



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# MEETING OF THE PARLIAMENT

Wednesday 27 February 2013

Session 4

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## Scottish Parliament

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[The Deputy Presiding Officer *opened the meeting at 14:00*]

### Business Motion

**The Deputy Presiding Officer (Elaine Smith):** Good afternoon. The first item of business is consideration of business motion S4M-05742, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, which sets out a timetable for stage 3 consideration of the Water Resources (Scotland) Bill.

*Motion moved,*

That the Parliament agrees that, during stage 3 of the Water Resources (Scotland) Bill, debate on groups of amendments shall, subject to Rule 9.8.4A, be brought to a conclusion by the time limit indicated, that time limit being calculated from when the stage begins and excluding any periods when other business is under consideration or when a meeting of the Parliament is suspended (other than a suspension following the first division in the stage being called) or otherwise not in progress:

Groups 1 to 6: 50 minutes

Groups 7 to 10: 1 hour 20 minutes—[*Joe FitzPatrick.*]

*Motion agreed to.*

## Portfolio Question Time

### Education and Lifelong Learning

14:00

**The Deputy Presiding Officer (Elaine Smith):** The next item of business is portfolio questions on education and lifelong learning. In order to get in as many people as possible, I prefer short and succinct questions—and answers to match, please.

#### College Merger (Lanarkshire)

**1. Richard Lyle (Central Scotland) (SNP):** To ask the Scottish Government what impact the proposed merger between Motherwell, Coatbridge and Cumbernauld colleges will have on students in Lanarkshire. (S4O-01829)

**The Cabinet Secretary for Education and Lifelong Learning (Michael Russell):** As I think that Richard Lyle knows, it was announced yesterday that Coatbridge College has withdrawn from its proposed merger with Cumbernauld and Motherwell colleges. I regret that and I hope that discussions will resume at a future date.

Motherwell and Cumbernauld colleges are proceeding and have yet to submit to me their business case in support of merger, but when they do so I will consider it carefully. I will also consult all those who might have an interest in the prospective merger, including prospective students, before deciding whether to approve it.

**Richard Lyle:** It is often said that a week is a long time in politics. Two days ago, Coatbridge College pulled out of the proposed merger, which I also regret. I hope that it will come back.

Does the cabinet secretary agree that if the merger goes ahead, it will provide a wider availability of courses for all students in Lanarkshire, therefore ensuring that students have the opportunity to develop their education and skills in preparation for entering the workplace?

**Michael Russell:** I have yet to see the business case and it would be wrong of me to pre-empt the decision on whether to approve the merger, but in general the member is right. All the evidence points to merged colleges being able to offer a wider and stronger curriculum, to the benefit of learners and employers alike. I am sure that that will influence the thinking of all those involved and perhaps those still to be involved.

**Siobhan McMahon (Central Scotland) (Lab):** Does the cabinet secretary believe that the Lanarkshire regional lead or the Scottish Further and Higher Education Funding Council has

appropriate control over how the merger process is being conducted between the three colleges?

**Michael Russell:** As Siobhan McMahon knows, merger is a voluntary activity. Indeed, I am often castigated from the Labour benches for being too keen to push the issue of merger. I think that the colleges themselves have to make the decision, which they are making. I encourage them to make it—I think that it is beneficial. Of course, I would do anything—as I am sure the Scottish funding council and others would—to help them if there are difficulties.

**Jamie Hepburn (Cumbernauld and Kilsyth) (SNP):** The public transport links between Cumbernauld, Kilsyth and the rest of north Lanarkshire are notoriously poor. Will the cabinet secretary assure me that when any business case is presented to him, he will ensure that those in my constituency who want to access courses in their local area will still be able to do so?

**Michael Russell:** Yes; I agree with the member. I do not know the transport links, but in any circumstances in which a merger takes place we want to ensure that there is maximum access.

I have still to see the business case, but college mergers are not about closing campuses; they are about offering a better curriculum to learners, which needs to be delivered throughout the area that the college serves.

**John Pentland (Motherwell and Wishaw) (Lab):** The cabinet secretary will know more than most that in order to make the most of their shrinking budgets, Motherwell and Cumbernauld colleges have put a lot of hard work into the merger.

**The Deputy Presiding Officer:** Can we have your question, please?

**John Pentland:** Although Coatbridge College is no longer part of the process, will the cabinet secretary give assurances that the Government will fully support Motherwell and Cumbernauld colleges and ensure that they are in no way disadvantaged by Coatbridge's withdrawal?

**Michael Russell:** I believe that the merger proposals are good and that it is up to the parties to come to decisions on them. I will, of course, offer my support to those who intend to merge. I hope that Coatbridge will come back to the table. The only way in which one makes progress is by having negotiation, and I suspect that that will be the sensible thing to happen.

### Music Education

**2. Nigel Don (Angus North and Mearns) (SNP):** To ask the Scottish Government what plans it has to develop music education. (S40-01830)

### The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan):

Music is a regular part of the curriculum in our schools and we want all children and young people to have access to music and the opportunity to learn and explore the subject.

In light of some recent concerns about instrumental music tuition charges, we have set up an instrumental music group, chaired by David Green, to examine the issues around the provision of instrumental music tuition, including charges applied by local authorities. The group has already met twice and will report to ministers by the end of June 2013.

We have also announced £1 million funding, administered by the Royal Conservatoire of Scotland, for the purchase of new musical instruments. The key aim will be to enable young people to learn a musical instrument who would otherwise be unable to do so due to the cost of purchasing or renting an instrument.

**Nigel Don:** I suppose that I should declare an interest as a Musicians Union member and a former music teacher, although I did not teach in schools.

I am sure that the minister agrees not only that instrumental and singing skills are valuable to individuals but that they have huge social and cultural benefits. Music education is an easy hit for a council reduction. What might the Government be able to do in the longer term to ensure that music is a continuing and expanding part of our education?

**Dr Allan:** It is of course local authorities' responsibility to decide on, and justify to their local citizens, their policies and budgets on this and other issues. I would fully expect local authorities to want to deliver the entitlements in relation to curriculum for excellence experiences and outcomes on music.

Nigel Don makes the important point that the benefits of music in school extend far beyond music, to many other parts of the curriculum and not least to personal confidence for young people. I hope that all that will be taken into account when the instrumental music group reports.

### Nursery Education

**3. Graeme Dey (Angus South) (SNP):** To ask the Scottish Government what progress it is making on ensuring that three and four-year-olds have access to 600 hours of nursery education per year. (S40-01831)

**The Minister for Children and Young People (Aileen Campbell):** We are making good progress. Our children and young people bill will be introduced in Parliament this year. It will include

proposals to increase the flexibility of free early learning and childcare and to increase the hours of provision from 475 to a minimum of 600 per year, which will be a 45 per cent increase since 2007. The proposals will also include a minimum of 600 hours of early learning and childcare for looked-after two-year-olds, which will be flexible to meet their individual needs and family circumstances.

**Graeme Dey:** The Scottish Government's proposals are generating quite a lot of interest in my constituency. Would the minister be willing to come to Angus South to meet nursery practitioners and parents to discuss this important issue? Will she join me in congratulating everyone who is involved in the nursery class at Northmuir primary school in Kirriemuir, which received so glowing a report from Education Scotland that it is to be held up as an example to other schools across Scotland?

**Aileen Campbell:** I would be happy to meet Graeme Dey and the practitioners and parents in his constituency to discuss our early learning and childcare proposals. I am delighted to congratulate the staff of the nursery class at Northmuir primary. It is an excellent achievement for a nursery to gain such high ratings in all areas of rigorous inspection by Education Scotland. I am sure that everyone agrees that we should celebrate and learn from that across the country.

**The Deputy Presiding Officer:** Briefly, Neil Bibby.

**Neil Bibby (West Scotland) (Lab):** Will the Scottish Government fully fund the increase in nursery hours?

**Aileen Campbell:** A financial memorandum will be prepared to accompany the children and young people bill when it is introduced in Parliament.

### Early Years Collaborative

**4. James Dornan (Glasgow Cathcart) (SNP):** To ask the Scottish Government what progress has been made by the early years collaborative. (S4O-01832)

**The Minister for Children and Young People (Aileen Campbell):** The early years collaborative was launched on 1 October 2012. Since then, we have developed and agreed on the ambition and the stretch aims.

The first learning session was held at the Scottish exhibition and conference centre in Glasgow on 24 and 25 January and was attended by more than 700 people from across the early years sector. The level of commitment to change and the enthusiasm that the participants generated at the learning session were outstanding.

The Scottish Government's early years practice development team is now working closely with community planning partnerships, which are constructing their first tests of change. Planning is well under way for learning session 2, which will be held on 28 and 29 May at the SECC.

**James Dornan:** I welcome the groundbreaking work that is being done in this policy area and the aspiration to create the best country in the world to grow up in. Does the minister agree that the early years are crucial in determining the future life chances of Scotland's children and young people and that it is the responsibility of all of us in society to do what we can to ensure positive outcomes? Will she elaborate on the stakeholder buy-in for the new approach? Does she share my concern that, despite our best efforts on early years policy, much is being undone by Westminster's regressive welfare reforms?

**Aileen Campbell:** I agree with James Dornan. The early years are crucial in determining children's future life chances. The range of evidence to support that view is incontrovertible and widely understood.

I agree that we all have a responsibility to contribute to positive outcomes for children as parents, families and community members, as well as in our roles as public servants. My experience of the early years collaborative's first learning session is that there is huge stakeholder buy-in for the approach. We are all looking forward to working together closely to achieve our aims.

I strongly believe that welfare reform will have a negative impact on the future of Scotland's children and young people. Indeed, the Department for Work and Pensions has estimated that its latest changes to benefit uprating will result in about an extra 200,000 children being in relative income poverty by 2016 compared with the number using the current method of uprating benefits by the consumer prices index. Based on the current share of children in poverty, that will result in an estimated 15,000 children being pushed into poverty in Scotland. That is 15,000 reasons for people to vote yes next year so that we have control over welfare in Scotland and we can create a fairer and more progressive society.

**Malcolm Chisholm (Edinburgh Northern and Leith) (Lab):** I am a great fan of collaboratives because of my experience of them in health, so I welcome the creation of the early years collaborative. Who was invited to come? Who made up the 700 people who were involved? Will there be opportunities in due course for more people to be involved?

**Aileen Campbell:** I thank Malcolm Chisholm for his question and his involvement in the early years task force. Learning session 1 was the largest-

ever gathering of people from across all community planning partnerships who work to support children and families from conception to the start of primary school, so there was a wide, representative cross-section of people from Scotland's CPPs. It is good that everyone from across Scotland was able to take part in this groundbreaking and innovative approach to early years policy.

#### **Cumbernauld College (Waiting List)**

**5. Mark Griffin (Central Scotland) (Lab):** To ask the Scottish Government on what date the waiting list figures, and accompanying analysis, for Cumbernauld College will be published. (S4O-01833)

**The Cabinet Secretary for Education and Lifelong Learning (Michael Russell):** I said in my update to members on 16 January that we would do further analysis. That work is nearing completion and we will publish the final report soon.

**Mark Griffin:** The cabinet secretary has repeatedly stated that the waiting lists, as described, do not exist. For members to confirm or challenge that position, they need the figures and analysis. Does the cabinet secretary agree that the release of the figures as soon as possible is of the utmost importance to allow members to understand the waiting list situations in colleges in their constituencies and regions?

**Michael Russell:** I certainly agree that the publication of the figures is keenly anticipated. I should perhaps say to the member that his colleagues around him should not anticipate it with enthusiasm given the things that they have said in the past, which may or may not turn out to be true. *[Interruption.]*

**The Deputy Presiding Officer:** Order.

**George Adam (Paisley) (SNP):** Does the cabinet secretary agree that the in-term results of the audit of college waiting lists across Scotland have already shown that claims of 21,000 individuals on college waiting lists are false?

