is what democracy is all about. We should not sit in a vacuum making up things for ourselves. We have a duty to be visionary, as much of the proposed legislation is. The rest comes from civic society in Scotland and from consultation, debate and development. That is what devolution is all about.

My colleagues in Labour and the Liberal Democrats have outlined many of the issues. Trish Godman dealt with the proposed local government (timing of elections) (Scotland) bill. She made a powerful case for why it is important to hold local and Scottish Parliament elections on the same day. Turnout is a significant issue. If Tricia Marwick honestly believes that the people of Scotland are so stupid that they cannot distinguish between a local government argument and a Scottish Parliament argument or make informed choices on both those debates, she seriously undermines the values of the people of Scotland. The people whom I represent can certainly make informed decisions about the people they want to represent them in local government and in the Scottish Parliament. Sometimes those choices are different, but the choices are theirs to make. The local government (timing of elections) (Scotland) bill will help to bring our two sets of elections together and will allow us to examine how we can improve the turnout at elections. None of us can be proud of the present state of affairs—we need to move things forward and the bill does that.

I do not want to drum on about proportional representation; people know my views about that and I will put them forward in due course.

The other part of local government legislation

that I particularly want to welcome is the bill that will at last bring an end to compulsory competitive tendering. For many years, as a member of the National Union of Public Employees and of Unison, I campaigned to abolish compulsory competitive tendering in Scottish local government. Local government in Scotland will welcome that positive, forward-thinking development, which moves the agenda forward.

My colleague Johann Lamont made important points about asylum seekers. Let us stop sniping and start working together to achieve what we want to achieve. She also talked strongly about the social justice agenda. There will be important bills on some issues that have been left on the shelf and ignored for too long, such as how women and victims are treated in courts.

The State hospital at Carstairs is in my constituency, so it will come as no surprise to members that I welcome the mental health bill. For too long, mental health has been ignored or left on the back burner. When the Parliament has debated the issue, it has discussed Noel Ruddle's situation or other significant events. We need to hold a strategic debate about how we treat people with mental illness. For too long, they have been ignored. Their families have not received the support that they need. If many of the people whom I visit in the State hospital had received appropriate help and support when they needed it, they would not be in their present situation. We are introducing a significant bill on that, which I very much welcome.

A bill will be introduced to protect children. Many of us have been touched by events that we know about as constituency members or from people we have heard from. That bill will give our most vulnerable members of society the protection that they rightly deserve. I welcome our proceeding with that and I look forward to working with members of the Education, Culture and Sport Committee, the Justice 1 Committee and the Justice 2 Committee on it.

The people of Scotland can be proud of such legislation. The SNP wants us to consider reserved matters and the Tories do not want us to consider anything, but the coalition is working together and making progress on the issues that matter to the Scottish people. I will not apologise for that. I am proud of what we are doing.

16:31

Miss Annabel Goldie (West of Scotland) (Con): I was intrigued by Karen Gillon's remark that the Tories do not want to consider anything. It is perhaps just as well for the people of Scotland that the Tories were prepared to consider something such as care for the elderly. Had the

Conservatives and the Scottish National Party not made their views crystal clear in the chamber, we would not even have heard of a community care and health bill—it would not have been part of the programme. Therefore, I say to Karen Gillon thank goodness for the Opposition, because it is the only leavening presence in the chamber. It is the only presence to test this dogmatic Executive with its preconceived ideas of what it wants to impose on the people of Scotland.

If I sounded harsh when I spoke about the legislative programme earlier—I was careful to say that exceptions existed—I say also that elements of the programme are valuable and good, as David McLetchie said. I hope that they will improve the quality of life for people in Scotland. If I sounded harsh about the rest of the programme, it was because I felt frustrated. I sense that that frustration is not restricted to me because, as we know to our concern and disquiet, the Parliament is still on probation in Scotland. That may be painful and difficult for many to accept but, from speaking to people from all over Scotland, I get the impression that the Parliament does not smell of roses.

The test before the Executive is not to show that the Parliament can be the equivalent of a confetti-production machine. As David McLetchie said, the number of bills produced and the number of acts passed are not measures of adequacy, relevance or value. The test is what matters to the people of Scotland. What are the issues that most affect them? What do we hear at surgeries, in correspondence and in our various meetings throughout Scotland from all members of the public who can or could vote for members of the Parliament? What perplexes them?

I think that I know the answers. Those people are concerned that more people are waiting for operations and health care. More people wonder whether the best education is being offered to their children or whether they have a decent choice about how their children are educated. The business community is concerned about a potential lack of competitiveness. Many of our major investors are concerned about an increasing skills deficiency and skills gap. The Parliament should face up to those matters. It would have an opportunity to come through with flying colours if it were courageous enough and were given the time to consider such issues carefully and if it were prepared to be radical and ambitious, if not adventurous, in how it addressed them.

I said that I was concerned about a practical consequence of the legislative programme, which is that our committees will be bogged down by the programme and will then be debarred from proper reflective thought on meaningful and worthwhile improvements in their subject areas.

My concern is that, although the legislative programme is in part extremely good—my party will support elements of it—the rest of it is sterile territory. It will neither set the heather on fire nor excite the people of Scotland. Most disturbingly, it will not invite the people of Scotland to give the Parliament a thumbs-up.

16:35

Roseanna Cunningham (Perth) (SNP): The debate has been one of contrasts: between the ambition of the SNP and the lack of ambition from the Executive; and between the SNP's desire to make Scotland a better place and the Executive's willingness to settle for second best.

I want the very best for Scotland but, without independence, we know that that will not happen. That is because the Scottish Parliament does not have the powers necessary to make the changes that will bring about the best for Scotland. The Executive need not take my word for it; its ministers can see regularly that they do not have those powers. Ministers know that the Parliament does not have the necessary powers, but they are not prepared to seek them.

In areas where we have power, there is a curious inaction or inertia, as Donald Dewar might have called it. I will illustrate that lack of ambition—that inertia—with some examples: Malcolm Chisholm knows that vouchers for asylum seekers are wrong, but he will not do anything about it; Susan Deacon knows that banning tobacco advertising would be of great help in the drive to improve the health of our nation, but she will not do anything about that; Jim Wallace knows that proportional representation is needed to improve democracy in local government, but he will not do anything about it.

We have an Executive that lacks ambition. I am mindful of the maxim that the greatest evil that fortune can inflict upon men is to endow them with small talents and great ambition. Surely the Executive could at least try?

As I am responsible for the SNP's justice remit, I note with a resigned sigh that some of the five pieces of proposed legislation are quite unexceptional, although I await with interest the replacement diligence for poindings and warrant sales. I ask the Deputy First Minister, in his winding-up speech, to comment on the absence of a title conditions bill, because I understand that without one the abolition of feudal tenure will, in practice, not happen although, in theory, it has been passed by the Parliament.

