



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# MEETING OF THE PARLIAMENT

Thursday 3 December 2015

Session 4

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## Thursday 3 December 2015

### CONTENTS

	<b>Col.</b>
<b>GENERAL QUESTION TIME</b> .....	1
Lobbying (Scotland) Bill.....	1
FirstGroup (Parkhead Bus Depot).....	2
Local Government Funding.....	2
Centenary Memorials Restoration Fund.....	4
Winter Weather (Protection of Vulnerable People).....	5
South West of Scotland Transport Partnership (Meetings).....	6
Creative Scotland (Meetings).....	7
NHS Greater Glasgow and Clyde (Meetings).....	7
Elective Surgery Waiting Times (NHS Lothian).....	8
<b>FIRST MINISTER'S QUESTION TIME</b> .....	10
Engagements.....	10
Secretary of State for Scotland (Meetings).....	13
Climate Change Mitigation.....	16
Defence Review.....	18
Tata Steel Plants.....	19
Healthcare Inequalities.....	21
<b>SEX OFFENDERS</b> .....	23
<i>Motion debated—[Paul Martin].</i>	
Paul Martin (Glasgow Provan) (Lab).....	23
Christine Graham (Midlothian South, Tweeddale and Lauderdale) (SNP).....	25
Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab).....	27
Margaret Mitchell (Central Scotland) (Con).....	28
Graeme Pearson (South Scotland) (Lab).....	30
The Minister for Housing and Welfare (Margaret Burgess).....	32
<b>NATIONAL GALLERIES OF SCOTLAND BILL: PRELIMINARY STAGE</b> .....	36
<i>Motion moved—[Anne McTaggart].</i>	
Anne McTaggart (Glasgow) (Lab).....	36
The Cabinet Secretary for Culture, Europe and External Affairs (Fiona Hyslop).....	37
Claire Baker (Mid Scotland and Fife) (Lab).....	40
Liz Smith (Mid Scotland and Fife) (Con).....	41
Jean Urquhart (Highlands and Islands) (Ind).....	43
Fiona McLeod (Strathkelvin and Bearsden) (SNP).....	44
<b>FISHERIES NEGOTIATIONS</b> .....	46
<i>Motion moved—[Richard Lochhead].</i>	
<i>Amendment moved—[Claudia Beamish].</i>	
<i>Amendment moved—[Jamie McGrigor].</i>	
<i>Amendment moved—[Tavish Scott].</i>	
The Cabinet Secretary for Rural Affairs, Food and Environment (Richard Lochhead).....	46
Claudia Beamish (South Scotland) (Lab).....	51
Jamie McGrigor (Highlands and Islands) (Con).....	55
Tavish Scott (Shetland Islands) (LD).....	57
Angus MacDonald (Falkirk East) (SNP).....	61
Graeme Pearson (South Scotland) (Lab).....	64
Christian Allard (North East Scotland) (SNP).....	66
Margaret McDougall (West Scotland) (Lab).....	68
Stewart Stevenson (Banffshire and Buchan Coast) (SNP).....	71
Roderick Campbell (North East Fife) (SNP).....	72
David Stewart (Highlands and Islands) (Lab).....	75
Rob Gibson (Caithness, Sutherland and Ross) (SNP).....	77
Tavish Scott.....	79
Jamie McGrigor.....	82
Claudia Beamish.....	83
Richard Lochhead.....	86
<b>DECISION TIME</b> .....	90

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# Scottish Parliament

Thursday 3 December 2015

*[The Presiding Officer opened the meeting at 11:40]*

## General Question Time

**The Presiding Officer (Tricia Marwick):** Good morning. The first item of business today is general question time. Question 1, in the name of Rhoda Grant, has not been lodged. The member has provided an explanation.

### Lobbying (Scotland) Bill

**2. Neil Findlay (Lothian) (Lab):** To ask the Scottish Government whether it considers that the Lobbying (Scotland) Bill is fit for purpose. (S4O-04895)

**The Minister for Parliamentary Business (Joe FitzPatrick):** Yes.

**Neil Findlay:** I thank the minister for that detailed answer. Has he heard of such radical new technologies as the telephone, conference calls, computers and email? If so, why are those methods of communication not included in the Lobbying (Scotland) Bill? Only face-to-face communication is included.

**Joe FitzPatrick:** The Government has sought to introduce a proportionate bill that balances the legitimate interests of Parliament, the public and wider society. It is widely recognised that face-to-face meetings with ministers and MSPs are seen as the most effective and influential means of communication. It is important to consider carefully whether any extension of the scope of the register would continue to be proportionate and simple, would not place a burden on organisations and, importantly, would not potentially lead to a barrier to the openness of the Parliament and the public's desire to engage in democracy.

**Cameron Buchanan (Lothian) (Con):** It is vital in a democracy that the public can address their concerns to their elected representatives. What assurances can the Scottish Government give that the bill will not compromise accessibility?

**Joe FitzPatrick:** The member makes an interesting point. It is about balance. We have tried to bring forward a bill that is proportionate and balanced and, therefore, will increase transparency while not eroding the openness that the Parliament cherishes so much. If there were proposals to extend the bill, it would be important for them to be examined carefully to ensure that they would not impact on that openness.

**The Presiding Officer:** I call Annabel Goldie.

**Annabel Goldie (West Scotland) (Con):** Sorry. I was not proposing to come in, Presiding Officer.

**The Presiding Officer:** That is fine. You can sit down again. I will call you when you want to come in.

### FirstGroup (Parkhead Bus Depot)

**3. John Mason (Glasgow Shettleston) (SNP):** To ask the Scottish Government what discussions it has had with FirstGroup concerning its proposed closure of the Parkhead bus depot and the potential for redundancies or job transfers. (S4O-04896)

**The Minister for Transport and Islands (Derek Mackay):** As it happens, I visited First's Caledonia depot on Tuesday and I was impressed by the substantial investment that has been made in what is now the biggest bus depot in Britain. First explained that it is discussing with staff how it can best use that investment to improve staff facilities across Glasgow. I understand that First Glasgow's business director, John Cahill, has written to Mr Mason confirming that there will be no redundancies arising from the closure and offering a meeting to discuss the situation in more detail.

**John Mason:** I wonder whether the minister would agree with me that First has been particularly poor at communicating with both the public and some of its employees. There remains concern in the east end of Glasgow about the impact on jobs and on bus services.

**Derek Mackay:** I know that Mr Mason takes such matters very seriously. I also know that FirstGroup has gone beyond its legal obligations. It is about being proportionate. I am advised that First consulted through a formal letter to the three Unite conveners in First Glasgow followed by a formal presentation to the joint consultative committee. It has gone beyond the requirements and has been clear about there being no redundancies. I am sure that that reassurance is welcome.

On the condition of the Parkhead depot, it is a 93-year-old building. As the changes and investment are made, I encourage good communication with the staff, because this should be a positive move from the operator that can improve facilities and, in due course, the wider transport network in the area.

### Local Government Funding

**4. Ken Macintosh (Eastwood) (Lab):** To ask the Scottish Government how the reduction in its overall funding over the last seven years

compares with that for local government. (S4O-04897)

**The Minister for Local Government and Community Empowerment (Marco Biagi):** No part of the public sector in Scotland has been immune to the United Kingdom Government's sustained austerity programme but, despite real-terms cuts of around 9 per cent to the Scottish budget over the past five years, Scotland's local authorities have been treated very fairly under this Administration and protected from the worst of the impact of the UK cuts.

Complexities of machinery-of-government changes make accurate time-series comparisons problematic. For example, the Scottish Government has taken on responsibility for council tax benefit, and a true comparison of local government funding over the past seven years is not straightforward, due to the transfer of responsibility for the police and fire services. Our best estimate of a like-with-like comparison shows that local government funding has reduced by 3.5 per cent in real terms over the period, compared with the Scottish Government's departmental expenditure limit plus non-domestic rates income budget reduction of 4.5 per cent.

**Ken Macintosh:** I am interested in the Government's figures. Perhaps the minister should consult the Scottish Parliament information centre, which has done similar calculations. It estimates that the Scottish Government's funding had declined by 3 per cent in real terms and that local government has suffered a 6 per cent real-terms cut. In other words, its cut has been double the one passed to the Scottish Government.

What is perhaps more important is that, looking forward, we know that the settlement for Scotland will not be good. Will the minister guarantee that our local authority colleagues will be able to protect public services and care for the elderly and those with disabilities because he will not pass on real-terms cuts that are any bigger than those that are inflicted on him?

**Marco Biagi:** The Scottish Government is in extensive, on-going discussions with the Convention of Scottish Local Authorities on the spending review and the proposed settlement for local government.

If he wants to see what local government being cut looks like, I suggest that Ken Macintosh goes just a few stops across the border on the east coast main line—he would then see what happens when Governments do not try to protect local government and when ideological attacks are made. *[Interruption.]*

**The Presiding Officer:** Order. Let us hear the minister.

**Marco Biagi:** I am looking at the International Monetary Fund's analysis of the last UK Government budget. It found that the UK Government made reductions of 27.4 per cent to English local authorities' budgets. That situation only got worse with the announcement on November 25. I ask Ken Macintosh to realise just how much this Government is doing to protect local government, especially when all those cuts Barnett over to our budget, too.

**Kenneth Gibson (Cunninghame North) (SNP):** Does the minister recall any time over the past seven years when Ken Macintosh contacted him with suggestions on the areas of the Scottish Government budget that he wanted to cut in order to fund local government? Given that, up until now, the Scottish Government has had to operate with virtually a fixed but declining budget, does he agree that it is most cynical and disingenuous of Opposition members to demand increased expenditure in one portfolio without clarifying exactly how they would pay for it with reductions in another?

**Marco Biagi:** I note that Ken Macintosh has taken to the press to suggest that there should be £755 million more funding for local government. The Government is always open to suggestions from Opposition parties, so I invite anyone who thinks that funding to local government should be increased by £755 million to take the fag packet on which that was written and write on the back how exactly it would be paid for. It would be almost a 40 per cent increase in council tax, and the last I heard—although its position changes a lot—the Labour Party supported the council tax freeze.

#### Centenary Memorials Restoration Fund

**5. Bill Kidd (Glasgow Anniesland) (SNP):** To ask the Scottish Government what the uptake of grants was from the centenary memorials restoration fund in 2014-15. (S4O-04898)

**The Cabinet Secretary for Culture, Europe and External Affairs (Fiona Hyslop):** Grant funding of £224,370 was provided under the centenary memorials restoration fund to 28 projects in the 2014-15 financial year, bringing the total to more than half a million pounds to 67 projects since the scheme started.

**Bill Kidd:** I thank the cabinet secretary for that positive answer. In my constituency of Glasgow Anniesland, as in all constituencies across Scotland, there is a significant number of war memorials. Unfortunately, the poor condition of many of them is sadly plain for all to see. We are all conscious of institutions such as schools, football clubs, bowling clubs and social clubs that have their own memorials. What is the Scottish

Government doing to encourage such groups to apply for funding to upgrade their memorials?

**Fiona Hyslop:** The fund amounts to £1 million for the period for which it was announced, which is from 2013 to 2018. As I have said, more than half a million pounds has already been allocated. Members can help to promote schemes in their own areas; indeed, I understand that the War Memorials Trust conservation officer has visited the Yoker memorial, although I should say that an application has not yet been made from the member's own constituency. The grant is for up to 75 per cent of eligible costs up to a maximum of £30,000, and we take every opportunity that we can to promote such work as well as give communities the opportunity to ensure that their memorials are in a good state of repair. I therefore encourage members across the chamber to look at what they can do in their constituencies, and the Government will continue to promote this work as we have been doing.

#### **Winter Weather (Protection of Vulnerable People)**

**6. Annabel Goldie (West Scotland) (Con):** To ask the Scottish Government what measures it will take to protect vulnerable people affected by the weather this winter. (S4O-04899)

**The Cabinet Secretary for Health, Wellbeing and Sport (Shona Robison):** The Scottish Government has taken a range of measures to protect vulnerable people against the effects of this winter's weather. Tackling fuel poverty remains a priority for the Government, and this year a record budget of £119 million is being made available for fuel poverty and energy efficiency measures, which will help vulnerable groups to stay warm.

In November, we launched our 2015 ready for winter campaign to encourage people and communities to take simple steps to prepare for tough winter conditions. Our seasonal flu programme, which was launched on 1 October, offers free seasonal flu vaccination and will help to protect more than 2 million people, including vulnerable groups, from catching flu this winter. Of course, national health service boards have been working with their partners throughout the year to ensure that robust winter plans are in place.

**Annabel Goldie:** The National Records of Scotland document "Winter Mortality in Scotland 2014-15" said that 22,011 deaths were registered in Scotland in the four winter months from December 2014 to March 2015, compared with 18,675 deaths in the winter of 2013 to 2014. It is clear that for an ageing population with growing health problems, winter is becoming a threat to good health. Which of the measures that the cabinet secretary just outlined is most targeted at

that vulnerable group? Is she satisfied that, with the coldest winter for many years predicted, all attempts are being made to support people who find themselves threatened by such a challenge?

**Shona Robison:** I am sure that the member is aware of the chief medical officer's interest in the matter. This week, she has been very much engaged in looking at the analysis of the winter mortality figures and what lies behind them, and a lot of work has been done on that.

All the measures that I outlined, such as the plans that NHS boards have in place with their local authority colleagues, have a direct impact in protecting the most vulnerable. This year, those plans are far more integrated than they previously have been, and they will involve social care colleagues in ensuring that the most vulnerable can be supported during the winter.

Moreover, the general ready for winter campaign provides through the ready Scotland website some pertinent advice on how people can keep safe and warm at home, and the fuel poverty measures are of particular relevance to the most vulnerable. I am happy to write to Annabel Goldie if she would like further information.

#### **South West of Scotland Transport Partnership (Meetings)**

**7. Elaine Murray (Dumfriesshire) (Lab):** To ask the Scottish Government when it last met the south west of Scotland transport partnership and what issues were discussed. (S4O-04900)

**The Minister for Transport and Islands (Derek Mackay):** My officials from Transport Scotland met SWESTRANS last week to discuss local aspirations for the reopening of Beattock station.

**Elaine Murray:** I am delighted to hear that those discussions have taken place. The minister will be aware of community-led campaigns for not only the reopening of Beattock but a halt at Eastriggs and a station at Thornhill. Some years ago, the Scottish Government announced a stations fund for such purposes, and I wonder whether the minister can report on the progress towards opening those stations.

**Derek Mackay:** I have recalibrated the stations fund to focus on new stations where possible. A number of bids are in the system, and any application for a new station would have to be considered through the due process in the Scottish transport appraisal guidance, by which transport options and other approaches by relevant promoters—be they local authorities or regional transport partnerships—are appraised. I am happy to offer further support from officials to guide communities through that process.

### Creative Scotland (Meetings)

**8. Johann Lamont (Glasgow Pollok) (Lab):** To ask the Scottish Government when the Cabinet Secretary for Culture, Europe and External Affairs last met Creative Scotland and what issues were discussed. (S4O-04901)

**The Cabinet Secretary for Culture, Europe and External Affairs (Fiona Hyslop):** I last met the chair of Creative Scotland, Richard Findlay, on 12 November, when we discussed a number of issues of importance to arts and culture in Scotland, including BBC charter renewal and the spending review.

**Johann Lamont:** I am sure that the cabinet secretary will be aware of the fantastic campaign that has been run by the Remember Mary Barbour Association in my constituency, which seeks to create a permanent memorial to a remarkable woman, of whom the people of Govan remain proud. Does the cabinet secretary share my regret at Creative Scotland's decision to reject an application for support for what is an exciting artistic project? Will she raise that disappointing response with Creative Scotland, and will she agree to meet me and members of the Remember Mary Barbour Association to explore how the Scottish Government could support this initiative to commemorate a hugely important woman in the history of Govan, Glasgow and beyond?

**Fiona Hyslop:** I am aware of and support the campaign. It is an important initiative that gives credence and support to the memory of an important campaigner at a very important time. However, I am frequently asked by Opposition members to direct Creative Scotland to fund particular projects but, on the other hand, not to have direct ministerial control of decisions that are taken.

I am more than happy to meet the member, but she can understand that the Government does not support new memorials, which tend to be funded by subscription. However, what we can do to raise the initiative's profile in order to encourage public subscription to the statue is important. I cannot interfere with decision making on individual projects, but I am happy to help Creative Scotland to understand better the project and the community engagement that is involved.

### NHS Greater Glasgow and Clyde (Meetings)

**9. Stuart McMillan (West Scotland) (SNP):** To ask the Scottish Government when it last met NHS Greater Glasgow and Clyde. (S4O-04902)

**The Cabinet Secretary for Health, Wellbeing and Sport (Shona Robison):** Ministers and Government officials regularly meet representatives of all health boards, including NHS Greater Glasgow and Clyde.

**Stuart McMillan:** I warmly welcome the Deputy First Minister's announcement last week that the European funding classification issue has been finalised and that the new Inverclyde care home project can progress. That is welcomed by many constituents. Can the cabinet secretary provide assurances that Inverclyde Royal hospital has a sustainable future ahead of it and that it is firmly in the plans of NHS Greater Glasgow and Clyde to provide services in Inverclyde for many years to come?

**Shona Robison:** I, too, welcome the progress that has been made on the Inverclyde care home and I assure the member that Inverclyde Royal hospital has a bright future. The hospital is a valued local facility and is very much part of NHS Greater Glasgow and Clyde's plans for the future. I am sure that the health board would be happy to meet Stuart McMillan to apprise him of its plans for the hospital.

**Duncan McNeil (Greenock and Inverclyde) (Lab):** During the cabinet secretary's meetings with NHS Greater Glasgow and Clyde, has she discussed the Scottish public finances update, which ended the unnecessary and distressing delay to the Ravenscraig older care unit construction programme? Will the cabinet secretary confirm that any increases that are due to increased construction costs will be met in full by the Scottish Government and will she ensure that there are no further unnecessary delays to this very important project in my constituency?

**Shona Robison:** The project is indeed an important one in Duncan McNeil's constituency, and I am glad that he welcomes the progress that is being made. He will be aware that there is robust financial planning for the project, and I am happy to keep him informed of progress. The robust financial planning will deliver the project on time and on budget.

### Elective Surgery Waiting Times (NHS Lothian)

**10. Cameron Buchanan (Lothian) (Con):** To ask the Scottish Government what the average waiting time from general practitioner referral is for elective surgery in NHS Lothian. (S4O-04903)

**The Cabinet Secretary for Health, Wellbeing and Sport (Shona Robison):** In the year ended 30 September 2015, the median waiting times in Lothian were 38 days for a first out-patient consultation and 42 days for in-patient and day-case treatment.

**Cameron Buchanan:** It is not good enough that patients are left in the dark for long periods about what the next stage of their treatment will be. That can be extremely distressing. What plans does the Scottish Government have to make users of the

national health service consistently better informed?

**Shona Robison:** We expect all boards to deliver timely treatment for patients. When there is any delay—for example, because of recruitment and retention issues—boards should communicate with patients and keep them fully informed of when their treatment can commence. If the member has specific concerns about individual patients, he can write to me and I will give him a fuller answer on those specific cases.

## First Minister's Question Time

12:00

### Engagements

**1. Kezia Dugdale (Lothian) (Lab):** To ask the First Minister what engagements she has planned for the rest of the day. (S4F-03097)

**The First Minister (Nicola Sturgeon):** Later today, I will have discussions to take forward our plans to host, at the invitation of the United Nations, an initiative to prepare Syrian women for peace building.

On that note, I am sure that we are all mindful that British service personnel, many of whom are based at Lossiemouth, are now in action over Syria. Notwithstanding my opposition to that action, my thoughts and good wishes are very much with them at this time. However, I remain deeply troubled by the United Kingdom Government's decision to take the country into conflict with no strategy or exit plan and against the wishes of the overwhelming majority of Scotland's MPs. [*Applause.*]

**Kezia Dugdale:** Like the First Minister, I did not support the extension of air strikes into Syria. However, with British forces now involved, we must come together to support the brave men and women in our armed forces. I am sure that the First Minister will join me in extending the Parliament's support to them.

There is another issue of global significance in the newspapers this week: climate change. This week, the First Minister announced that she will attend the climate summit in Paris. I am sure that, like me, she looked at David Cameron's appearance there with a mixture of bemusement and anger. The Prime Minister told delegates that the earth is in peril and that there will be no excuses for this generation of politicians not acting. This is the Prime Minister who undermined the renewables industry by slashing subsidies and who has promoted fracking. Just last week, the Tory Government broke a manifesto promise by cancelling its £1 billion carbon capture and storage competition. Does the First Minister agree that the Prime Minister's posturing in Paris was sheer hypocrisy?

**The First Minister:** Here is something that we do not hear too often in the chamber: yes, I agree with that, 100 per cent. As world leaders meet in Paris over the course of this week and next week, hoping to come to an agreement that will help the world to better tackle climate change, it is incumbent on all of us, including the Scottish Government, to make sure that our policies and practices, including what we do ourselves at

home, are commensurate with the rhetoric that we use about climate change.

I will be proud to represent Scotland on Monday in Paris, where I will take the message from Scotland about what we are doing and use that, I hope, as a motivation and spur for others to follow suit. I absolutely deplore the UK Government decisions that are undermining our efforts to increase generation from renewable energy. Last week in the chamber, I commented on the decision to cancel the carbon capture and storage competition, which, as well as damaging our efforts to reduce emissions and tackle climate change, is deeply damaging our reputation among the business community. Two FTSE 100 companies entered that competition in good faith, devoting time, effort and resource to it, and it is nothing short of a disgrace that it has been cancelled at the last minute.

**Kezia Dugdale:** I am glad that the First Minister agrees with me. In her own words, she is going to Paris to show that

“Our world-leading targets set the benchmark the international community needs to match”.