**Michael Russell:** That is indeed true. It is a good question. *[Interruption.]*

**The Deputy Presiding Officer:** Order.

**Michael Russell:** Indeed, I am surprised that members are shouting out from the Labour benches on that. I would have thought that, in the words of Clement Attlee, a "period of silence" would be in order.

#### **College Regionalisation (Course Provision)**

**6. Graeme Pearson (South Scotland) (Lab):** To ask the Scottish Government how it will ensure

that college regionalisation does not result in students being unable to attend courses close to home. (S4O-01834)

**The Cabinet Secretary for Education and Lifelong Learning (Michael Russell):** I expect regional colleges to deliver the provision that learners and employers in the area need, and I expect learners—particularly those who wish to take up non-advanced courses—to be able to access appropriate provision locally.

**Graeme Pearson:** In South Scotland, there are concerns from students, parents and staff in Ayrshire, Midlothian and East Lothian about what courses will be available locally. Construction and joinery students in East Lothian and Midlothian will have to travel to Granton for their courses as regionalisation at Edinburgh College is leading to each college specialising in certain subjects. If the same tack is taken at Ayrshire regional college, given the spread between the Ayr, Kilmarnock and Kilwinning campuses, students will need to travel 45 to 50 miles to access their chosen course.

**The Deputy Presiding Officer:** We need a question, please.

**Graeme Pearson:** That is not local provision. What guarantee can the cabinet secretary give those students that the Government reforms will not undermine their desire to learn and improve?

**Michael Russell:** I can give Mr Pearson an absolute assurance that the Government reforms will enhance students' ability to learn and will enhance provision. I refer him to the evidence that was given to the Education and Culture Committee by Ian McKay, the chair of Edinburgh College, who is a former lecturer and Educational Institute of Scotland official, who talked about how Edinburgh College is providing enhanced opportunities for learning. What the reforms are delivering and will deliver will be beneficial for all in Scotland and particularly, I am sure, for Mr Pearson's constituents in the South Scotland region.

**Joan McAlpine (South Scotland) (SNP):** Does the cabinet secretary think that the new regionalised model of further education will help courses to be developed that are more in line with local skills and that are more what local businesses want?

**Michael Russell:** Through the regional model, the colleges are in a position to deliver courses that are much more tailored to the regional skills needs that exist within their areas. That is one of the purposes of the model and that is one of the benefits.

### Postgraduate Student Numbers

**7. Hanzala Malik (Glasgow) (Lab):** To ask the Scottish Government what steps it is taking to stop the reported fall in the number of Scottish postgraduate students. (S4O-01835)

**The Cabinet Secretary for Education and Lifelong Learning (Michael Russell):** Mr Malik raises an important point. The skills and experience that are gained through postgraduate study are increasingly important to key parts of our economy, including the energy and life sciences sector. I am therefore extremely pleased that, as announced today, the Scottish Further and Higher Education Funding Council has been able to fund an additional 850 postgraduate places at Scottish higher education institutions for 2013-14.

**Hanzala Malik:** I will not make the usual sabre-rattling comments such as, "Too little, too late," or, "What has the Government been doing for the past year in not dealing with the issue?" I genuinely welcome the announcement. However, I am interested in how the Scottish Government will help to fund wider access for students who are from more deprived backgrounds, because—as the cabinet secretary will agree—they are the most challenged.

**Michael Russell:** I would like to hold up Mr Malik as a model Opposition member—one who is constructive and asks sensible questions. If only he was emulated by some of his colleagues.

On the further expansion of places, I explained to the Education and Culture Committee yesterday when giving evidence on the Post-16 Education (Scotland) Bill that the addition of 1,700 places, 1,000 of which are for articulation and 700 of which are essentially for widening access, is a considerable contribution.

The work in the bill that focuses on widening access is an important step forward, and it is only by showing the intention to legislate that we have been able to push forward on widening access. I have celebrated and been to visit lots of examples of good practice in universities and elsewhere. There is also an obligation on schools.

A considerable amount of work is going on. I hope that the Labour Party will support that work and vote for the legislation that is helping it.

### Educational Opportunities (Retired People)

**8. Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** Sorry—*[Interruption.]*—for the delay.

To ask the Scottish Government what educational opportunities there are for people who have retired. (S4O-01836)

**The Cabinet Secretary for Education and Lifelong Learning (Michael Russell):** I welcome Christine Grahame back from retirement. *[Laughter.]*

In Scotland we are fortunate to have a wide range of learning opportunities for people of all ages. For those who are seeking to gain or improve employment skills in particular, our colleges offer expert provision. In addition, opportunities are offered through local authority community-based adult learning programmes, as well as through the third sector, institutions such as the Open University, and private learning providers.

**Christine Grahame:** We should certainly be in our seats at the right time.

Over the years that I have been in the Parliament, I have realised that, although many elderly people now access the internet and use email, many are still frightened of the internet. For some of them, it would give them access to a wider world from their homes—access to information, to family and indeed to online shopping if they are unable to get out. What steps can the Government take to encourage those people to come into the internet world?

**Michael Russell:** Nobody is too old to learn. All of us, as constituency MSPs, have noticed the increasing prevalence of emails from older constituents. Indeed, the use of the internet—the use of computers—is available as a learning experience through colleges and also through private providers, community organisations and the third sector.

We are trying to maintain support for that learning experience in difficult times so that people can learn, but of course the most important thing for learning is the desire to learn—the desire to discover and know new things. Provided that that desire exists in an individual, it does not matter how old they are.

**The Deputy Presiding Officer:** I remind members that, if they have a question at question time, they must be in the chamber from the start of question time. I call Rhoda Grant.

**Rhoda Grant (Highlands and Islands) (Lab):** Do retired graduates get access to individual learning accounts?

**Michael Russell:** We have changed the regulations on individual learning accounts because of the financial pressures that exist, and there are qualifications to the support, including in relation to previous degrees. I think that that is a reasonable thing to have done, given the circumstances that we are in, and I hope that people understand that we have to prioritise the use of our resources in a way that is most effective

at this stage, given the difficulties that come to us, largely from Westminster.

### **Further Education College Principals (Meetings)**

**9. Mary Scanlon (Highlands and Islands) (Con):** To ask the Scottish Government when the Cabinet Secretary for Education and Lifelong Learning last met principals of further education colleges and what matters were discussed. (S4O-01837)

**The Cabinet Secretary for Education and Lifelong Learning (Michael Russell):** I meet college principals regularly, as well as chairs of colleges. This week, I met the new chair of Colleges Scotland, and last week I held one of my regular meetings with regional leads. Next week, I will be visiting at least one college and will meet the principal, staff and students. It is an on-going engagement.

**Mary Scanlon:** A submission to the Education and Culture Committee from the North Highland College states that the college reform proposals are a

“recipe for confusion and disagreement and difficult to understand”.

What will the cabinet secretary do to ensure that further education colleges in the Highlands have the freedom to retain independent college structures and the autonomy to make local decisions for local colleges, and that further education institutions can focus their energies on training and education, not confusion and disagreement?

**Michael Russell:** To be fair to North Highland College—which I have visited on two occasions, when I had welcome and good discussions—that quote is only part of the evidence, and there is other evidence as well.

I am happy to sit down with Mary Scanlon, if she wants, and go through the provisions in the Post-16 Education (Scotland) Bill. In doing so, I will be able to prove to a fair-minded person, such as Mary Scanlon, that the provisions allow for considerable local autonomy, local decision making and local focus, and that the model that is being applied in the Highlands and Islands through the further education structure within the University of the Highlands and Islands is not only the right model but the model that has been agreed by all the colleges.

I have chaired two meetings at which the matter has been discussed. The new model for the structure of the University of the Highlands and Islands—a triumvirate structure with a principal and two associate principals, one of whom deals with further education and the other of whom deals

with research and specialist institutions—is exactly the model that is needed to balance the forces within the university.

Mary Scanlon has considerable experience of the college sector in the Highlands and Islands and knows that that type of resolution was needed to allow everyone to work together and to avoid our having to deal with some of the difficulties that have been experienced in the past.

I think that we have a model that works. I would be happy to explain it to Mary Scanlon over a cup of coffee or something stronger.

**Clare Adamson (Central Scotland) (SNP):** The recent budget announcement awarding an additional £61 million to colleges was warmly welcomed by John Henderson, the chief executive of Colleges Scotland, who said that the funding would give colleges stability over the next two years as they complete the reform process. Does the cabinet secretary agree with those comments, and does he feel that they show the sector's enthusiasm for the reforms?

**Michael Russell:** I was struck by what Paul Sherrington of Banff and Buchan College said to the Education and Culture Committee during stage 1 of the bill. When challenged directly on the issue, he said that the biggest issue that he had to confront was that of financial stability. He said that it was bigger than reform and that, if that were confronted, he was confident that he could move forward.

We have confronted the finance issue. We have created a level playing field in 2013-14 and 2014-15. The colleges know how they can plan and what they can do, and I think that John Henderson's comments reflect that. His sentiments are echoed by Mandy Exley, the principal of the new Edinburgh College, who wrote in a letter to me:

“I really appreciate the position the Government has taken recently with respect to college funding. It is not the amount of money per se, but more the fact that you are as good as your word and open to discussion and willing to listen.”

That has been the nature of all the discussions that we have had with the college sector. It will continue to be the nature of our discussions. I hope that the Opposition parties will join in that spirit to ensure that we can make a good bill a better bill, which we can do as we take it forward.

### **College Places (Learners aged 25 and Over)**

**10. Ken Macintosh (Eastwood) (Lab):** To ask the Scottish Government, in terms of headcount, how many college places for learners aged 25 and over have been lost in the last three years. (S4O-01838)

**The Cabinet Secretary for Education and Lifelong Learning (Michael Russell):** I have made clear on many occasions, and I do so again today, that headcount is an inappropriate way to measure student numbers, whatever the age group, in a sector which is predominantly part-time and where courses vary so widely in length.

Headcount is a blunt measure that gives no indication of the economic relevance of a course or the level of teaching resource that a college decides that it is appropriate to apply. The way to make meaningful comparisons between years is by using the measure of full-time equivalent places, which clearly show that, under this Government, college places are being maintained.

**Ken Macintosh:** I am surprised that the minister does not recognise that there is a place for headcount, given that it shows the number of people who are going to college and are benefiting from a college education.

Let me come to my supplementary question. Even though it is important that we put an emphasis on providing places for younger learners—particularly in light of the difficulties that they are experiencing in the current recession—does the minister recognise that an unintended consequence of such a focus could be to have a displacement effect on older learners, unless there is a policy to provide supplementary or additional places to what is currently available? Given those concerns, does the minister recognise that it is important that we put in place policies to support older learners and do not allow them to be unduly squeezed in this manner?

**Michael Russell:** That is a good question, I have to say, and the contention that Mr Macintosh makes needs to be considered.

When I recently visited Reid Kerr College, I had a conversation with a group of students that covered that issue. I think, or at least hope, that I was able to reassure them that I agree that the policy must be not just about the prioritisation of younger people—although I am glad that Mr Macintosh recognises that we need to do that because of the current difficulties—but about the continued provision of encouragement and support for people of all age groups in college.

That is what all colleges are trying to do, and I think that that practice is succeeding and will continue to succeed. Of course, we will look very closely to ensure that we are continuing to encourage the widest use of colleges, which are very important.

**Liam McArthur (Orkney Islands) (LD):** Further to Ken Macintosh's question, the cabinet secretary has already quoted both Paul Sherrington and Mandy Exley, who gave evidence to the Education and Culture Committee on that point. They talked

about the reduction in the number of part-time students at both their institutions.

In the spirit of the answer that he has just given to Ken Macintosh, can the cabinet secretary perhaps expand on the level of flexibility that will be open to colleges to ensure that lifelong learning opportunities for older learners are maintained?