There are other big issues that the Executive has simply not mentioned. Bruce Crawford rightly pointed out that a huge debate is raging about nuclear power. New Labour has long since

departed from its radical roots, but the Scottish Parliament can tell Westminster that we will not stand for any new nuclear power stations. The Executive's silence on the issue is deafening. I wonder about the number of members, particularly those on the Labour side of the chamber, who, once upon a time, I marched with against the building of new nuclear power stations. Where are their voices now? I hope that the Deputy First Minister will also comment on that.

Mike Russell noted the Executive's ducking of the issue of education. In the Borders and in Perth and Kinross—places, particularly Perth and Kinross, where Labour is in administration—we see vulnerable schoolchildren being forced out of mainstream education because of an outrageous round of cuts.

I listened with fascination to Mike Rumbles when he intervened on the subject of PR. I am sure that members were grateful to hear of his steadfastness, but was he laying the ground for a convenient Liberal Democrat walkout just before the elections in 2003? That is what it sounded like. The truth is that the Executive is not responding to the realities in our communities.

Land reform is another issue that has long been dear to the SNP's heart. Once again, we have been promised legislation on land reform. The Labour members to my right are chattering, but the SNP did more about land reform at Westminster than did the combined efforts of Labour and the Liberal Democrats. Members, including Elaine Murray and Tavish Scott, are pleased to hear that land reform is in the programme, but we have been here before.

What should have been the flagship piece of legislation for the Scottish Parliament has been delayed and botched and delayed again. It is probably the best example of the lack of purpose shown by the Executive. That legislation was promised to the people of Scotland by Labour and the Liberal Democrats in 1999. In the first programme for government we were told that it would be introduced in the spring of 2000. In the second programme for government we were told that it would be published in February 2001. When it finally appeared it managed to unite all sides in anger and disappointment.

I am not surprised that David McLetchie is opposed to the land reform bill, but it is disingenuous in the extreme for him to suggest that his opposition has anything to do with foot-and-mouth disease—it has nothing to do with that. He knows that his opposition is ideological and that, regardless of what was happening in the countryside, the Conservatives would never have supported the bill.

The truth is that the Executive has made a

complete boorach of it. I ask the Deputy First Minister whether, in the third Executive programme for government, we could have a time scale for introduction. If he cannot give us a reliable time scale for the second—as I understand it—redrafting of the bill, will not he simply exert some leadership, proceed now with the land reform and crofting reform aspects of the bill and treat the access provisions as separate legislation? It is not the first time that Donald Gorrie has agreed with the stance of the SNP. That way, we might just make it third year lucky for land reform and get a better access bill into the bargain. The Executive must start considering the bigger picture.

We should be trying to end the stigmatising of asylum seekers. I listened to Johann Lamont, who displayed the singular lack of grace that is her hallmark. I say to her that as far back as the 1970s, Andrew Welsh was responsible for Kenyan Asians settling in Angus. Perhaps—just perhaps—she and others like her could attend to their own backyard. It is her Government that has put in place the conditions that have resulted in the current problems.

We should be taking real steps to address the problems within our society that mean that nearly one third of Scottish children and about one quarter of our pensioners live in poverty. We should be addressing the fact that our economic growth rate is so slow that it is among the worst in Europe and a little more than a third of the UK level. We do not appear to be addressing any of that. On the basis of today's statement, the conclusion would have to be that the Executive is woefully lacking in ambition. It lacks the ambition to take real responsibility for the well-being of our nation—the grown-up responsibility of earning our own keep and paying our own way. Instead, it is content with shuffling the pocket money that has been handed to it. Where any sense of ambition is apparent in proposed legislation—such as, for example, the plans for the implementation of the Sutherland commission recommendations—it has been entirely forced on the Executive by the SNP and others in the Parliament. Somebody once said:

“The roots of true achievement lie in the will to become the best that you can become.”

The Executive lacks that will for Scotland, but the SNP does not.

16:43

The Deputy First Minister and Minister for Justice (Mr Jim Wallace): I start by echoing the welcome that others have given to Murdo Fraser, who took the oath today. I hope that he finds his time in the Parliament fulfilling. He will find that committee work, away from the banter of the

chamber, can be quite rewarding. It would also be appropriate to pay tribute to Nick Johnston, who contributed to the work of the Parliament. I have here a copy of his letter to *The Sunday Times* of 26 August, but it is probably better left unread if I wish to proceed. [MEMBERS: "Ah."]. I hope that his colleagues on the Conservative front bench do not have such big egos that they cannot acknowledge the contribution Nick Johnston made while he was a member.

Contrary to everything Roseanna Cunningham has said, I believe that this is a stimulating and ambitious legislative programme. One needs only to go down the list of 18 bills to see how they touch many different aspects of Scottish life. The programme keeps up the momentum towards achieving the objectives of the partnership Executive on social justice, on improving people's lives, on protecting individual rights and on promoting competition and wealth generation. As Karen Gillon rightly said, many of those things reflect the concerns of civic Scotland. When many of us fought for the Parliament, we said that one of the features of the Parliament should be that it reflects the concerns of and engages positively with civic Scotland. If, as a result, we carry forward in our legislative programme the wish of civic Scotland, that is a positive thing.

Tommy Sheridan: Will the Deputy First Minister accept that civic Scotland is unanimous in its opinion that the system that we have for charging for water is as cruel and unfair as the system that we have for charging for council tax? Will either of the two water bills include proposals for a fairer form of water charging?

Mr Wallace: The water services bill that will be introduced is far more likely to deliver in the long term by keeping the water industry in the public sector. It will ensure greater fairness in charging than would be the case if the three individual water companies had to progress as they are at the moment.

From Michael Russell's speech and other contributions from the SNP, the SNP members appear tired and exhausted. I read some SNP press releases from the summer to see what exciting proposals they were coming up with. Perhaps the most exciting was Christine Grahame's, who thinks that it is a bad thing to relocate public sector jobs to the Scottish Borders. Her key campaign for August was on whether and where we should fly the flag. I am second to none in recognising and respecting our national flag, but given the range of issues that are facing the Parliament, to get steamed up over whether a flag should fly seems to be missing the point.

Michael Russell: Will the minister read out the list of new Liberal Democrat ideas and initiatives from its August press releases? It will not take

long and I think that the list will be found wanting if the Executive's programme is anything to go by.

Mr Wallace: The difference between Mr Russell's party and mine is that we are in a partnership Executive with the Labour party and we are delivering. More than 70 per cent of the pledges in the latest Scottish Liberal Democrat manifesto have either been delivered or are being delivered. Today's programme makes progress on many more of them.

John Swinney—to feed back to him his own words—is not facing up to the reality of Scotland today. The reality is that the Executive is tackling the issues that concern our pensioners. The central heating scheme will be a great benefit to many pensioners and free concessionary bus travel for pensioners will take effect next year. Free personal and nursing care is also in the legislative programme, which is a great step forward in addressing the needs of pensioners.

John Swinney does not face up to reality—Westminster does not have the whip hand because it does not have a bill for free personal care, has not abolished tuition fees and is not introducing for this academic year grants for students from poorer families. Another reality that John Swinney will not face up to is that when the people of Scotland voted in a referendum in 1997, they voted for a Scottish Parliament within a United Kingdom.