This Parliament set those targets unanimously in 2009. When the First Minister tells the international community that she has the most ambitious targets in the world, will she remember to tell them that she has not hit those targets once?

**The First Minister:** I encourage Kezia Dugdale to study in detail all the facts and information on the subject, because that is important. I hope that we can continue to come together as one on this important global issue.

When we set the target for 2013 back in 2010, the reduction in carbon emissions that we anticipated having to achieve was 31.7 per cent. In fact, we have achieved a 38.4 per cent reduction from the 1990 baseline. We have only not met the target because of the increases to that baseline. Fixed annual targets were missed because of improvements to how the data is calculated, which added 10.6 megatons to the 1990 baseline. That is equivalent to almost all the emissions in 2013 from waste management, public sector buildings and the residential sector. Therefore, we have exceeded the reduction that we had anticipated but, because of the increase in the baseline, we have not met the target. I would have thought—*[Interruption.]*

**The Presiding Officer (Tricia Marwick):** Order.

**The First Minister:** I am sharing factual information with the chamber. The Opposition—*[Interruption.]*

**The Presiding Officer:** Order.

**The First Minister:** If we are serious about the rhetoric that is used—and the very welcome rhetoric that Kezia Dugdale has just used—we should do two things. We should celebrate the progress that we are making in Scotland and use that to encourage others to make similar progress; we should also not rest on our laurels, but be determined to continue to make progress.

It might be appropriate to end with a quote from Professor Jim Skea, a member of the UK Committee on Climate Change. Back in the summer, he said:

“If you divide where Scotland is now versus where it was in 1990 it is actually among the world leaders. That is unambiguous.”

**Kezia Dugdale:** There was more spin in that answer than your average wind turbine. The fact is that the First Minister’s Government has never hit a climate change target, and on Monday we saw one reason why. The report on public sector climate change duties was published and, yet again, the Scottish Government has missed its own target to cut emissions from its activities. It is no wonder—the report shows that the Government’s use of vehicles, taxis and private cars have all increased in the past year. If our own Government cannot hit its targets, how can the First Minister lecture the rest of the world on their duty to do the same?

**The First Minister:** I really think that Labour should raise its game if it wants to raise issues of such global import. *[Interruption.]*

**The Presiding Officer:** Order.

**The First Minister:** I have just narrated factual information to the chamber about Scotland’s performance—performance that is being praised by the UK Committee on Climate Change and people such as Desmond Tutu. Indeed, the head of the United Nations climate change body said in a letter to the environment minister in August this year that

“Scotland’s ambition to create a strong and healthy renewables sector and a low carbon economy is a shining example of measures that can be taken to diversify energy supplies, attain energy security and attract investments.”

When people across the world are saying that about Scotland, why is it that only Scottish Labour is still trying to talk down the achievements of our country? *[Interruption.]*

**The Presiding Officer:** Order.

**The First Minister:** I will go to Paris on behalf of the people of this country and I will encourage others to follow the lead that is recognised as being set by Scotland. Here at home, I will also make sure that we continue to challenge ourselves.

The progress that I have outlined to the chamber shows that we have exceeded the figure for the reduction in emissions that we set back in 2010 but, because we know that the world—and not just Scotland—needs to go further, we will continue to raise our sights and ambitions for Scotland. It is doing that that characterises this Government, and it puts us in stark contrast to the Opposition.

**Kezia Dugdale:** Let us see whether the First Minister is raising her game on climate change. She is about to get control over air passenger duty, which is a key environmental tax. What is her plan for that green tax? She wants to abolish it. The Government's figures show that abolishing APD will increase emissions by 50,000 tonnes a year. To put that into context, the First Minister could fly to Paris and back every day for 200 years and do less damage to the environment.

The First Minister heads to Paris next week. She is the head of a Government that has missed its own targets for four years in a row, is unable to control its own emissions and plans to abolish environmental taxes. When it comes to hypocrisy on climate change, is the First Minister not giving the Prime Minister a run for his money?

**The First Minister:** First, I will not be flying to Paris on Sunday; I will be taking the train. *[Interruption.]*

**The Presiding Officer:** First Minister.

**The First Minister:** Secondly, Kezia Dugdale's arguments on APD as it relates to the environment might have more force if the revenue from the tax was hypothecated to spending on reducing emissions. It is not; APD is simply a revenue-raising measure for the UK Government.

Last night, some of us were at the annual dinner of the Scottish Chambers of Commerce and spoke to a wide range of businesspeople who are focused on trying to internationalise the Scottish economy—that is, to grow its export base. I expect that there was considerable consensus that reducing APD is an important measure for creating jobs, improving our transport links and helping our business community to grow its exports.

We will continue to ensure that we pursue policies that help to promote equality, social justice and our environment and to ensure that we have a vibrant, growing economy. That kind of balanced approach to governing the country means that the Scottish National Party is standing here and Labour is sitting over there.

### **Secretary of State for Scotland (Meetings)**

**2. Ruth Davidson (Glasgow) (Con):** I add my gratitude to the brave service personnel who will be involved in the necessary military action in

Syria. As too often before, their selfless efforts abroad help to keep us living safely at home.

To ask the First Minister when she will next meet the Secretary of State for Scotland. (S4F-03092)

**The First Minister (Nicola Sturgeon):** I have no plans in the near future.

**Ruth Davidson:** The Scottish National Party's policy of free university education is failing poorer students. A new report by Universities UK, published today, shows that poorer young people in Scotland are only half as likely to go to university as those from the rest of the United Kingdom and that the gap is getting wider.

Five weeks ago, I raised that issue with the First Minister and I suggested that a graduate contribution could help to restore bursary funding that the SNP Government has gutted. Those bursaries support poor students who otherwise could not get a foot in the door. When the SNP Government came to office, bursary support stood at £104 million per year. Will the First Minister tell me what the figure will be next year?

**The First Minister:** We will continue to ensure that we have a funding support package that supports our students, particularly those from the poorest backgrounds, to go to college and university.

I cannot believe that Ruth Davidson has come to the chamber and raised bursaries with this Government. Does she not remember that George Osborne of the Conservative Party—which, the last time that I looked, was the party Ruth Davidson is a member of—stood up in the House of Commons last week to deliver his autumn spending statement and announced that the UK Government would abolish all bursary support for students from April next year? It will not reduce that support or take it back a little bit but abolish it completely, and it will do that for student nurses as well as students in general. Therefore, I will take no lectures from the Conservative Party or Ruth Davidson when it comes to student support.

As I did with Kezia Dugdale, I will give Ruth Davidson a few facts that might get in the way of her rhetoric but that she would do well to listen to. The number of people from our most deprived communities who achieve a university qualification has increased under this Government by 24 per cent. The number of 18-year-olds from our most deprived areas who apply to university is up by 50 per cent. Young people from our most deprived areas are now more likely to participate in higher education by the age of 30 than they were in 2006. Although the Universities and Colleges Admissions Service figures have to be treated with caution because they underestimate Scotland's performance, they nevertheless show that

Scotland is reducing the attainment gap at university faster than any other part of the UK.

Those are the facts, and it will certainly not help us to make us any further progress if we go down the road of the Tories by taking away bursaries from all students.

**Ruth Davidson:** I asked for a number; it was a number that the First Minister did not want to give. [*Interruption.*]

**The Presiding Officer:** Order. Let us hear Ms Davidson.

**Ruth Davidson:** The First Minister did not want to give the number five weeks ago either, so after that session we put in a freedom of information request to the Student Awards Agency for Scotland, which tells us that bursary funding will be around £60 million in 2016. That is a drop of £40 million under this Government.

The Scottish National Party says that its no-tuition-fee policy is designed to help poorer students to gain access to higher education. This week, a report by experts at the University of Edinburgh said:

“Despite political rhetoric surrounding free higher education in Scotland, the system has failed to produce more egalitarian outcomes compared with the rest of the UK.”

It added that the Scottish Government’s policies were “reproducing existing social inequalities”. The SNP has slashed college places and cut bursaries, and the policy that is supposed to counter all of that does not work.

I know that the First Minister will want to dismiss me, as she has done before, but those experts are telling her that a contribution after graduation can be used to help poorer students into university in the first place. Will she dismiss them too?

**The First Minister:** I am not going to dismiss Ruth Davidson, but I am going to criticise—as, I believe, will people across the country—her shame-faced hypocrisy on this issue. The reality is that whatever the SNP Government is spending on student bursaries is going to be more than the zero that the Conservatives are going to be spending on student bursaries when they scrap them for all students next year.

We will continue to make sure that we give our students a decent funding package. Average support for students in Scotland is now the highest that it has ever been—at £5,610 per student, it is up nearly 5 per cent on the previous year. We remain committed to bursaries for the poorest students, unlike the Conservatives, who are scrapping them from next year.

Our minimum income guarantee for undergraduate students from the poorest

households who are living at home is the highest package of support anywhere in the United Kingdom. That is the reality, and it is partly why we are starting to make the progress that I cited in my earlier answer in increasing the number of people from our deprived communities who go to university. We will continue to do that work while protecting a principle that I hold dear: the principle of free access to education based on ability to learn, not ability to pay.

I will end by quoting what the National Union of Students had to say about the report that Ruth Davidson cites:

“The idea that abolishing free education—a clear recognition of the public and social good provided by higher education—would improve fair access seems bizarre.”

It is bizarre. The NUS is right and the Tories—not for the first time—are downright wrong.

**The Presiding Officer:** David Torrance has a constituency question.

**David Torrance (Kirkcaldy) (SNP):** The First Minister will be aware that the structural safety checks on the Forth road bridge are causing major disruption to commuters from my constituency. What discussions have there been with Transport Scotland and ScotRail to mitigate the disruption?

**The First Minister:** The Transport Scotland resilience room has been operational since the defect on the southbound carriageway was identified. Officials are working with our roads operator, Amey, to identify the problem, and traffic management measures are now in place.

The decision to close the southbound carriageway was not taken lightly, because we understood the disruption to commuters that it would cause, but it was taken for the right reasons—for safety reasons. Measures to reopen it, or reopen it partially, will be taken as soon as it is safe to do so. I hope that the chamber welcomes that assurance.

Finally, I take the opportunity to thank the travelling public for the patience that they are showing at this time.

### Climate Change Mitigation

**3. Rob Gibson (Caithness, Sutherland and Ross) (SNP):** To ask the First Minister what part Scotland can play in the international mitigation of climate change. (S4F-03099)

**The First Minister (Nicola Sturgeon):** Scotland is supporting international efforts to secure an ambitious and legally binding climate treaty at the United Nations conference. Both I and the Minister for Environment, Climate Change and Land Reform will be in Paris over the next few days to promote the action that Scotland is taking, which

has been praised as “a shining example” by the head of the UN climate body.

Scotland is now three quarters of the way to achieving our world-leading emissions reduction target. We are already meeting half of our electricity demand from renewables, we have delivered on our target for community and local renewables five years early and we have met our energy consumption target seven years early. We are also benefiting from 45,000 low-carbon and environmental services jobs.

Scotland offers both a message and a model for climate action that we will be proud to promote at the vital Paris talks.

**Rob Gibson:** This week, *The Herald* stated:

“the record of the UK government record is particularly shameful ... with retrograde measures such as the ending of subsidies for onshore wind.”

Does the First Minister agree that climate justice must start at home, and that it must be a rallying point to ensure that all parties and all sections of the public act quickly to decrease our greenhouse gas emissions and that—vitality for climate justice—we give home insulation and onshore wind power development top priority?

**The First Minister:** Yes, I agree with that. At home, it is important that all of us take continued action if we are to achieve our emissions reductions. That is why we have designated improving energy efficiency as a national infrastructure priority.

As I said, Scotland has made significant progress in renewable electricity, with around half of our gross electricity consumption now coming from renewables. Of course, we share the renewables sector’s concerns that the damaging and premature cuts in support for renewable energy that are being driven through by the UK Government will hamper progress.

When we talk about climate justice, it is important to concentrate not only on what we do at home, but on the contribution that we can make to climate justice around the world. I am proud that Scotland is showing the way by putting people and human rights at the heart of our action on climate change. We have supported through our climate justice fund 11 projects in Malawi, Rwanda, Tanzania and Zambia, which help some of the world’s poorest and most vulnerable people, particularly women and children, to adapt to the impact of climate change.

At home and overseas, Scotland should be proud of its record and should use that record as a way of encouraging others to do more as well.

## Defence Review

**4. Nigel Don (Angus North and Mearns) (SNP):** To ask the First Minister what the impact on Scotland will be of the recent defence review. (S4F-03105)

**The First Minister (Nicola Sturgeon):** Scotland has been disproportionately hit by previous strategic defence reviews, which has resulted in the closure of bases and the creation of major capability gaps.

I wrote to the Prime Minister this week seeking assurances for Scotland on the latest review. Although we welcome plans to locate nine maritime patrol aircraft at RAF Lossiemouth, we are mindful that some previous commitments have never materialised. The review creates new uncertainties for shipbuilders on the Clyde, with only eight of the 13 type 26 frigate orders that were promised having been confirmed.

Overall, the review does little to reverse the disproportionate decline in Scotland’s defence footprint over more than a decade, and most indefensibly it proposes wasting an estimated £167 billion on Trident at a time when people are being so hard hit by the Treasury’s damaging austerity cuts.

**Nigel Don:** I gather from that response that the First Minister already shares my concerns about the balance in what the UK Government is up to. Does she feel that there is any prospect at all that the UK Government might rebalance to conventional forces, which might actually protect us, rather than preserving the sacred cow called Trident?

**The First Minister:** Of course, in this chamber, Trident is now supported only by the Conservatives and Jackie Baillie—an unholy alliance if ever we saw one. [*Interruption.*]

**The Presiding Officer:** Order.

**The First Minister:** I share the concerns that have been expressed. It is important that we have a balanced defence. The national security strategy that accompanied the defence review set out a range of threats, all of which we should take very seriously, but to not one of those threats is Trident a sensible answer.

I agree that, instead of investing in Trident, we should be encouraging the UK Government to ensure that we have in place the right conventional forces, commensurate with the risks that we face as a country.

**Annabel Goldie (West Scotland) (Con):** I am glad that the First Minister acknowledges that the long-term future of the Lossiemouth air base is being secured as a consequence of the strategic defence and security review.

Given her opening remarks this morning, does she welcome the fact that the review underlines the UK Government's commitment to spend 2 per cent of gross domestic product on defence, thereby meeting our NATO commitments and ensuring that British forces remain some of the best equipped in the world?

**The First Minister:** We have seen disproportionate cuts to our conventional defences in Scotland. While I welcome anything that secures the future of Lossiemouth, it is important to point out that the only reason why there has been any threat to, or question mark over, Lossiemouth is decisions that have been taken or proposed by the UK Government.

This day is a timely reminder that we face a range of threats, which is why it is right that we continue to argue for conventional defence forces with the right capabilities, and continue to oppose spending so much money on nuclear weapons that do not provide a defence against any of the threats that we face as a country.

#### **Tata Steel Plants**

**5. John Pentland (Motherwell and Wishaw) (Lab):** To ask the First Minister whether the Scottish Government has requested an extension of the 45-day consultation period for the Tata Steel plants at Dalzell and Clydebridge. (S4F-03096)

**The First Minister (Nicola Sturgeon):** We have discussed the length of the consultation period with both Tata Steel and workforce representatives. Although the minimum statutory period is due to end tomorrow, consultation between Tata and the trade unions is on-going. That is primarily a matter for the company and the unions.

The focus of our activity remains very firmly on securing an alternative commercial operator for Dalzell and Clydebridge. As a member of the task force, Mr Pentland will know that Tata Steel has confirmed that there are currently serious parties potentially interested in the plants. That is encouraging, and we continue to do everything that we can to assist that process.

As I have said previously and as, I am sure, everybody in the chamber recognises, there are no quick fixes here. There are certainly no easy fixes. However, together with the workforce, the unions and others, we are working tirelessly and will leave no stone unturned in our efforts to keep the plants open.

**John Pentland:** Clearly, workers are very stressed and worried about their future. Does the First Minister agree that we have the potential to create a centre of excellence for steel making in Scotland? Can she reassure me that, in the quest to leave no stone unturned, the Scottish

Government is prepared to provide support for any transitional period leading either to a buyer taking over the plants or the public ownership that may be necessary to save the jobs at Dalzell and Clydebridge, which I trust the Scottish Government values as highly as those at Prestwick?

**The First Minister:** The member knows how highly we value jobs in the steel industry and the continuation of that industry in Scotland. I very much agree that there is a real opportunity here to create a centre of excellence in the steel industry in Scotland. When I say that we will leave no stone unturned, I mean exactly that. If there is any viable option that will secure the future of the plants, the Government will explore taking that forward. As Mr Pentland will be aware, there have been suggestions at the task force about support that could be provided in a transitional period. The Scottish Government is exploring all those options.

I repeat what I said in my initial answer. Right now, serious parties are expressing potential interest in the plants. It is therefore appropriate and right that we concentrate on doing everything that we can to see one of those expressions of interest turn into something real and viable. At the moment, that is where the Scottish Government will continue to expend its energy.

**Clare Adamson (Central Scotland) (SNP):** Is the First Minister able to give an update on the work that is being done possibly to reduce fuel and business rate costs at the Tata plants in Motherwell and Cambuslang?

**The First Minister:** We have been working very intensively to create the best business environment for any new operator that might be prepared to take on the sites. As a result of work that was commissioned by the Minister for Business, Energy and Tourism, we now know that energy costs at the sites could be cut significantly and that there is potential for renewable electricity generation and sale of heat from the plants. We continue to maintain pressure on the European Commission to accelerate state aid clearance for the energy-intensive industries compensation package and to do so before Christmas.

We have agreed with the Lanarkshire assessor that he will take into account the state of the steel industry in the next business rates revaluation. We are open to options for reducing the rates liability as long as those options comply with state aid rules.

As well as doing everything that we can to secure a commercial operator for the plants, we will continue to do everything that we can to reduce the running costs, which will make the plants even more attractive to any commercial operator.

## Healthcare Inequalities

### 6. Murdo Fraser (Mid Scotland and Fife)

**(Con):** To ask the First Minister what the Scottish Government is doing to reduce healthcare inequalities. (S4F-03107)

**The First Minister (Nicola Sturgeon):** There has been a general improvement in many health outcomes in recent years, for example a reduction in premature mortality among under-75s. We have a range of public health policies on, for example, tobacco, alcohol and diet to improve health and close the equality gap.

One of the ways in which the Scottish Government is tackling health inequalities is by reforming the general practitioner contract, to reduce bureaucracy and give GPs more time to devote to the complex problems that patients can face, particularly in areas where patients face the greatest inequalities and health issues. Further changes will be made to the 2017 contract, which will include a review of the Scottish resource allocation formula, to ensure that GP surgeries in the areas of most need receive funding that is proportionate to the needs in their areas.

**Murdo Fraser:** The First Minister mentioned GP funding. She will be aware that earlier this week a report from Professor Graham Watt, of the University of Glasgow, highlighted that GPs in the most deprived areas of the country receive £10 less per patient than GPs in wealthier areas receive. Professor Watt said that

“We have got health inequalities which are the worst of any country in Western Europe”,

and he went on to say that GP funding is one of the reasons behind that. In my region, every GP practice in Kirkcaldy is operating with a full list and cannot take on any new patients. What more can the Scottish Government do to combat inequalities?

**The First Minister:** I welcome Professor Watt's findings, which we will take fully into account in delivering a new GP contract for 2017 and the accompanying revised allocation formula. It is interesting that Professor Watt's study examined data from 2011-12. I have looked at the recent data for GP payments, for 2014-15, which show that the most deprived practices received, on average, £7.65 more per patient than practices in the most affluent areas received. I hope that that is a sign of progress in the direction that I suspect that Murdo Fraser wants us to take.

The resource allocation formula has been in place since 2004 and has undergone some revisions and changes since then. The new GP contract, on which we are in the early stages of negotiation and which will take effect in 2017, gives us a good opportunity to revise the allocation

formula to ensure that it reflects the varying needs of GP practices in different local communities. I look forward to having the support of the Parliament as we seek to do that.

**Malcolm Chisholm (Edinburgh Northern and Leith) (Lab):** Does the First Minister agree that, over and above fundamental action to create a more equal society, it is necessary to support targeted action for the most vulnerable individuals and the most disadvantaged communities? I am thinking of initiatives such as the Royal College of Nursing's innovative nursing at the edge initiative, which will be featured at a meeting of the cross-party group on mental health in committee room 2 in five minutes' time. [*Laughter.*]

**The Presiding Officer:** After that advert, we will hear from the First Minister.

**The First Minister:** I had better not take too long to answer the question, or I will make Malcolm Chisholm late for his meeting. I agree with him and I send my best wishes to the RCN in the meeting; I support the work to which Malcolm Chisholm referred.

In general terms, I agree with the point that Malcolm Chisholm made and I refer him to the support that we show for the deep-end GP practices, which are very much about recognising the particular needs in our most deprived communities. As well as raising the health outcomes of our country generally, we must ensure that we are taking the action that will close the gap.

## Sex Offenders

### **The Deputy Presiding Officer (Elaine Smith):**

The Parliament is still in session and I ask guests who are leaving the gallery to do so quietly, please.

The next item of business is a members' business debate on motion S4M-14110, in the name of Paul Martin, on reviewing arrangements for managing sex offenders. The debate will be concluded without any question being put.