**Michael Russell:** That is also a good point. I think that the level is virtually absolute, because colleges decide what takes place within their colleges. Ministers do not set the curriculum or the mix of offers; that is done by colleges, which need to balance what they think is important.

I know that in some colleges in Scotland—I am pretty certain that this will be true of the college in the area that Liam McArthur represents—the proportion of older learners available is higher than the proportion of younger learners available because of the demographics of the community. Therefore, such colleges will want to ensure that they address the entire community.

Prioritisation does not mean exclusion. Prioritisation of the needs of young learners does not mean that other learners are excluded, and I expect to see—and, indeed, I see—colleges getting that right again and again.

#### **Educational Attainment (Children from Areas of Multiple Deprivation)**

**11. Jim Eadie (Edinburgh Southern) (SNP):** To ask the Scottish Government what steps it is taking to improve the educational attainment of children from areas of multiple deprivation. (S40-01839)

**The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan):** Raising the educational attainment of pupils from the poorest backgrounds is a key priority. We are delivering the conditions for raising educational attainment through our delivery of curriculum for excellence, and by investing in teaching and leadership through the work of the national partnership group and its follow-up delivery group, the national implementation board.

Our core programmes for children and young people have particular benefits for those from more deprived backgrounds. Those programmes include: getting it right for every child; more choices, more chances; play, talk, read; and the literacy action plan.

Following the work with the raising attainment group—which worked with the Scottish Government last year to provide advice on how best to secure improvements in schools—we are working with key partners to deliver specific actions to secure continuous improvement in the system. Those actions are based on the core

value that equity in educational opportunity and access and engagement is the route to success for all.

**Jim Eadie:** Does the minister accept that we need to do more to raise attainment in areas of sustained poverty? Can we perhaps adopt a more imaginative approach in order to provide the intensive support that would benefit teachers and learners alike, through things such as breakfast clubs, summer schools and other measures that can create an ethos of high expectation and can inspire young people to reach their full potential, regardless of their social background? Will he give further detailed consideration to those points and tell us how he intends to measure progress over time?

**Dr Allan:** As Jim Eadie does, I recognise that that question goes to the very heart of our having an education system that delivers opportunities for all. I certainly recognise the value of the many activities around the country, such as breakfast clubs, summer schools and other targeted programmes that can all help to provide children with a healthy start not only to their school day, but to their educational day. It is important for authorities and schools to establish evaluated and targeted out-of-school activities. As a Government, we are working with key partners to help to deliver those and other measures, which we will certainly continue to monitor.

**The Deputy Presiding Officer:** Question 12 has not been lodged by Willie Coffey. An explanation has been provided.

#### **Student Support (Postgraduate Education)**

**13. Rhoda Grant (Highlands and Islands) (Lab):** To ask the Scottish Government how it supports students wanting to go into postgraduate education. (S4O-01841)

**The Cabinet Secretary for Education and Lifelong Learning (Michael Russell):** The postgraduate student allowances scheme provides eligible Scotland-domiciled and European Union postgraduate students who are undertaking designated courses with a non means-tested loan of up to £3,400 towards the cost of tuition fees.

**Rhoda Grant:** The cabinet secretary will be aware that only six courses are funded in the University of the Highlands and Islands and that there are no cost-of-living allowances for those who are required to live away from home. That means that students who live in rural areas and who need to live away from home face financial barriers that prevent them from accessing that type of education.

**Michael Russell:** A number of other sources of finance are available to postgraduates. I regret that it is not possible for the state to do more than

it is doing at present, although it should be noted—I am sure that Rhoda Grant just omitted to note it—that we are doing more for postgraduates than any previous Administration did. I am glad that Mr Malik acknowledged that earlier.

If Rhoda Grant would write to me specifically about the courses that she mentioned, I would be happy to write to her to suggest other sources of finance and means of supporting the students. I do that quite often for members who have such concerns.

#### **College Education (People with Learning Disabilities)**

**14. Joan McAlpine (South Scotland) (SNP):** To ask the Scottish Government what discussions it has had with stakeholders regarding college education for people with learning disabilities. (S4O-01842)

**The Cabinet Secretary for Education and Lifelong Learning (Michael Russell):** I met the Scottish Consortium for Learning Disability in December and asked it to consider what further initiatives we might support to help students with learning disabilities to participate in further and higher education. My officials met the same representatives last week and I hope to meet them again within the next few weeks in order to move the matter forward with their proposals, which is what I am looking for.

**Joan McAlpine:** Is the cabinet secretary aware of Enable's employability programme for learning disabled people, which is called transitions to employment and which currently runs in eight college regions? Will he consider offering his support to help Enable to extend the programme to benefit an additional 200 future students in more regions?

**Michael Russell:** I am aware of that Enable programme. My officials have already spoken to the Scottish Consortium for Learning Disability about how we might support the sector to extend the benefits to which Joan McAlpine has referred. I hope shortly to confirm the arrangements in a meeting with the Scottish Consortium for Learning Disability and Enable.

**Neil Findlay (Lothian) (Lab):** There was a 34 per cent cut in places for students with learning disabilities last year. What will the figure be this year?

**Michael Russell:** Provided that we work with the sector, that we show our intention to work with it and that it works with us, we will be able to put the matter into outcome agreements and move it forward. I have found my discussions with the sector to be positive and helpful. They have certainly not been expressed in the terms that Mr Findlay has just used.

### Universities Scotland (Meetings)

**15. Gavin Brown (Lothian) (Con):** To ask the Scottish Government when it last met Universities Scotland. (S4O-01843)

**The Cabinet Secretary for Education and Lifelong Learning (Michael Russell):** I last met Universities Scotland formally on 22 January 2013, and have met representatives informally since.

**Gavin Brown:** Universities Scotland submitted evidence to the Finance Committee on the widening access provisions of the Post-16 Education (Scotland) Bill. It said:

“The costs of this measure are described in the summary table as ‘marginal’. We would question this assumption, which has not been the subject of consultation with Universities Scotland or with member institutions.”

What is the Government’s response to that?

**Michael Russell:** I responded to that in answer to a question from the Education and Culture Committee yesterday by saying that I understand that my officials have consulted Universities Scotland. I also placed great stress on the need for us all to work together to widen access.

I am sure that it is unintentional, but the Conservatives sometimes sound as if they do not want access to be widened in Scottish universities, but are in fact prepared to accept any reason and any excuse why it should not happen.

We need to acknowledge, as I said yesterday, that we are not doing nearly as well as we should on the matter; we need measures to do better. The universities are a key part of the solution, but they are not the only solution. We will make progress by ensuring that we underpin widening access agreements in the bill. I hope that the Scottish Conservatives will support that. Otherwise, what I am sure is inadvertent might begin to look as if it is deliberate.

**Fiona McLeod (Strathkelvin and Bearsden) (SNP):** On widening access, does the minister agree with Robin Parker, NUS Scotland’s president? He said in September last year, following Johann Lamont’s cuts commission speech:

“With tuition fees, we will have no hope of ever making university open to people from all backgrounds in Scotland”.

**Michael Russell:** I do agree.

I saw a sign of hope there: Labour members are now groaning when they hear about the cuts commission. If they convert that groan into opposition to some of the things that are being proposed, then clearly we are going to have a better society in Scotland. Perhaps that will also lead them away from the enormous mistake that

they made last week of abstaining in the vote on free education in Scotland. That is something on which NUS Scotland will, I am sure, reflect.

The Scottish Government believes in access to education that is based on the ability to learn, not on the ability to pay. We have made a clear promise on that to the people of Scotland; it is a promise that Labour made, too. We will not introduce up-front or back-door tuition fees. I find it astonishing that a group of people who signed a pledge on that a mere two years ago could not actually vote for it when it came to the chamber. *[Interruption.]* Oh, dear. They should groan at that, too.

### Employment Support for Young People (UK Government)

**16. Bob Doris (Glasgow) (SNP):** To ask the Scottish Government what work it is carrying out in partnership with the United Kingdom Government to support young people back into employment. (S4O-01844)

**The Minister for Youth Employment (Angela Constance):** Working for growth, the Scottish Government’s employability strategy, recognises that a strong partnership approach is essential to providing effective support to help people back to work. The Department for Work and Pensions is a key partner at both national and local employability partnership level and engages in a range of joint working activities across Scotland, including a pilot to enable early benefit claims for women leaving prison, following the Angiolini commission on women offenders.

We re-established the Scottish employability forum on 31 January 2013 to provide political leadership and oversight on employability and employment within the context of economic recovery. The forum is now chaired jointly by the Cabinet Secretary for Finance, Employment and Sustainable Growth, the Secretary of State for Scotland and Councillor Harry McGuigan, the Convention of Scottish Local Authorities spokesperson for community wellbeing.

**Bob Doris:** A number of training courses that are provided by third sector organisations such as the Royston at work project, which I know the minister is aware of, are targeted at young adults who have most difficulty in gaining employment. However, a significant barrier for such schemes is that, unlike in some United Kingdom Government programmes, participants’ benefits are threatened if the course hours mean that the young person is deemed under current rules to be not actively seeking work. Will the minister consider asking the UK Government to develop a system that would allow some young adults on such courses to retain benefits while having the opportunity to improve their employment prospects?

**The Deputy Presiding Officer:** As briefly as possible, minister.

**Angela Constance:** I will indeed be brief.

I will of course happily make representations to the UK Government. The Cabinet Secretary for Education and Lifelong Learning has done that previously.

I am familiar with the Royston at work project. I strongly believe that there is a unique role for the voluntary sector in working with young people who are furthest removed from the labour market. When I visited Royston at work, the particular issue was that some young people were indeed denied a place on the scheme as a result of benefit rules, because some of the training involved the young people being at college for more than 16 hours. If the system of employment and skills was fully integrated in Scotland and steered by the Scottish Parliament, we could easily resolve the difficulties.

#### **Scottish Government Languages Working Group**

**17. Jean Urquhart (Highlands and Islands) (Ind):** To ask the Scottish Government what progress has been made since November 2012 on implementing the recommendations of the languages working group report. (S4O-01845)

**The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan):** Following the national conference last November, good progress has been made. The 10 primary and secondary schools that are involved in pilot projects continue to demonstrate practical ways in which the one-plus-two languages model may be implemented. They are being supported in that by visits from Education Scotland and Scotland's national centre for languages, and by Government funding of £120,000 this school year. The pilots will be evaluated in the summer to inform how best the policy can be taken forward.

Local authorities have been asked to assess their current provision and future needs for teacher training and support. To help them do that, they have been provided with an audit tool devised by Scotland's national centre for languages.

We are continuing discussions with stakeholders on issues including the distribution of £4 million additional funding in 2013-14. The Parliament's European and External Relations Committee is also making a helpful contribution through its current inquiry into foreign language learning in primary schools.

**Jean Urquhart:** During a Scotland's Futures Forum event in the Parliament, there was a presentation by a primary school on what the

timetable looked like, and it was extraordinary. It involved three languages—

**The Deputy Presiding Officer:** Can I have a question, please?

**Jean Urquhart:** Children would come in speaking English and learning Gaelic, and by primary 7 they would have done Spanish and French as well, which is really impressive. When will we have a report back on the pilots? Are any of the schools involved in the Highlands and Islands region?

**Dr Allan:** I am happy to say that Lochside Roman Catholic primary school in Fort William in the Highlands and Islands is one of the first schools to take part in some of the pilots that I have just mentioned.

There is no reason whatsoever why primary school children cannot happily learn two or three languages—that is the norm in many European countries. Although I appreciate that we have a long way to go, that is a completely valid aspiration for us to have in Scotland, too.

**Hugh Henry (Renfrewshire South) (Lab):** How does the minister respond to parents' representatives who believe that the Scottish Government's proposals cannot be implemented or achieved?