On every issue, the SNP members can only whinge that Scotland's Parliament does not have enough power. That is understandable—in the general election to send people to Westminster the SNP could muster only five members of Parliament.

Mr Swinney: In the old days, when the Deputy First Minister believed in something, he used to argue for the Scottish Parliament to have control over tax-raising powers and to have financial responsibility. Does he believe that the Scottish Parliament should have fair financial powers and the ability to control Scotland's revenue and expenditure?

Mr Wallace: I supported a parliament that had tax-varying powers. I voted for that in the referendum and in the House of Commons and that is what this Parliament has.

The issue of asylum seekers is serious—they do not need more constitutional tinkering. As Henry McLeish made clear in answering a question on the matter today, where the Executive has responsibility in areas that affect asylum seekers—such as policing, housing and health—it is dealing with the issues. A paper on the subject will be presented to the Cabinet next week.

Scotland does not need a party that will dig up

the tree and look at the roots—it needs the two parties that are in Government and which are tending the tree and seeing it blossom.

Mr Swinney: On the serious issue of asylum seekers, will the Deputy First Minister clarify what Mr McLeish said earlier? He said that the Scottish Executive was making representations to the United Kingdom Government about the voucher scheme and the dispersal system. If such representations have been made, will the Deputy First Minister tell us what they were?

Mr Wallace: The First Minister indicated that we would be making representations on those serious issues. We will feed information into those reviews from our perspective, as well as looking at areas in which we have responsibility for dealing with the services that are needed by asylum seekers. That is the responsible way to progress on those matters.

If the SNP was not facing up to reality, neither was Mr McLetchie. He claimed that the Executive's legislative programme did not address real issues and did not hit the mark. We will introduce bills on mental health, on tackling serious and violent crime, on dealing with the plight of victims—which Johann Lamont mentioned—on free personal care, and on securing the water industry in public hands, to name but a few subjects. Those are the real issues that affect the people of Scotland.

Mr Lloyd Quinan (West of Scotland) (SNP)
rose—

Mr Duncan Hamilton (Highlands and Islands) (SNP) *rose—*

Mr Wallace: I have already given way on quite a few occasions, and I still have more to say.

Mr McLetchie also seemed to suggest that lots of Scottish bits were added on to Westminster bills. Some of us well remember that when the offence of aggravated trespass was created, the only opportunity that Scottish members got to discuss it was at 1 or 2 o'clock in the morning, when Lord James Douglas-Hamilton replied without responding to a single point of substance that had been raised by Opposition members.

Lord James Douglas-Hamilton: Will the Deputy First Minister acknowledge that when the new age travellers came to the Presiding Officer's constituency, he was the first to invoke that legislation in case they did damage to his constituents' crops?

Mr Wallace: I simply repeat that, despite all the protests we had about lack of opportunity for scrutiny, the greatest lack of opportunity for scrutiny of legislation that affects Scotland was under the old Westminster regime. This Parliament will have ample opportunity to

scrutinise the measures that implement recommendations from Bruce Millan's report on mental health. As Mary Scanlon properly said, it is an important report, and I welcome the constructive way in which she addressed the issue. The same is true of the MacLean report on serious and violent offenders.

On land reform, one can suppose only that David McLetchie is a friend of the bad landowners, because the good landowners do not have anything to fear from our access proposals. I have made it clear that the original draft bill was a working document. We are addressing seriously the liability issues that were raised by Tavish Scott, Dennis Canavan, James Douglas-Hamilton and others, as well as the issue of the backstop criminal sanctions.

On freedom of information—usually a measure that parties espouse in Opposition and do nothing about in Government—we are introducing a robust freedom of information regime.

David McLetchie: On the point that Tavish Scott made—

The Presiding Officer (Sir David Steel): I am sorry, Mr McLetchie, but the minister is in the last few seconds of his speech.

Mr Wallace: The answer to Mr McLetchie's question is that, because there will be a statutory right to go to the commissioner, who can order disclosure, almost everything that is not allowed at the moment—

David McLetchie: Give me one example.

Mr Wallace: Almost everything that is—

David McLetchie: Give me just one concrete example.

Mr Wallace: If Mr McLetchie is not listening, I will not bother to explain further.

Finally, I will not take any abuse from the SNP on PR for local government. Without the Scottish Liberal Democrats and the Labour party working together in the Scottish constitutional convention, there would not have been any proportional representation for this Parliament, so most of the SNP members would not have been here and none of the Conservatives would have been here. We delivered then and we will deliver again.

We have a robust programme for our Parliament in the second half of this session. It is a programme that will make a difference for Scotland and one that, in partnership, we will deliver.

Business Motion

The Presiding Officer (Sir David Steel): The next item of business is consideration of Parliamentary Bureau motions, the first of which is the business motion set out in the business bulletin. I call Tom McCabe to move motion S1M-2172, which details the proposed business for the next two weeks.

16:54

The Minister for Parliament (Mr Tom McCabe): The business motion proposes that we alter the business that was scheduled for tomorrow to allow us to consider emergency legislation concerning tolling on the Erskine bridge. If the Parliament agrees to the motion, we will be able to complete the passage of the bill in one day, on Thursday of this week.

The proposed business programme still allows a minimum of one and a half hours for a debate on the Enterprise and Lifelong Learning Committee's report on the new economy. The convener of that committee was consulted and is content with the proposal.

Further to that, the motion sets out the business for the next two weeks. There are two key changes. First, the debate on education that was set for tomorrow will take place on the afternoon of Thursday 20 September. The second change is fairly substantial. The debate on stage 1 of the Protection of Wild Mammals (Scotland) Bill will now take place on Wednesday 19 September.

I move,

That the Parliament agrees—

(a) as a revision to the Business Programme agreed on 28 June 2001—

Thursday 6 September 2001

delete all for that day, and insert—

9.30 am Debate on an Executive Motion to treat the Erskine Bridge Tolls Bill as an Emergency Bill

followed by, no later than 10.30 am Stage 1 Debate on the Erskine Bridge Tolls Bill

followed by, no later than 11.30 am Enterprise and Lifelong Learning Committee Debate on its report on the New Economy

followed by Financial Resolution in respect of the Protection from Abuse (Scotland) Bill

2.30 pm Question Time

3.10 pm First Minister's Question Time

3.30 pm Committee of the Whole Parliament: Stage 2 Debate on the Erskine

Bridge Tolls Bill

followed by, no later than 4.30 pm Stage 3 Debate on the Erskine Bridge Tolls Bill

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business - debate on the subject of S1M-1964 Helen Eadie: Centenary of Donibristle Pit Disaster

(b) the following programme of business—

Wednesday 12 September 2001

2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Stage 3 Debate on the International Criminal Court (Scotland) Bill

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business - debate on the subject of S1M-2066 Mary Scanlon: Men's Health Week, Scotland: 7-14 September 2001

