

THE SCOTTISH PARLIAMENT

Donald Dewar

I accepted this invitation to address the conference not least because it arrived before 11 September and I thought it showed a touching confidence on the part of the organisers which of course turned out to be entirely justified. I would also like to thank BT for sponsoring the conference. I know the organisation of these events is a burden and having someone to help with these practical matters is a genuine contribution.

Confidence is my message. It is a valuable quality, but sometimes in short supply in Scottish politics as I have discovered over the years. I was recently sent a book entitled **Theory and Reality**. There are many who believe that if it is right in theory it must be practical as well but that may be philosophically unsound. I don't know. In any event the author, an Australian professor, has a chapter on the Scotland and Wales Bill of 1976. That in itself seems to me to be a little eccentric, but no doubt it was an interesting study. I just wanted to share with you his summary in which he states: 'if as a model of devolution the Bill was ever to come to pass its arrangements would vex taxonomists greatly for like the Australian platypus it is a novel and uncertain mix of elements.' He obviously found ways of making lectures interesting. I may say that the subtitle of **Theory and Reality** is 'Federal ideas in Australia, England and Europe'. I would not say it has destroyed my faith in the book but I am not sure I'll read all of it.

The theme of the conference is particularly appropriate and does I think demonstrate that there is a very genuine interest in what is happening at the moment in the Scottish political scene and in the Scottish constitutional situation. I think many of us, and I am certainly one, have spent years speculating on the possible implications of constitutional change, and it's a little bit daunting, although extremely exciting, to discover that we are now facing the real thing. I would like to stress right from the beginning, and it is self-evidently true, that, in terms of making plans for a Scottish Parliament or designing the policy content that that Parliament might be interested in, the

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timescale is now very short. Change is now imminent. Indeed in terms of the setting up of a Parliament, in terms of the planning that is required, it is all going to happen the day after tomorrow. I said myself during the Referendum that devolution is not in fact a matter of highly charged emotion. I draw strength from that and I know that there was a sober determination and an insistence on getting the right result. And of course our proposals were handsomely carried when the votes were counted. I don't object to the fact that it was done with sober determination. After all the years of debate, all the years of argument, the clear call was that business should now start and that the period of speculation was over.

I wanted today to talk a little bit about the need to plan the Parliament and make sure that it is a success in its own right. It will take not just the Government, but the collaboration and co-operation of people from the whole range of society in Scotland working together in what I hope will be creative and responsible partnership. This conference is an example of that partnership beginning to work at one level. It is a partnership that will encompass those of different political persuasions and people who are not necessarily supporters of the Government of the day. I hope that everyone will be prepared to muck in, for if there is one thing that I think is absolutely certain it is that our confidence as a nation will take a very substantial knock indeed if we don't make a fair fist of getting the Parliament up and running, thus answering the aspirations that lay behind the voting patterns on 11 September.

I would like to lift the veil on some of the practical issues that we are presently grappling with in order to turn our proposals for the Scottish Parliament into a reality. It means action on many fronts. There is an enormous amount of work ongoing and the draftsman's art is being stretched, I think, to the limit. I look back at what I always knew was the touching naiveté displayed when those of us who were in Opposition were asked whether we could not just rustle up or cobble together the Bill that would finally reach the statute book. I never knew what an impossibility that would be until I started watching the efforts that are now underway.

We are determined to do justice to the high standards set in the White Paper. The timetable is very tight indeed especially when you consider that what we have in hand is certainly one of the most fundamental reforms of United Kingdom constitution in the last three centuries. There have been difficult decisions which make it very clear - what I knew intellectually but now I know in very real practical terms - that, while getting the White Paper out in about 12 weeks was a remarkable achievement in terms of the Government's

organisation and civil service administration, that was not a full stop. I could not just sit down there and let draftsmen get on with it.

The detail of the drafting process has thrown up an enormous number of questions which I certainly did not anticipate but which had to be faced and to which solutions had to be found on. If you are delicately to disengage The Scottish Office from the machinery of government, put in a new political framework answerable to Scottish public opinion directly - if you are going to disaggregate the Government system in Whitehall in that way and rebuild it on the different basis of the relationship between a Scottish Parliament and the United Kingdom Departments - you are involved in a very complex and complicated process. There have been times, I have to tell you, when my reputation as a barrack room lawyer has been put very fully to the test.