### *Motion debated,*

That the Parliament notes that it has been more than 11 years since the murder of eight-year-old Mark Cummings by the convicted sex offender, Stuart Leggate, in Royston in Glasgow; commends what it sees as the courage and tenacity of Mark's mother, Margaret-Ann, who has campaigned tirelessly to change the way in which serious sex offenders are managed; recognises that a justice sub-committee, convened by the Parliament in 2006, published 33 recommendations intended to protect children in Scotland's communities, including a requirement for registered sex offenders to disclose information about previous convictions on housing applications; is concerned that this recommendation has still not been implemented by the Scottish Government; understands that there are community concerns about what are considered the disproportionately high number of sex offenders housed in deprived areas and that many people consider it essential for the risks posed by serious sex offenders in communities across Scotland to be examined, and notes calls for an urgent review of sentencing tariffs and increased public awareness of sex offenders thought to be at risk of reoffending.

12:34

**Paul Martin (Glasgow Provan) (Lab):** I recognise that the management of sex offenders is a difficult subject that challenges politicians in many countries. As we consider that, let us also consider how Margaret Ann Cummings feels when she discusses how we manage registered sex offenders. Her son was murdered when he was eight years old, by registered sex offender Stuart Leggate.

Margaret Ann Cummings is in the public gallery today and I hope that other members will join me in commending her for her good and tireless work over the years on protecting children, and her determination to ensure that communities are protected and that history does not repeat itself. Also to be commended is the housing association movement, much of which is represented in the gallery today.

Ten years ago, the Justice 2 Sub-Committee published 33 recommendations for managing registered sex offenders in Scotland. Ten years on from that publication, a number of recommendations remain to be taken forward. In particular, recommendation number 20 has still not been acted on. That recommendation is for a legal

requirement for sex offenders to disclose information about previous convictions on housing applications.

I have pursued that with various justice ministers for the past 10 years, and a number of challenges remain. I work closely with the housing association movement and key figures from community organisations who have expressed concern about the existing arrangements and the lack of progress on recommendation 20.

We can understand those concerns. As we speak, young families are being housed in close proximity to dangerous sex offenders without being aware of it, and that is unacceptable. It is a particular concern for deprived communities because they find themselves being dumped on disproportionately by the allocation policy. If we do not take action, it is only a matter of time before tragedy strikes again, as it did in the case of Mark Cummings.

I recognise that some progress has been made. We have seen the introduction of Sarah's law, which allows parents to make inquiries into anyone with whom they are in close contact when they believe they might have a history of sexual offences. I recognise that Clare's law was a significant step forward when it was introduced earlier this year. It allows people to find out whether their partner has a history of domestic violence. I recognise the progress that has been made in those areas, but I pose the question: if we can use the internet to keep men and women safe from violent partners, why can we not use it to protect our children?

It is time for the Parliament to consider a compulsory community notification, such as we see in other parts of the world, including the USA, Australia and South Korea. Each of the 50 states of the US has implemented a different form of compulsory notification, known as Megan's law, which means providing information about dangerous child sex offenders on an internet database. It is internationally recognised as being one of the most effective programmes in managing registered sex offenders.

An absolutely crucial element of that programme is to distinguish between low-risk and high-risk offenders, which is something that we in Scotland and other parts of the world fail to do. The programme is also well-managed and properly resourced to ensure its effectiveness.

Many of us recognise that providing such information publicly can cause concern, and I acknowledge many of the points that have been made in that respect. However, if we are to properly empower communities, we have to take the recommendation forward. People might feel that it is a step too far, but we can take reasonable

steps to protect the information and ensure that those who are searching it are properly vetted before they carry out such a search.

We should also review the sentencing tariffs that are available to deal with child sex offenders in particular. It is time to take forward the sophisticated technology that we have discussed on many occasions in this chamber during the past 10 years. I do not know how many times we have discussed how GPS tracking could be used. It is unacceptable that, in the run-up to 2016, almost 10 years on, we are still discussing the formation of a working group. I would like the minister to advise us how she would take that forward.

In conclusion, I will quote the Premier of Western Australia, Colin Barnett. He said:

"This government has made a very clear choice ... that ...we will ... err on the side of the child and protecting that child".

I call on the Government to make a similar statement and ask it to support my motion.

12:40

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** I congratulate Paul Martin on securing this debate, and I recognise the courageous campaign of Margaret Ann Cummings, which came about after the horrendous murder of her son, as Paul Martin said. I have corresponded with Mrs Cummings and regret that I will be unable to meet her after the debate due to my chairing the Justice Sub-Committee on Policing meeting immediately afterwards. However, I certainly hope that she sees that I understand why she has campaigned in the circumstances.

Like Paul Martin, I recognise the complexity of the area. If only we could sort it all out.

I have looked at the recent joint report by Her Majesty's inspectorate of constabulary in Scotland and the Care Inspectorate on multi-agency public protection arrangements, or MAPPAs. Those arrangements are set in place when sex offenders have finished their sentence and have been released into communities. I note their main findings. They say:

"there is strong evidence that MAPPAs are well-established"

and working across communities.

However, I have had issues in my constituency, of which the Cabinet Secretary for Justice and the Minister for Housing and Welfare are well aware. There have been issues with the operation of the national accommodation strategy for sex offenders, or NASSO. Where those people go is,

of course, key. It is not just about how they are monitored; it is also about where they are placed. Sex offenders must be returned to the place where they last resided when the offence took place. There are very special circumstances whereby the offender, with negotiation with other local authorities, can be rehoused elsewhere, but I have been unable to determine how often that has been invoked. I will come to whether or not offenders should be out, but key to the management of those offenders is where they are, the authorities knowing where they are, and tagging their every movement where necessary.

That issue arose for me when the convicted rapist Robert Greens was released after serving six years and eight months of a 10-year sentence for the horrendous attack on and rape of a young student from the Netherlands, who had gone to visit Rosslyn chapel. When he was released, he was rehoused in a rural cottage on the outskirts of Newtongrange and Gorebridge in my constituency, just a few miles from the scene of the attack. Because of the NASSO rules, he had to be rehoused in Midlothian. No other authority in the United Kingdom would rehouse him. Almost predictably and understandably, hundreds turned out to protest outside the cottage. I can understand that. The matter became resolved only when he breached the restrictions under his registered sex offenders order and was seen in Penicuik, where he was not supposed to go. That took him back to prison. However, he is due for release next year, and the community will be back where it started.

The joint report says:

"It should be stressed that while the fundamental purpose of MAPPAs is to protect the public, MAPPAs and the work of Responsible Authorities cannot entirely eradicate risk."

I accept that, but I still have issues with resolving the problem of rehousing, which is required when someone is released. I think that the issue that Paul Martin has raised in relation to serious sex offenders repeating offences happens in a very small number of instances, but it happens. Those people are very serious. Although their number is small, we cannot allow those things to happen again.

I have issues with housing and the system by which we rehouse, but I have another issue, which Paul Martin touched on. We should not interfere with judicial independence, but I, too, am concerned about some people being released back into the community when they should never be released at all. That does not happen very often, but once is once too often.

The Cabinet Secretary for Justice and the Minister for Housing and Welfare are here. I know that those are difficult issues and that, if they could

resolve the housing issues—sentencing is another issue—they would do so. I ask them to look at the matter again, because Paul Martin's issues, which are worse than mine, are repeated to some extent in my constituency.

12:44

**Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab):** I, too, congratulate my colleague Paul Martin on his long-standing commitment to and campaigning on this issue and, of course, Margaret Ann Cummings, who has courageously spent the 11 years since her personal tragedy trying to ensure that no one has to suffer in the way that she has. Paul Martin is also right to identify the sterling work of our local housing associations.

If this Parliament is about anything, it must be about protecting those who are most vulnerable in society and, in this context, that is clearly our children. The 2006 Justice 2 Sub-Committee report made 33 recommendations and was seen as a major contribution to the debate at that time. The fact that some of those recommendations—in particular, recommendation 20, which concerns housing applications—have not yet been implemented is very regrettable. However, that report is now 10 years old and perhaps it is time to have a fresh look at the entire subject.

I want to look in a wee bit more detail at housing and at a particular aspect of housing that happens to be particularly dear to my heart from my own experience. Most sex offenders, when they are released from prison, will avail themselves of social rented housing by the very nature of the individuals and their circumstances. Housing providers are rarely aware of that aspect of an applicant's background, so people will be housed where there is available accommodation. In my constituency and in constituencies like mine, that might well be in a high-rise block.

Living in a high-rise block is very different from living in any other kind of accommodation. In effect, there is an entire street with one entrance so, on a daily basis, people cannot cross the road to avoid someone they do not want to talk to. It is likely that they will have to travel for a period of time—perhaps alone—in the confined space of a lift every time they want to go into or leave their home.

There is also the added complication of stairwells and fire exits, which are not often used because people want to take the lift whenever they can. Those are all areas in which people become particularly vulnerable. For parents with children, it is often very hard; they let their child go to school in the morning, for example, and once the child

goes out the door, the parents do not know what has happened to that child or where they are.

The particular situation that arises because of the specific circumstances of high-rise flats should be taken into consideration. When parents send their children out to play, they often cannot see where the children are and they have very little oversight. That suggests to me that families should not be accommodated in high-rise blocks, but perhaps that is an argument for another day.

We should certainly be looking seriously at the issue that confronts us when we have sex offenders in the community who may well be accommodated in a high-rise block. Christine Grahame is absolutely right to say that the rehousing and resettlement of particular offenders is a complex issue, but we must surely redouble our efforts to find solutions so that no case can fall through any loophole that we have allowed to continue to exist.

There are international examples of good practice that we can call upon and look at. I am sure that the present Government is doing that and is bringing to bear every resource that it has on the issue, but I think that the time has come for us to review what has happened in the past, to look at those international examples, and to do everything in our power to ensure that children in this country are protected to the very limit of our ability to do so.

12:49

**Margaret Mitchell (Central Scotland) (Con):** I thank Paul Martin for bringing this important debate to the chamber. It is a motion that I was more than happy to sign, not least because it gives deserved recognition to the courage and tenacity of Margaret Ann Cummings in campaigning to ensure that sex offenders are managed in a way that poses the least possible risk to our communities. There is little doubt that the tragic murder of Mark Cummings served as a wake-up call to the Scottish Parliament that more can and must be done to keep our communities safe from serious sex offenders.

It was with that in mind that the Justice 2 Sub-Committee was established in 2006 to review those dangerous and devious individuals. Following on from the review, 33 recommendations were made, intended to protect children. Nearly all of those have been implemented.

However, I consider it totally unacceptable that, almost 10 years later, the vitally important recommendation calling for sex offenders to disclose information about previous convictions on housing applications has still not been

implemented. That is a situation that must be addressed now.

The motion also refers to the need for the risks posed by serious sex offenders in communities across Scotland to be examined. A good starting point would be the Scottish Government's annual report, published in October this year, on MAPPA in Scotland. The MAPPA guidance states that the primary purpose of sex offender notification requirements is to enable the police to know the location of sex offenders and to manage those sex offenders and minimise the risk of further offending against the public. Yet the report reveals that, in the past year, a staggering 331 registered sex offenders failed to comply with the notification requirements to let the police know of their whereabouts or their current situation. That represents an increase of a third on the number the year before. Clearly, the situation requires urgent analysis.

**The Cabinet Secretary for Justice (Michael Matheson):** The member's comment that there was an increase of a third in the number of breaches is factually incorrect. Year on year, the proportion of breaches is broadly the same. What has happened is that the number of individuals who are on such orders has increased; but the number who have breached the orders has not increased by a third.

**Margaret Mitchell:** I thank the cabinet secretary for that clarification, but it is still not in any way a statistic that we can be proud of.

Urgent analysis needs to be carried out to establish what has gone wrong and to rectify the situation as a priority.

That brings me to the Scottish Conservatives' proposal to address and reduce the risk, which is for sex offenders to lose their right to anonymity if they breach the notification requirements that are imposed under the terms of their release. Losing the right to anonymity in those circumstances is entirely justified, to protect the public, reduce risk and aid the police in their efforts to locate the individual. It would serve as a powerful deterrent to any sex offender who might consider breaching the terms laid down in the violent and sex offenders register. There is a balance to be struck between allowing someone who has served their sentence the freedom to integrate back into society and protecting the communities in which they are placed.

It is evident from the MAPPA report that, 10 years on from the Justice 2 Sub-Committee report on the management of serious sex offenders, much more requires to be done to ensure that local communities are protected. At the very least, communities have a right to expect that everything that can practically be done is being done to

ensure that tragedies such as the murder of Mark Cummings are never repeated in their neighbourhoods.

12:54

**Graeme Pearson (South Scotland) (Lab):** First, I thank my colleague Paul Martin for raising a difficult and challenging issue. It is one that we repeatedly struggle with and find difficult to resolve.

Secondly, I thank Margaret Ann Cummings for maintaining a positive role on behalf of all victims and survivors of crimes of sexual abuse and of death at the hands of sex offenders and for reminding those of us in authority in this Parliament and the Government of the need to constantly revisit these issues and to acknowledge that we have still not found a way to get this right. It may well be that, in this world, we will never get it absolutely right, but that does not mean that we should not strive to repair the elements that we identify as having shortcomings.

A lot has been said about the MAPPA environment, and there have been many positive comments about its development over the years. I see today's debate not as a criticism of the Government or what has gone on in the past, but as a contribution to our consideration of how best we can do things in the future.

I acknowledge that, although MAPPA has been a step change for us, we rely too heavily on the notion that it exists and take comfort from that when, in fact, we should continue to challenge what MAPPA does on our behalf. We should realise that the officers and members of the other services who contribute knowledge to it balance many stresses and anxieties as they try to manage, probably, too many demands with too few resources at their fingertips.

Behind that, too, I would like to see it acknowledged that although we have an intelligence management system in Scotland, it is not as robust and effective as it should be. I would like to hear from the cabinet secretary that he will take a second look at the way in which information technology systems operate across the public services to manage the dangerous circumstances that repeat sex offenders present to all services.

Mention was made of the global positioning system tracking systems that are available. I am told by those who manage the electronic surveillance of those who are on remand and subject to supervision that the system can be switched on at the flick of a switch. We need to face the challenge and ask whether we want to use GPS tracking. If the answer is yes, we need to get on with it sooner rather than later. If the

answer is no, we need to work out what it is about the tracking system that is not available to us now.

**Michael Matheson:** Mr Martin mentioned the establishment of the working group. The expert advisory group has been in place for a number of months and its report, which is just weeks away, will give ministers advice on the use of GPS. There are some technical challenges around how it can be used properly in that it does not give the level of security that some individuals believe it does, but the expert advisory group has been looking at use of the system internationally in order to identify how it can best be applied in a Scottish context.

**The Deputy Presiding Officer:** You can have the time back for the intervention, Mr Pearson.

**Graeme Pearson:** Thank you, Presiding Officer.

I am grateful for the cabinet secretary's response. I have visited the monitoring centre and was advised that people there are very confident about the ability of the GPS system to monitor dangerous offenders, whether sex offenders or others, more effectively than what we have now does. I ask the cabinet secretary to challenge those who are advising him about the challenges. Let us get to the right answer in that regard.

I have a couple of bullet points that I want to mention in my remaining time. First, offender management should begin before release, in prison; more attention needs to be paid to dealing with offending there. We need to initiate courses that can better redirect offenders to a more useful lifestyle in future to deal with reoffending rates.

Secondly, it is important that housing associations know the background of sex offenders who apply for tenancies. Difficulties arise when there is public knowledge of offenders in communities. I know that Paul Martin is aware of the challenges that lie behind that, which include the threat of vigilante action, offenders going underground and offenders being encouraged to create their own networks. Housing associations should be aware of their responsibilities in managing applications and they cannot accept those responsibilities unless they know the nature of the people to whom they offer houses.

White Flowers Alba provided a briefing for the debate and it fully supports Paul Martin's motion. It makes the point that if the public inquiry that is going on had a broad remit, it might help us to learn more lessons about how to respond to sex offenders and manage the risk. I hope that the Government will listen to what White Flowers Alba is saying and will encourage the best use of that public inquiry.

13:00

**The Minister for Housing and Welfare (Margaret Burgess):** I thank Paul Martin for bringing the debate to the chamber. He made it clear—and we all agree—that the issue is sensitive and difficult to deal with. I know that Margaret Ann Cummings is in the gallery. Like other members, I commend her on the work that she and her supporters have been doing to ensure that no other child suffers the fate of her son. I completely understand why she is taking that action and why she is doing everything possible to ensure that we learn the lessons of Mark's death. I give some reassurance that the Government and responsible authorities are all working towards that shared goal.

Members have mentioned the joint thematic review of MAPPA, which was published last week by the Care Inspectorate and HMICS. The report shows that there is strong evidence that MAPPA is well established across Scotland and that professionals are working effectively every day to protect communities from harm.

**Paul Martin:** The report also said that sex offenders could expect a monitoring visit once a month. Is that acceptable for the most serious offenders?

**Margaret Burgess:** We have received the report and we accept every recommendation in it. We all agree that the issue is very difficult, and I understand and share the concerns of members across the chamber. People come to my surgeries with sensitive issues about sex offenders and their monitoring. We have looked carefully at the thematic report and we will take up its 10 recommendations to improve processes and reduce unnecessary bureaucracy. We have accepted all the recommendations and will work with the police and other responsible authorities to take them forward. On such a difficult and important subject, we must never be complacent.

**Christine Grahame:** I have looked through the recommendations and I return to rehousing sex offenders under the national accommodation strategy for them. I have been chasing the issue with the minister and other members, and I know that it is difficult. However, it is not sufficient to say that the system is working well. There are issues in high-rise flats, small communities and island communities. We need something that works better for the community, whether that is based on the issues raised by Patricia Ferguson or those raised by me. I hope that the minister will look at the issue again, because the inspection report does not refer to it.

**Margaret Burgess:** I understand Christine Grahame's concerns about the housing of sex offenders in communities. However, in every case

when a sex offender is housed in a community, the safety of the community is the absolute priority. The suitability of accommodation, such as high-rise flats, for housing somebody is assessed.

As Graeme Pearson said, we have to be careful that we do not push people underground. We need to know where the people are and be able to monitor them. I am not saying for a minute that we will not look at any suggestions that members might make about housing; we will always look at suggestions about how communities and other people who live in the same area can best be served. The priority will always be the community's safety.

**Patricia Ferguson:** Will the minister give way?

**Margaret Burgess:** I want to push on a bit. If I have time, I will come back to Patricia Ferguson.

A number of members have mentioned the report on sex offending by the Justice 2 Sub-Committee, which recommended that housing applicants should be required to declare that they are registered sex offenders. In 2014, the then Cabinet Secretary for Justice explained in the chamber that implementing that recommendation would not be compatible with the Scottish Parliament's duty to ensure that all legislation that it passes complies with the European convention on human rights. Even if it were possible to implement the recommendation, there would still be a risk of driving offenders underground, which I know that everyone in the Parliament does not want to happen.

**Johann Lamont (Glasgow Pollok) (Lab):** Will the minister give way?

**Margaret Burgess:** I want to push on for a bit, and then I will come back to the member.

Implementing that recommendation would make it harder to monitor offenders and manage the risks. We need to know where people are in order to monitor them and manage the risks. As I have said to Christine Grahame, the concerns that members have raised in the debate will not be ignored—we will look at them. We are also looking at the thematic report, and we will then have to look at how that will work with some of the other things that are proceeding.

**Johann Lamont:** Does the minister recognise the urgency of a situation in which housing associations are saying and communities are feeling that sex offenders are being housed disproportionately in deprived and already vulnerable communities? I see that the Cabinet Secretary for Justice is no longer in the chamber, but what representations has he made in his budget discussions with John Swinney on financing a proper monitoring programme? Perhaps people would be less anxious about the

monitoring programme if they had any confidence that it was being carried out. What resources are going in to make that real for people and to protect them?

**Margaret Burgess:** On the budget, I cannot speak for the justice secretary, but I know that across government we are looking carefully at the monitoring of sex offenders. I will talk later about some of the things that we are doing to help with that monitoring, but the justice secretary mentioned what is happening with surveillance and the report of the expert advisory group. Moreover, the Scottish Sentencing Council is looking at sentencing tariffs.

As everyone has recognised, this is a difficult area, but we want to reduce the risks as far as possible. We all have experience in our constituencies of the rehousing of sex offenders who have been released into the community, and the problem is fraught. However, we have to reintegrate such offenders into the community, as we do with other offenders who are released from prison.

In common with other offenders, registered sex offenders generally return to their own communities, unless there are exceptional circumstances that might mean increased risk to the community. That might cover the point that Christine Grahame raised. I make it clear that there are flexibilities in the system to allow local authorities to work with and come to an agreement with other areas, but they still have to take responsibility for knowing where sex offenders are and for following the monitoring and surveillance procedures.

The thematic inspection found that, in the two-year period from 1 January 2013 to 31 December 2014, 86 per cent of sex offenders who were released returned to the same type of housing and 73 per cent returned to the same or a neighbouring community. When a sex offender is placed outside their own local authority area, the aim is to increase the community's safety, not to protect the offender's anonymity. At all times, the approach is about protecting the community.

The Scottish Government will continue to take steps to ensure that Scotland has in place a strong legislative framework with robust monitoring arrangements and agencies working together. The justice secretary is certainly looking at that, and we are looking across government at how we can all work together on the many different ways to make our communities safer.

I know that this has been an extremely difficult debate, but it has given members the opportunity to raise genuine concerns that are shared across the chamber by members of every party, including me. We have listened to what has been said about

this distressing subject. I hope that we are illustrating that we take the issue seriously. I hope that Margaret Ann Cummings, her supporters and members of the public will recognise what we are doing, the strength of the arrangements for managing the risk that offenders pose and our commitment to ensuring that we work as effectively as we can across the country, in line with some of the other things that we are doing on sentencing, surveillance and other aspects of the justice system, including civil action against sexual harm.

All of that should give some reassurance that we are doing everything that we can. However, we are open to all ideas and suggestions. If we can improve things, we certainly will.