**Dr Allan:** I am never disappointed by Hugh Henry's disappointment. In many respects, he is perhaps one of those people who have nothing to fear but hope itself.

There is every evidence—as I have just outlined—that the one-plus-two languages model is a valuable proposal. We are funding it and I am personally committed to it.

## Water Resources (Scotland) Bill: Stage 3

14:41

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

The next item of business is stage 3 proceedings on the Water Resources (Scotland) Bill.

In dealing with the amendments, members should have before them the bill as amended at stage 2, the marshalled list and the groupings—documents SP bill 15A, SP bill 15A-ML and SP bill 15A-G, respectively.

The division bell will sound and proceedings will be suspended for five minutes for the first division of the afternoon. The period of voting for the first division will be 30 seconds. Thereafter, I will allow a voting period of one minute for the first division after a debate.

Members who wish to speak in the debate on any group of amendments should press their request-to-speak button as soon as possible after I call the group.

I remind members to speak through the chair, by referring to other members by their full names and not as “you”.

Members should refer to the marshalled list of amendments.

### **Section 1—Duty of the Scottish Ministers**

**The Deputy Presiding Officer:** Group 1 is on part 1 of the bill, on the duty of the Scottish ministers. Amendment 25, in the name of Jim Eadie, is grouped with amendments 6 and 7.

**Jim Eadie (Edinburgh Southern) (SNP):** I am pleased to begin with amendment 25, which I am proposing as a refinement to an amendment that I lodged at stage 2.

I want to place on record my appreciation to RSPB Scotland for its support in working with me on the issue.

Part 1 of the bill is about the development of Scotland’s water resources. It places a duty on ministers to ensure the development of the value of those resources. That is to be welcomed because it will facilitate new and innovative ways of working as a hydro nation, an ambition that is shared by members across the chamber and that has the potential to bring significant benefits for Scotland’s people, environment and economy.

It is important, however, that the use of the resources is sustainable, which means that no development must be allowed to damage that precious resource. The duty is qualified in the bill by stating that minister must fulfil it

“in ways designed to contribute to the sustainable use of the resources.”

My amendment strengthens that important element by stating that ministers must fulfil the duty in ways designed “to promote” the sustainable use of our water resources. The requirement “to promote” gives greater emphasis than the requirement to “contribute to”. It places a greater onus on ministers to advance that aspect of sustainability than were they merely to “contribute to” it.

The amendment is consistent with recommendation 40 of the Infrastructure and Capital Investment Committee’s stage 1 report, which calls for a

“deserved equality of emphasis to all three pillars of sustainability”.

It also reinforces the Deputy First Minister’s clear statement during stage 1:

“Our intention was never to drive economic benefit to the detriment of social or environmental factors, as those always need to be weighed up and balanced”.—[*Official Report*, 19 December 2012; c 14948.]

Overall, the amendment strengthens the duty of ministers under part 1 of the bill. It recognises the importance of the agenda in the long term and that value cannot be driven at the expense of the sustainable use of water resources. We are custodians of our environment and are responsible for securing its long-term sustainable use for the benefit of future generations. I am pleased to have worked collaboratively with the Deputy First Minister and her officials to reach this position, and I hope that she will be able to accept amendment 25.

I support the two other amendments in the group, as they help to explain fully what is meant by

“the value of Scotland’s water resources”.

I look forward to hearing the Deputy First Minister speak to the amendments.

I move amendment 25.

14:45

**The Deputy First Minister and Cabinet Secretary for Infrastructure, Investment and Cities (Nicola Sturgeon):** I thank Jim Eadie for lodging amendment 25, and I confirm to the chamber that I am happy and willing to accept it.

Part 1 of the bill places a duty on ministers to develop

“the value of Scotland’s water resources”.

In developing that value, ministers will, of course, have to weigh up all the factors that are involved when they decide how best to proceed. Jim Eadie

suggests that ministers must develop the value of water resources in ways that are designed to “promote” the sustainable use of resources. I very much agree with Jim Eadie that that represents a strengthening of the provision but, rightly, it does not prevent ministers from taking account of other considerations. I believe that that strikes the right emphasis in the context of part 1, and I am sure that we can all agree that we wish to make use of our resources in a way that is valuable but also sustainable in the longer term. I am happy to support amendment 25.

Amendment 6 was developed following further reflection by me on how part 1 falls to be read. I want to ensure that it is clear on the face of the bill that the meaning of

“the value of Scotland’s water resources”

is very broad. With that in mind, I think that it helps to state explicitly that that means

“the value of the resources on any basis (including their monetary or non-monetary worth)”.

Amendment 6 seeks to put that beyond any doubt. In addition, amendment 6 keeps—within the meaning of the value of water resources—the current extension, which covers any

“economic, social, environmental or other benefit deriving from the use of ... the resources”

or associated activities.

Amendment 7 is a simple drafting adjustment of some wording that relates to amendment 6.

As well as being an economic asset for Scotland, our water resources have a great deal of worth that can be described or measured in other ways. Water plays a vital role in our nation’s industrial and domestic life and we must ensure that we conserve and protect it, while being creative and innovative in developing the full potential of what is, after all, our most fundamental resource.

I hope that, in addition to supporting my amendments, all members will support Jim Eadie’s amendment 25.

**Elaine Murray (Dumfriesshire) (Lab):** At stage 1, many of us expressed concern about the fact that the bill did not give environmental and social benefits the same weighting as commercial benefits. Therefore, I welcomed the amendments that the Infrastructure and Capital Investment Committee agreed to at stage 2. I was also supportive of the amendment that Jim Eadie lodged at stage 2, but which he did not press, so I very much welcome amendment 25, which will further clarify and strengthen the consideration of environmental and social benefits. I am happy to say that Labour members will support it.

**The Deputy Presiding Officer:** I invite Jim Eadie to wind up and to indicate whether he intends to press or withdraw amendment 25.

**Jim Eadie:** I am delighted by the constructive approach that the Deputy First Minister has taken to amendment 25. She has not only listened to but acted on the representations that I, other MSPs and stakeholder organisations made at stage 2. I appreciate Elaine Murray’s support for my amendment.

I am delighted to press amendment 25.

*Amendment 25 agreed to.*

*Amendments 6 and 7 moved—[Nicola Sturgeon]—and agreed to.*

**The Deputy Presiding Officer:** We come to group 2, which is on part 1 of the bill, with reference to peatlands. Amendment 1, in the name of Elaine Murray, is the only amendment in the group.

**Elaine Murray:** I suspect that the consensus is about to break down.

When I lodged this amendment at stage 2, the cabinet secretary argued that the inclusion of peatlands in the bill was artificially stretching the definition and that including them did not support the bill’s purposes. Having reflected on that, I note that the bill uses the definition of “water resources” set out in the Water Environment and Water Services (Scotland) Act 2003, which does not cover peatland habitats. Indeed, the strict interpretation of the 2003 act has already led to peat bogs being discounted as wetlands in Scotland.

As a result, in bringing back this amendment, I do not propose to introduce any changes to the implementation of the 2003 act. However, I feel that the amendment would ensure that the sustainable management of Scotland’s peatlands could be taken forward under the bill’s purpose of developing Scotland’s water resources, which would deliver great economic, environmental and social benefits.

The cabinet secretary’s argument that amendment 1 would artificially stretch the definition of water resources is, in my view, inconsistent, given that the second report on proposals and policies and RPP1 both recognise that peatland and wetland management are, in fact, the same thing. RPP2 states that

“Incorporation of wetland management data into the net Scottish emissions account”

will enable

“peatland restoration to be counted towards Scotland’s climate change targets”.

Moreover, given RPP2's recognition of the importance of peatlands in retaining and filtering water, they ought to be included in the definition of "water resources".

I move amendment 1.

**Nicola Sturgeon:** I thank Elaine Murray for outlining the reasons behind amendment 1. However, although I fully understand the points that she is making, it will come as no surprise to her that I do not support it for the same reasons that I did not support it at stage 2.

In my view, the addition of the word "peatlands" to the definition of "water resources" in part 1 artificially stretches that definition. I understand and am not unsympathetic—in fact, I am very sympathetic—to the importance of caring for our peatlands and the Government is committed to doing that. For example, the 2012 budget announced a further contribution of £1.7 million to peatland restoration and the Government and its agencies are actively working together to support the protection and maintenance of those lands. The agenda's significance is indeed highlighted in the draft RPP2, which is being considered by a number of parliamentary committees.

The addition of the word "peatlands" to the definition of "water resources" does not help to support the bill's purpose. Part 1 is about water resources in the conventional, commonly understood sense; it is not about bogs, fens or any other type of land. The amendment seeks to protect peatlands by artificially stretching the definition of water resources in a way that I do not think appropriate or helpful in pursuing the bill's aims and objectives.

With those comments, I ask Elaine Murray—

**Malcolm Chisholm (Edinburgh Northern and Leith) (Lab):** Will the cabinet secretary give way?

**Nicola Sturgeon:** Yes—if I am able to.

**The Deputy Presiding Officer:** Malcolm Chisholm.

**Malcolm Chisholm:** I am finding it slightly difficult to follow the cabinet secretary's train of thought. RPP2 acknowledges the importance of peatlands in retaining and filtering water, but that particular aspect of Government policy seems to go against what the cabinet secretary is saying. I find it difficult to understand the strength of her objection to what is a very reasonable and modest proposal.

**Nicola Sturgeon:** I am not saying that the amendment is not reasonable—I am not even saying that there is no argument to it. I am simply pointing out that the bill's point and objective is to look at water resources in the traditional, conventional, commonly understood sense. The

member is right to highlight aspects of other Government policies that focus on peatlands; indeed, I suggest that that underlines and strengthens my argument. In rejecting amendment 1, I am not rejecting the importance of peatlands but saying very clearly that the issue is being dealt with and catered for not just through budgetary decisions but through other policies. Going back to the previous group of amendments, I repeat that the bill's purpose is to ensure that we develop our water resources in the widest possible sense, but I do not think it appropriate for peatlands to be specifically included within its ambit.

For those reasons, I ask Elaine Murray to withdraw amendment 1. If, as I suspect, she will not do so, I ask the chamber to vote against it.

**The Deputy Presiding Officer:** I had another request to speak on my screen, but I am afraid that it came too late for me to call the speaker.

I call Elaine Murray to wind up and indicate whether she wishes to press or withdraw amendment 1.

**Elaine Murray:** In his intervention, Malcolm Chisholm illustrated the difference in views: I believe that peatland is a water resource because of its function in improving the quality of our water. I will therefore press the amendment and go for the division.

**The Deputy Presiding Officer:** The question is, that amendment 1 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a 30-second division, but only after a five-minute suspension.

14:54

*Meeting suspended.*

15:00

*On resuming—*

**The Deputy Presiding Officer:** We come to the vote on amendment 1. This will be a 30-second 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)  
 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)

Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (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)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 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)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Gavin (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Carlaw, Jackson (West Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Davidson, Ruth (Glasgow) (Con)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (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)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Goldie, Annabel (West Scotland) (Con)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hume, Jim (South Scotland) (LD)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 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)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McDonald, Mark (North East Scotland) (SNP)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Salmond, Alex (Aberdeenshire East) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Walker, Bill (Dunfermline) (Ind)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 35, Against 82, Abstentions 0.

*Amendment 1 disagreed to.*

### Section 3—Designation of bodies

**The Deputy Presiding Officer:** Group 3 is on part 1 of the bill, on designated bodies. Amendment 2, in the name of Elaine Murray, is grouped with amendment 3.

**Elaine Murray:** Amendments 2 and 3 are also a rehash of amendments that were lodged at stage 2. At that time, the cabinet secretary said that it was not appropriate for subsidiaries of Scottish Water to be included in the list of designated bodies, which is the purpose of amendments 2 and 3. She also said that it would be for Scottish Water to decide how to fulfil ministers' directions, whether that be through its core functions or through one of its subsidiaries.