We are making very good progress but there are issues which may seem arcane but which are of very real importance and have to be taken on board. If you look, for example, at the financial machinery - what of the right to vary a Scottish tax rate in-year? And, if that power was not available would it prejudice an incoming administration inheriting perhaps an unwelcome decision by a predecessor in office which knew its days were numbered? There is, too, the timing of the elections for a Scottish Parliament and their relationship with the United Kingdom budget and the practical implications of getting tax changes harmonised between the two remits. There are various questions about the alternative tax base. If for example there are changes in the United Kingdom tax system that make an alternative necessary - for example by the introduction of lower tax bands than the basic rate - on whom should the onus lie to produce the alternative which clearly must be produced to preserve the powers of the Scottish Parliament?

There is the problem of how to deal with the situation when the exercise of legislative power in a devolved area impacts specifically and materially on reserved matters. The White Paper gave the Parliament legislative competence, for example, on civil law except as it relates to reserved matters. How that reservation is to be accommodated in legislative form and the political consequences of dealing with it is a highly technical but very central issue.

How do we deal with the daunting prospect - on a slightly lighter note - of three elections with three different electoral systems within three months in 1999? Many of you might urge upon me that that is a joy that could and should be avoided and I will be indiscreet enough to say that I have a certain measure of sympathy with that argument.

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There are other less arcane issues surrounding the Parliament building itself. Most of you will know that we are in the middle of a design feasibility study on the sites at Calton Hill, Haymarket and Leith. Alongside this we are continuing to work on the shape of the building and the facilities that should go along with it. It is clear that just as draftsmen require instruction so do architects and I have already of course invited Opposition leaders to join in that particular process.

One of the questions I am often asked is about the shape of a Parliament chamber and how this will influence the politics of a new legislature. I am very familiar, perhaps over-familiar after 24 years, with the debating chamber in the House of Commons where Government and Opposition, as the guides will tell you, are two sword lengths apart. Undoubtedly that can generate a remarkable atmosphere but it can also generate a great deal of heat as well as light. We have always said that the Scottish Parliament will be marked by a new kind of politics in which, I hope, instructive debate as well as proper party rivalry will have its place. For that reason I believe we will want to move away from the confrontational seating patterns and that a horseshoe shaped chamber would be more appropriate for a Scottish Parliament.

Another goal we are determined to achieve is accessibility. We all talk about accessibility but it is something that we ought to take seriously and certainly I and my colleagues do take very seriously indeed. One of the reasons why the original Royal High School building - those of you who are familiar with it will perhaps understand - was not an attractive option in itself was of course that accessibility would have been an almost insoluble problem and indeed getting a public gallery on any scale would have created enormous difficulties. We certainly want around 200, perhaps more, places in the public gallery in a debating chamber of this importance. Access for the public to all the committee rooms as well as the main chamber is a *sine qua non* of any design that comes forward. As you would expect the design specification will also ensure that all the areas of the building are easy to access by all those who might wish to go there.

But accessibility is not just about the building itself. Modern technology could have a great deal to say on this. I feel at something of a disadvantage. I will now make a very minor confession - minor against some that I might make - and that is that I had never heard of telematics until I got involved in this argument. But telematics, of course, is the harnessing of information technology, of modern methods, to try and ensure that Parliament can reach out to people and people can come back effectively to Parliament. That is something that we are looking at very seriously. We have pledged to establish

a working party and I hope that interesting and innovative ideas will emerge from it.

We want to ensure that the Parliament is an intelligent Parliament. The quality of members, of course, might make a contribution to that. Clearly the possibilities of new technology are also a factor and one that we are determined to recognise. There are others - and perhaps I can just skim over them - but we are building a Parliament within financial limits which we can afford. We are going to go for a decent solution initially, I hope, on a site that will allow room for expansion in the future and for further sophistication of those facilities. If I say a cafeteria will be provided for those who work and visit the Parliament it may sound a laconic announcement of little importance but perhaps the recognition that facilities are for all who are interested and not just for those who are elected has some importance and some significance. I hope none of you with ambitions will be disappointed to hear that there will only be one bar.