13:10

*Meeting suspended.*

14:30

*On resuming—*

## **National Galleries of Scotland Bill: Preliminary Stage**

**The Deputy Presiding Officer (John Scott):**

The first item of business this afternoon is a debate on motion S4M-14956, in the name of Anne McTaggart, on the National Galleries of Scotland Bill. I invite all members who wish to speak in the debate to press their request-to-speak buttons now or as soon as possible, and I call Anne McTaggart to speak to and move the motion on behalf on the National Galleries of Scotland Bill Committee.

**Anne McTaggart (Glasgow) (Lab):** I am pleased to open the preliminary stage debate on the National Galleries of Scotland Bill and to provide the Parliament with some background to the committee's scrutiny of the bill.

Before I do that, I thank those who gave evidence to the committee and the National Galleries of Scotland staff who accommodated a visit and gave us such an interesting tour of the Scottish art collection. I also thank the committee members, Fiona McLeod and Jean Urquhart, who will speak later in the debate.

Private bills propose laws that allow individuals, groups of individuals or corporate bodies to acquire powers or benefits that are in excess of, or in conflict with, the general law. This bill is the fifth private bill to be introduced during the current parliamentary session, and the second one that I have worked on.

The committee's role was to consider and report on the general principles of the bill and to decide whether it should proceed as a private bill. The bill's purpose is to facilitate the building of an extension to the Scottish national gallery building into a small area of land that currently forms part of Princes Street gardens.

The bill has two aims. The first is to change the status of the land, which is common good land, to enable the City of Edinburgh Council to dispose of it to the National Galleries of Scotland without the need for court approval. The second aim is to remove the land from the gardens, thus removing the statutory restriction on the construction of permanent buildings on the land.

The extension is required by the bill promoter, the board of trustees of the National Galleries of Scotland, which wishes to expand and improve the design of the gallery in order to house the Scottish art collection in a more appropriate and accessible location. The project, which is called celebrating Scotland's art, plans to expand the Scottish wing

into Princes Street gardens to provide an additional 500m<sup>2</sup> of space in which the Scottish art collection will be exhibited. The project includes a plan to include a new landscaped public pathway and terrace at the garden level that is aimed at improving access between the gallery, the gardens, Princes Street, the Playfair steps and the old town.

As Andy Warhol said:

"I think having land and not ruining it is the most beautiful art that anybody could ever want to own."

The area of land in question is a small sloping embankment that is currently used as an area of landscaping, so the reduction of open space in the gardens will be minimal. The promoter put forward the case that the loss of land will be compensated for by landscaping improvements to the gardens and the provision of easier access to an improved cultural facility.

The committee was pleased to hear about the strong working relationship between the gallery and the various council departments. Michael Clarke, the director of the Scottish national gallery, explained to the committee that the extension is essential because the space within the current Scottish national gallery building is being used for permanent collections or exhibitions, so options to rehouse the Scottish art collection are limited.

We also heard that, at present, fewer than 20 per cent of visitors to the gallery get down to where the Scottish collection is situated. That is a great pity, given that the collection houses pieces of art by celebrated Scottish artists such as Sir Henry Raeburn, Sir David Wilkie and Peter Graham. The project would create three times the amount of space that is currently devoted to the Scottish collection and would greatly improve the circulation throughout the building.

The committee supports the aims of the promoter to improve access to the Scottish art collection. It believes that the improvements to both the gallery space and the surrounding area will enable Scotland's art collection to be enjoyed more widely. The committee therefore recommends to the Parliament that the general principles of the National Galleries of Scotland Bill be agreed to and that the bill should proceed as a private bill.

I move,

That the Parliament agrees to the general principles of the National Galleries of Scotland Bill and that it should proceed as a private bill.

14:36

**The Cabinet Secretary for Culture, Europe and External Affairs (Fiona Hyslop):** I thank the convener of the National Galleries of Scotland Bill

Committee, Anne McTaggart, for her opening speech and for the work that she and the other members of the committee—Fiona McLeod and Jean Urquhart—have done in examining the private bill.

I am pleased to have been given the opportunity to speak in this debate to outline my support for the bill and to emphasise the impact of the National Galleries of Scotland as a national and international institution of which we should be extremely proud. Under the chairmanship of Ben Thomson and the leadership of the director general, Sir John Leighton, the National Galleries of Scotland has developed into an ambitious and forward-thinking organisation.

The gallery is one of the leading art galleries in the United Kingdom and Europe, and it looks after one of the world's finest collections of western art, which ranges from art from the middle ages to art from the present day and includes, of course, the national collection of Scottish art.

In the past 10 years, visitor numbers to the national galleries have increased by an outstanding 30 per cent, and 2014 was a year of record attendance, in which there were almost 2 million visitors. That confirms the status of the national galleries as one of Scotland's major visitor attractions and consolidates Scotland's capital as one of the top international cities for visual culture.

In recent years, the National Galleries of Scotland has established a truly national presence, and the collection is shared widely all over this country. Artist rooms, which is the collection of modern art that is owned and operated by the National Galleries of Scotland in partnership with the Tate, has attracted 39 million visitors to 77 partners in the UK since 2009 and has brought world-class art to new audiences right across Scotland, from Dumfries to Shetland.

In 2014, in connection with the Commonwealth games, the National Galleries of Scotland was the initiator of and key partner with Glasgow Life and Creative Scotland in the generation project, which celebrated 25 years of contemporary art in Scotland. The 60 exhibitions of the work of more than 100 artists across Scotland attracted a total of 1.3 million visitors.

Objects from the national galleries are shown all over the world as ambassadors for our art and heritage. In America, a tour of masterpieces from the galleries attracted large crowds in New York, San Francisco and Fort Worth, and art from Scotland is currently being exhibited to great acclaim in Sydney, Australia.

The National Galleries of Scotland's intention is to continue to use that ambitious programme of major exhibitions of Scottish and international art to attract audiences—and more diverse

audiences—and to raise its national and international profile. It is estimated that, in 2015, there will have been some 21 exhibitions and displays across all the National Galleries of Scotland's sites and 300 education events, lectures, tours, workshops and outreach initiatives in Scotland.

The National Galleries of Scotland's plans to redevelop the Mound complex to enhance the exhibition of its Scottish collection continue that ambition and drive for success. As members will be aware from the committee convener's remarks, the bill is a necessary step to allow the transfer of land to the National Galleries of Scotland and to allow the development at the Mound to take place.

In order to achieve that, the gallery needs to move its existing boundary wall to incorporate a 5m-wide strip of what is currently common good land. That is the subject of the private bill. The promoter makes the case that that modest intervention would enhance the space that is available for the Scottish collections and allow the introduction of daylight into the new galleries. The 5m-wide strip of land that would be lost by moving the boundary would be regained at the upper level, allowing for a widening of the footpath leading to the Playfair steps—a most welcome widening of a popular pedestrian thoroughfare that quickly becomes a bottleneck during busy periods. Under the plans, sympathetic landscaping will ensure that those interventions are effectively integrated with the world heritage setting of Princes Street gardens, while access to that part of the gardens will be significantly enhanced.

The refurbishment of the Scottish national gallery, which is the flagship of our national collections, will triple the gallery space available to show Scotland's national school, presenting not just the great historical figures but 20th century art, including the Scottish colourists. Under the plans, full use will be made of digital technology to make our national collection available to the widest possible public. The project aims to show Scottish art in a much more prominent way, in architecturally distinguished spaces with spectacular views across the city. The newly refurbished galleries will attract an estimated additional 400,000 visitors and 770,000 digital audience interactions every year.

The National Galleries of Scotland has a track record of delivering outstanding development and refurbishment projects. Any member who can recall how the national portrait gallery looked prior to its refurbishment and who has visited it since it was reopened by the former First Minister on 1 December 2011 will be aware of the fabulous impact of that transformative project and the many benefits that it has delivered for visitors to the gallery. This project will have the same

transformative effect by opening up the galleries' Scottish collections for the public.

A forward-thinking National Galleries of Scotland, which continues to deliver an international-class visitor experience, is a real benefit to Scotland. When complete, the project will allow the NGS to show what might be described as the crown jewels of Scottish art in the high-quality setting that those collections deserve and to promote Scotland's greatest art with pride to audiences from all over the world. For that reason, I am pleased to support the committee's recommendation that the bill's general principles should be agreed and that the bill should proceed.

14:42

**Claire Baker (Mid Scotland and Fife) (Lab):** I am pleased to contribute to this short debate. I thank the committee members for their work, although it appears to have been remarkably straightforward for this Parliament. With no objections to the proposal, it is a matter of law and process and I have confidence that members of the Scottish Parliament are enabling the necessary progress for the realisation of the project. Of course, if the bill is passed, there is still planning permission to be sought.

As a first-year student at the University of Edinburgh, I studied art history. I lived in the Patrick Geddes student halls, which overlook the national gallery. I was fortunate to study in Edinburgh with the Scottish national gallery on my doorstep. I spent much time there at tutorials. The gallery holds our national collection, with an impressive collection of renaissance paintings and work up to 1900s. In the early days of this Parliament, there was the successful campaign to buy Botticelli's "The Virgin Adoring the Sleeping Christ Child" and the response to that campaign demonstrated the commitment that people have to the gallery's success.

The national gallery is also a city gallery, situated in the heart of Edinburgh, and frequently used by the people who live, work and study here. It houses an impressive collection for a small country, not least its Turner collection, which will soon be on display. It is also home to "The Skating Minister", which provided inspiration for the design of this building.

As the cabinet secretary said, visitor numbers at the gallery have been growing, with a 39 per cent increase taking the numbers up to 1.29 million visitors, according to the latest figures. Visitor numbers at all our museums and galleries have shown strong growth and those museums and galleries are an important part of our tourist economy, as well as a rich resource for our country.

The proposed development gives the gallery an opportunity to provide permanent access to more of its collection. The gallery hosts the world's largest collection of Scottish art, including works by David Wilkie, Allan Ramsay, William McTaggart, James Guthrie, and Henry Raeburn. I am conscious that those are all men. I very much welcome the modern Scottish women exhibition that is on just now at the national gallery. It covers a period when an unprecedented number of Scottish women trained and practised as artists. That is a special exhibition that includes an entrance fee. I hope that the extension in gallery space will allow greater opportunity for the work of women artists to be displayed under the free entrance scheme.

The extension of gallery space will allow greater exposure of the collection of Scottish artists by tripling the available space. It will include more 20th century Scottish art, including the work of the colourists. It is right that the National Galleries of Scotland is exploring ways in which to give greater access to Scottish art. There is high-quality, significant work that could be enjoyed and studied by more people than is possible at present. It is also argued that the additional space will give more opportunities for conservation and research.

This will be the second time that the national gallery has extended its footprint. The Playfair project, which was completed in 2004, improved the entrance and environment of the gallery, which is one of Edinburgh's and Scotland's key attractions.

The land is common good land, as well as being subject to a statutory restriction that prohibits the development of permanent buildings within the gardens. There are good reasons for that and there must always be caution when the status of common good land is changed. Princes Street gardens are integral to Edinburgh and they must be protected.

There is a planning process, but the proposed developments appear to be sensitively designed. There is a case for improving the landscaping around the gallery and providing more connectivity between Princes Street with its new town and the Royal Mile with its old town. The current access is not ideal—the Playfair steps are not for everyone.

However, today is not about that debate but about enabling that debate to take place. I am pleased to recognise the progress of the committee and wish it well in its future work.

14:45

**Liz Smith (Mid Scotland and Fife) (Con):** I thank the committee and put on record the Conservatives' support for the principles of the bill.

Claire Baker mentioned that, 12 years ago, the Parliament passed the National Galleries of Scotland Act 2003, which sought to disapply the effect of section 22 of the schedule to the City of Edinburgh District Council Order Confirmation Act 1991 to a piece of land within Edinburgh's Princes Street gardens. That was for the Playfair project—a huge undertaking by the National Galleries of Scotland that transformed its presence on the Mound by integrating the magnificent national gallery and the renovated Royal Scottish Academy building. The success of that project is plain for all to see, in terms of the way in which it has enhanced the rich arts culture in the capital city for exactly the reasons that the cabinet secretary set out earlier.

Although I was not an MSP at that time, I remember those developments very well and it is a pleasure to speak in today's debate. The debate arises from the fact that the National Galleries of Scotland has lodged another private bill that I believe shows its commitment to continuing art, culture and education. It demonstrates NGS's ambitions to expand its collections to make a gallery fit for a modern capital city for many years to come.

The project has a number of impressive benefits, not least the fact that it will triple the size of the current gallery for Scottish art. It was interesting that, when Michael Clarke gave evidence to the committee, he mentioned similar projects that have been undertaken by galleries in other cities around the world, such as the £45 million refit of the Tate in London, the renovations to the American art galleries in the Metropolitan Museum of Art in New York, and the magnificent Musée d'Orsay in Paris. It is very fitting that another international city like Edinburgh should enjoy similar galleries for our national art.

If the expansion leads to a greater number of visitors—the cabinet secretary talked about the impressive progress that has been made on that—there will be huge financial benefit to the economy. That can bolster the ability to preserve and enhance not only the collections, but the galleries and all that they stand for, for future generations. Of course, the project has the additional benefits of ensuring that there is better access—including better disabled access—to the gardens and improving the landscape for that area.

Given the relatively tight timetable for the project—to start in 2017 and be completed by the autumn of 2018—and the fact that the consultation between the National Galleries of Scotland and the City of Edinburgh Council has been on-going for a considerable length of time, it is right that the bill encompasses all the relevant legal changes that are required for the project to proceed as quickly as possible.

Seeking a court order to make the change in the common good status of the land is absolutely right. I again state the Conservatives' support for that. Moreover, I understand why both the National Galleries of Scotland and the City of Edinburgh Council have explained why they were hesitant to attempt to amend the 1991 act, given that that could have had the unintended consequence of allowing further building works in the gardens. It is very important to balance the relevant merits of this project with the desire to keep the gardens as a valuable green space in the city centre.

I congratulate the National Galleries of Scotland and the City of Edinburgh Council on working together on a very significant project that will advance Scottish art in a way that was perhaps unimaginable some decades ago.

I thank the committee; I thank the cabinet secretary for her enthusiasm, too. I am sure that the project will be something that future generations will be very proud of in years to come.

**The Deputy Presiding Officer:** We move to the closing speeches, and I call—*[Interruption.]*

I beg your pardon. I call Jean Urquhart—forgive me, Ms Urquhart.

14:49

**Jean Urquhart (Highlands and Islands) (Ind):** I forgive you, Presiding Officer.

I am pleased to be part of the National Galleries of Scotland Bill Committee with Anne McTaggart and Fiona McLeod. My interest was aroused because of the words “common good land” and “National Galleries of Scotland”.

I hear all the things that have been said about the wonderful content of our national gallery, but there has been criticism for a long number of years from artists and others who have always felt that it has been a shame on us that people go in through the front door of a national gallery in the capital city of a country and the national art of that country is not immediately obvious to them. As others have highlighted, people have to go down two flights of stairs into a basement to see these wonderful works of art.

The development will make an enormous difference, and so it should. It will be a coming of age for our collection of Scottish art, which should—and, I hope, will—be seen. The same works will be there, although with the new entrance we might not see works displayed in the same rooms. I hope that the gallery will start to place far more emphasis on where people can find works by the Scottish painters. The fact that 20 per cent of visitors to the national gallery are not making their way to the gallery of Scottish works is not something to be proud of.

The proposals in the bill have many bonuses. As has been mentioned, a small part of Princes Street gardens will become part of the national gallery. That seems to me to be a move from common good to common good. Other benefits include improvements to the Playfair steps, which are in need of renovation for sure; improved disabled access; and a realignment of some of the grass. With those things, the area around that part of the gallery will look spectacular.

In the area that we are discussing, there is a memorial to the extraordinary role that Scots played in the Spanish civil war. Just as the Scottish art collection has been tucked away in the basement of our national gallery for too long, the memorial to the Spanish civil war and those who went from Scotland to fight in it, too, has been tucked away. It is not a huge memorial, but it will be given more prominence and shown to better effect in the new layout of the grounds.

I do not think that anyone has objected to this proposed move from common good to common good, with public land becoming part of the national gallery. I look forward to seeing the work when it is complete, and to seeing the gallery of work by Scotland's artists, the memorial to those who went to the Spanish civil war and indeed the Playfair steps renovated and renewed. The bill is in Scotland's interests.

**The Deputy Presiding Officer:** We move—at the second time of asking—to the closing speech from Fiona McLeod, on behalf of the committee.

14:53

**Fiona McLeod (Strathkelvin and Bearsden) (SNP):** I thank all the members who have taken part in the debate and highlighted the exciting opportunities that the bill presents for the Scottish national gallery. I also thank the cabinet secretary and others for highlighting the importance of the Scottish collection and explaining how the bill gives us the ability to present it to the public in a much more dramatic and pleasing fashion.

In closing the debate, I have to go into a lot of technicalities. As the convener mentioned in her opening speech, at the preliminary stage of a private bill, the committee has to look at whether there is a need for the bill and to satisfy itself on that point. I want to cover that so that it is on the record.

The committee explored three areas when it looked at the necessity for a private bill. We looked at the necessity to revoke the inalienable common good status of this small part of Princes Street gardens. We also looked at the prohibition on building permanent buildings in the gardens, outwith the types of building listed in the schedule to the City of Edinburgh District Council Order

Confirmation Act 1991. Finally, we looked at whether amending the 2003 act, the purpose of which was to facilitate the Playfair project, as Claire Baker mentioned, would have been a suitable vehicle to achieve what the promoter was looking for.

We took a lot of evidence on the revoking of inalienable common good status and we carefully examined and questioned the witnesses. The promoter chose the bill over going to court, which is the other way of changing the status of land from inalienable common good to alienable common good. It decided to do that for various reasons. The one that was compelling for us was to allow for a single authorisation process for this project.

That ties in with the second area that I wish to talk about: the 1991 act, which limits what can and cannot be built in Princes Street gardens. At the moment, the schedule to the 1991 act will not allow a museum or gallery extension to be built. The reason that the promoter and the council gave for not amending the 1991 act is that, as Liz Smith said, if they did, it would open the act up to a lot more amendment and could open up the gardens to more development. That is not what the promoter wanted to achieve with the bill.

We asked why the National Galleries of Scotland Act 2003, the purpose of which was to facilitate the Playfair project, could not be amended instead of another bill being introduced. The 2003 act could not deal with changing the status of the land in the gardens from inalienable common good to alienable common good, because disposal of land in the gardens was dealt with through the court process when the act was passed.

In my opening comments I said that we wanted to bring everything together in a single process that was open and transparent to the public. Our committee heard the evidence and is in agreement that the issue needs to be dealt with through a private bill, and therefore the bill should proceed.

## Fisheries Negotiations

### **The Deputy Presiding Officer (John Scott):**

The next item of business is the annual debate on fisheries negotiations. We will debate motion S4M-15031, in the name of Richard Lochhead, on sea fisheries and end-year negotiations.

14:58

### **The Cabinet Secretary for Rural Affairs, Food and Environment (Richard Lochhead):**

This year, of all years, feels particularly pivotal as we debate the annual fishing negotiations. At the end of the year, it is always useful to reflect on the past year and, of course, to look ahead to future opportunities and challenges. At the end of this year, as the next stage of the discard ban commences, we stand on the brink of what could be a generational change for the fishing industry in Scotland.

It is said that the only thing that is constant is change, and that is certainly true of the regulatory framework within which fishing and marine management take place. What has not changed, however, is the hard-wired significance of fishing to our country. Individual livelihoods and the social fabric of many coastal communities depend on the industry in all its varied forms.

As the year of food and drink reaches its conclusion, it is fitting that we celebrate the international success story of Scotland's seafood sector, which is the cornerstone of the incredible success of the wider food sector that we have all witnessed over the past few years. Scotland's fishermen and seafood businesses are playing a leading role in strengthening our reputation as a producer of world-class food and drink, making Scottish seafood—from shellfish to white fish and mackerel—a prize product across the world.

The opportunities are there. Fish now accounts for almost 17 per cent of the world population's protein intake, with per capita consumption of fish doubling from 10kg in the 1960s to more than 19kg today. Moreover, recently published statistics underline the economic importance of fishing to Scotland, with the value of landings up by nearly a fifth last year and revenues now worth more than half a billion pounds. As a nutritious, self-replenishing resource, seafood is and will be a key element of food security now and into the future.

Scotland is very blessed to have such a rich fishery on its doorstep. Our seas are the fourth largest of core European waters, and they make up more than 60 per cent of the United Kingdom's waters. On average, around 4 tonnes of fish is taken from each square nautical mile of Scottish water compared with an average of around 1 tonne of fish per square nautical mile throughout

the waters of the European Union. All of that underlines the importance of our role as custodians of what is a very precious resource. As we are borrowing that resource from not only our children but their children, we have a moral duty to manage it carefully and responsibly.

That is, of course, why this year's negotiations are so important—and the good news is that they look promising. The scientific advice on our fish stocks, particularly our white-fish stocks, paints a very positive picture. We can expect increases in no fewer than 10 of Scotland's top 15 white-fish stocks, which is great news and something that should be celebrated.

Of course, we have to take a moment to give credit to the Scottish fishing industry for the transformation in our fisheries, particularly the transformation in North Sea cod. As we all know very well, that fish used to be the altar on which the fishing industry's fortunes were sacrificed. How far we have come. As I reflect on my time as fisheries minister, a post that I have had the privilege of holding since 2007, I recall how, back then, we were struggling with the old common fisheries policy and cod stocks were at rock bottom. We had to endure big reductions in quota and cuts to days at sea under the cod recovery plan.