Thursday 13 September 2001

9.30 am Scottish Conservative and Unionist Party Business

followed by Ministerial Statement

followed by Business Motion

2.30 pm Question Time

3.10 pm First Minister's Question Time

3.30 pm Executive Debate on Physical Chastisement of Children

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business - debate on the subject of S1M-2119 Paul Martin: Asylum Seekers

Wednesday 19 September 2001

2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Stage 1 Debate on the Protection of Wild Mammals (Scotland) Bill

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 20 September 2001

9.30 am Executive Business

followed by Business Motion

2.30 pm Question Time

3.10 pm First Minister's Question Time

3.30 pm Executive Debate on Investment in Education

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

(c) that Stage 1 of the Sexual Offences (Procedure and Evidence) (Scotland) Bill be completed by 16 November 2001; and

(d) that the Rural Development Committee reports to the Health and Community Care Committee by 21 September 2001 on the Specified Risk Material Amendment (No. 3) (Scotland) Regulations 2001 (SSI 2001/288) and the Justice 2 Committee reports to the Justice 1 Committee by 21 September 2001 on the draft Criminal Legal Aid (Scotland) (Prescribed Proceedings) Amendment Regulations 2001 and the draft Advice and Assistance (Assistance by Way of Representation) (Scotland) Amendment (No. 3) Regulations 2001.

The Presiding Officer: Fiona Hyslop wishes to speak against the motion.

16:55

Fiona Hyslop (Lothians) (SNP): I oppose motion S1M-2172 for two reasons. The first is simple. In managing business, the demands of party conferences should be reflected. Democratic policy making may currently be the preserve of the SNP, but such demands should be reflected and we are disappointed that they could not be accommodated.

The second reason is more important. Parliament's job is to champion the democratic integrity of our new constitutional framework. The Executive has let itself and the Parliament down with the Erskine bridge affair and the shambles with which the Parliament has been presented, but more important, it has let the people down. We have just seen the bill today. Rule 9.21 of standing orders makes it clear that there is no definition of emergency bills—it is for the Executive to present its definition of an emergency bill.

I have serious concerns. We must ensure that the message gets across that we cannot allow a Government that is caught out acting illegally simply to rush through legislation that retrospectively conveys legitimacy on the initial illegality—that is neither responsible nor democratic and it is a bad precedent to set in the Parliament. We should not endorse a rewriting of history.

Collecting money from travellers illegally is highway robbery—at one time, it resulted in capital punishment. Whether heads will roll in this instance is a matter for later, but we cannot afford to allow Parliament's democracy to be hijacked to rewrite history. The Government has come up with a procedure, cap in hand before the Parliament, and asked us to adopt it. The procedure would hijack democracy and we oppose the motion on that basis.

16:57

Mr McCabe: A number of points have been made. On party conferences, Fiona Hyslop and other SNP members are aware that we made fairly substantial efforts to try to accommodate the beginning of the SNP conference on the afternoon in question. However, there are other substantial reasons behind the proposals.

The Protection of Wild Mammals (Scotland) Bill has spent a considerable amount of time in committee—the longest time, I think, that any proposed legislation has spent in committee before the stage 1 principles have been debated in Parliament. We are acutely aware of that. We have tried our best to secure the stage 1 debate in the chamber as soon as possible after the committee report. If 19 September is missed, there will be other party conferences and an October recess, so it would be likely that the stage 1 debate could not take place until late October or early November. That is not in the chamber's best interests nor would it lead to proper consideration of the bill. We are attempting to bring a long-considered bill to the chamber as soon as possible.

Fiona Hyslop: I acknowledge that agreement was sought and we thought that it had been achieved. We were clear about the need to move forward and we managed to get some agreement on that. We appreciate the work of all the business managers; however, agreement was not finally achieved and we are against the motion on that basis.

Mr McCabe: I acknowledge Fiona Hyslop's remarks, but I want to record something in the *Official Report*. Anyone listening to the debate could have construed that the Executive was somehow steamrolling the bill on to the floor of the chamber—although that was not perhaps the member's intention. We engaged in discussions and tried to proceed in a different way.

The Erskine bridge situation was far from being a shambles. Administrative errors crop up in every Parliament and have to be dealt with. The minister in charge of the bill has fully acknowledged that the situation is deeply unfortunate, but the bill is a reflection of Parliament's ability to deal with such situations speedily and hastily. That is a compliment to Parliament and its processes and should not be criticised.

Rule 9.21 of the standing orders does not indicate a deficit in the democratic procedures of the Parliament. It is for the Executive to promote emergency legislation, but it is for the Parliament to agree the motion that is before it today. If the Parliament does not do that the Executive will have to think again. I am confident that the chamber will see the logic of what we propose.

The Presiding Officer: I have to put the question to the chamber right away.

The question is, that motion S1M-2172—the business motion—in the name of Mr McCabe, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)

Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, 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)
 Young, John (West of Scotland) (Con)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (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)

The Presiding Officer: The result of the division is: For 78, Against 30, Abstentions 0.

Motion agreed to.

Parliamentary Bureau Motions

Motion moved,

That the Parliament directs that under Rule 11.8.3 any division at Stage 2 of the Erskine Bridge Tolls Bill shall be conducted using the electronic voting system.—[*Mr Tom McCabe.*]

The Presiding Officer (Sir David Steel): The question is, that motion S1M-2171, on electronic voting, be agreed to—[*Interruption.*] I am sorry. I have to ask Mr McCabe to move all three motions, then we will come to decision time.

The Minister for Parliament (Mr Tom McCabe): There is no great difference in the method, Presiding Officer.

Motions moved,

That the Parliament agrees the following designations of Lead Committees—

the Justice 1 Committee to consider the draft Criminal Legal Aid (Scotland) (Prescribed Proceedings) Amendment Regulations 2001;

the Justice 1 Committee to consider the draft Advice and Assistance (Assistance by Way of Representation) (Scotland) Amendment (No.3) Regulations 2001; and

the Health and Community Care Committee to consider the Specified Risk Material Amendment (No.3) (Scotland) Regulations 2001 (SSI 2001/288).

That the Parliament agrees that Rules 9.6.2, 9.7.8, 9.7.9, 9.8.3, 9.10.2, 9.10.4 and 9.10.6 of the Standing Orders be suspended on Thursday 6 September 2001.—[*Mr Tom McCabe.*]

Decision Time

17:01

The Presiding Officer (Sir David Steel): The first question is, that motion S1M-2171, in the name of Mr McCabe, on electronic voting, be agreed to.

Motion agreed to.

That the Parliament directs that under Rule 11.8.3 any division at Stage 2 of the Erskine Bridge Tolls Bill shall be conducted using the electronic voting system.

The Presiding Officer: The second question is, that motion S1M-2138, in the name of Mr McCabe, on the designation of lead committees, be agreed to.

Motion agreed to.