I hope we can have a debate about the important things, about the shape of the chamber, about the nature of political process. You will have seen in the **Herald** today that it has been inviting its readers to comment on these and other matters I will come to in a moment. I certainly welcome that kind of initiative which takes these issues beyond the experts and technicians and allows people in Scotland to influence the process.

We are, as you know, reforming our constitution because we believe it is essential that we change not just the infrastructure in Scotland but the bigger constitutional picture throughout the UK. That is because we believe in constitutional reform for its own sake of course, but also because we believe that such reform is absolutely vital if the United Kingdom is to have a chance of building the kind of principles and systems which will perhaps make the public opinion polls about the standing of politicians change quite dramatically. It is constitutional reform not just for the academics or the chattering classes but it ought to affect everyone in this country. If we are going to build the respect we want then it is clear we must start doing that now and not wait until the Parliament is up and running. It is therefore important to me that we get this right.

Just a week after the September referendum the **Economist** said in a leading article said 'when strong or national identities, silent or suppressed for many years, are suddenly given a voice, the paradoxical result has often been greater harmony and a greater desire to stick together rather than anguish, chaos and disintegration'. There has been a long and honourable career in Scotland, I fear, for anguish, chaos and disintegration but I am genuinely

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anxious to try to include and not exclude and to make sure that people get a Parliament with open doors and open procedures in which their views - whatever their political beliefs and wherever they live - will have their due weight.

I referred earlier to a horseshoe shaped chamber. That can be a little more than symbolic because, of course, it would be reinforcing changes in the system of governance which are in themselves very significant. The changes to the electoral system are by any standards brave and, indeed, some of my less charitable party colleagues regard the proportional electoral system as a form of charitable giving almost without precedent in Scottish politics.

The system we are proposing should ensure that no minority in Scotland - be it political or geographical - fails to get the representation it deserves and for which it has voted. I believe it will also help to ensure fairer representation of women, people from ethnic minorities and other groups. There is I am sure a great amount of talent out there and we want to ensure that the Scottish Parliament profits from it. However the Parliament organises itself, how it is accommodated and how it works, impact on these issues also, and we are making every effort to provide the framework that will enable the Scottish Parliament to be a Parliament for all the people.

There is of course a paramount duty on the parties themselves to ensure that there is effective representation to take advantage of the new opportunities. The additional member system will, I know, be criticised and I think this will be a continuing debate, but there are many parts of Scotland where I believe there will be interesting thoughts about how independents may fit into the system.

The additional member system of course implies and will require registration of political parties, and I have listened at the door, as you might say, to some interesting debates about whether like-minded independents should register as a party of independents or whether that represents an internal contradiction which it makes it impossible to proceed. I just advance that as an example of the new thinking that is going on. I was interested when I was at a meeting of the Institute of Directors and I was told that 23% of the people who returned a questionnaire they had issued indicated an interest in becoming a Member of the Scottish Parliament. I think people have got to recognise that the main point of entry will be political parties and that certain qualifications will be required. But I certainly don't rule out the possibility of an individual, not a party of individuals, but an individual with a point of view making an impact if he or she has something to offer over the eight or nine current parliamentary seats that will be the basis of the electoral regions. I do not rule

out the possibility of such people being returned. I certainly believe that the tactics of politics will have to be rethought and a moment's consideration would suggest that to you. I am not sure that in my own party or in any other party we have really got down to thinking about the implications of this and what it means for campaigning techniques, for candidate selection and other matters. I want to encourage that particular debate.

We saw in the referendum campaign what can be gained from cross-party co-operation, and while that is inevitably limited it is important. We have already announced that we want to continue with this spirit in determining how the Scottish Parliament should operate. I did of course issue invitations last week to all four of the main political parties in Scotland, the Scottish Constitutional Convention and the Convention of Scottish Local Authorities to participate on the Consultative Steering Group on the Parliament's procedures.

Of course, how the Scottish Parliament functions is for the Parliament itself to determine but we hope the Group's conclusions will inform and possibly shape their debate. It would be an abdication of responsibility to expect MSPs elected in the first half of 1999 to do all that is required in terms of organisation and policy formulation and to start with a totally clean sheet in terms of the procedures of the Parliament. I certainly hope that the discussion the Committee will stimulate and the draft Standing Orders it generates will be of genuine help to the new Parliament. It will have 10 or 12 members - perhaps a few more - but it will be small and genuinely a working party. It will draw in and feed on the academics, the activists and the opinions expressed by people in Scotland. I know that Henry McLeish, who will chair it on my behalf, is looking forward immensely to that process.