Despite that, the fleets redoubled their efforts to help cod stocks recover. They worked with Government to implement a system of real-time closures at sea to protect the growing stock, and they fished with more selective gears and for bigger fish to allow more juvenile fish to escape and reproduce. We also developed new innovative schemes such as the conservation credits scheme, under which we awarded more time at sea in return for avoiding cod. All of that hard work, commitment and creativity by our fishermen, working with Government, has now produced dramatic results. The North Sea cod stock is now more than three times its size in 2006, and that is reflected in the scientists' highest advised catch—now almost 50,000 tonnes—since 2002. The shift is truly momentous, and it is astonishing to think that North Sea cod is on a journey towards Marine Stewardship Council accreditation, something that was unthinkable less than a decade ago.

Given those positive developments, I find it ironic and sad that at this year's council we might once again have to spend energy on fighting the provisions of the dysfunctional cod recovery plan, which is still in place. When we achieved the freeze on days-at-sea cuts in 2012, the Commission and the European Parliament objected not so much to the freeze itself but to the procedure that the council used to achieve it. Earlier this week, the European Court of Justice

ruled against the council and annulled the 2012 regulation that gave effect to that effort freeze.

However, that is in the background, and we in this Parliament must not allow ourselves to worry about wrangles between the institutions in Brussels. We must focus on our national interest and the continuing success of our fishing communities.

**Tavish Scott (Shetland Islands) (LD):** On the cabinet secretary's comment about wrangles in Brussels, they sure do matter, as he well knows.

The cabinet secretary will be aware that next week crucial talks involving the Faroese are taking place in Copenhagen on access to mackerel. Will he outline his position on that to Parliament, given the importance of the issue to the Scottish and Shetland pelagic fleets?

**Richard Lochhead:** Tavish Scott has quite rightly highlighted the importance of those talks, and we will be ensuring that Scotland gets a fair and just deal on access and quota shares. At the same time, we have to take into account the implications for Scotland's white-fish sector, which will benefit from the talks as much as the other sectors.

On the cod recovery plan, which I was just referring to, it is good news that, even though it is still in place and is dysfunctional, member states and even the European Commission accept that it should be repealed. I call on the European Commission to bring forward a proposal to do so as soon as possible. I assure Parliament that, in the meantime, the Scottish Government will not implement any proposals for further cuts in days at sea.

Many other North Sea white-fish stocks are showing similarly encouraging trends, with healthy increases for haddock, monkfish and megrim. In the west, Rockall haddock and nephrops are also enjoying increased catch advice for 2016. Again, there are challenges in some of this year's science, including more difficult advice for North Sea nephrops, prawns, whiting and saithe. In the west, the fortunes of cod and whiting remain stubbornly intractable. However, we see some welcome increase in pelagic stocks, including of North Sea herring, sprats, Atlanto-Scandian herring and western horse mackerel.

**Jamie McGrigor (Highlands and Islands) (Con):** Will the cabinet secretary tell me the current position in the European Union-Norway talks on western herring?

**Richard Lochhead:** I am happy to update the member on that after the debate because, clearly, a number of interacting issues will be under negotiation in those talks. Western herring is a particular challenge this year, with zero catches

being recommended. As members can imagine, we have discussed that issue with the industry and will keep a close eye on it.

Even for mackerel and blue whiting, where the advice is also less positive than it has been in the past year or two, the mackerel advice remains the third highest since 2002.

Of course, none of the scientific advice has yet been translated into actual quota for 2016. That is what is now being negotiated. Last week, I met representatives of the Scottish industry to ensure that they understood their priorities and that we get our position correct as we go into the talks.

The EU-Norway talks began in Copenhagen a couple of weeks ago and should conclude tomorrow in Bergen. As usual, those talks are crucial for Scotland, accounting for more than 50 per cent of all our quota stock fishing opportunities. If all the scientific advice is followed at this year's negotiations, we anticipate that, for white fish, around £95 million-worth of quota will derive from the EU-Norway talks, compared with around £3 million-worth from the December council.

The EU-Norway talks set quota for some of our most important North Sea stocks whose management is shared with Norway, including cod, haddock, whiting, saithe and herring. They also establish mutual access arrangements and a range of quota swaps in each other's waters, which we can use to address some of the challenges that we face.

As we have just discussed, next week sees the start of the EU-Faroe talks, at which we will negotiate the terms of the agreement that provides quota and access opportunities that are worth around £2 million in Faroese waters for our white-fish fleet alone, as well as a refuge for many of our white-fish vessels from the restrictions of the cod recovery zone.

The week after sees the final push at the negotiations in Brussels. This year's talks are more complicated than usual because, for the first time ever, we are agreeing extra quota to account for fish that were previously discarded. The extra quota will apply to all stocks included in the discard ban next year and the increases are over and above those that I have already mentioned. The quota uplifts from the discard ban will help the fleet to adapt to the times ahead.

Although I very much understand the challenges that we face in implementing the discard ban in our waters, there is no doubt that, in the medium to longer term, the development will be a positive one for the industry. The wasteful practice of throwing perfectly good fish back into the sea, dead, makes no sense to anyone and benefits no one. In 2005, it was estimated that 7.3 million

tonnes of fish was discarded globally, which is the equivalent of 8 per cent of all catches. Based on the average per capita fish consumption in Scotland, the total amount of fish that was discarded in 2014 could feed an extra 2 million people. That is equivalent to, for instance, the population of Slovenia.

If we are serious about managing our natural resources, conserving fish stocks and playing a meaningful role in improving global food security, the discard ban is a no-brainer. The pelagic discard ban has been in place for nearly a year, with no significant issues. However, I do not doubt for a second that the demersal, or white-fish, ban which is being phased in from 1 January, will be much more complex, given the highly complex mixed fisheries that we have in our waters, with more than 15 quota species swimming together. I know that Scottish fishermen are concerned about how all of that will be delivered and about the impact on their businesses. I assure everyone that the challenge, although it is big, can be met if we work together. There are many areas in which we are pursuing a partnership approach and the Government is working closely with the industry. That approach is proving to be beneficial.

Most important, we listen to the industry and have worked hard with it through the regionalisation process to avoid a big bang approach in 2016. Instead, we will phase in the discard bans in a pragmatic and proportionate way over the next two years. The arrangements for 2016 are a sensible, pragmatic starting point. Having said that, we know that there is still a lot of work to do. From now until 2019, all the bans will be in place and there will be a process of evolution. It is vital that we build on the experience of this year and next year, because it will be more challenging to get the later years right. We will continue to keep in regular contact with skippers, the onshore sector and everyone else. We will have to adopt more selectivity, spatial measures and a smarter use of our quota, and businesses will have to change how they operate. We know that a one-size-fits-all approach will not succeed, so we must approach this carefully.

We have a discards steering group up and running, which is doing a lot of good work, and we will ensure that the European maritime and fisheries fund will be available to support the measures that will have to be adopted. We will continue to work with other EU member states to resolve any difficulties that arise over the next few years, particularly in relation to choke species, because, in the next fishery, there may be insufficient quota to cover catches of certain species, leaving our vessels unable to catch other quota species. We recognise that fishermen alone cannot fix that and that all countries will be required to work together. There is no point in one

country having unfished quota if another country has to stay in port because of the discard ban.

There is a lot to get on with but, as I said at the beginning of my speech, this is a pivotal year for Scotland's fishing communities and our fishing industry. We have the potential for a massive double benefit for Scotland's fishermen. We have rising quotas—an incredible number of our vital quotas will experience substantial increases for 2016—and, at the same time, there will be a reduction in the discarding of healthy fish in our waters, which will lead to additional benefits for fisheries and conservation and will leave more fish in the sea to breed for future generations.

I am proud to represent Scotland's fishermen and will ensure that Scotland's priorities are at the forefront of the minds of my UK counterparts at the forthcoming negotiations. We will work tirelessly in pursuit of their best interests.

I move,

That the Parliament notes the forthcoming annual fishing negotiations in Brussels and the ongoing negotiations with Norway on shared stocks; welcomes the recent scientific advice from the International Council for the Exploration of the Sea (ICES), which proposes increases to many of Scotland's key stocks, including North Sea cod, which is at its highest level in a decade; notes that 2016 will see the commencement of the discard ban for whitefish fisheries and that the outcome of the negotiations will be pivotal in supporting the fleet's implementation, and supports the Scottish Government in its efforts to achieve the best possible outcome for Scotland's fishermen, coastal communities and wider seafood sectors.

15:12

**Claudia Beamish (South Scotland) (Lab):** I am pleased to speak in the sea fisheries and end-of-year negotiations debate for the fourth year—I have been doing so not quite as long as the cabinet secretary. I thank the cabinet secretary for his detailed and comprehensive account of the range of species and for his forward look to the negotiations. We are able to support the Scottish Government's motion and the Tory amendment. We would have liked to support the Lib Dem amendment but, unfortunately, it uses the word "substantially" in relation to quota uplifts rather than the word "sustainably", so we are forced to abstain on that amendment.

At the time of the Paris summit, it is of grave concern that the world's oceans are not being discussed. I will take a step back from the negotiations and highlight some concerns about that.

In Scotland, we are, in some ways, ahead in focusing on marine climate change, with the national marine plan, its pilot regionalisation and the body of work that is being done across the sector. As members may be aware, in the first

report on policy and proposals there was a box on peatlands; now, there is substantial information about Scotland's commitment to peatlands. In RPP2, there was a box on blue carbon and reference to carbon sinks, and the progress that has been made is encouraging. I hope that, in RPP3, there will be a substantial amount on marine carbon sinks. I seek reassurance on that from the cabinet secretary in his closing remarks.

It is absolutely vital for the future that we focus on the twin concerns of monitoring and addressing the effects of climate change and taking the opportunities that we are increasingly learning about. We must make future commitments here, in Scotland. I will focus closely on marine climate change issues from two perspectives: changing fish stocks and fishing practices.

Research into the migratory pattern of the bluefin tuna cited by Blue Planet Society Marine Conservation says:

"The extent of bluefin distribution is limited by temperature, despite their advanced thermoregulatory capacity."

However, for the past four years, there have been increased sightings of bluefin tuna off Ireland and Scotland. The research is in its initial stages, but a possible cause that is being explored is that the warming ocean climate is allowing tuna to exploit waters that were too cold previously.

I also recently heard from Claire Nouvian, of Bloom, and Pete Ritchie, of the charity Nourish Scotland, who have shared some challenging research with me. It is a great relief that some fishing practices in other parts of the world and, indeed, in some European waters, do not take place in Scottish waters. One of those practices is deep-sea bottom trawling.

Research by Bloom has shown that deep-water marine life has a long life span, late-life sexual reproductivity, limited plant life for feeding and slow repopulation, and so is vulnerable to extinction from overfishing; that destruction can be discreet—indeed, it is less obvious on soft corals than it is on the closer inshore reefs that we have around Scotland; and that British deep-water fish sequester 1 to 2 million tonnes of carbon a year. Although the research is in its initial stages, I draw it to the attention of those in the chamber and seek reassurance from the cabinet secretary that deep-sea bottom trawling is, indeed, not happening around our Scottish waters.

The evidence shows the importance of building incrementally the research base in relation to marine ecosystems. Is funding secure for Marine Scotland? Are we sure that we are auditing what future skills base is needed? Are the links with academic research, which is so robust, strongly bonded and nurtured by the Scottish Government?

The evidence of the damage caused by deep-sea bottom fishing and the tentative findings of research into changes in the migratory patterns of bluefin tuna show the need for collaboration and funding. As all of us taking part in this debate are keenly aware, fish do not know the boundaries of territorial waters.

The stark reality of the film “The End of the Line”, which some members may know, and the repercussions of global overfishing of species are certainly not lost on anyone.

**Christian Allard (North East Scotland) (SNP):** We are five minutes into the member’s speech and I have not yet heard anything about the Scottish fishing industry or the end-of-year negotiations.

**Claudia Beamish:** As I made quite clear at the beginning of my speech, I intend to move to those topics. I am dealing with the global context in which we must all operate. I am quite surprised that the member felt it necessary to intervene on that basis.

International collaborations are essential, too. Will the cabinet secretary clarify whether the Scottish Government is contributing to any international or regional forums on marine climate change? Is it working with different countries either by itself or as part of the United Kingdom? If not, will he agree to investigate the possibilities of taking forward that imperative?

Scottish Labour is clear that sustainable development is the key to ensuring that Scottish waters are healthy waters. Through the fusing of the economic, the social and the environmental, we can contribute to the best possible outcomes for now and for the future. The challenges that that approach poses do not have simple answers, as the cabinet secretary has stressed. However, it is clear that through strong partnerships at all levels and a determination to work together, we are moving towards, as I would put it, a future positive.

Turning to the socioeconomic issues, I believe that the everyday challenges faced by those in the fishing industry are manifold. At sea, in rapidly changeable weather, they have to consider health and safety issues, and, just like any other business, they must keep accounts and make decisions on forward planning.

Fishermen often live in fragile coastal communities where there is the added complexity of the social structures as well as issues with what else underpins those communities—transport services, broadband access and broader infrastructure.

There are also the pressures on the processing industry and the threat to job security, not least because of the changing patterns of catches.

Development of the landing obligation is essential, as the cabinet secretary said, and as the motion and the amendments reflect.

I understand that the European maritime and fisheries fund is intended to have a broader scope than did past arrangements. Marine Scotland has said:

“It has a greater focus than before on measures which can support the management and protection of the marine environment.”

That is essential.

I welcome the landing obligation and its gradual implementation. It is a significant step in the enhancement and preservation of our seas as a sustainably bountiful resource. Scottish fishermen must be commended and thanked for their dedicated efforts in adapting to the pelagic discard ban so far this year. As we approach the next phase, the challenges are undeniable, and I wish the cabinet secretary success in negotiating the maximum sustainable catching opportunity, as hoped for by the Scottish Fishermen’s Federation.

My colleague Graeme Pearson will discuss further the implementation and monitoring of the obligation, but I call on the Scottish Government to commit to evaluating a cost-effective approach to monitoring and enforcement. I thank the SFF and the Scottish White Fish Producers Association for their ready information and guidance on the matter.

The industry, environmentalists and foodies alike will rejoice as cod hits the highest recommended catch level for 15 years, although I listened with concern to what the cabinet secretary said about the complications of the cod recovery plan. The picture on other species is mixed.

In our amendment, we highlight the need to support the implementation of the landing obligation. Will the cabinet secretary explain specifically how the EMFF will aid a smooth transition for the communities that need it most in that complex development? How widely will the fund and application process be promoted and advertised?

The cabinet secretary touched briefly on regionalisation. I wonder if he might say a little bit more about that in his closing speech. In previous years’ debates, it has been a large point of discussion and it would be helpful to hear something of an update on it, too.

I move amendment S4M-15031.3, to insert after first “stocks”:

“; believes that sustainable development should be at the heart of all marine and fisheries policies; further believes that sea fisheries must be managed holistically with a sustainable ecosystem approach that takes into account the marine biodiversity and climate change challenges that

Scotland faces to ensure healthy Scottish waters; supports the research and monitoring work of Marine Scotland and its partners, including the fishing industry, in developing scientific evidence for the implementation of the discard ban and for sustainable and profitable fisheries in the future; calls on the Scottish Government to ensure that this work is adequately funded; notes that the new European Maritime Fisheries Fund is designed to help fishermen in any transition period, support coastal communities in diversifying their economies and finance new coastal projects and encourages the widest possible consultation on its guidelines”.

15:21

**Jamie McGrigor (Highlands and Islands) (Con):** I thank all the organisations that provided briefings in advance of the debate.

I am pleased that many of the key fish stocks that are important to Scotland’s fishermen are in good health. Indeed, even a couple of years back, few of us would have believed that experts would now be saying that, within a decade, we will have Marine Stewardship Council-certified North Sea cod.

**Stewart Stevenson (Banffshire and Buchan Coast) (SNP):** Will Jamie McGrigor give way?

**Jamie McGrigor:** I will make a little bit of progress, if I may.

We must be clear that the recovery in cod and other fish stocks is down to the sacrifices of Scottish fishermen, who have done more for conservation measures in the past 10 years than any other fishing fleet in Europe.

On a personal note, I have been fisheries spokesman more often than not during four parliamentary sessions, and my recognition and respect for the calibre of Scottish fishermen, who face great dangers in bringing much-needed protein to the tables of our people, has done nothing but increase. I shall miss representing them as much as anything else that I have done.

Although there is some good news, I will run through the many issues and difficulties that our Scottish fishermen currently face.

The phased introduction of the discard ban in the demersal sector from 1 January next year, with the full ban to be in place by 2019, is a truly massive challenge. Last week at a briefing in the Parliament, Mike Park of the Scottish White Fish Producers Association described it as an approaching storm with the potential to go badly wrong, especially at the mid-point in the transition period. Ross Dougal of the Scottish Fishermen’s Federation, whom I saw today at the European and External Affairs Committee, described it as

“a potential economic disaster for the Scottish fleet and subsequently the onshore processing industry.”

The problems of choke species—I am referring to the point at which an individual vessel runs out of its lowest quota in the mix and has to stop fishing altogether—and how the landing obligation will cope with species with a zero total allowable catch are still to be addressed. All industry stakeholders agree that a quota uplift is crucial to allowing demersal fishermen to manage the move towards a discard ban. However, that in itself will simply not be enough. The Scottish Government needs to give the industry more support to fulfil the landing obligation, especially in small ports that have no nearby processing facilities.

My colleague Ian Duncan MEP has been at the forefront in arguing that case. He makes the point that, even at this late stage, funding should be made available, especially to smaller and remoter ports such as Mallaig, to help them to adapt to what will be a transformation in the way that demersal fishermen go about their business and the additional burdens of disposing of fish once it is shore side, which will include the storage and transportation of fish that cannot be sold. I think that there is £107 million in the European maritime and fisheries fund; perhaps some of it could be used for that.

I call on the Scottish Government to do everything in its power to ensure that there is a level playing field across all demersal fleets that fish in EU waters as regards compliance and monitoring, and I am pleased that WWF Scotland makes that point in its briefing for today’s debate. It would be unacceptable if our demersal fishermen were subject to extra monitoring controls while other fleets were not. Our fishermen must not be put at a competitive disadvantage.

In the pelagic sector—that is, the sector in which herring and mackerel are caught—I support Scotland’s mackerel fishermen and processors, who want a reduction in the current access arrangements for Faroese fishermen who catch mackerel in Scottish waters. In a recent report, Seafish found that the current arrangements are heavily skewed in favour of the Faroese, and Scottish pelagic fishermen and processors rightly want a more equitable agreement to be reached between the EU and the Faroes. Our processing sector is under real pressure, because the current arrangement allows the Faroese to catch more than £40 million-worth of very high-quality mackerel in Scottish waters. That mackerel is being sold into the same market as the mackerel from our own processors.

**Richard Lochhead:** I realise that there is some heated debate on that issue, but will Jamie McGrigor accept that Faroese access to Scottish waters was reduced from 42 per cent in 2010 to 30 per cent in 2015, and that it is extremely

important that we do not selectively quote different figures?

**Jamie McGrigor:** I suspect that that is the truth, but if we think about what the Faroese caught before 2005, we are talking about a huge impact on our industry.

Another key issue for the pelagic sector is the International Council for the Exploration of the Sea advice for a zero TAC for western herring. The Pelagic Advisory Council has proposed positive initial plans to rebuild that stock and improve the quality of the scientific data on it but, to do that, it needs a quota in order to be able to progress the scientific programme. That is a hugely important issue for pelagic fishermen, and I hope that the cabinet secretary will push for it at the December council.

I must again voice my support for the west coast fishermen who continue to campaign against the proposed marine protected areas on the west coast, or rather some of the effects that they might have. The fishermen have made it clear that although they are not opposed to MPAs in principle, the current proposals—which do not reflect agreements that they believe were reached in the consultations—are disproportionate and go beyond the protection of specific marine features that MPAs are designed to safeguard. I remain concerned about the potential impact of the MPAs on the livelihoods of individual west coast fishermen and the processors who depend on their catch.

There are also real safety issues, for example in relation to the MPAs in the small isles and Wester Ross, where small mobile nephrops trawlers still operate and where cutting off areas that have hitherto been fished could lead to fishermen having to work in more dangerous waters, could increase pressure on other grounds and could eventually result in fishermen tying up their boats altogether. None of those options is attractive.

I continue to urge the cabinet secretary to take on board fishermen's concerns. Many fragile communities up and down the west coast are dependent on those local fishing jobs and the associated income.

I move amendment S4M-15031.1, to insert after "implementation":

"; further notes the significant concerns of fishing industry leaders about the impact of this discard ban on the demersal sector and urges the Scottish Government to consider giving additional support to the sector to help it meet the challenges of the obligation as it is phased in over the next three years".

15:29

**Tavish Scott (Shetland Islands) (LD):** If that was Jamie McGrigor's last speech in Parliament

on fisheries, we will all miss his contributions. Richard Lochhead might remember the sketches that Rab McNeil, then of *The Scotsman*, used to write about fisheries debates, right back to the early days. Jamie McGrigor will certainly remember them, as will John Scott. If I remember rightly, Mr McGrigor used to be called Mr Prawn in those sketches, which was an outrageous slur on his character. He has been a doughty fighter for the industry over the years, regardless of who has occupied the cabinet secretary's seat in the annual debate.

There are a couple of broad questions that I would like to address this afternoon. The first concerns the importance of fishing to fishing communities in the islands, on the west coast and, as we have just heard, in the north-east—the cabinet secretary's part of Scotland. It is important not only to the skippers and the men on the boats, but to those who work in the shore-side businesses—whose issues do not always get the same airing—and the men and women who run haulage businesses across Scotland and provide logistics support. They all contribute to the wider economic impact, and therefore the social impact, of an enormously important Scottish industry. It is occasionally right, in debates on fishing, that we ask whether the powers that be in Europe understand that.

The acid test, as the industry now sees it—and I share the view—is how any country will implement the discard ban. If countries get it wrong, those that currently have a white-fish industry will not have one in the future.