That the Parliament agrees the following designations of Lead Committees—

the Justice 1 Committee to consider the draft Criminal Legal Aid (Scotland) (Prescribed Proceedings) Amendment Regulations 2001;

the Justice 1 Committee to consider the draft Advice and Assistance (Assistance by Way of Representation) (Scotland) Amendment (No.3) Regulations 2001; and

the Health and Community Care Committee to consider the Specified Risk Material Amendment (No.3) (Scotland) Regulations 2001 (SSI 2001/288).

The Presiding Officer: The third question is, that motion S1M-2170, in the name of Mr McCabe, on the suspension of standing orders, be agreed to.

Motion agreed to.

That the Parliament agrees that Rules 9.6.2, 9.7.8, 9.7.9, 9.8.3, 9.10.2, 9.10.4 and 9.10.6 of the Standing Orders be suspended on Thursday 6 September 2001.

Education Curriculum (1820 Martyrs)

The Presiding Officer (Sir David Steel): Members' business today is motion S1M-2101, in the name of Mr Gil Paterson, on James Wilson, John Baird and Andrew Hardie.

Motion debated,

That the Parliament recognises the sacrifice of the three 1820 martyrs, James Wilson from Strathaven and John Baird and Andrew Hardie from Glasgow, who were hanged and beheaded in the 1820 rising which fought for social and economic justice, workers' rights and an independent Scottish parliament and believes that the history of their struggle should be included in the education curriculum in order to mark the anniversaries, on 30 August and 3 September, of their sacrifice for Scottish rights 181 years ago.

17:04

Mr Gil Paterson (Central Scotland) (SNP): On a bright summer's afternoon, on 30 August 1820, a crowd of 20,000 people gathered on Glasgow green to watch the execution of a Strathaven weaver, James Wilson.

After taking part in a simple religious service and drinking the customary glass of wine, Wilson, dressed in white, was dragged to the bottom of the scaffold in a black, horse-drawn hurdle. He then mounted the scaffold with his captors, to hisses and shouts of "Murder!" from the sympathetic crowd. The 60-year-old radical was hanged, then beheaded. The sentence of quartering could not be carried out because of the hostility of the crowd. A few days later, in Broad Street, Stirling, Andrew Hardie and John Baird met the same fate as Wilson.

Those three men were murdered by the state for believing in workers' rights and Scottish independence. Why do so few people in Scotland know about that vital part of Scottish history? Far from schoolchildren having any knowledge of that episode, even history teachers in Scotland are generally ignorant of the story.

The Tolpuddle martyrs are widely known about in schools and universities in Scotland and extensively known about within the trade union movement. In fact, the trade union movement has funded a museum in Dorset to the memory of the Tolpuddle martyrs. I do not want in any way to minimise the sacrifice made by the Tolpuddle martyrs. The horror of being transported to the colonies was no soft option, but they were able to return to England after a couple of years and now have a place—rightly—in the history books.

What is the difference between the Tolpuddle martyrs and the Scottish 1820 martyrs? Is it simply

that Baird, Hardie and Wilson were Scottish and therefore, like many Scottish achievements or sacrifices, irrelevant? Or is the fact that the Scottish martyrs believed in Scottish independence and used a banner that declared, "Scotland Free—or a Desert!" a good enough reason for writing them out of the history books, as the Highland clearances were? Or is it just that the establishment—then and now—has been so shamefaced, embarrassed and guilty about the way those great men were treated that the only way it can cope with the guilt is by trying to make everyone believe that the 1820 insurrection did not happen?

Some 20 years after the executions, a committee was formed to seek the removal of the remains of Hardie and Baird to Sighthill cemetery in Glasgow and to erect a memorial to them. That was done in 1847 and the permission of the then Solicitor General had to be obtained—but permission was granted on condition that there was no publicity. That conspiracy of secrecy continues to this day. It is time it was broken.

I was born 500 yards from Sighthill cemetery and I thought I knew every nook and cranny in Springburn. My father was steeped in the Labour movement, but I knew nothing of Baird, Wilson and Hardie. Had it not been for the good services of the volunteers of the 1820 Society, I doubt that I ever would have known of the 1820 martyrs.

It is surely significant that the 19 Scots who were transported to Australia for their part in the revolt proved that rebellion and criminality are different things. They were pardoned a few years after they were transported.

Wilson, Hardie and Baird were good men, with courage, dignity and character. There is a lesson for all of us who work for a political purpose in the fact that those men of 1820 worked for a political objective and saw in political change the potential for social and economic justice. That is how democrats go about their task.

If people do not know where they came from, they have no chance of knowing where they are going. It is said that only by understanding its history can a people move forward with confidence. If Scotland is to continue to move forward, its full story, which includes the story of the 1820 martyrs, needs to be taught to its children.

A history without Baird, Wilson and Hardie is no history at all.

17:09

Mr Lloyd Quinan (West of Scotland) (SNP): I thank Gil Paterson for securing this debate. Although the motion's key element is that we

should remember the 1820 radical rising and the three individuals who were executed by the British state for their leading role in that rising, it more importantly brings to light our country's hidden history. In 1787, the combined weavers of Glasgow went on strike. The strike was declared illegal by the Government and the town council; seven were shot dead at Glasgow cross and more than 120 were transported to the colonies. That story is not well known, even in the Scottish labour movement.

As an ex-member of Glasgow Trades Council, I must at least thank that organisation, which employed me in 1986-87 to carry out a community arts project that led to the largest May day demonstration that Glasgow had seen. It was apt at the time. That year, we operated under the banner "Muskets to Multinationals—Calton to Caterpillar" because at that time Scottish workers were occupying the Caterpillar factory at Tannochside. We drew a direct parallel between the combination of the Calton weavers in Glasgow in 1787 and the Caterpillar workers who were being driven out of their jobs in 1987. A limited number of badges were struck, most of which were held by members of the trade union movement. That demonstration did not give rise to any history books or changes in the curriculum that made it clear that the original combination of workers in the islands of Great Britain happened in Scotland—and, indeed, in Glasgow.

Other untold elements of our history are the true story of the union, its rejection by the mass of the people in this country and the five to seven years of riot and disturbance that followed. That is not taught in our schools, but it should be. Furthermore, there is the true story of the Highland clearances, which has been mutilated into the story of greedy Highland chiefs driving people off their land. In reality, the clearances were started by the dragoons of Cumberland's army. As has happened many times down the centuries, a British army worked against its own people.

However, it is important that we remember not only Baird, Wilson and Hardie. I ask the Executive to raise a monument in Greenock to the 14 people killed in the town by the British Army when they attempted to rescue those who were to be transported to the colonies after the Bonnymuir battle. Those ordinary people of Greenock rose up against the British Army and freed the prisoners, only to be massacred in their own streets the next day. Fourteen were killed, 70 were wounded and 160 were transported to the colonies for protecting the freedom of the right of workers to combine together under the banner of a free Scotland. Those real issues of our forgotten history have been conveniently forgotten by many.

Now is the time for us to redress the balance

and to have the monuments and—more important—a history curriculum that tells the true story of our country so that we can move forward into Europe and the 21st century.