The consultative process should in fact be broader than that: public opinion should have a role and the committee can draw on that but I believe we should try and broaden it still further. I am not suggesting that I am a politician, or that anyone should be a politician, who accepts that decisions are taken on the basis of the weight of mail received. That clearly is a very distorted process and an alarming and a dangerous one as the years have taught me. If the Parliament is to be accessible and available we should make it very clear that a start should be made in the planning process of asking the public for their views. A judgement will always be necessary over a broad range of factors - legal, practical and political - but the clear public view, if there is one on an issue, should be an important conditioning factor.

For example, how do we make pre-legislative scrutiny a reality? The scant use made at Westminster of the special select committee procedure is an example of how good intentions can come to naught under the pressures of

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day-to-day management of Parliamentary business. The new Parliament is unicameral and that is why we should have special precautions and special care to ensure that legislation that comes forward is properly considered and that those in charge of it are properly exposed to public opinion. There is not a revising chamber. There is not a second chance later on other than amending legislation at a future date. The whole proportional voting system is obviously one part of the answer but more is required. There must be ways of allowing the pressure groups and indeed more general public opinion to impact on that decision making. I very much hope that we can get down to some constructive work on that.

People constantly say to me that 129 members of a Scottish Parliament is too many. That is arguable although one ought to remember that as we adjust Westminster representation the Scottish figure will fall in proportion. But, in any event, if you look at a Select Committee system that really works and puts in the hours, if you look at the pre-legislative scrutiny of legislation, then I do say that we will expect from members of Parliament a very high work rate. Indeed some will find that it is genuinely taxing.

There are other questions which were raised in the **Herald's** feature this morning which I accept are legitimate areas for debate and I will be interested in seeing that debate move forward. The size and shape of the Executive? Should there be a Ministry for women? Do we need a separate Ministry of Justice separating the immensely important independence of the Lord Advocate in prosecution policy and as legal adviser to the administration from the wider consideration of policy in the justice field? Is a link under one Minister between education and industry right? Of course, there is an important interface between these fields which I think defensible.

These are the kind of questions we will look at. The whole question of the balance between the executive and the legislature: obviously we argue with some justification that the stability of the UK system is an advantage but it can also have its dangers and some would argue strongly for a shift in the balance of power. It is worth looking at experience in other legislatures not only on matters such as the shape of the chamber. One of the fascinating outcomes of the referendum is the way in which contact has been established with other devolved Governments in Europe. There have been some very productive contacts. Some of my colleagues, for example, have been in Munich and there may well be lessons to be learned from the Länder.

I want to end on a confident note. I think that there is a case for confidence. I think that we will get many of these questions right. We will get some of them wrong but then we can evolve and we can learn from our experiences in the

Parliament. I believe that so long as we get it off to the kind of start that allows it to command confidence. There is a real interest in the kind of issues I have been mentioning. I think it is remarkable that 25,000 copies and more of the White Paper were sold. It was, of course, a best seller in White Paper terms which is a modest claim. I always make it clear that it was massively outsold by one other publication - the Profumo report. I think that tells you something about the human condition.

On 11 September we got an overwhelming endorsement not only for the first question, but, bucking the trend of the 'Culture of Contentment' and cynicism with politics, of the second question as well. That allows us to look forward with confidence to the process of getting the Bill onto the statute book. Workload has been high and the going has been tough at times, but we are making progress towards our target of having a Bill available for introduction before Christmas or certainly around the turn of the year. And we are very confident indeed that we will get Royal Assent at the point which will allow us to prepare confidently for an election day in the first half of 1999 and the Scottish Parliament's assumption of full powers early in the year 2000.

So we will have a Parliament there by the millennium. We will have a much stronger voice over our own domestic affairs while retaining tried and tested links with the rest of the United Kingdom. This is an opportunity for Scotland: an opportunity which I believe the people want to take. It is one of our tasks to try and ensure that they get that opportunity and my understanding of the constitutional debate over the next few months is to get down to that task.