Angus MacDonald organised a very good parliamentary meeting last week, for which I am grateful to him. Mike Park—who has already been mentioned—said in that discussion that the discard ban regulations that were drawn up by the European Commission were the worst piece of law ever written in Brussels. To be honest, thinking about legislation over the years, I could probably come up with a few other examples.

Mr Lochhead mentioned the cod recovery plan—that was a pretty appalling piece of drafting, too, but no matter: the cabinet secretary made a serious point, and that concern is mirrored by the Scottish Fishermen's Federation, the Shetland Fishermen's Association and any skipper or fisherman whom we care to meet. It is important that we reflect on the industry's concerns in that respect.

**Stewart Stevenson:** Tavish Scott referred to the Scottish Fishermen's Federation's concerns. Is he aware of any briefing from the SFF? As yet, I have had zero contact on the subject from the organisation, and I know that some colleagues are in exactly the same position. I use this opportunity

to urge the SFF to engage with members, which it is clearly not doing at present.

**Tavish Scott:** All that I can say to Mr Stevenson is that I phoned up Bertie Armstrong, and I went to meet the Shetland Fishermen's Association. I assume that a member such as Stewart Stevenson, who, as a former minister, is very familiar with the industry, is quite capable of running along to the SFF's offices in Aberdeen and meeting its members.

**Stewart Stevenson:** They will not give me meetings.

**The Deputy Presiding Officer (Elaine Smith):** Order, please.

**Tavish Scott:** It is up to Mr Stevenson how he engages with the industry; I certainly do not have any problems on that front. I regularly speak to Bertie Armstrong, who does an admirable job of representing fishermen across Scotland.

Fisheries management should not be an ideological crusade: it either works or it does not. As other members—including the cabinet secretary—have pointed out, for European policy to stop any fish being thrown over the side of a vessel, it must work in a practical sense. It can work where there is no by-catch—for example, mackerel and herring shoal, so they will be caught without other species—but the basis of Scotland's North Sea and west coast white-fish fishery is that boats catch many more than one species at one time.

Can an EU-wide discard ban work in a mixed white-fish fishery? That is why my amendment highlights the importance of not only 2016 but the next three years in getting the implementation right. The interpretation of the regulations must be sensitive and appropriate, and it must work. As the cabinet secretary recognised, the industry has highlighted the danger of choke species, but if Government gets that interpretation wrong, ministers will face the unenviable task of having the fleet tied up because of the lack of just one species in a mixed fishery. That is the reality of the discard ban. Beneath the rhetoric and language about how wonderful it all might be is the reality of what such a ban could mean.

At the EU December council, quotas for the stocks affected in 2016—principally haddock and prawns—must be large enough to cope with the discard ban. That is why I use the word “substantially” in my motion, and I cannot see why anyone would be against that. Indeed, the cabinet secretary will, in winding up, probably point—rightly—to the increases that there will be for a number of those species: they are very large indeed, which is helpful. There we are—that is the reality.

The other point that I wish to raise with the cabinet secretary is that Shetland's fleet—and it will not be alone—will catch only two thirds of this year's haddock quota. The fleet is worried, as I know Scottish buyers and processors across the country are, by a glut on the market and a collapse in price. That is, as usual, the dichotomy that that market faces.

As Mr McGrigor said, Scotland must not get ahead of itself on implementing the discard ban. No other EU fishing nation will be doing that. Fishermen from the Baltic to the Mediterranean are as worried as our fishermen are about how the ban will work in practice. The cabinet secretary was right to say that a discard ban must be implemented consistently, and with enforcement and compliance, across EU waters.

I bow to Graeme Pearson's knowledge about enforcement and compliance. However, I hope that he would take the point that we cannot have circumstances in which, while our boats are enforced in a certain way, our fishermen see a Spanish, French or Dutch trawler steaming by without experiencing the same level of enforcement or compliance. The outrage felt by our fishermen about the actions of the Faroese pelagic fleet in Scottish waters or, indeed, about Spanish gill netters and their aggressive behaviour west of Shetland should be warning enough. I have raised the matter of the Spanish gill netters with the cabinet secretary and I am grateful for his responses. Between 2016 and 2019, the discard ban must be fair, seen to be fair and fairly monitored.

As the cabinet secretary said, the omens are reasonable, indeed positive, for Christmas. That is good news for all and I strongly welcome it. Next week's negotiations in Copenhagen on access to mackerel quota are important to the industry. Ian Gatt from the pelagic industry said today that the industry is looking to demand an urgent rethink of the political deal that allows the Faroes to catch a third of its mackerel quota—40,000 tonnes—in EU waters. I am grateful to the cabinet secretary for recognising that point and being prepared to make that case. He is right that our white-fish industry benefits from some counterbalance to that, but that is a small part of it. There are not many boats from Lerwick steaming up to Faroese waters, yet we see Faroese white-fish and pelagic boats in Scottish waters. I am sure that the cabinet secretary and his officials will seek to achieve that balance.

I have two final points. The first is on investment in fisheries science. I appreciate that the cabinet secretary is strong on the need for stock-deficient species to have the right scientific support. I hope that he wins the internal funding battles on the

spending review that are no doubt going on and ensures that fisheries science is maintained.

My final point is that the cabinet secretary must ensure that, in the quota consultation, which is ongoing, he makes the right decisions, conscious of the unknown consequences of the discard ban and how important it is for the Scottish white-fish industry to have flexibility, certainty and, crucially, banking confidence in the decisions that it makes over quota swaps, quota leasing and quota purchase. I suggest to the cabinet secretary that he might wish to be pretty cautious of any change in that area that would be damaging to our industry at this time of incredible uncertainty, which has been caused by the introduction of the European discard ban.

Those are important matters. We wish the cabinet secretary well in his deliberations and negotiations, and we all hope that he comes back with a deal that will help the Scottish industry in 2016.

I move amendment S4M-15031.2, to insert at end:

“; believes that the December 2015 EU Fisheries Council must ensure that quota allocations for species covered by the introduction of the discard ban in 2016 must increase substantially; notes the widespread concerns of the Scottish industry and processing sector regarding the difficulties of introducing a discard ban in a mixed whitefish fishery governed by quotas and relative stability; notes the importance of Marine Scotland applying enforcement and compliance regimes that are consistent for all EU vessels in Scottish fishing waters; expects the Scottish Government to avoid the gold-plating of regulations imposed on the Scottish fleet that would create both an uneven playing field and increase financial risk to the Scottish industry, and recognises that data-deficient fish stocks should be the subject of scientific research and not arbitrary quota changes”.

15:38

**Angus MacDonald (Falkirk East) (SNP):** It is that time of year again when we get that feeling of déjà vu and are back once more at the fishing negotiations debate. Every year, the UK fisheries negotiations in the EU are watched closely by fishermen throughout the country, as policy develops that will, ultimately, govern their livelihoods.

Sweeping regulations, such as the landing obligation and the TAC quotas, are handed down from Brussels to our Scottish shores, where they directly affect the business of our Scottish vessels and fishermen, which has knock-on effects on our processing and haulage sectors. However, as we heard from the cabinet secretary, there is a much more positive outlook this year—not least due to the large increase in cod stocks and the forthcoming rising quotas.

Scotland's relationship with the European Commission's directorate-general for maritime affairs and fisheries has, of course, been complex over the years. However, the healthy relationship that reflects Scotland's prominent role in North Sea and north Atlantic fisheries is welcome.

Just last month, the Commission rightly sympathised with British and Irish fishermen when it abandoned a proposal to adopt a blanket drift-net ban. The ban, which was an attempt to address abusive large-scale practices in the Mediterranean, would have jeopardised the livelihood of thousands of small-scale fishermen in Scotland and around the UK, where drift-net fishing is practiced responsibly on a seasonal basis. By opting instead for regional regulation, the Commission allowed for greater flexibility. Issues that are unique to different fisheries and environments can be appropriately addressed. It is an approach that should be extended to other areas of policy.

The European Commission's landing obligation, which began this year with pelagic fisheries and will be phased in to all TAC species by 2019, is an example of a blanket approach that has had negative ramifications beyond the immediate good that the policy intended. The discards ban, which will be fully implemented by 2019, will mean that all fishermen in EU waters will be banned from discarding any or all of their catch. In an attempt to remedy the shortcomings of the TAC quota system, which perversely incentivised fishermen to discard species, the European Commission has enacted another policy that has its own set of adverse consequences.

Just last week I was delighted to host and chair a WWF briefing on implementing the discards ban in Scotland. I was pleased that the cabinet secretary was able to attend the briefing, which touched on the well-intentioned attempt to curb wasteful practices as well as on the adverse consequences that will be associated with the ban's implementation.

The motivation behind the total allowable catch quota system was, rightly, the need to ensure the sustainability of our fisheries, but in an effort to comply with the legislation, fishermen discarded catches that violated the quota. Discarding occurred for a variety of reasons, of which we are all aware.

The central issue is that the Commission did not address the incentives to discard. It has tackled the symptom—discarding—instead of the core problems that are caused by its own TAC quota policy.

However, we are where we are, and the Scottish Government and Marine Scotland have produced guidance for fishermen on disposing of

undersized catches, which will now have to be landed, as well as on managing quota and effort under the landing obligation.

The TAC quota, coupled with the discards ban, leaves fishermen in a difficult scenario as they try to meet the obligations that are imposed by the two policies. In particular, the emergence of choke species will inhibit fishermen in their efforts to meet their quotas on certain species while avoiding exceeding their quota on others. Scottish fishermen operate in a mixed fishery in which multiple species of fish overlap in a single area, so bycatch becomes an issue as fishermen seek one species but unintentionally trap others in their catch. The North Sea Advisory Council said that

“Choke species may have a strong negative effect upon fishing businesses. Potentially large quantities of quota could remain uncaught”

and that

“choke species pose a threat to the economic viability of fishing businesses”.

Even if we use various policy instruments, such as quota uplift, de minimis discard allowances, interspecies flexibility and survivability exemptions, it will be difficult to mitigate the negative effects on revenue of unfilled quotas. We will have to wait and see.

The other problem that the landing obligation poses relates to compliance and enforcement. Traditional methods of enforcement are limited: they deter non-compliance only when they are in the vicinity of the vessel, which encompasses only a small percentage of a vessel's fishing effort, or they rely on self-reporting. A recent WWF report asserted that remote electronic monitoring coupled with closed-circuit television would be the most efficient means of monitoring compliance; it would provide a continuous monitoring presence and high-quality evidence. It would also be economically viable, compared with traditional methods.

However, it will be unfair to subject Scottish fishermen to such an intense level of monitoring if boats from other nations are not subject to the same measures, as Tavish Scott said. In the interests of having a level playing field, monitoring and enforcement legislation must be as universal as the discard ban that necessitates such laws. Mike Park raised that issue last week.

Scottish fishermen should be commended for their proactive approach to reducing discards and pursuing sustainability. Many have adopted more selective gear to reduce bycatch, and strategies such as spatial management and seasonal closures have been employed to ensure sustainable stocks.

Time is running out, as always. I wish the cabinet secretary and Scottish Government officials well in the upcoming negotiations in Brussels. The recommendations from ICES, which proposed increases in many of Scotland's key stocks, are encouraging and we expect other nations that will be present at the negotiations to share the view that sustainable fisheries are desirable, in accordance with the scientific recommendations.

Given that Scotland lands 80 per cent of the fish that are caught in British waters, and given that Europe's longest-serving fisheries minister is our very own Richard Lochhead, I hope that Westminster will see the good logic of allowing Scotland to lead the UK voice in the upcoming negotiations. The situation last year, when the unelected Lord Rupert Ponsonby, seventh Baron de Mauley, represented the UK Government in a crucial discussion about fish discards, was totally unacceptable.

I wish the cabinet secretary and his officials well.

15:44

**Graeme Pearson (South Scotland) (Lab):** It is pleasing to hear the cabinet secretary comment on the many positive developments in this area of activity.

In reply to Stewart Stevenson's observations about the Scottish Fishermen's Federation, as a novice, I have to say that I made contact with Bertie Armstrong, who is in Bergen representing the federation. He has during these past days been very generous with advice and the briefing that he has given me for our debate.

In his introduction, the cabinet secretary indicated that the fishing industry is worth about £500 million per annum to the Scottish economy. In the region of 5,000 people rely on the industry for their employment. Fishing fields around Scotland are acknowledged as being among the best in the world. The fish that are caught in those fields are acknowledged to be healthy and tasty, and thereby create demand for the future. Catches from our seas are devoured by people across Europe and further afield. Tavish Scott made some good points about the importance of the industry not only to the communities that he represents, but to the entire population of Scotland.

The debate therefore provides an opportunity for Parliament to feed into the discussions about the future development of a vital element of Scotland's national interest. It is also an opportunity to thank all those who are involved in the fishing industry—in particular, those who risk their lives to provide the fish that we eat.

The new options for policy that we debate today seem by implication to acknowledge two vital issues. One is the comprehensive difficulty that the cabinet secretary and others face in balancing the competing needs that have been expressed across the chamber this afternoon. The second is probably the more important element. The development of operational guidance based on the regulations that emanate from the agreed common fisheries policy will necessarily rely on the goodwill of everyone in the Scottish industry.

I am grateful for the various briefings that I received before today's debate, particularly that from WWF, and for my conversations with the SFF. From speaking to Bertie Armstrong, it is apparent that Scottish fishermen—it is exclusively men who operate in the seas from Scottish harbours at the moment—want to ensure that their industry maintains good health and contributes to the environmental wellbeing of our seas.

Enforcement of the regulations that emanate from the common fisheries policy, especially in relation to discards and catches, will be the responsibility of Marine Scotland, which will ensure compliance. Although I am advised that additional resources would always be welcomed by the department, Marine Scotland is highly thought of across the industry.

Additionally, the introduction of the technical surveillance that has been mentioned by members around the chamber is a vital part of monitoring how catches are achieved across our seas. However, it would be wrong to overburden our fleets with surveillance when they are economically disadvantaged and in competition with other fleets across Europe. In that connection, The Commission must ensure that its approach is standard across Europe, and that fishing fleets from every nation respect and reflect the efforts that have been made in Europe's name.

When the efforts of those who are involved in the industry fail, we will see the development of illegal practices such as the unfortunate recent black fish scandals that have resulted in criminal prosecutions, or our fleets being disadvantaged as they try to maintain their respect for the regulations that have been put in place.

Our efforts to get things right and practical are therefore important. Behind that, the essential co-operation of all those involved in environmental protection and the industry is absolutely at the kernel of taking things forward. Other members are more directly involved in such issues and have spoken with wisdom about the specific needs that arise in protecting the environment.

I have been advised that Scotland's voice plays an influential part in the development of the European common fisheries policy. We have the

inshore fisheries groups, the inshore fisheries management and conservation group, the fisheries management and conservation group and the Scottish discard steering group, all of which feed in with the knowledge of what is required for the future. I can only hope that the cabinet secretary will continue to listen to the advice that he receives from across the industry, and that he will reflect that knowledge to ensure that Scotland not only maintains an economically viable industry, but protects our environment for children in the future.

15:51

**Christian Allard (North East Scotland) (SNP):**

I remind members that I worked for 30 years in the Scottish fishing industry before I started in a new career as an MSP, which has a lot fewer challenges and is a lot less dangerous. I hope that we can all agree on that.

I am honoured to have represented the many fishing communities in the north-east since May 2013. We in Parliament do not always give credit, or as much credit, as we could to an industry that has served Scotland for so long. Let us take an example. Today and for many weeks, we have heard about the desperate state of our steel industry and the 400 jobs that are at risk in communities in Motherwell and Cambuslang. We have heard a lot about the iconic steel industry, but I have still to hear a contribution in this debate about the fishing industry being an iconic industry for Scotland. More than 600 jobs are at risk across only one small community in the north-east—in Fraserburgh.

Two years ago, in the Government's annual sea fisheries and end-year negotiations debate, I called for more common sense and flexibility in dealing with discards of spurdogs. Last year, I made a similar call to address the problem of closures of the skate and ray fisheries in the north-east and west of Scotland. There will be a lot more by-catch landing of those species next year. I know that the cabinet secretary has worked hard to help the commercialisation of by-catch in the past few years. I ask him to redouble his efforts in ensuring that that fantastic food is not wasted any longer.

Food waste is our next biggest challenge. Let us start here; let us not wait for some television chef to ask consumers to choose imported food instead of our locally produced seafood. This year, we are celebrating the increase of many of Scotland's key stocks, including North Sea cod, which is at its highest level in a decade. Although skippers have known about that for a decade, it took us a long time in Parliament to acknowledge the fact that there are many more fish in our seas. That is thanks to the hard work of our fishermen, the

resilience of our fish processors and the actions of the cabinet secretary, who is the most experienced fishing minister in the EU.

The Smith commission was very clear when it said that Scottish Government representation of the UK to the European Union can be achieved by

“presuming that a devolved administration Minister can speak on behalf of the UK at a meeting of the Council of Ministers according to an agreed UK negotiating line where the devolved administration Minister holds the predominant policy interest across the UK and where the relevant lead UK Government Minister is unable to attend all or part of a meeting.”

There should be no more lords representing the Scottish fishing industry. However, I would wait before celebrating. Time will tell whether the voice of the most experienced fishing minister in Europe can be discarded and replaced by that of an unelected lord with no previous experience in fishing whatsoever. The most appropriate person must always take the chair and speak.

The future is bright for the industry, and 2016 will prove to be a milestone for Scottish fishing, with the launch of the ban on discards for white fish and prawn stocks. The discard ban is indeed a no-brainer. It is a challenge in our waters, with mixed fisheries, and it is also a fantastic opportunity for our fishermen and fish processors to increase the Scottish-fish share of the seafood market both at home and abroad.

I agree with the cabinet secretary that we must focus all our efforts on our national interest and on the continuing success of our Scottish fishing communities. Like Stewart Stevenson, I did not receive briefings for the debate from many of the organisations from which I usually get them; for example, I got a briefing last year from the Scottish Pelagic Processors Association, but not this year. However, I met Ian Gatt and Ian McFadden from the SPPA a few weeks ago and I congratulated them on how the pelagic sector—fishermen and processors—worked to tackle successfully the discard ban that was in force in January, and the Russian food embargo.

The Scottish Fishermen’s Federation must be delighted with the work of the cabinet secretary, because I did not get a briefing from it, either. I know that some other members said that they asked for a briefing and got one. However, I am not in the habit of disturbing Mr Bertie Armstrong when he is on his way to travel the world. I would have thought that the SFF, with the amount of funding that it has—funding which matches that of a lot of non-governmental organisations—could just send that briefing to everybody. It would be much easier for us and it would make life a lot easier for the SFF, too. Perhaps we can take that proposal to Bertie Armstrong and Ross Dougal.

The WWF has provided a briefing—it always does—but I will not talk about it. Usually, I let Labour talk about the WWF, but as Jamie McGrigor was ready to be the voice of the WWF today, I let the Tories talk about it.

I share the cabinet secretary’s frustration that the UK Government has thus far denied Scotland a say over the seafood levy-raising powers of Seafish. He is right—that was one of the key recommendations of the Smith commission. The UK Government must reconsider. Full devolution of seafood levies has to happen now; if not, Seafish may have no future in Scotland. I am delighted that the Devolution (Further Powers) Committee made that point in this Parliament in May. The committee report added that it is important that Scotland has the ability to introduce an EU-recognised “Made in Scotland” label; it is an important label.

I heard something about the haulage industry from a couple of members—Tavish Scott and Angus MacDonald—so I remind the cabinet secretary of the problem at Calais. I urge the cabinet secretary to stop in Calais on his way to Brussels and to support our haulage drivers who get stuck there from time to time.

**The Deputy Presiding Officer:** You must close, please.

**Christian Allard:** In conclusion, I would like to make a call to people in the gallery and across Scotland: we must all put pressure like never before on our retailers to put Scottish fish on their shelves.

If food waste is on the agenda for the UK media in 2016, let us welcome the ending of discards. There must be an opportunity to commercialise both at home and abroad the extra landings—especially of by-catch species. Buy and eat Scottish fish—that is my message to consumers. Ask retailers to put Scottish fish on the menu.

**The Deputy Presiding Officer:** Thank you. I must ask members to keep to six minutes or just over. I do not have an awful lot of time in hand.

15:58

**Margaret McDougall (West Scotland) (Lab):** As I always do at the start of debates on our fishing industry, I pay tribute to all of Scotland’s fishermen, who risk their lives daily in braving the conditions of the sea to bring us high-quality fresh fish. However, the seas are not the only challenges that our fishermen face; recently, there have been the challenges of the struggling economic climate and the need to find new and emerging markets because of the Russian trade sanctions.

In 2013, Russia took 18 per cent of the UK total mackerel export market. Since the sanctions, Nigeria has become the biggest export market—it took 20 per cent of the UK mackerel market in 2014. There has also been significant growth in markets in the Netherlands and China. I am delighted that, despite tough times, our fishing industry has managed to adapt and survive.

While I am on the topic of mackerel, and having raised the issue in previous debates on fishing, I say that I am happy to hear that the mackerel dispute—it was about the overfishing of mackerel stock by Iceland and the Faroes and it led to a proposed decrease in the total allowable catch for Scottish fishermen—has finally been resolved. Talks between the EU, Norway and the Faroe Islands reached a solution when a 15 per cent reduction in mackerel quotas was agreed. In practice, this means that the TAC will be 10 per cent higher in 2016 than it was five years ago. That is good news, as mackerel is still Scotland's most valuable fish and is expected to be worth £130 million in 2016.

Larger quotas for mackerel and other fish stocks are clearly good news for our fishing industry. However, we must strike the right balance between economic growth in the sector and sustainability. Developing sustainable fisheries is essential not only to the Scottish fishing industry's future but to protecting our fragile fishing and coastal communities, the wider seafood sector and our seas.