17:14

Mr John McAllion (Dundee East) (Lab): I too thank Gil Paterson for securing this important debate in the Scottish Parliament. As he said, the bodies were removed to and buried in Sighthill cemetery. I grew up on the other side of the wall from Sighthill cemetery, on Springburn Road—up the high road—and never heard of the monuments or the martyrs. Indeed, as a young boy I played all over Sighthill cemetery—perhaps I should not have, but I did—and the working class people in that area at the time had no idea that those workers and heroes were buried so close to them. The fact was brought to my attention only much later.

I was interested in Gil Paterson's reference to the banner "Scotland Free—Or a Desert". I remember seeing it after the 1992 general election—or doomsday number four, or whatever it was called at the time—when the Scotland United group called a rally in George Square and spoke from a top deck of a bus. The banner was out in the crowd.

I referred to the banner in my speech during the rally. It is important that we remember who we are, where we come from and who the real heroes are in Scotland's history. The real heroes in Scottish history are not the kings—French, Norman or whatever—but the ordinary, working-class people who have contributed so much.

One of the few things that I remember being taught in school—in Springburn, of all places—was the history of the period following the Napoleonic wars, between 1815 and 1820. It was a period of terrible Tory reaction. There have been some reactionary Tory Governments in Scotland, but that was one of the worst. It had just abolished income tax—I am sure that some people in the Parliament would like to do that again—which had been used to pay for the Napoleonic wars, and it turned to indirect taxes that impacted on the poor. There was a series of working-class revolts throughout Britain.

I was taught about the Manchester blanketeers and the terrible massacre that took place in St Peter's Field, just outside Manchester when the yeomanry charged the crowd of about 100,000 workers and cut down men, women and children who were peacefully demonstrating for radical reform. The yeomanry nowadays would be called paramilitaries. There was also the Cato Street conspiracy, in which Government agents provocateurs were used to flush out radicals so

that they could be executed as Gil Paterson described.

But Scottish kids have never been taught about the Scottish insurrection that occurred during the same period or that in 1820 the workers had demonstrated in the same way. When I became a teacher, I eventually taught history to higher students—although at first I had to teach modern studies, which no one had heard of at that time—and dealt with the British labour movement in the period following 1914. We studied the war and its impact on the British labour movement, but there was no mention of John MacLean, who was perhaps the outstanding figure in the British labour movement at that time and who is never referred to.

The curriculum that has been taught in Scottish schools throughout my lifetime has rarely focused on the marvellous contributions that the Scottish working class made to the history of our country. I have always thought that Tom Johnston's texts "History of the Working Classes in Scotland" and "Our Scots Noble Families" should be mandatory elements of the curriculum in Scottish schools. Tom Johnston was later embarrassed about the content of those books when he became a minister in the Government at Westminster, but they tell more of the truth about what happened at Bannockburn than the established version could.

Gil Paterson has served Scotland well by introducing this debate, which is long overdue. I only wish that I had thought of it.

17:18

Linda Fabiani (Central Scotland) (SNP): As well as being a member of the 1820 Society, I am a resident of Strathaven, where James "Perlie" Wilson was from. I am pleased to be able to speak as a member of the Scottish Parliament, as we have now achieved the restoration of an element of our sovereignty due to the efforts and sacrifice of many Scots over the years, of whom James "Perlie" Wilson was one. His compatriots who were killed along with him and those who were deported were others.

As Gil Paterson said, James Wilson was not a young man. He was about 63 at the time of the rising. For many years he had been an unceasing and energetic worker for the radical cause. It is easier to be radical when young. For James Wilson, who had suffered many disappointments and who had reached that age, still to be fighting against adversity for the rights of his fellow Scots was wonderful. Following the infiltration of the organisation by Government forces, the radical rising of 1820 was fairly short-lived and the consequences for those who were involved were dire. Nevertheless, the success of the rising can

be judged by the fact that it continues to inspire succeeding generations and is remembered nearly two centuries later, despite the fact that its story has never been taught as part of the school history curriculum.

It is arguable that the Scottish Parliament is a step forward, but it is only one step in the long process in which James "Perlie" Wilson and his compatriots played a part. We should honour men and women who have made such an important contribution to the life of Scotland.

We must remain alive to the struggle that continues around us. That struggle might have changed its character over the years, but fundamentally it is the same as the cause for which Wilson, Hardie and Baird made the ultimate sacrifice. The rising encouraged Scots to pursue their liberty—as individuals and as a nation.

Other members have spoken about education. Like Gil Paterson, I was taught about the Tolpuddle martyrs. I am a bit younger than Gil Paterson, so what we were taught did not change much. I was also taught about the French and Russian revolutions. Why was I never taught about a radical uprising in my own country?

Mrs Margaret Ewing (Moray) (SNP): The teachers did not know about it.

Linda Fabiani: Margaret Ewing is right—they did not know about it. We did not know about it and we should be ashamed.

We must avoid complacency and self-satisfaction when we consider that times have changed. It is true that things are easier than they were in 1820, but the social conditions and the freedom that many of us enjoy were brought about by the struggle of those earlier generations. We must continue to safeguard our position by remembering that.

The rising of 1820 should not be a far-off event of which our young people know nothing. We should make it more widely known and we should teach its significance for the cause of social progress and for the cause of Scottish self-determination. In the tradition of Hugh MacDiarmid, debates such as this and the teaching of our history to future generations should not be based on tradition alone, but on a willingness to acknowledge and to learn from historical precedent.

In James Wilson, we should recognise a commitment to social progress and to the restoration of Scotland's ability to make a unique contribution to international affairs. It is only through concrete achievements that we will honour most effectively the sacrifice made by James Wilson, John Baird and Andrew Hardie. As a parliamentarian in our new Parliament, I hope

that the Parliament will live up to the sacrifices made in its name over the years from 1820 to the present.

17:22

Mr Brian Monteith (Mid Scotland and Fife) (Con): Understandably, colleagues have treated the motion with solemnity. It might come as no surprise that I cannot do the motion the same service. I regard it as a partisan issue, for all that it is a member's motion. That might disappoint members, but it is clear that people have different interpretations of history. Although I respect Gil Paterson's position and his right to lodge his motion, I trust that he respects that I might have a different view and interpretation.

Members talk about strikes and executions that took place in Scotland, but members cannot deny that they took place throughout Britain.

Mr Paterson: Will the member give way?

Mr Monteith: No, I believe that I am the only member who will make the following point, so I will grant myself a fair wind. Members cannot deny that, eventually, it was the social reform of the Conservative party rather than revolution that enshrined the rights of trade union members.

It is by the often bitter experience of a turbulent history that Scots have learned that the surest road to social progress lies through reform and not through revolution. If the attempt at revolution in 1820 had progressed any further—and it hardly got anywhere at all—it would have brought misfortunes that far outweighed any conceivable benefits. Revolution could have brought the occupation of lowland Scotland by the British army, which included many Scottish regiments as components of that army, just as there were many Scots who fought on different sides at Culloden. It would have gained Scots the reputation of being rebellious and violent people, which was the reputation that the Irish had at that time. It would have stopped Scots from becoming full partners in the union as the Irish never did.