I argue that giving ministers the power to issue directions through subsidiaries does not require them to use that power, but enables them to use it if an issue is sufficiently important that that is the best way of delivering the Government's intention. Indeed, it could be advantageous for ministers to have those powers to, for example, issue

directions to Scottish Water Horizons, which is a wholly-owned subsidiary of Scottish Water that is described as a commercially sustainable, standalone business that uses innovative ideas, knowledge and assets to encourage sustainable growth and renewable technologies. Those are high priorities for the Scottish Government and ministers could need to use their powers of direction for those purposes.

The fact that Horizons is a stand-alone business might make it more complex for directions to be cascaded down from ministers via Scottish Water than its receiving ministerial directions without Scottish Water acting as an intermediary.

I move amendment 2.

**The Deputy Presiding Officer:** If members wish to conduct conversations, could they please do so outwith the chamber?

**Alex Johnstone (North East Scotland) (Con):** The changes in part 3 of the bill do not go as far as I would like. I would prefer Scottish Water to become a private company and be freed in that respect. However, the changes in part 3 have the effect of giving Scottish Water many of the opportunities that it would have if it were in the private sector. Consequently, the opportunity to work in partnership and in conjunction with many other companies, and to operate those partnerships as if they were in the private sector, is a vital freedom granted by the bill. This amendment to an earlier part of the bill would have the effect of placing restrictions on those opportunities that I am not prepared to accept. I will oppose the amendment.

**Nicola Sturgeon:** There are some fundamental disagreements about Elaine Murray's amendments. First, although I understand that Alex Johnstone and his colleagues will support the Government, I fundamentally disagree with him about the privatisation of Scottish Water. I also disagree with Elaine Murray's amendments.

Amendment 2 would add subsidiaries of Scottish Water to the list of designated bodies to which ministers could issue directions in relation to participation in activity to develop the value of our water resources. Amendment 3 defines subsidiaries as set out in the Companies Act 2006.

As I said at stage 2, when Elaine Murray lodged similar amendments, it is inappropriate to include subsidiaries of Scottish Water in the list. I stress that that is not because subsidiaries are or should be excluded from the agenda but because the extent of subsidiaries' involvement is properly a matter for Scottish Water, as the parent company, to determine. The relationship between the Scottish ministers and Scottish Water is clear and ministers expect Scottish Water's board to manage its affairs. The issuing of directions by

ministers directly to a subsidiary would circumvent the agreed lines of communication and accountability that exist between ministers and Scottish Water and could cause confusion around responsibilities and priorities.

Part 1 of the bill ensures that Scottish Water will play its part in the development of our water resources, as Scottish Water is listed as one of the designated bodies to which ministers may give directions for the relevant purposes.

I therefore ask Elaine Murray to withdraw amendment 2 and not to move amendment 3. If the amendments are pressed, I ask members to reject them.

**The Deputy Presiding Officer:** I remind members that there are strict rules on the use of electronic equipment in the chamber.

**Elaine Murray:** The short debate that we have had on amendments 2 and 3 illustrated fundamental differences of opinion. Alex Johnstone will not be surprised to hear that I completely disagree with him. Scottish Water is a public company, which displays excellence and which is responsible to the Scottish ministers. Subsidiaries that are wholly owned by the company should be capable of direction by the Scottish ministers, when such direction would be in the best interests of encouraging sustainable growth and renewable technologies.

I press amendment 2.

**The Deputy Presiding Officer:** The question is, that amendment 2 be agreed to. Are we agreed?

**Members:** No.

**The Deputy 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)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Dugdale, Kezia (Lothian) (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)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (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)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 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)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Gavin (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Carlaw, Jackson (West Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Davidson, Ruth (Glasgow) (Con)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (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)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Goldie, Annabel (West Scotland) (Con)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hume, Jim (South Scotland) (LD)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 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)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McDonald, Mark (North East Scotland) (SNP)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)

McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Salmond, Alex (Aberdeenshire East) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Walker, Bill (Dunfermline) (Ind)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 36, Against 82, Abstentions 0.

*Amendment 2 disagreed to.*

*Amendment 3 not moved.*

#### Section 4A—Report on steps taken

**The Deputy Presiding Officer:** Group 4 is on reporting on the part 1 duty. Amendment 26, in the name of Jim Eadie, is the only amendment in the group.

**Jim Eadie:** It gives me pleasure to speak to amendment 26, which was developed after consideration of points that I made at stage 2.

The bill provides for ministers to report to the Parliament on how they have fulfilled their duty under section 1(1) within the first three years from commencement of the section. A more regular reporting regime in the first few years of implementation of the legislation would help to focus activity and ensure that steady progress is made. Amendment 26 therefore requires ministers to report annually for the first three years but does not affect their ability to report to the Parliament over a longer term after the end of that period.

Amendment 26 ensures that the right balance is struck on what is required by way of reporting under section 4A. I know that the activity is long term and that the bill is just one part of the aspiration of ministers—and indeed the whole Parliament—to develop Scotland as a hydro nation. I hope that regular parliamentary scrutiny will be helpful in shaping that agenda. As the Deputy First Minister has stated, collaboration is crucial, and we are all committed to maximising

the development of Scotland's water resources for the benefit of the people of Scotland.

I hope that the Deputy First Minister will welcome my amendment and support its inclusion in the bill.

I move amendment 26.

**Nicola Sturgeon:** I thank Jim Eadie for lodging amendment 26, and I am happy to accept it.

At stage 2 we discussed the importance of scrutiny and checking for the implementation of part 1 of the bill, but without having a reporting burden so onerous that it diverted resources from advancing the primary agenda. I am grateful to Jim Eadie for his work at committee and for proposing an amendment that gives certainty and reassurance to stakeholders that ministers will provide an annual report in the first three years, but which allows for flexibility after that initial implementation period.

Parliament can, of course, ask ministers for an update at any time, and I welcome the Infrastructure and Capital Investment Committee's comments about undertaking scrutiny of the legislation. As Jim Eadie has stated, the bill has benefited greatly from collaboration, and implementation will require joint working between many different organisations and agencies. Nevertheless, regular reporting in the early stages will help to give impetus to the hydro nation agenda.

I hope that everyone in the chamber will join me in supporting Jim Eadie's amendment.

**Jim Eadie:** I thank the Deputy First Minister for her response and assurances. As with the undertaking of any new or innovative activities such as those that are provided for in the bill, it is important that the success of those activities is effectively monitored. At section 4A, the bill places a duty on the Scottish ministers to report every three years. My amendment 26 strengthens that duty, and I am delighted to have proposed it.

*Amendment 26 agreed to.*

### **Section 10—Factors as to approval**

**The Deputy Presiding Officer:** Group 5 is on water abstraction under part 2. Amendment 8, in the name of the cabinet secretary, is grouped with amendments 9 to 11.

**Nicola Sturgeon:** Part 2 of the bill provides for ministerial control of very large abstractions from our water environment. It is fair to say that this has been the most controversial area of the bill. An abstraction will be subject to control if it qualifies as being above the threshold—which, as members will be aware, is currently set at 10 million litres per day—and if it is not otherwise exempt.

Amendment 8 is a minor drafting change so that the reference to “economic, social or other benefit” in part 2 is the same as elsewhere in the bill. The revised word order does not, of course, alter the effect of the relevant provision, being section 10(1)(c)(i). Ministers will still have to weigh up all the same factors when deciding whether to approve a qualifying abstraction.

Amendment 9 relates to the process under part 2. It makes it explicit that ministers, in deciding whether to grant approval of a qualifying abstraction, must have regard to any advice given by the Scottish Environment Protection Agency or Scottish Water under section 13. That is a useful addition for the sake of listing in section 10 everything that ministers are bound to consider.

Section 14 enables ministers to make regulations about monitoring and record keeping for the purpose of the approval regime under part 2 in relation to abstractions. Amendment 10 clarifies that such regulations may, in connection with monitoring and record keeping, include provision about access to premises, about the steps that can be taken at the premises, and for summary offences arising from a failure to comply with the regulations or from the obstruction of someone exercising functions under the regulations.

Amendment 11 makes such regulations subject to the affirmative procedure, in light of the substantial nature of what regulations may do by virtue of amendment 10.

I move amendment 8.

*Amendment 8 agreed to.*

*Amendment 9 moved—[Nicola Sturgeon]—and agreed to.*

### **Section 16—Monitoring and records**

*Amendment 10 moved—[Nicola Sturgeon]—and agreed to.*

### **Section 18—Procedure for regulations**

*Amendment 11 moved—[Nicola Sturgeon]—and agreed to.*

### **Section 21—Value of water resources**

**The Deputy Presiding Officer (John Scott):** Group 6 is on Scottish Water's functions. Amendment 12, in the name of Nicola Sturgeon, is grouped with amendments 13 to 18.

15:15

**Nicola Sturgeon:** Amendment 12 has been prepared following dialogue with stakeholders.

Section 25 of the Water Industry (Scotland) Act 2002 sets out the scope of Scottish Water's activities, enabling it to engage in any activity that is not inconsistent with the economic, efficient and effective exercise of its core functions. However, that provision does not give Scottish Water any legal right to interfere with private property or any third party rights.

The bill amends section 25 of the 2002 act to clarify that the range of activities in which Scottish Water may engage extends to activities that it considers will assist in the development of the value of Scotland's water resources. Some stakeholders were concerned that that bill provision, as originally drafted, might give additional powers to Scottish Water to interfere with private property or other third party rights. Amendment 12 aims to assist the comprehension and clarity of section 25 of the 2002 act by clarifying that the section concerns the scope of Scottish Water's activities and does not bestow any new legal powers on it.

At stage 2, I indicated that I would reconsider part 3 of the bill, which concerns Scottish Water's functions. That was due in part to Jim Eadie's helpful comments at that stage. Although initially the bill was drafted so that the duty on the Scottish ministers at part 1 was in effect mirrored in part 3 by a duty on Scottish Water, I have thought further about the issue and I am suggesting revised provisions with amendments 13 to 18.

The duty on ministers in part 1 of the bill concerns value in its broadest sense, encompassing considerations other than economic value. Scottish Water remains a designated body under part 1 and as such it has an important role to play in supporting ministers to meet their obligation to take steps to develop the value of Scotland's water resources, when it is directed by ministers to do so.

Part 3 of the bill, however, is about Scottish Water and its own assets, which range from water treatment works, through equipment and land, to more intangible assets such as the technical experience that it might have built up over a number of years. Unlike part 1, the value to be developed in part 3 is commercial value, which is consistent with our vision for Scottish Water as a successful 21st century Scottish company.

It would not be appropriate to force Scottish Water and its subsidiaries, which operate in a competitive environment, to develop the non-commercial value of their assets. However—this is an important point—Scottish Water remains subject to the duty, when exercising its functions, to

“act in the way best calculated to contribute to the achievement of sustainable development.”

That duty is enshrined in section 51 of the 2002 act.

I believe that the amendments proposed as a group provide the right balance when taken with the existing provisions in the 2002 act. They ensure that Scottish Water remains subject to the clear responsibility to act sustainably, while leaving it properly tasked to act commercially with regard to developing the value of its assets. The economic, efficient and effective exercise of its functions remains—

**Malcolm Chisholm:** Will the cabinet secretary take an intervention?

**Nicola Sturgeon:** Yes.

**Malcolm Chisholm:** I am trying to understand Nicola Sturgeon's argument. She will understand why stakeholders have found it puzzling that there is one definition of value in part 1 and another in part 3. I understand that she has tried to explain the reasons for that, but I still find it very difficult. It appears that part 3 will limit the factors that Scottish Water takes into account and that it will therefore, in effect, act against the laudable intentions of widening the scope of value in part 1.