Creating a fully sustainable fishing industry is no easy task, but we are making progress. Just over 50 per cent of North Sea fishing stock is being sustainably managed, but in my area—the west of Scotland—progress has not been so healthy, because there has been overfishing of small fish. That is disappointing, as the west of Scotland used to be one of Scotland's most productive fishing areas.

It is clear that, while some progress is being made, we still have a long way to go. I suggest that the situation could be tackled by implementing the discard ban effectively, fishing at sustainable levels and helping to deliver a good environmental status, while retaining a profitable and sustainable fishing industry.

Quotas and the discard ban, which is due to be phased in from 2016, will go some way to help. However, before the ban is brought in, I suggest that the Scottish Government listens to the calls from WWF, which asks all parties to develop a strategy for the implementation and cost-effective monitoring of the discard ban. We need more hard data on our fishing industry and we should ensure that proper monitoring is introduced not only for the discard ban but for quotas.

**Christian Allard:** Will the member take an intervention?

**Margaret McDougall:** I am happy to take a short intervention.

**Christian Allard:** Thank you. I pointed out to WWF last week that it would be of benefit if it, as a worldwide organisation, pushed other countries to have the same kind of restrictions in their fisheries as we have in Scotland.

**Margaret McDougall:** I absolutely agree that the discard ban must be Europe wide. If we get it right, WWF estimates that the ban could prevent 25,000 tonnes of fish from being thrown back into the sea in Scotland alone. However, if we do not get it right, it will carry additional risks and create further problems for Scottish fishermen.

Some Scottish vessels have adopted selective measures to minimise unwanted catches, but many still have not been able to do so. With that in mind, does the Scottish Government envisage the new European maritime and fisheries fund being sufficient to support the transition where needed?

I am curious to know whether the Scottish Government has carried out any assessment of the use of remote electronic monitoring to monitor the discard ban. WWF's research indicated that that would be the easiest and most cost-effective way to monitor discards, gather data and promote best practice but, for it to be fully effective, it would have to be adopted across the EU rather than just in Scotland or the UK, as many have mentioned.

Effective monitoring and better data collection will allow us to take an informed scientific approach and will also increase the openness and transparency of our industry. However, to be able to adopt fully evidence-based decisions, we need to consider spending more on marine research. Funding for research is vital to support our sustainable goals, whether it be through Marine Scotland, NGOs or working with Scottish fishermen. In addition, further research will allow our sector to be more adaptable and flexible, so that it can react better to the changing environment.

I welcome the progress that has been made so far. I am pleased that the mackerel dispute has finally been resolved, that quotas are increasing through good management and that we have managed to break into new and emerging markets. Beyond that, we need to get better at monitoring and data collection and to ensure that Scottish fishermen are ready to meet the requirements of the discard ban. We must keep up the momentum and start planning now for the future, to ensure that the industry remains profitable, sustainable and mindful of biodiversity.

**The Deputy Presiding Officer:** I now have to ask members to keep to their six minutes, please.

16:05

**Stewart Stevenson (Banffshire and Buchan Coast) (SNP):** It is fair to say that our attachment to the fishing industry is in part emotional. The occupation of being a fisherman, besides its biblical connections, is one of the earliest identified occupations that the human race got itself involved in. Today, the fishing industry survives as one of the last hunter-gatherer industries, so it speaks to something quite deep.

That places special obligations, responsibilities, duties and difficulties in the way of the successful prosecution of the trade, because the stock is much less managed than sheep or cows on a farm or crops that are sown. Our fishermen are absolutely to be commended for the way in which they have risen to the challenge of stock management, often in the face of total misunderstandings of science and totally ineffective and uninterpretable regulation. Nonetheless, our fishermen have found a way to rebuild an industry. Stocks of cod are at three times their level in the relatively recent past, and this valuable stock is exploited.

I cannot speak in a fisheries debate without referring to the estimable Jamie McGrigor. When I first spoke in a fishing debate, in June 2001—a single day after I was sworn in to this Parliament—he was there. He was not alone—others were there, although I think from looking round the chamber that he might be the only member here who was in the Parliament at that time. Even though I seldom find myself agreeing with everything that he says, I always listen to him with close attention, if only to know what the contrary arguments are.

If I may speak directly to Jamie rather than through the chair, I say to him, on behalf of myself and I suspect many others, “We shall miss you, Jamie, for your wit, your humour and your engagement in this important issue.” I hope that his successor is not nearly so successful on the Tory benches as he has been, but that is a political comment.

It is worth expanding that point and saying that the fact that members might be in different political parties does not mean that we cannot make common cause and have friendships. I get on extremely well with the fisherman who stood against me for the Conservative cause at the 2011 election in Banffshire and Buchan Coast. We have secret assignations under cover of darkness, when I manage to get most of the cod roe that he has landed, because that is absolutely my

favourite food from our sea. I am going to work to keep that relationship going well.

We have an issue not just in catching fish and the regimes that surround that but in fish consumption levels, which are pretty static. We have not seen much increase in fish consumption, despite the fact that our processing and catching industries continue to grow and become a more valuable component of our economy. We have to address that issue. In other debates and other places, we have referred to the UK body Seafish, which we have to keep an eye on.

When I was a minister, I was tangentially involved in marine protected areas. For east coast fishermen, those areas do not seem to have been the issue that they have been for the west coast and small communities. To be frank, I would welcome more targeted and specific information about that.

Speaking about information, I last met Roddy McColl, the secretary of the Fishermen's Association Ltd, on a train, when we had an excellent discussion. I am obliged to FAL for the 16-page newsletter that arrived in my inbox this week, which covers a wide range of subjects. I will not pretend that I agree with every word in FAL's newsletter, but that will not come as news to FAL, to Roddy McColl, to my constituent Tom Hay or to others.

Some very good things are in the newsletter. In particular, it draws attention to the imminent prospect of our cod stocks being awarded MSC status. That is a huge step forward that will rebuild consumer attitudes to North Sea cod that is caught by our fishermen. Much of the comment about lack of sustainability has been ill informed and inappropriate, so I hope that MSC status is awarded in early course.

Fishing does not stand alone. When the fleet shrank, we saw butchers closing in rural Banffshire, because they had been supplying food to boats. Such effects are replicated across a whole economic ecology that depends on sea fishing. When we stopped dumping sewage at sea, we saw a reduction in seabird populations. I hope that we monitor what happens when there is a reduction in the dumping of fish in the sea.

If the SFF wants to meet me, it should give me an invitation. I am entirely happy to meet it. We can kiss and make up any time it likes.

16:11

**Roderick Campbell (North East Fife) (SNP):** It is always a difficult task to follow Stewart Stevenson, but I will do my best. I speak with some expectation but also with some apprehension about 2016, which will be an

important year for the Scottish fishing industry. All who are involved are tentatively looking forward to January, when the long-awaited discard ban for white fish and shellfish—prawns in particular—is due to come in.

It is worth remembering that fish conservation is reserved to the EU and does not feature in the UK Government's current renegotiating agenda. At this morning's European and External Relations Committee meeting, we heard from Ross Dougal of the Scottish Fishermen's Federation. He said that, if the UK or Scotland left the EU, that might add complexity to negotiations about the North Sea, but there would likely be continued regard to the advice of the International Council for the Exploration of the Sea, which is an important body.

There are positives. The scientific community is advising us that stocks are on the increase and, with fishing revenues that are worth more than £500 million, there is certainly much to celebrate. Haddock is set to increase by at least 30 per cent and monkfish is due to rise by 20 per cent, which is good news indeed. In addition, the mackerel agreement that was reached in October, which allows the total allowable catch for 2016 to be 10 per cent higher than the figure five years ago, is a plus. At the discards briefing meeting that was held last week, which was referred to earlier, my feeling was of an increasingly optimistic outlook. However, much reference was made to the need for a level playing field, which is required for our fleet's continued success and prosperity.

In its briefing, WWF acknowledged that the implementation of the discard ban represents one of the biggest operational shifts in European fisheries and that Governments and stakeholders need new approaches to fisheries management in order to incentivise behaviour that brings social, economic and environmental benefits. Innovation will be a key aspect of achieving that.

Intelligent measures are required. Technological electronic means such as sensors appear to be the most effective way to ensure that quotas are adhered to. There is the risk that discarding could continue illicitly because of various pressures, which would result in unaccounted-for mortality. WWF believes that remote electronic monitoring with cameras and sensors is the most effective means of assessing how measures can be controlled on the water. Such monitoring has the added benefit that data can be used for multiple purposes, including contributing to and improving confidence in stock assessment and demonstrating best practice. It also provides a tool with which to support all the operators that are working responsibly and with integrity.

However, the approach needs international co-operation. We need to export the measures that

have allowed the success that our pelagic fleet has achieved in adhering to quotas. Joint regional agreements are required, especially with countries such as Sweden and Germany, which appear to require convincing of the need for closed-circuit television on vessels.

At last week's briefing, Mike Park of the Scottish White Fish Producers Association, which represents 1,200 fishermen, reinforced how hard the Scottish industry has worked to adhere to the quotas. Although measures such as regional and real-time closures have not been easy for fishermen, they have successfully contributed to producing the desired results.

We hardly need reminding, although the estimable Jamie McGrigor reminded us earlier, of how dangerous this occupation—or, one might argue, way of life—is for those fishermen who brave the elements in the inhospitable North Sea and other waters that surround our extensive coastline. Their commitment to the industry should not be taken for granted. They have continued through what have been hard times, with the fleet enduring many years of restrictions on its fishing, and praise is due for the self-discipline and determination to persevere that so many of our fishermen have demonstrated.

The cabinet secretary, too, has achieved much. I wish him well in the fishing talks in the weeks ahead, especially in view of the frequent reluctance of UK Governments to allow him—not unreasonably, given Scotland's predominance in the UK fishing fleet—the privilege of representing Scotland at the top table. It does not seem long—in fact, it was 9 December last year—since the cabinet secretary said that he was shadowing his fifth UK fishing minister, with the expectation of a sixth this year. Sure enough, on 11 May 2015, his expectation became a reality with the appointment of George Eustice MP as yet another Minister of State for Farming, Food and the Marine Environment. I welcome the Scottish Government's endeavours, including the creation of the national marine plan, which is allowing an improved framework to be put in place to manage the competing demands on marine resources that are of such great value to Scotland.

Fish is a great part of a healthy diet, and it is great that customers are able to buy more with a "Produced in Scotland" label from local shops and supermarkets. I expect that most members celebrated the Marine Conservation Society's announcement in September that cod could once again be eaten as an occasional treat, following a recovery in numbers and its removal from the society's red list of endangered fish. However, we must remind ourselves of the hard work that has been required and which will need to continue in order to preserve what has been achieved.

I commend the Scottish fishing industry for all that it has achieved this year, wish it well for next year and wish the cabinet secretary every success in the weeks ahead.

16:17

**David Stewart (Highlands and Islands) (Lab):**

First, I apologise to the chamber for missing an earlier part of the debate because of a meeting with a minister.

This is an important debate, given that, as we have heard, Scotland is a key player among Europe's fishing nations and accounts for around two thirds of the total fish caught in the UK. The cabinet secretary has already mentioned the industry's £514 million turnover, and given that and the fact that nearly 5,000 fishermen are employed on Scottish-based vessels, this is a key economic resource for Scotland generally and for the Highlands and Islands and the north-east specifically.

The EU end-of-year negotiations are, of course, crucial to member states in determining total allowable catches. Like most things to do with Europe, the rules around fishing opportunities are complex, but since 2014 they have been reformed under the principle of maximum sustainable yield.

The big picture is of a world with a global food shortage, while on our own doorstep we have a fresh, affordable and varied food stock for both domestic and, crucially, export markets. As the year draws to a close, we look to 2016 as a landmark year for the industry, as it faces the implementation of the landing obligation—or discard ban—for white fish. Although the discard ban will have various positive impacts, including the increasing conservation of fish stocks and new quota flexibility for fishermen, it is essential that it be implemented effectively, efficiently and in a way that avoids adverse effects on the industry and especially the workforce.

After all, it is the local communities and hardworking fishermen who provide the backbone of the fishing industry. As a long-time representative of the Highlands and Islands, I am well aware of the distinctive traditions, customs and close-knit communities that the pursuit of fishing has created along the coasts of Scotland. Although the majority of the fishing industry now operates from major harbours with large, efficient fleets, we should not forget about the small coastal communities whose residents have lived with the salt of the sea in their blood for generations. In recent years, advances in technology and the EU's demands have left many of these communities in a state of flux. For example, the Scottish White Fish Producers Association has made it clear that it is unhappy with the landing

obligation, particularly the challenge of implementation, and it is very keen to have a clear route map outlined to 2019.

As the new landing obligation is put in place, starting in January 2016, there are still some uncertainties on the horizon for many of our fishermen. One of the main issues that the Scottish Fishermen's Federation has raised is the need for clarity regarding the disposal of unwanted fish that are landed as a result of the discard ban. The federation argues that the costly burden of the transportation and disposal of those fish will fall on the fishermen. According to the federation, that is an undue financial liability that will ultimately cause economic distress throughout parts of the industry, particularly in the smaller coastal communities. As I stated earlier, it is imperative that the Scottish Government makes plans for a successful and smooth implementation of the landing obligation while carefully recognising the need to protect the interests of our fishermen and small fishing communities.

It is also proper that the Government should have sufficient support measures in place for the fishing communities that might have to deal with the transportation and disposal of unmarketable fish. Such a transitional struggle is one of the many reasons why the new European maritime and fisheries fund has been set up, and I would welcome the cabinet secretary's comments on the new fund when he winds up the debate.

I would like to ask the cabinet secretary a few other questions on the matter. What will be the total budget for EMFF? What will be the criteria for successful application? What is the application process? Will matching be required in order to access the funds? When will Marine Scotland publish its guidance? How will the funds that are allocated to Scotland compare with those that are allocated to other countries? I am happy to give way now, if the cabinet secretary is willing to make a first pass at answering those questions.

**Richard Lochhead:** I was not planning to make an intervention but, as I have been invited to, I will happily inform David Stewart that the plan for the fund is on track at €107 million, which is, in my view, less than Scotland's deserved share of European funds, but that is what the UK has negotiated. The fund will be open to applications as scheduled, I hope, in January.

**David Stewart:** I appreciate the cabinet secretary answering in an unscheduled intervention—perhaps that sets out a new procedure for our Parliament.

In Scotland, our fishing communities often exist in a fragile balance, with onshore and offshore livelihoods at stake, requiring any significant changes to be viewed with a careful and critical

eye. When looking towards the future of this industry, we know that sustainable development of fisheries is beneficial environmentally, socially and economically, but still we must proceed with caution.

Our fishermen are some of the most resilient workers in the whole of Scotland, whether the adversity that they face stems from the high seas or from newly mandated EU regulations, Scottish fishermen will rise to the challenge. The challenge for the future concerns the level of funding for marine research, the enforcement and monitoring of the landing obligation and how to gear up the new EMFF process to aid our fishermen in this transition period.

**The Deputy Presiding Officer:** For the record, I think that the Presiding Officers would prefer to stick with the traditional procedures.

I call Rob Gibson. I can give you a bit of extra time, Mr Gibson.

16:23

**Rob Gibson (Caithness, Sutherland and Ross) (SNP):** I do not know whether my voice has got extra time in it, but we will see.

This debate is prefigured by the fact that the fishing industry in Scotland is a strong part of our economy. James Jack, a fisherman from Dunure, pointed out in *Fishing News* that

“The fishing sector ... is worth seven times more per head in Scotland than it is in the rest of the UK”.

With 70 per cent of the landings in the UK taking place in Scotland, the industry is one of our key platforms for the support of our rural coastal areas and the many associated downstream activities. The potential for making a sustainable fishing industry is, obviously, the focus of the debate today, and I am delighted to hear about the strength of some of the major stocks.

I will concentrate on one of the ways of monitoring what is being caught, with particular regard to WWF Scotland's idea of remote electronic monitoring, using cameras and sensors. Scientists conducting the monitoring must work in partnership with the fishermen, so that the fishermen and the regulators can have confidence in the system.

Remote electronic monitoring is all very well, but the fishers themselves must be able to confirm that they are a part of the process and not something that is being monitored separately. Trust and confidence must be built on that basis. With that caveat, I would like to see more confidence in our fishers among some members.

I am glad that the European maritime and fisheries fund has been mentioned a couple of

times. The Rural Affairs, Climate Change and Environment Committee scrutinised secondary legislation on the subject just the week before last. At the time, we noted that the fund is important to many fragile coastal communities. I ask the cabinet secretary whether he can confirm in correspondence—or now—that the harbour at Kinlochbervie, which requires modernisation and was built at the same time as many of the other west coast ports, will receive funding from the European maritime and fisheries fund to modernise its facilities, which would allow it to compete on a level playing field with neighbouring ports such as Lochinver and so on. It would be important to that fragile community if that were possible.

We have an awful lot of excellent seafood, which—as, I think, David Stewart said—is important to the export trade. However, we must ask ourselves whether the fishers get any more when the fish is eaten in France than they would get if it were sold here. The answer at this stage is no, because it is the middle men who take the profit throughout. I am not looking particularly at Christian Allard when I mention France.

We know that the trade in lobsters at Christmas in France, Spain and Portugal is very important for that part of the seafood sector. I hope that that trade will be stronger than it was in the period after the crash and that those who have been collecting lobsters all year to sell at this time will realise the potential.

If we are to have more of our fish being consumed in Scotland, the Scottish Government's approach to Scotland's becoming a good food nation by 2025 must make it possible for many more people to eat fish that are caught in our waters and sold by our fishermen. Not many of us get to the fish van in our village on a Tuesday compared with the number of people who buy fish in a supermarket, although that fish is in no way as fresh as the fish from the Bell's of Scrabster van. How are we going to maximise that market? The importance of such things must be carried through.

On seafood more widely, of which aquaculture is a part, it is concerning that the Food and Drug Administration in America has given the go-ahead for genetically modified salmon, which will take a couple of years to develop. We are not sure whether that is just a cat's paw to get protein introduced into people's diets in other forms, but the potential for an escape of such salmon into the wild—something that we have been predicting—is unacceptable and must be stopped.

I will return to the problems nearer shore. To echo comments that have been made by my colleague Ian Blackford, there are concerns about the extension of the British underwater test and

evaluation centre torpedo range near Kyle—*[Interruption.]* Excuse me while I cough, Presiding Officer.

**The Deputy Presiding Officer:** Would you like to pause for a moment, Mr Gibson? I will come back to you in a second.

**Christian Allard:** Will the member take an intervention?

**Rob Gibson:** Yes.

**Christian Allard:** The member talked about middle men. Fish processors are not middle men; they are very much an integral part of the industry. Without them, the fish would be shipped abroad and processed abroad. Let us not forget that fish processors are integral to the industry, not only important because of the employment that they provide.

**The Deputy Presiding Officer:** I will give you some extra time, Mr Gibson.

**Rob Gibson:** Thank you very much, Presiding Officer—it is kind of you to do so. I agree with Christian Allard that we have to take on board such downstream socioeconomic effects.

I will return to BUTEC. There is a desperate need to have talks among the nephrop fishers, the Ministry of Defence and QinetiQ, the firm that conducts the torpedo testing. At the moment, there is no socioeconomic study about the impacts of quadrupling the torpedo range. That is a key sector where nephrop fishers can fish in safe waters in winter. We will be asking the Government to monitor that and to ensure that, as we do in all cases, we take forward the policy as best we can for Scotland and the fishing community.

16:30

**Tavish Scott:** That was a tour de force—I can only congratulate Rob Gibson on getting through his speech, and Christian Allard on his timely intervention, although I thought that it was a bit short by his standards; he could have kept it going for a minute or two longer.

I will pick up one of Rob Gibson's points, because it also referred to Claudia Beamish's interesting observations about climate change in the context of the industry that we are discussing. The Paris conference is taking place, so it is entirely appropriate to consider that topic. The "Shetland Fishermen Year Book 2016" has a whole section on the carbon footprint of the industry, which is worth contemplating in the context of Rob Gibson and Claudia Beamish's remarks. A study by the marine centre in Scalloway of the pelagic industry has found that just 0.41 tonnes of carbon dioxide equivalent is

released into the atmosphere for every tonne of fish caught. That compares with 10 tonnes for beef, 11 for lamb, 4 for chicken and 3 for pork. Therefore, the carbon footprint of mackerel fishing is eight and a half times lower than that of the lowest-scoring meat product and 47 times lower than that of the highest-scoring meat product. If we are making the argument about the carbon footprint of any industry, it is worth recognising what the fishing industry does in that context.

Rob Gibson also rightly mentioned food security. It strikes me that fishing can play a significant role in that, not least because it is the world's biggest protein producer—according to the United Nations, it produces about 17 per cent of the world's intake of protein—and the health benefits in particular are well understood.

I want to make two or three other points in the context of security. Margaret McDougall's points about the mackerel industry profile are important. Sadly, it was not just the Russian market that was closed, because of sanctions in that case, but the Ukrainian market, which certainly used to be significant for the north-east and Shetland catch. The Ukrainian market was closed because of the armed conflict and there being basically no hard currency. The implications of that were significant for quite a number of our export businesses.

Margaret McDougall rightly observed our pelagic industry's pursuit of Africa, which is not a new market for the industry. It is also pursuing the far east, which is a newer market for the industry, because the Norwegians have always had such a good grip there. Her point was well made. Those markets are important for how the industry develops and, given the minister's quota point, for ensuring that the price does not collapse if the market pressures are considerable—in other words, if there is too much supply and not enough demand. The minister will need to bring to bear all the powers that he can, including those of Scottish Development International, to assist the industry in that area overseas.