Mrs Margaret Ewing: Will the member give way?

Mr Monteith: No, I will not give way.

Following revolution, Scotland could never have become an industrial power; it would have remained a primitive backwater. The prospects offered to Scotland by those revolutionaries of 1820 were, in every respect, worse than the history that Scotland has experienced. That, of course, is the difficulty of teaching Scottish history in schools. That is why they were defeated—

Tommy Sheridan (Glasgow) (SSP): Will the member give way?

Mr Monteith: No. I am sure that Tommy Sheridan will speak later.

The revolutionaries were not defeated by any external power, as some might have it, but by the Scottish people. That is what sticks in the craw of many. When the revolutionaries set out from Strathaven to march towards Falkirk to take the Carron ironworks, they expected to spark off a popular rising. They thought that townsmen and villagers would join them from every town and village that they passed through. They expected that, by the time they got to Falkirk, an enormous army of the people would have assembled to overawe any military unit sent against them.

What happened? Few people, if any, joined them. Places they passed through were silent or hostile. When they got to their destination, there were fewer of them than when they started. The so-called battle of Bonnymuir consisted of their being rounded up by the soldiers who met them. The executions of the revolutionaries are indeed unpalatable but are part of the context of the time in which they lived. While their executions were unjust—and it is worth remembering that they died for their cause and respecting them for that—that is not to say that their cause cannot be challenged.

It is worth asking ourselves the reasons for this utter failure, not just at Bonnymuir but in Glasgow and other places where insurrection was attempted or rumoured. As Tommy Sheridan will no doubt admit, it is difficult to have a revolution without the people being behind it. Scots wanted not upheaval, violence and civil disobedience, of which they had seen enough in their history; they wanted peaceful constitutional advance, which is what their status as citizens of the United Kingdom offered them.

Many pamphlets and posters of that period spoke of British freedom and implied that the Scots did not share enough in it. The reformers offered the remedy of the pursuit of progress by constitutional means. In 1832, 12 years after Bonnymuir, the first Reform Act was passed and the political life of modern Scotland was created. Scots won freedom by dint of their being part of Britain. They still possess and value that freedom, and I believe that they will value it for a long time to come. They chose Walter Scott, not the martyrs of Bonnymuir. That is why, if we were to have a vote, I would urge members to reject this motion.

I favour the teaching of Scottish history. I have lodged motions in the Scottish Parliament calling for the teaching of Scottish history. However, we would be wise to teach the lessons that the nation has learned from that history rather than glorifying men who betrayed it.

17:28

Mr Andy Kerr (East Kilbride) (Lab): The fact that Brian Monteith did not mention fear, persecution and the use of the military and of agents provocateurs demonstrates the fact that he has an unbelievable perspective on these issues. I am glad that he is not in charge of the curriculum and that, based on his performance today, he never will be.

Other people addressed some of the issues that Brian Monteith raised, so I will address the local impact of the Strathaven radicals. In local schools, particularly the Strathaven primary schools, one of which my daughter attends, a lot of good work is done on local issues, including the Strathaven radicals. Such work recognises the struggle of the working classes at that time and points out to local people the effect that the Strathaven radicals had on Scottish society.

Perhaps 15 or 20 years ago, I attended my first 1820 Society march. At the last march I attended, I had to run away from the Strathaven gala day, dressed as a bin man, to change quickly into a shirt and tie so that I could speak at one of the 1820 Society's events. I appreciated the invitation to do so.

In Strathaven, at the site of James Purlie Wilson's house, people can see a commemoration of him and they can see his grave in the graveyard. The issue is not completely ignored locally and I encourage those who are interested in the issue but who may not have been to Strathaven to go there. They will find leaflets in the tourist information office and the shops and will be able to buy publications by local writers on the Strathaven martyrs and on Baird and Wilson.

Although a lot of good information is available, there is more that can be done. I am interested in what the minister says about the curriculum and the education of our young people. The issue is not forgotten history: it exists and can be seen in Strathaven. I encourage people to visit Strathaven, a place in which I live and which I have the privilege of representing as a constituency MSP.

17:30

Stewart Stevenson (Banff and Buchan) (SNP): I congratulate Gil Paterson on bringing to light a little bit of Scotland's hidden history. The congratulations are personal because he has brought to light a little of my family's hidden history. There was always a legend that somebody in my family had been hung for sheep stealing. The initial investigations led me to my great-great-grandfather John Stevenson, a mining serf who was killed in a mining accident in Fallin in 1833. No, that was not the family's hidden secret. The secret was that John Baird's sister was one of my

ancestors. So, for me, the motion has a personal resonance.

Since learning the secret, I have of course read all the books and I am particularly struck—in the light of Brian Monteith's contribution—by the parallels with today. As the marchers went to Bonnymuir, Government spies were working against them in their midst. I see Brian Monteith in that role today, but today we will not let him achieve the objectives that the spies achieved in August and September 1820, when the three martyrs were despatched to meet their maker.

A little bit of contemporary evidence is still available. I say to John McAllion that I do not think that the banner is still around, but the axe that dispatched Hardie and Baird is in the museum in Stirling.

It is worth reflecting on what being hung, drawn and quartered meant. It meant that those who were to be thus dispatched were put on the gallows and gently lowered down until they lost consciousness, but before they died, they were cut down and restored to consciousness. The axe was then run from sternum to scrotum and from left to right. The bowels were then drawn while the person was still alive from within the abdominal cavity.

The agonies that our martyrs were put through are unimaginable to today's generation. I thank Gil Paterson for bringing that to our attention. I feel the emotion conveyed down the centuries from my ancestor.

17:33

Donald Gorrie (Central Scotland) (LD): The minister—who will be assailed, as he has been in the past, for lowering educational standards—may take comfort in the fact that, on the banner that said "Scotland Free—Or a Desert", they did not spell "desert" correctly. Things were not always perfect in the past either.

It is depressing to study the issue if you are a radical in politics, as I consider myself to be. The radicals almost always fouled up, and in 1820 they fouled up. There was meant to be a splendid revolution in the north of England, on which the Scots would build, but the chaps in the north of England failed to perform. What started as a successful strike in Scotland dwindled into a few people, rather than a large mass, carrying on with a rebellion. However, it did have an effect and it helped the subsequent Chartists.

On Brian Monteith's point, the subject should be taught. There are different strands in our politics: the radicals—the various efforts by the working classes to improve their lot and get the vote and so on—as opposed to the more orderly reforms

around 1832. One can understand Brian Monteith celebrating the first Reform Act, which the Tories fought against tooth and nail: they fight against proportional representation in politics, which is the only reason that he is sitting in the chamber. The Tories are quite used to lauding things that they opposed.

The fundamental point is that most Scots know nothing about their history. They have heard vaguely of Mel Gibson. We should learn and teach much more about Scottish history. We have a lot to be proud of in the contributions of working-class movements and do-gooders of different sorts, in our contribution to Europe over many years and in our constructive contribution to the Empire and the Commonwealth and to other countries through emigration. Scots should know a lot more about their own history and about how we fit in to the world. The failed revolution that we are discussing is one example of that. It is good that the subject has been raised; we should encourage schools to teach it in the wider context of people really understanding Scotland.