**Nicola Sturgeon:** I am not sure whether Malcolm Chisholm has misunderstood. The reference I made to stakeholders' concerns related to the issue that is being addressed by amendment 12, not the issue that I am talking about at the moment, although I fully accept that he may have been referring to other discussions with stakeholders.

I am trying to set out the issue clearly and to draw attention to the distinction between part 1 and part 3. Part 1 relates to the duty on ministers and concerns value in its broadest sense. In contrast, part 3 relates specifically to Scottish Water. The duty on Scottish Water is principally to ensure that the commercial value of its assets is enhanced and developed.

It would not be appropriate to force Scottish Water and its subsidiaries to develop the non-commercial value of their assets, but Scottish Water remains subject to the duty, when exercising its functions, to

“act in the way best calculated to contribute to the achievement of sustainable development.”

That duty is enshrined in section 51 of the 2002 act. Taken together, the amendments will strike the right balance.

I underline the fact that, as Scottish Water is a publicly owned utility, ministers have a close relationship with it. It will be appropriate at times for ministers to offer the organisation guidance on the direction that it should take in developing the value of its assets and expertise. I ask members to

support amendment 12 and the other amendments in the group.

I move amendment 12.

**Elaine Murray:** Given the confusion—I, too, am slightly confused by the amendments and about how the parts of the bill will interact—it would help to have more reassurance from the cabinet secretary on the record.

Some stakeholders—probably not the stakeholders who were referred to in relation to amendment 12—have raised the use of the term “commercial” in amendment 14, which should in no way diminish the need to consider biodiversity and sustainable development duties.

Will the cabinet secretary make it clear that the provision is not contrary to a contribution to the wider aspiration of developing Scotland as a hydro nation? There seems to be an element of conflict, as more emphasis appears to be given to commercial value than to social and environmental value. It would help to have it clearly stated that the provision in no way conflicts with the bill’s other aspirations.

**Nicola Sturgeon:** I am happy to give Elaine Murray that clarity and assurance. The point that must be stressed is that the amendments, which are proposed as a group, must be looked at and read in conjunction with existing provisions in the 2002 act. The provisions ensure that Scottish Water remains subject to a clear responsibility to act sustainably but leave it properly tasked to act commercially in developing the value of its assets.

The economic, efficient and effective exercise of Scottish Water’s functions remains a key principle. Through the amendments and the 2002 act, we will ensure that that remains the case.

As I said, the amendments will further allow ministers to issue guidance on how Scottish Water should take steps to develop the value of its assets. Scottish Water must have regard to such guidance. As I said, it is a publicly owned utility. Given the relationship of communication and accountability between ministers and Scottish Water, it might be appropriate on occasions for ministers to offer it guidance on the direction that it should take when developing its assets.

When we take the amendments in conjunction with the existing provisions, we see that the clarity and assurance are there for Elaine Murray. I hope that, as a result, members will support the amendments.

*Amendment 12 agreed to.*

### **Section 22—Development of assets**

*Amendments 13 to 16 moved—[Nicola Sturgeon]—and agreed to.*

### **Section 23—Supporting renewable energy**

*Amendments 17 and 18 moved—[Nicola Sturgeon]—and agreed to.*

### **Section 28—Agreements about activities**

**The Deputy Presiding Officer:** We move to group 7. Amendment 4, in the name of Dr Elaine Murray, is the only amendment in the group.

**Elaine Murray:** The bill enables Scottish Water to enter into agreements for the purpose of protecting or improving raw water quality. Such management agreements will help to contribute to sustainable catchment management, whereby drinking water quality issues are addressed at source rather than through more expensive water treatments further down the chain.

The cabinet secretary stated at stage 2 that Scottish Water is not obliged to meet those objectives, but my contention is that that is not correct. As Scottish Water is designated as a responsible authority for the purposes of the Water Environment and Water Services (Scotland) Act 2003, it is obliged to contribute to the delivery of the water framework directive and the WEWS act objectives. As a public body, Scottish Water also has a range of other statutory duties, such as contributing to sustainable flood management and furthering the conservation of biodiversity.

Amendment 4 is slightly different from the amendment that I lodged at stage 2—members will be relieved to hear that. It aims to ensure that, in delivering sustainable catchment management, Scottish Water integrates that with its existing statutory duties.

The amendment that I lodged at stage 2 had a similar purpose, but there was a lack of clarity in the way in which it was drafted with regard to its intention. The amendment has therefore been redrafted to make it clear that the intention is not to give Scottish Water powers to enter into agreements that would, for example, reduce flood risk while not improving raw water quality. The amendment is intended to ensure that Scottish Water meets and integrates its various different statutory duties.

I move amendment 4.

**Nicola Sturgeon:** Section 28 inserts new section 68A into the Water (Scotland) Act 1980. The new section enables Scottish Water to enter into agreements with landowners or local authorities for them or Scottish Water to carry out any activities that Scottish Water considers necessary to improve raw water quality—that is, the raw water that, once treated, becomes part of the public drinking water supply.

As Elaine Murray said, amendment 4 is a slight refinement of the amendment to section 28 that

she lodged at stage 2. I still do not support the amendment. It lists five pieces of legislation, including

“the Water Resources (Scotland) Act 2013”,

under which Scottish Water will have certain duties, and it requires Scottish Water to have particular regard to those duties when making agreements under the section. That runs contrary to what the section is trying to do.

The new section of the 1980 act is about empowering Scottish Water to enter into voluntary agreements with landowners and local authorities when it is deemed that cost-effective action can be taken to address drinking water quality issues at source and thereby improve drinking water quality by means other than through treatment at a treatment works. Such agreements are not intended to be a vehicle by which Scottish Water complies with other statutory duties that have been placed on it, although they might sometimes further the same objectives.

It goes without saying that Scottish Water must comply with all statutory duties that are placed on it, and it could not enter into an agreement that would place it in breach of any such duty. The provision in amendment 4 would be an unnecessary complication and a distraction from the purpose of the section, which is to encourage agreements between Scottish Water and others for the purposes of improving raw water quality. I also argue that it is a duplication, given that Scottish Water must comply with all the legislation to which it is subject.

Taking those comments into account, I ask Elaine Murray to withdraw amendment 4. If the amendment is pressed, I ask the Parliament to reject it.

**Elaine Murray:** The debate on the amendment has been helpful because it has helped to clarify some of the issues around section 28. I am content with the explanation that has been given of the way in which the statutory duties must be fulfilled and the nature of section 28. I therefore intend to withdraw the amendment as I am content with the explanation that we now have on the record.

*Amendment 4, by agreement, withdrawn.*

### After section 33

**The Deputy Presiding Officer:** Amendment 5, in the name of Dr Murray, is the only amendment in group 8.

**Elaine Murray:** I am sure that members will be happy to hear that this is my final amendment.

I lodged the same amendment at stage 2 to try to ensure that the offence of the discharge of fats,

oils and grease would cover a wider range of establishments. The discharge of those substances causes an estimated 55 per cent of sewer blockages. The bill gives us an opportunity to prevent the problem by ensuring that the offence covers potentially high-risk establishments. Public sector premises such as educational establishments and offices can have large catering facilities. It is therefore sensible to treat them in the same way as public sector hospitals and care homes, which are already covered due to their inclusion in the definition of trade premises under the Sewerage (Scotland) Act 1968.

15:30

At stage 2, the cabinet secretary stated that public sector premises, with the exception of hospitals and care homes, are currently excluded from part 2 of the 1968 act, which is the point that I am trying to make, and also said that my amendment raised the question whether the consent regime ought to be extended to cover such premises. In fact, there is a case that they should be covered. It seems illogical that some public sector premises are covered and some are not.

I believe that amendment 5 would give additional power to the legislation to prevent the discharge of these materials, which causes more than half of the sewer blockages in Scotland.

I move amendment 5.

**Alex Johnstone:** The discharge of fat into sewers was one of the issues of genuine concern for a number of people who gave evidence. It is a matter of some concern that, if the bill remains as it is, the law will continue to permit certain types of public sector body to discharge in that way. I therefore have significant sympathy for amendment 5 and would be inclined to support it.

**Nicola Sturgeon:** We debated this issue at stage 2 and I accept some of the prima facie arguments that are being made. It would be interesting for all of us to trail back through things so that we could understand fully the reasons for the distinctions between different classes of public body.

As Elaine Murray has explained, the amendment would bring premises that are used or managed by public bodies or office-holders, such as schools, within the new offence relating to the discharge of fat, oil and grease from trade premises. It would also—I stress this point—subject them to the new power for Scottish Water to recover the cost of rectifying any damage caused to sewers or drains as a result of such discharges.

The regime that was created by the Sewerage (Scotland) Act 1968, as far as I am aware, works well. Certainly, I have not heard from Scottish Water in particular any suggestion to the contrary. The regime will be further improved by the addition, through the bill, of the provisions expressly prohibiting the discharge of fats, oils and grease from trade premises into the public sewer, and allowing Scottish Water to recover the costs of rectifying damage caused by such discharges. Those provisions are to be inserted into the 1968 act, and complement provisions that are already in that act.

As I said a moment ago, Scottish Water has not drawn to our attention any particular problem caused by the existing definition of trade premises, which covers premises that are used by trade and industry and specifically includes hospitals and care homes but does not include other premises that are used or managed by public bodies. I am therefore not convinced by the argument that we should now apply the new offence to all such premises.

**Alex Johnstone:** I intervene to ask a simple question. Is the cabinet secretary able to justify the fact that schools will be protected but hospitals will not be?

**Nicola Sturgeon:** My point is that we have not had any expressions of concern from Scottish Water that the current system—whatever the historical reasons for that system—is not working well.

If we pass the amendment, there will also be a risk that those premises will be brought within the trade effluent consent regime in the 1968 act. To bring them within that regime would place an additional burden on the public bodies concerned and I am simply not convinced that there is a problem with discharges into the sewerage network from those premises that needs to be addressed.

I understand the point that members are making, I am simply not convinced that the way to respond to that point is to include those additional public bodies in the ambit of the legislation in the way that the amendment would. For those reasons, I ask Elaine Murray to withdraw amendment 5.

**Elaine Murray:** I am slightly confused by the cabinet secretary's arguments, I must admit. It seems illogical that hospitals are covered by this regime but other parts of the public sector that have large catering facilities, such as schools, are not.

The cabinet secretary argues that Scottish Water has not reported any problems with the current system. If there is no problem, the powers

will not be used. The powers are there in case a problem arises.

I am sure that there are probably historical reasons why certain parts of the public sector and certain public sector establishments are included and others are not, but that does not mean that the situation could not be tidied up at this point. Because I do not really understand the differences between those different types of public sector establishments in respect of this offence of discharging fats and oils, and given that the discharging of fats and oils into the sewers is a problem in general, I cannot see what would be lost by the inclusion of educational facilities and so on in the legislation. Therefore, I intend to press the amendment.

**The Deputy Presiding Officer:** The question is, that amendment 5 be agreed to. Are we agreed?

**Members:** No.

**The Deputy 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)  
 Carlaw, Jackson (West Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Davidson, Ruth (Glasgow) (Con)  
 Dugdale, Kezia (Lothian) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 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)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alex (North East Scotland) (Con)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McArthur, Liam (Orkney Islands) (LD)  
 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)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 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)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (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)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (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)  
 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)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (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)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Salmond, Alex (Aberdeenshire East) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)

Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 55, Against 62, Abstentions 0.

*Amendment 5 disagreed to.*

#### Section 37—Content of order

**The Deputy Presiding Officer:** Amendment 19, in the name of Nicola Sturgeon, is grouped with amendments 20, 22 and 23.

**Nicola Sturgeon:** Amendments 19 and 20 make minor refinements to the water shortage provisions, and in particular to the content of any water shortage order that ministers might make. It is important that any such order is as clear as possible and that ministers have sufficient flexibility to make an order that is appropriate to the community or the area affected.