I also want to touch on the point made by Stewart Stevenson, Margaret McDougall and other members about science. As I mentioned, there are data deficient stocks, such as lemon sole. Although those stocks are not the highest volume or value landings for our industry, the important point is that the stronger the science, the easier it is to win the arguments with the European Commission and to avoid the precautionary principle applying. Although we may all agree with that principle, it is never easy to sell to the industry.

**Stewart Stevenson:** Does the member agree that the quotas for those small stocks are often the choke quotas that prevent, in the mixed fishery, the catching of large stocks?

**Tavish Scott:** Absolutely—that is exactly the point, and it inevitably brings one to the discard ban and the importance of those issues being resolved in 2016. I ask the cabinet secretary to clarify in his closing speech what he expects Marine Scotland's role to be in conjunction with the industry. The reality is that the discard ban will be an on-going issue. It will be important to work through the details, which will not all be done by the end of the year. It cannot be, simply because more species are to be introduced at the end of 2016 and the end of 2017. Therefore, it would be helpful for all members who meet the industry and represent it to have an understanding of how the cabinet secretary's department plans to implement that.

I take the point that Stewart Stevenson and Christian Allard made about the Scottish Fishermen's Federation. It would be useful for us all to have a briefing. There may be things going on in the background of which I am not aware, but I also gently say that it does not help when some members attack the SFF, as happened in the debate last year. Nevertheless, Stewart Stevenson and Christian Allard make a fair point.

I confess that I did not worry quite so much about not getting an FAL briefing. Some years back, we all used to quote FAL briefings and the debate was much more about a rather more extreme form of fisheries management, which was completely withdrawing from the common fisheries policy. It is funny how times move on and that proposal does not feature so often now. Nevertheless, it is important that MSPs be able to consider not only the WWF briefing, which is important, but the industry's thoughts. Members have made important points in that regard.

I will also reflect the strong argument that Angus MacDonald and Graeme Pearson made about a level playing field—

**The Deputy Presiding Officer:** Briefly, if you could, please.

**Tavish Scott:** In that case, I will just say that it was a strong point.

I recognise the challenges that the minister has, particularly on the discard ban. As he observed, the December fisheries council nearly takes care of itself this year but for the access discussions about mackerel in Copenhagen next week. However, the strongest and most difficult issue that we all have to contemplate is the discard ban and, therefore, the importance of the sustainable use of fishing opportunities to achieve economic sustainability for coastal communities and make the contribution to food security that we all require.

**The Deputy Presiding Officer:** I have noted that Graeme Pearson, who participated in the debate, is missing from the chamber. I do not have

an explanation and would be grateful if one was forthcoming from him.

16:37

**Jamie McGrigor:** I am pleased to close what has been a useful debate with some good speeches from around the chamber. I thank members such as Tavish Scott and Stewart Stevenson for their kind remarks. I never knew that they cared so much.

**Stewart Stevenson:** Oh yes.

**Jamie McGrigor:** It is very touching and I am grateful.

Members on all sides have rightly referred to the positive news of the ICES advice on many of the stocks that are most important to Scotland, including North Sea cod, which is at its highest level for a decade, thank goodness. I emphasise again that it is thanks to the efforts of our Scottish fishermen that those stocks are in a healthy position. They have made many sacrifices over the past decade and a half and introduced more conservation measures—be it real-time closures, adaptations to fishing gear or spatial management—than any other fishing fleet in Europe. We should commend them for that. They have done a great job.

The biggest issue of the debate has understandably been in the impending phased introduction from next year of the discard ban on the white-fish sector. The discard ban on the pelagic sector has been relatively easy to manage due to the nature of the fishery—pelagic species tend to swim together, unlike demersal stocks, in which different species swim together—but the challenges of fulfilling the obligation in a mixed white-fish fishery, which is governed by quotas and relative stability, are very hard indeed. In fact, Ian Gatt of the Scottish Pelagic Fishermen's Association told me that. He said that it had not been so difficult for the pelagic sector but would be much more difficult for the demersal sector. There are real risks along the way.

I welcome the general consensus on and understanding of the need for an uplift in quotas. That is fundamental, but it is not the solution in itself. Like Tavish Scott, I mentioned in my opening speech the need for a truly consistent approach to enforcement and compliance across all vessels fishing in EU waters. That is vital. I also agree with Tavish Scott's argument that there must be no resistance to the application of flexibilities and no gold plating of regulations to the disadvantage of our white-fish fishermen.

Claudia Beamish referred to the European maritime fisheries fund, and I agree that it should be utilised appropriately to support our fishermen

during the transition to the full discard ban. That is a point that my colleague Dr Ian Duncan MEP has made many times. It was, of course, Ian Duncan who inserted into the text of the relevant European law on discards the clause that said that member states should have in place measures to facilitate the storage of, or to find outlets for, undersized fish, such as support for investment in the construction and adaptation of landing sites and shelters, or support for investment to add value to fisheries products. Rob Gibson talked about investment in Kinlochbervie, which I think is an example of the point that my amendment makes.

I reiterate my previous comments about the importance of us achieving for our pelagic fishermen an equitable deal with Norway and the Faroes on the mackerel and blue whiting quotas. Quite simply, the Faroese are catching too much in our waters, and we are not benefiting from access to their waters in return. We must support our pelagic fishermen and the important processing facilities that are dependent on their catch. The market is already challenging for them, given the on-going trade dispute between Russia and the EU, the devaluation of the Ukrainian currency, which has been mentioned, and the significant currency import problems with Nigeria since the oil economy crash.

I again call on the cabinet secretary to consider providing specific additional support for the demersal sector to help it to meet what will be a profound challenge in meeting the discard ban from next year and during the transition to the full ban in 2019. On behalf of the Scottish Conservatives, I wish him and his team well for the negotiations in Brussels and the on-going negotiations with Norway and the Faroese, which are also extremely important. I wish him all success in achieving maximum catching opportunity for the Scottish fishing fleet because, in doing so, he will be supporting sustainable economic activity, communities all over Scotland and food security.

I have no problem with the Liberal or Labour amendments, and I hope that the cabinet secretary will see fit to support my Conservative one.

16:42

**Claudia Beamish:** It has been a wide-ranging debate in which we have been able to explore the issues together, across the chamber.

At the end of Scotland's year of food and drink, I want to turn to the quest for fresh, affordable food. I highlight the Scottish Wildlife Trust's new publication, "We've Got an Idea", idea 30 in which talks about inspiring

"a step-change in consumer habits to eliminate demand for unsustainably sourced seafood."

Each section of the booklet has a talking point. The talking point for the section entitled "Marine & Coastal" is:

"What is the most effective way of changing consumer habits with regard to sustainable seafood?"

Many fresh ideas have come from this afternoon's debate and beyond. I ask the cabinet secretary to reassure the Parliament that the task of taking those ideas forward will not be siloed in Scotland Food & Drink or elsewhere. That is not a criticism of any of the organisations involved; I simply want there to be a collective drive to ensure that those who sell our seafood purchase wisely and promote effectively so that we know what is on offer. Interestingly, Seafood Scotland, which I understand is wholesale facing, has a handy seasonal guide to sustainable fish eating. The guide is for international buyers, chefs and the media, and I learned quite a lot from it, even though it fits on to one sheet of A4—that is the perfect size of briefing for MSPs with their busy lives.

I also want to highlight some of the benefits that arise from the fishing industry and which create jobs onshore. I will begin with the medicinal properties of fish. The cod recovery plan has given those who know about sustainable fisheries more confidence to take cod liver oil, which helps the heart and provides vitamin D for the immune system, which is important at this time of year. It also contributes to normal bone and muscle function, which I personally find quite useful. I am only glad that I am being given the modern capsule form that my partner buys, rather than the teaspoonful that I was force-fed as a child.

Fish oils are also used in the beauty, skin care and nail product industries. I hope that the cabinet secretary agrees that checking out the wider opportunities for sustainable harvesting, processing and marketing of medicine and beauty products from fish and nature is an opportunity to create jobs that Scotland should not miss.

I thank my colleague David Stewart for his perspective from the Highlands and Islands. He rightly paid tribute to the resilience of the fishing industry and of our small communities, which have—as he said—lived with the salt of the sea in their blood. I echo his call to the Scottish Government to commit to the European maritime fisheries fund and to make it available—whether for transport, distribution or diversification—to all those involved at this transitional time.

The only way to develop any industry in a sustainable way is to entrench its future in science and research, as we have heard from a number of members this afternoon. As Margaret McDougall

said, we need investment in research to monitor progress clearly and assess the changing needs of ecosystems and of industry. Will the cabinet secretary consider fighting to direct more funding to Marine Scotland to ensure that there is an evidence-based approach? Good luck with that, cabinet secretary.

Tavish Scott pointed out that the fishing industry's carbon footprint is 8.5 times lower than the lowest carbon footprint in the meat industry. That is an interesting figure indeed. According to research from Bloom—to which I referred in my opening remarks—the north-east Atlantic has greater biodiversity than all the rainforests of the world put together.

**Christian Allard:** Will the member give way?

**Claudia Beamish:** I am not going to take an intervention—I have very little time.

The ecosystem approach is essential for the future of our fisheries. In my speech on fisheries in December 2011, I welcomed the staged implementation of the discard ban as it was being planned.

Graeme Pearson and many other members who have spoken in the debate have exposed the fragile nature of the future of our fisheries and highlighted the utter necessity of ensuring that the landing obligation is proportionately planned, managed and monitored. I am grateful to be able to rely on Graeme Pearson, as my colleague with the justice brief, to explore the issues surrounding compliance with the landing obligation.

As the ban encapsulates demersal fish, the cabinet secretary will need to address a number of questions in the negotiations that—as many members have mentioned—will raise very complex issues within a mixed fishery. Will the cabinet secretary seek a pan-European consensus on the role of enforcement, for which Tavish Scott, Angus MacDonald and others have argued?

I too offer my best wishes to Jamie McGrigor and recognise his significant contribution in fisheries debates and in fisheries management, not only on the west coast. I thank Angus MacDonald for the meeting that was hosted in the Scottish Parliament, which was organised by WWF Scotland and included the Scottish White Fish Producers Association, Marks and Spencer at the consumer end and the Scottish Government. That is testament to the sort of partnership working that we need in Scotland in the future.

I wish the cabinet secretary well in navigating the complexity of the EU negotiations and other negotiations—as members have mentioned—relating to the Faroes, Norway and Iceland in the near future. I hope that he will be able to take a

leading role in those negotiations within the UK delegation. Good luck, cabinet secretary.

16:49

**Richard Lochhead:** I thank all members for their contributions as we prepare to go to our key annual negotiations in Brussels the week after next. I start by referring to Jamie McGrigor. None of us knows whether we will be in our respective seats following May's election, but Jamie will voluntarily give up his seat. Even though I am afraid that I cannot support his amendment, even though I cannot claim to have his knowledge of prawns and even though we often disagree on some of the big issues of the day, I pay tribute to him, because he always has the fishing industry's interests at heart and has made many fine contributions to our annual fishing debates over the years since 1999.

I was going to say that Jamie McGrigor was like an old cod back in 1999—he did not have many colleagues, and many of them have been discarded in subsequent years through human intervention. Although it has survived until 2015, I am not sure that his party has had the same kind of recovery as the cod has had. Jamie has survived, though. He is a survivor and, like me, he was part of the 1999 intake. I wish him all the best for the future. I am sure that he will continue to take a close interest in fisheries.

We are content to support the Labour Party's amendment, lodged by Claudia Beamish. Unfortunately, we cannot support Tavish Scott's amendment. We support many of his comments but, on securing an uplift in quota allocations for species that are covered by the introduction of the discard ban, we have to pay attention to the science. There will be more discards for some species than there will be for others, so there will be more justification for an uplift. We have to take that into account, which is why we do not support Tavish Scott's amendment.

**Jamie McGrigor:** Although the cabinet secretary will not support my amendment, will he admit that the insertion by Dr Ian Duncan MEP of the clause that refers to extra support in the transition to the discard ban was a good thing? I do not know whether the cabinet secretary thinks that it is a good thing, but all the fishermen think that it is a good thing.

**Richard Lochhead:** We disagree with the Conservative Party south of the border on many things, but we share the UK Government's interpretation of Ian Duncan's amendment to the regulation involved, which is that it is not incumbent on member states to give any more support than they are already giving. On Scotland's support, I believe that we have a good

plan in hand to work with the industry to ensure that it can get through the discard ban. I may refer to that in my forthcoming remarks.

Many members have made good comments and referred to the contribution of the fishing industry to Scotland and to the fact that many fishermen have made the ultimate sacrifice to bring fish to our tables. In the 21st century, our fishermen are not just fishermen; they also have to be conservationists and experts in paperwork. They have to share space at sea with other users and industries—not least the renewable energy sector.

We must have spatial management to protect our precious sea-bed features. That is why the Scottish Government is implementing a network of 30 marine protected areas. In the process, I have considered carefully the economic impact on Scotland's fishing communities.

**Claudia Beamish:** Does the cabinet secretary agree that the right balance has been found between the socioeconomic and environmental protection aims of MPAs, so that the MPA plans can move forward?

**Richard Lochhead:** I have listened closely to recent representations, particularly from the Clyde and west coast fishing communities. However, I think that we have struck a fair balance. We will make our final announcements in a few days' time. It is clear that opinion is divided even in the fishing industry. One part of the fishing industry has expressed concern about some of the MPA boundaries.

I turn to some of the issues that members mentioned. Rob Gibson referred to the proposal by the Ministry of Defence to extend the torpedo testing range between Skye and the mainland. I assure him and other members that I am following closely the consultation process that the MOD is conducting. At a recent inshore fisheries conference, I heard at first hand from fishermen their concerns about the potential impact on small fishing vessels in the area, and I urge the MOD to take full account of the responses from local fishermen in that part of Scotland.

I cannot cover all the issues that Claudia Beamish raised but, on her question about the European maritime and fisheries fund, which David Stewart also mentioned, the fund will open in January for applications. There will be €107 million in the fund, taking account of matched funding from the Scottish Government and the European element. Given some of the comments that have been made, it is important that I say that there will be a lot of support to help the industry to adapt to the discard ban in Scottish waters, through better selectivity and other measures.

David Stewart asked about disposal of unwanted fish. The position under the discard ban

is that the responsibility for storing and transported unwanted catch will lie with the vessel. That is what the regulation says, and it is the position for all member states. As I said, the European maritime and fisheries fund offers a financial mechanism for supporting fishermen in that regard.

I emphasise that, in the first year of the white-fish discard ban in 2016, we expect unwanted catch at Scotland's quaysides to be very small. We hope that that will be the situation in 2016, although it is clear that there will be an on-going issue in 2017, 2018 and 2019.

Claudia Beamish asked about deep-sea trawling. Scotland is leading the way in brokering a European agreement on deep-sea trawling, to protect vulnerable marine ecosystems and species. The issue is difficult and we are paying close attention to it.

Tavish Scott asked about discard bans beyond 2016. With the regionalisation of the common fisheries policy, neighbouring states will work together; we will also work with our industries. Many decisions remain to be taken on what species will be included in the bans and how in 2017, 2018 and 2019, but I assure Tavish Scott that we will stand up for Scotland's interests.

It is understandable that much comment has been made about the impact of the discard bans in Scottish and European waters. As I said, given that it is estimated that 7 million tonnes of fish was discarded globally in 2005—that is one of the most recent estimates available—it is no wonder that public opinion, political opinion, scientific opinion and industry opinion is that there is a chronic waste of what should be a good food resource and a good economic contribution to the economies of Scotland and Europe. Tackling discards in Scottish and European waters is therefore a no-brainer.

We should take the opportunity to congratulate the Scottish industry on the huge steps that it has taken to reduce fish discards in our waters. Scottish discards of North Sea cod have almost halved since 2007, from 51 per cent to 24 per cent, and 16 per cent of white fish caught by Scottish fishermen in 2012 was discarded, compared with 47 per cent in 2007. Fishermen have been making the utmost effort to reduce discards.

However, there is still a long way to go, and public opinion wants an end to the discarding of good-quality fish that is thrown overboard, dead, into our seas. That is a complete waste and is of no use to anyone. That is why we support efforts to tackle discards and will work with the industry in that regard.

There is no bigger illustration of the industry's progress in recent years than the recovery of North Sea cod. It is incredible to think that the North Sea cod stock is now three times—three times—its size in 2006. It is only a couple of years since a Sunday newspaper famously emblazoned on its front page the message that only a handful of cod remained in the North Sea. That caused consternation in the fishing industry in Scotland and beyond.

Here we are in 2015, and stocks are at three times their 2006 level. It is fantastic that our fishermen are preparing to apply for Marine Stewardship Council accreditation for cod stocks, which will open up new markets in the UK and throughout the world.

That is happening against a backdrop of our going into the negotiations with 10 of our 15 key white-fish stocks in line for significant quota increases. We normally enter the talks trying to fight off big cuts in days at sea or an avalanche of quota cuts; this year, we are going in with the prospect of quota increases for 10 of Scotland's key white-fish species, which is good news and represents huge progress in anyone's book.

The debate has been about our fishermen, but it is also about the fish processing jobs, the painters, the shipyard workers, the electricians, the software companies, those who build and maintain the vessels, the net makers, the workers in the harbour cafes, the lorry drivers, the fuel suppliers and so on. It is about everyone in Scotland whose livelihood depends on having healthy fish stocks in our seas and an active fishing industry.

The debate is about the multimillion-pound pelagic boats that are based in the north-east of Scotland and Shetland, down to the one-man creel boats in our inshore waters. Most important, it is about ensuring that future generations can benefit from having rich fish stocks in our waters and access to those stocks through quotas and having a vessel.

The debate has been about the future. Implementing discard bans from 2016 will be tough and challenging, but it is the right thing to do for our fishing industry, for fisheries conservation and for Scotland. I will fight to get the best possible deal for Scotland's fishing communities the week after next at the annual fishing negotiations in Brussels.

## Decision Time

17:00

**The Presiding Officer (Tricia Marwick):** There are five questions to be put as a result of today's business. The first question is, that motion S4M-14956, in the name of Anne McTaggart, on the National Galleries of Scotland Bill, be agreed to.

*Motion agreed to,*

That the Parliament agrees to the general principles of the National Galleries of Scotland Bill and that it should proceed as a private bill.

**The Presiding Officer:** The next question is, that amendment S4M-15031.3, in the name of Claudia Beamish, which seeks to amend motion S4M-15031, in the name of Richard Lochhead, on sea fisheries and end-year negotiations, be agreed to.

*Amendment agreed to.*

**The Presiding Officer:** The next question is, that amendment S4M-15031.1, in the name of Jamie McGrigor, which seeks to amend motion S4M-15031, in the name of Richard Lochhead, on sea fisheries and end-year negotiations, as amended, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**For**

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Baxter, Jayne (Mid Scotland and Fife) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Gavin (Lothian) (Con)  
 Buchanan, Cameron (Lothian) (Con)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Davidson, Ruth (Glasgow) (Con)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Hilton, Cara (Dunfermline) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McMahan, Siobhan (Central Scotland) (Lab)

McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)

#### Against

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Allard, Christian (North East Scotland) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (Ind)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Johnstone, Alison (Lothian) (Green)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (Aberdeen Donside) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (Ind)

Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (Ind)  
 Yousaf, Humza (Glasgow) (SNP)

**The Presiding Officer:** The result of the division is: For 46, Against 58, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The next question is, that amendment S4M-15031.2, in the name of Tavish Scott, which seeks to amend motion S4M-15031, in the name of Richard Lochhead, on sea fisheries and end-year negotiations, as amended, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### For

Brown, Gavin (Lothian) (Con)  
 Buchanan, Cameron (Lothian) (Con)  
 Davidson, Ruth (Glasgow) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alex (North East Scotland) (Con)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Urquhart, Jean (Highlands and Islands) (Ind)

#### Against

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Allard, Christian (North East Scotland) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (Ind)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Johnstone, Alison (Lothian) (Green)  
 Keir, Colin (Edinburgh Western) (SNP)

Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (Aberdeen Donside) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (Ind)  
 Yousaf, Humza (Glasgow) (SNP)

#### Abstentions

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Baxter, Jayne (Mid Scotland and Fife) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Hilton, Cara (Dunfermline) (Lab)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McMahan, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)

**The Presiding Officer:** The result of the division is: For 16, Against 57, Abstentions 31.

*Amendment disagreed to.*

**The Presiding Officer:** The next question is, that motion S4M-15031, in the name of Richard

Lochhead, on sea fisheries and end-year negotiations, as amended, be agreed to.

*Motion, as amended, agreed to,*

That the Parliament notes the forthcoming annual fishing negotiations in Brussels and the ongoing negotiations with Norway on shared stocks; believes that sustainable development should be at the heart of all marine and fisheries policies; further believes that sea fisheries must be managed holistically with a sustainable ecosystem approach that takes into account the marine biodiversity and climate change challenges that Scotland faces to ensure healthy Scottish waters; supports the research and monitoring work of Marine Scotland and its partners, including the fishing industry, in developing scientific evidence for the implementation of the discard ban and for sustainable and profitable fisheries in the future; calls on the Scottish Government to ensure that this work is adequately funded; notes that the new European Maritime Fisheries Fund is designed to help fishermen in any transition period, support coastal communities in diversifying their economies and finance new coastal projects and encourages the widest possible consultation on its guidelines; welcomes the recent scientific advice from the International Council for the Exploration of the Sea (ICES), which proposes increases to many of Scotland's key stocks, including North Sea cod, which is at its highest level in a decade; notes that 2016 will see the commencement of the discard ban for whitefish fisheries and that the outcome of the negotiations will be pivotal in supporting the fleet's implementation, and supports the Scottish Government in its efforts to achieve the best possible outcome for Scotland's fishermen, coastal communities and wider seafood sectors.

*Meeting closed at 17:04.*



This is the final edition of the *Official Report* for this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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