17:35

Brian Adam (North-East Scotland) (SNP): I wish to pay tribute to the 1820 Society, which has struggled for many years to bring this subject to the fore. Had it not been for a dedicated band of supporters, I think that the subject would have been dead, gone, buried and forgotten a long time ago. I am delighted to see that there are at least some representatives of the society in the public gallery. I have had a minor involvement, as a supporter, over a number of years, and I pay particular tribute to Councillor Jim Mitchell, who, through clever publicity stunts, managed to raise awareness of the issue and persuaded some authorities to identify the sites of graves and to commemorate the martyrs. In fact, he embarrassed the authorities into doing so.

The approach adopted by Mr Monteith is a most unusual one. Having gone along with the idea that the subject would never ever be talked about—almost on the basis that the victors write the history; in this case, they have written the subject out of history—but having failed to suppress it totally, those sharing that approach then say, “Well, of course, that’s not really the story,” and then proceed to tell their version. Their attitude seems to be that, if they cannot eliminate it from history, they will write their own version, which will place the events of 1820 in the worst possible light. I find that very disappointing.

Such events as the 1820 rising ought to be taught as part and parcel of our history. If we have to have different views of it, that is fair enough, but, in the view that they have portrayed of it, those who have written its history—supported by

the 1820 Society—have the right of it. Similarly, John McAllion was correct about John MacLean also being substantially written out of history.

There is a proud history in Scotland of those who have fought for social and political issues, yet they have been edited out of history. Gil Paterson’s success in bringing this subject on to the floor of the Parliament is very much to be welcomed. I commend the activities of the 1820 Society in helping to keep that history alive and well, so that we can bring it to the fore today.

17:39

The Deputy Minister for Education, Europe and External Affairs (Nicol Stephen): I add my thanks to Gil Paterson for securing this important debate. As part of my background reading—my thanks go to the 1820 Society—I read an article from which I must quote. It is by Ian Bayne, the secretary of the society. He says:

“One of his ‘comrades’ on the march to Cathkin carried a flag with the still evocative inscription: ‘Scotland Free – Or a Desart’ (sic) though admittedly, this can also be construed as a ‘liberal-democratic’ as well as – or instead of – a ‘nationalist’ slogan.”

There are various views on that slogan and we have heard various views in this debate on the whole issue of the 1820 radical protests.

Mr Paterson: I wonder whether the minister is aware that Mitchell of the Glasgow police wrote, when referring to entrapment methods, that the people who were meeting were conspiring for Scottish independence. The police in Glasgow wrote that down.

Nicol Stephen: I was not aware of that but I am learning about the issue all the time. Whether one draws from the nationalist, the Liberal Democrat, the socialist or the Conservative tradition, we can all agree that the Government’s reaction to the events was predictably brutal. Eighty-eight treason trials resulted in the three executions, which have been referred to, and 19 transportations to Australia. In comparison, England’s pioneering trade union martyrs, the Tolpuddle martyrs of the 1830s, achieved far greater fame but got off lightly. By then, of course, the Whigs were back in power.

As has been mentioned, the 1820 radicals were given free pardons in 1835. That hints that even at that time the establishment was clearly embarrassed and, I hope, shamed by what was done in 1820.

Wilson, Baird and Hardie made an important contribution to the promotion of social reform in Scotland. One of the documents that was distributed among the 1820 radical protestors declared that

“equality of rights ... is the object for which we contend and which we consider as the only security for our liberties and our lives”.

In 1820, their liberty and their lives were held too cheap and those men should not have died.

Gil Paterson’s motion advocates that the history of the radical protest should be included in the school curriculum. It is said that history is written by the winners, but there were no winners, only shame. However, the opportunity to study the topic already exists. As Andy Kerr mentioned, the Bonnymuir rising, which involved Baird and Hardie, is studied in some schools and is designated as a topic in the standard grade history course “Changing Life in Scotland and Britain 1750s-1850s”. That sounds like a topic for “Mastermind”, but the 1820 rising is already a part of that course.

Mrs Margaret Ewing: Does Nicol Stephen accept that one of the reasons why some—and I stress some—of those issues are now included in the school curriculum is the work that many people in Scotland have undertaken to ensure the availability of textbooks for our children to study? When I taught the same period of history and social revolution, I could find many books about the Peterloo massacre but damn few about 1820.

Nicol Stephen: I agree that the production of more materials, not only textbooks, is important. That will happen over the coming years.

There is an opportunity to study the 1820 martyrs in history courses and in environmental studies courses in the five to 14 curriculum. It would be appropriate for the subject to be taught in all or any of those areas. I must stress that it would be appropriate only if the education authorities and the schools so wish. As members know, the Executive’s policy is directed at ensuring that education authorities and schools have flexibility to deliver a school curriculum that will meet the needs and wishes of all pupils.

The national priorities for education set the key outcomes that should result from a high-quality education system. At the risk of being controversial—especially in the mind of Brian Monteith—I suggest that the national priorities already embody the values of the radical protestors that I quoted earlier. For example, the national priorities set out a commitment

“to promote equality and help every pupil benefit from education”

and

“to work with parents to teach pupils respect for self and one another and their interdependence with other members of their neighbourhood and society and to teach them the duties and responsibilities of citizenship in a democratic society”.

The Executive wants education authorities and

schools to be more innovative and to be flexible in the methods that they use to deliver those key outcomes. That is why we issued a circular to education authorities and schools that emphasised the opportunities for flexibility. I firmly believe that that approach will be the most effective in ensuring that all Scotland’s schoolchildren receive an education that will enable them to understand their place in history and to meet their full potential as individuals and as citizens.

The more flexible approach that the Executive is now taking will provide schools with a greater opportunity to study a wide range of topics in Scottish history. In my view, too many of those topics are currently ignored. As Donald Gorrie pointed out, that breeds ignorance of many important Scottish issues.

As I said, schools can if they wish study the radical protests of 1820 at standard grade and as part of the five to 14 curriculum. The Scottish Executive has also funded a range of learning and teaching support materials to assist schools in studying Scottish history. They range from publications such as the “Scottish History Resource Guide for Primary and Secondary Schools” to a series of CD-ROMs on the Scottish people. One covers the period 1450 to 1850, while another covers the period 1840 to 1940. I agree with Margaret Ewing that we need to do more, and we intend to do more.

Members will agree that there are many opportunities for increased study of Scottish history in our schools. In an education debate, however, promoting or prescribing one area of study as the motion seeks to do would raise the wrath of Russell—Mike Russell would tell us that that was inappropriate, and I would agree with him. On that note of consensus, I conclude.

The Deputy Presiding Officer (Mr George Reid): That concludes this debate in memory of James Wilson, John Baird and Andrew Hardie.

Meeting closed at 17:46.

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