Amendment 19 builds in additional flexibility by allowing water-saving measures to be tailored so that they apply only to certain purposes that are specified in the order, should that be appropriate and sufficient to reduce the demand on the network.

Amendment 20 allows for a water shortage order to include exemptions from, or exceptions to, the measures in the order, or to make different provision for different purposes. That might be because ministers agree that a certain activity is critical and should continue, or that a certain group of people should be exempted from the measures.

Amendments 22 and 23 are very minor drafting changes, to aid clarity.

I move amendment 19.

*Amendment 19 agreed to.*

*Amendment 20 moved—[Nicola Sturgeon]—and agreed to.*

#### Before section 48

**The Deputy Presiding Officer:** Amendment 21, in the name of Nicola Sturgeon, is grouped with amendment 24.

**Nicola Sturgeon:** Amendments 21 and 24 exempt the Crown, although not persons in the service of the Crown, from criminal liability under parts 2 and 7 of the bill. Those parts deal with the control of large-scale water abstractions and water shortage orders, and it is the Scottish Government's policy that the Crown should not be exposed to criminal liability. The Crown will not be

held criminally liable for contravening any provision under those two parts. However, Scottish ministers could apply to the Court of Session to declare any contravention of the provisions by the Crown unlawful.

The two amendments also concern the powers of entry conferred under parts 2 and 7 of the bill. They provide that those powers will be exercisable only in relation to Crown land, which is land belonging to Her Majesty or the Scottish Government, with the consent of the appropriate authority. That is in recognition of the fact that there might be additional security or safety issues that need to be considered before entry to such land can be granted.

As regards powers of entry, the amended provisions will not prevent access to Crown land but will merely require the consent of the Crown Estate Commissioners, the relevant office-holder or the relevant governmental authority as the case may be. It is also worth mentioning that, under ordinary administrative rules, such consent cannot be unreasonably withheld.

The amendments reflect Government policy and are consistent with provisions in other recent legislation passed by the Parliament, such as the Flood Risk Management (Scotland) Act 2009 and the Reservoirs (Scotland) Act 2011.

I move amendment 21.

*Amendment 21 agreed to.*

### **Schedule 1—Water shortage orders**

*Amendments 22 and 23 moved—[Nicola Sturgeon]—and agreed to.*

### **After schedule 2**

*Amendment 24 moved—[Nicola Sturgeon]—and agreed to.*

**The Deputy Presiding Officer:** That ends consideration of amendments.

## **Water Resources (Scotland) Bill**

**The Deputy Presiding Officer (John Scott):** The next item of business is a debate on motion S4M-05711, in the name of Nicola Sturgeon, on the Water Resources (Scotland) Bill.

15:42

**The Deputy First Minister and Cabinet Secretary for Infrastructure, Investment and Cities (Nicola Sturgeon):** First, for the purposes of rule 9.11 of standing orders, I wish to advise the Parliament that Her Majesty, having been informed of the purport of the Water Resources (Scotland) Bill, has consented to place her prerogative and interests, so far as they are affected by the bill, at the disposal of the Parliament for the purposes of the bill.

I am pleased to open this stage 3 debate on the Water Resources (Scotland) Bill. At the outset, my thanks go to the Infrastructure and Capital Investment Committee for its thorough consideration of the bill. I thank all those who provided written and oral evidence to the committee as well as those who responded to the Government consultations and everyone who has worked with us throughout the legislative process. My thanks are also due to the Subordinate Legislation Committee for its scrutiny and its reports on the bill. I also place on record my thanks to Scottish Government officials—in particular, those in the bill team—who have worked extremely hard to bring the bill to this point today.

I am sure that every member in the chamber will agree that we in Scotland are extremely fortunate in having a beautiful environment. We perhaps do not always think of our water environment in that way—as we struggle through the rain—but we are extremely lucky to have it. We are also very fortunate in having, in Scottish Water, a very high-performing public corporation. The Government intends that Scottish Water will remain a high-performing public corporation, which I know will not please those Conservative members who are in the chamber this afternoon.

The bill recognises the critical importance of our water resources and it rightly tasks ministers with leading a collective effort to make the most of this natural asset. As members are aware, the bill is just one part of an ambitious and evolving programme of action that intends to develop Scotland into a hydro nation. That transformation into a hydro nation will be achieved over the years ahead through collaboration and partnership. We will of course report to Parliament on progress, and I hope that everyone will feel able to play a positive role in what is a vital agenda.

We also have a responsibility to demonstrate good stewardship of our water resources, not only for the benefit of people here in Scotland but to show that good stewardship to the rest of the world. Many other countries around the globe would wish to have the abundance of water that we enjoy, because many of them face increasing water scarcity. We have knowledge to share with them. No doubt we have some lessons to learn from some of them, too, but we need to play our part in the global effort to better manage the world's water and support international co-operation and learning on water issues.

One good example of how we are doing that is the work that Scottish Water, the Scottish Environment Protection Agency and the James Hutton Institute are doing with the Government of Malawi. Those water experts will be discussing the management and governance of water and waste water and have the Scottish Government's full support in that endeavour.

**Neil Findlay (Lothian) (Lab):** I sincerely hope that, when Scottish Water works abroad, it does not engage with commercial opportunities to try to privatise the development of services in some countries. There is a move for that. Throughout the world, some big commercial opportunities are looking to exploit poor countries' water provision.

**Nicola Sturgeon:** Neil Findlay raised that point at stage 1 of the bill. I fully recognise the point that he makes; it is a serious one. I simply say, as I did at stage 1, that Scottish Water is in a great position to lead by example not only as a high-performing public water authority but as one that has built up, and will continue to build up, extensive expertise that should be shared around the world for the benefit of those in other countries who do not have the water abundance and water expertise that we do. Scotland should be proud of Scottish Water, not only for what it does at home but for the international example that it can set as a high-performing public body.

As everybody appreciates, not only do we have expertise in water governance, we have academics with specialist knowledge of global water issues and management, as well as a track record of developing new and innovative technologies in the sector. Scottish Water is also providing technical advice to the water industry in Qatar, for example.

We have a number of enterprises that provide water services. Biomatrix Water is based in Moray but delivers ecological engineering services internationally.

Those are all good examples of how we are able to share with other parts of the world something that we have built up in Scotland as a result of the particular circumstances that we have

here. The bill helps us to do that. It strengthens the focus on what we are trying to do.

Part 1 of the bill gives ministers a duty to take steps to develop the value of our water resources.

During the passage of the bill, I listened to, and came to agree with, the considerable weight of opinion that the value of our water resources should be expressed in terms of not just economic but social and environmental benefit. Our intention was never to drive economic benefit to the detriment of social and environmental factors, because we need to develop all aspects of value. Therefore, I am pleased to have amended the bill to make that absolutely clear. We thank all those who made that point at previous stages of the bill.

We will deliver against the duty to develop the value of our water resources, and the bill adds momentum to a wide-ranging programme of work that is already being energetically pursued.

We have completed a feasibility study on delivering a water innovation park, for example, which has concluded that we should progress with that proposal. Scotland's centre of expertise for waters—CREW—led by the James Hutton Institute, is busy producing research that will support the hydro nation agenda, including a recently published report on the latest evidence and thinking about developing the value of water resources.

The climate justice fund has also recently awarded its first grants. Work has started on water-related action in sub-Saharan Africa. That demonstrates that we are serious about sharing skills and knowledge and being a global force for progress in the vital area of water stewardship.

A cohort of hydro nation PhD scholars has been recruited to deliver new primary research in water-related topics, and we are also very pleased to support the United Nations international year of water co-operation.

Co-operation is vital not only if we are to better manage water resources domestically—it is important for us domestically notwithstanding the relative abundance of our water—but if we are to contribute to the better management of resources around the globe.

The hydro nation agenda and the bill in particular speak of our determination to develop all aspects of water value, from the environmental improvements that are crucial to maintaining and improving our landscape and habitats, to innovations in water management and water efficiency to keep water bills low for households and businesses alike. Again, that is a very important objective. I take the opportunity to remind members that we have domestic water bills for 2013-14 that are on average £54 lower than

bills in England and Wales. That is another testament to the success of our public corporation, Scottish Water.

The bill further supports Scottish Water in its objectives. For example, late on in the amendment stage we debated how we can support Scottish Water in being able to maintain its assets better through new controls on fats, oils and greases and allow it to take proactive action with new water-sampling powers. The bill modernises the procedures to be followed when there are water shortages and puts further emphasis on the delivery of even greater returns from Scottish Water's estate and infrastructure, most importantly by generating more renewable energy, which is another important objective in this country .

Understandably, I have talked a lot today about Scottish Water, and no doubt other speakers in the debate will do that too. However, it is important to reflect that more players are involved in the agenda than just Scottish Water; organisations such as Scottish Enterprise, Highlands and Islands Enterprise, Scottish Natural Heritage and SEPA have key roles to play, and we must always be mindful of that. Those organisations are important to the development of the value of our water resources. For that reason, the bill enables ministers to direct them as well as Scottish Water in relation to this agenda.

More broadly, our academics and engineers from the wider water industry, and individual land managers and farmers all have diverse roles to play in the different types of partnerships. Individuals can also play their part by respecting water as a resource that should be used carefully and responsibly. In that regard, the bill supports communities that share septic tanks; it supports communities to maintain them more effectively as one part of a broader work plan to improve our management of such tanks.

As I said at the amendment stage and as was commented on at stage 1 and regularly throughout the bill's passage, the bill's abstraction provisions are the most controversial provisions, so it is probably appropriate that I take a moment to comment on abstraction. As members will be aware, abstraction is the process by which water is taken from a river or other water body for a specific purpose. That is currently regulated by SEPA, using the controlled activities regulations. When an application for abstraction is made, SEPA considers the request and the impact of the abstraction on the water body from an environmental perspective and then decides whether to grant a licence. I am pleased that the bill contains new powers for ministers to consider applications for the largest abstractions from the water environment. That will not alter SEPA's role as the environmental regulator, because the

controlled activities licence will have to be sought in the usual manner. However, it is about ministers deliberately taking a broader view and looking to the future and not just taking the important but rather narrower view of environmental aspects. We need to take that broader view because we are looking at a future where our water assets will be increasingly valuable in a world of growing water scarcity.

I think that we all want Scotland to be a great place in which to do business and we all want new enterprises to be attracted to Scotland. As a relatively water-rich country, we may increasingly see businesses that are heavy users of water wanting to move into Scotland. We should not necessarily discourage that, but the new abstraction procedure will enable us to ensure that the best use is made of our water resources and that we support the needs of large water abstracters.

As we move towards the end of the bill's legislative passage, we are looking towards the bill's implementation and drawing up the regulations and guidance that will be necessary to support that important process. Throughout the passage of the bill, we have taken an open and collaborative approach to consulting with stakeholders. As I have said, one of today's amendments came out of a particular approach by a stakeholder. I want to be clear to members that, as we move into the phase of regulations and implementation and guidance, we will work with stakeholders to ensure that the regulations and guidance are developed collaboratively and take account of any concerns raised.

We should never lose sight of the fact that we are incredibly fortunate to have great water resources in Scotland. We must charge ourselves with a duty to make the most of what is a wonderful natural advantage. Water is part of the very spirit of Scotland, and we should be mindful not only of how lucky we are but of its lack of availability elsewhere in the world. We must understand and discharge our duty to conserve and protect the resource that we have. We must also be creative and innovative in developing the full potential of what is our most fundamental and precious resource. The bill sets us on that journey. I ask—and I hope—that members will support the Water Resources (Scotland) Bill at decision time.

I move,

That the Parliament agrees that the Water Resources (Scotland) Bill be passed.

15:56

**Elaine Murray (Dumfriesshire) (Lab):** The bill has not changed a great deal since the stage 1 debate at the end of the December, which makes

it a bit difficult to think of anything terribly new to say about it. I did my best to protract the amendment stage—obviously without a great deal of success.

The bill is not particularly radical—it is less radical than we had expected after the hype that had preceded its introduction. The provisions are reasonable in relation to the bill's aspirations to promote the economic, environmental and social benefits of a natural resource that Scotland possesses in so much abundance; they are also sensible and something on which we can all agree.

Stewart Stevenson is not in the chamber—we will all, I think, be thankful that presumably we will be spared his analysis of the composition of his body that he gave us at stage 1.

I am pleased that progress has been made on issues that were raised at stage 1. The most important example is that of the changes that have been made to ensure that the value of Scotland's water resource specifically includes not only economic benefits, but social and environmental benefits. That issue was addressed initially in an amendment that the cabinet secretary lodged at stage 2, but it has been reinforced further by Jim Eadie's amendment 25.

Of course, I was disappointed—but perhaps not surprised—that my amendment on the specific inclusion of peatlands has been unsuccessful. We often talk in the chamber about the enormous contribution that Scotland's huge natural peat bogs and other peatlands resource make to our environment. Indeed, peatlands—like our water resource—are a resource that Scotland possesses in abundance. Although stage 3 offered an opportunity to address the situation, there seems to be a reluctance to follow up the rhetoric with legislative action.

The information that was given at stage 2 on how the Government is supporting the restoration, protection and maintenance of peat bogs and peatlands is, of course, welcome. However, the bill presented an opportunity to progress the sustainable management of peatlands specifically as part of the development of Scotland's water resource. I am disappointed that neither the Government nor, indeed, other members agreed.

I am disappointed about my trade effluence amendment, too. I hope that no incident occurs, but if any public sector body causes problems and there is an incident, I will be the first to run up and say, "I told you that we could have solved these problems in the bill".

At stage 1, concerns were raised about part 2, which is on water abstraction, with many witnesses questioning the necessity of that part of the bill, which was added fairly late on in the

process. At stage 2, Alex Johnstone, supported by the RSPB, the Association of Salmon Fishery Boards and other stakeholders, unsuccessfully attempted to have the provisions on abstraction removed.

I understand that regulations will be introduced on the information that will accompany an application. I presume that those will come before the Infrastructure and Capital Investment Committee for examination. The issue of the non-consumptive nature of water abstraction for the whisky industry was raised at stage 1, and I will be interested to learn whether that issue will be addressed through the regulations.

During stage 1, some concerns were raised about the adequacy of the reporting provisions in the bill and about the wider hydro nation project. Indeed, the committee agreed that it wished to scrutinise the bill, if enacted, annually during the first reporting period. That, too, has been addressed by an amendment that has been agreed to, and I am sure that the committee will be pleased to take on that responsibility.

At stage 2, I suggested that the bill should make specific reference to the registration, care and maintenance of septic tanks and the need for SEPA to educate the public about and raise awareness of the legal obligations on septic tank owners. From time to time, those of us who represent rural areas are approached by constituents with issues that have arisen as a result of how private septic tanks are—or are not—maintained. Alex Johnstone expressed support for an amendment on the matter that I lodged at stage 2. I did not move the amendment, because the cabinet secretary told us that SEPA, Scottish Water and Scottish Government officials had agreed to a work plan to address issues such as increasing the registration of septic tanks, sharing data on locations and generally raising public awareness of owners' responsibilities to maintain and empty their tanks.

The Infrastructure and Capital Investment Committee has been offered briefings from Scottish Water and SEPA about progress with that work, and I hope that there will be time to include the issue in our work programme. Members such as me who represent rural areas, where there are many private septic tanks, can help to promote such work in our constituencies and can assist with the raising of public awareness. I am looking forward to learning more about the work plan, and I hope to be able to play a part in publicising progress with it in my constituency and in ensuring that my constituents are made more aware of their responsibilities.

Reference has been made to the desire of some members to privatise Scottish Water. I was a member of Strathclyde Regional Council when it

held a referendum on whether the then Conservative United Kingdom Government's plans to privatise water services should be followed. I think that about 90 per cent of people rejected those privatisation plans.

**Mary Scanlon (Highlands and Islands) (Con):**

My memory of that is that it was tied in with the reorganisation of local government. The Conservative Government at the time was looking at police forces, education authorities and so on. My understanding is that there were six options, of which privatisation was one. It was not the only option.

**Elaine Murray:** I thank Mary Scanlon for that intervention. The referendum that was held by Strathclyde Regional Council was fairly clear. It asked the people of Strathclyde whether they wanted their water services to be privatised. At the time, Strathclyde Regional Council had responsibility for the water supply in Strathclyde. The privatisation of water services was comprehensively rejected by the people of a region that comprised almost half the population of Scotland, and I do not think that the position in Scotland will have changed greatly since then.

Scottish Water is a success story. It is more efficient and cheaper than many of its private sector comparators south of the border. Of course we all receive complaints from constituents from time to time. Those complaints often have substance and we follow them up, but I have always found Scottish Water to be efficient and prompt in responding to any issues that I raise with it.

A few weeks ago, I and the convener and deputy convener of the Infrastructure and Capital Investment Committee attended a David Hume Institute seminar, at which we were advised that Scottish Water is the only public utility in the UK that has achieved the gold standard in procurement. I had not known that. We should be proud of such achievements. We should not go down the line of, "Public sector bad; private sector good." There are times when we should celebrate the fact that the public sector is doing better than the private sector. It can do better than the private sector and, with the right powers and the right direction, it will.

In one of my amendments, I made reference to the subsidiaries of Scottish Water, which include Scottish Water Horizons, Scottish Water Business Stream—I do not know about other members' experience of that body, but I find it remarkably diligent in pursuing payment of bills that have only just been dispatched—and Scottish Water International, which was formed at the beginning of last year and which is already using Scottish Water's expertise to the benefit of a number of other countries. I recognise the concern that Neil

Findlay expressed at stage 1 and earlier today. We would not want such work to be engaged in at the expense of people who live in poorer countries, and we certainly would not want Scottish Water, as a public company, to participate in the privatisation of water resources in other countries. However, it can bring a lot of expertise and experience.

Scottish Water proves that the public sector can deliver excellence and it would be a great mistake to sell it off for the sake of a one-off injection of finance. In fact, that money might not necessarily help the financial situation in Scotland; the UK Treasury might also lay claim to it.

The public sector is often depicted as bloated and inefficient but that is not true of this public company. As I have said, Scottish Water is a testament to the public sector's ability to deliver excellence and the additional responsibilities conferred by the bill will enable it to develop our water resource further—

**Mary Scanlon:** It is not all to do with the public sector; many Scottish Water infrastructure projects are carried out through a very good and successful partnership with the private sector. Indeed, one such organisation, Morrison Construction, works very well and to very high standards in that partnership.

**Elaine Murray:** I certainly agree with the member. As she will know, we have been in favour of partnerships between the public and private sectors. Others in the chamber might in the past have expressed their dislike of public-private partnerships but even the Scottish Futures Trust is taking forward models based on them.

That work is very much to be welcomed, and I think that the public sector can play a strong role in it. I do not want a successful public sector company such as Scottish Water to be sold off to the private sector.

The bill will enable Scottish Water to develop our water resource further, which I believe will deliver multiple economic, environmental and social benefits to Scotland.

**The Deputy Presiding Officer:** I call Alex Johnstone, who may have a generous five minutes.

16:06

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

First of all, I congratulate Elaine Murray on taking so much time. When one is given enough time to speak, one relaxes and finds an awful lot more to say. That has certainly been my experience.

In supporting the bill at stage 3, I want to clarify one or two misunderstandings about my personal

position and the position of the Conservative Party on the water industry. We will all remember that, back in the days before Scottish Water was created, the Scottish water industry—or, I should say, its constituent parts—was a bit of a basket case. The various parts of the industry were underinvested in, poorly resourced and, in some cases, not managed as well as they might otherwise have been. The creation of Scottish Water was therefore something of an inevitability. It was necessary for things to be gathered up, put in one place and pointed in the right direction.

Since the Scottish water industry became Scottish Water, things have come on in leaps and bounds. I will not criticise Scottish Water's performance, which I believe to be extraordinary. Everyone concerned, from the management right down to those in the field and the contractors that work with the organisation, deserves to be praised for what they have achieved. They have made the Scottish water industry something that we can all be proud of. Now that Scottish Water has been in place for 10 years and more, I believe that this legislation is necessary to ensure that the industry can change, develop and progress.

Although I think it essential to express my support for the industry, I believe that certain alternative structures could, if allowed, encourage it to develop more effectively. The word "privatisation" has been used in the debate—indeed, it is often used by those on the Labour benches and the Government's back benches—but it does not actually describe what the Conservative Party has been proposing for the past five or six years. If members recall, we proposed the mutualisation of the industry. We believed that it could be freed from the dead hand of state control and become the property of its customers rather than the taxpayer.

**Elaine Murray:** I believe that in his objection to one of my amendments the member said that he regretted that the bill did not enable Scottish Water to become "a private company".

**Alex Johnstone:** There is a wonderful debate to be had—indeed, we had it in the chamber some years ago—about whether a mutual or co-operative model is a private sector or a public sector model. We were keen to emphasise that we wanted the industry to be owned by its customers rather than by the Government.

With that little bit of fine tuning, I will progress to talk about one or two other key things that the bill brings to our attention.

As it is, Scottish Water has an amazing level of expertise, skill and talent. Much of the bill is about setting Scottish Water free from the dead hand of state control. In that respect, it does many of the things that Conservative members would wish to

do, but it chooses a different model to achieve those objectives. Part 3 will have that specific effect as it will let Scottish Water do valuable things and work in partnerships that will allow it to progress the industry in Scotland. The minister claimed that water bills in Scotland are £54 lower than those south of the border, of course, but the Government consistently fails to take into account the billions of pounds of taxpayers' money that have been invested. Unless we recover that money some day, that figure is an inaccurate representation.

In looking through the other parts of the bill, it is fascinating to see that a whole part of it—part 7—is devoted to the issue of water shortages. I come from a community that has been washed away on more than one occasion in the past two or three months, and I would love to experience a water shortage. I look forward to doing so in future. When the regulations are eventually implemented and ministers have to make pronouncements on water shortages, I will be out there with my deck chair enjoying the change in the weather that we will experience.

Part 4 has a key part to play in respect of raw water quality. I value the opportunity that it gives the industry to work hand in hand with other organisations and individuals to ensure that raw water is of the highest quality in Scotland.

Elaine Murray has already touched on part 6. In my postbag, the issues of private sewage works and septic tanks in particular are of a surprisingly high level of significance, and I value the opportunity to look at them afresh—perhaps that is the wrong word to use in relation to sewage. I hope that I will be able to give appropriate advice in a number of current cases and take forward the issue of septic tanks in a constructive, engaged and co-operative manner, because quite often that experience is not reflected when those issues are being dealt with.

Part 2 relates to water abstraction, in which I developed a peculiar interest during stage 1. My concern was that the issue had been added to the bill late and without adequate consultation, and that there was little or no explanation about why a number of provisions, although they were not wrong, had been included. That is why I lodged a series of amendments at stage 2 that would have removed part 2 completely. Unfortunately, those amendments were not supported, and I thought that I would not waste our time today by lodging them all again. However, I take the opportunity to express my concern again and, later in the debate, Mary Scanlon will go into some detail about our concerns around part 2 and abstraction interests.

Had I been in a position to influence what is in the bill, I would have done things differently, but much of what is contained in it is worthy of

support. With that one regret, I take my final opportunity to express my support for the bill at stage 3.

**The Deputy Presiding Officer:** We now move to the open debate. We have some time in hand. Gordon MacDonald has a generous four minutes.

16:14

**Gordon MacDonald (Edinburgh Pentlands) (SNP):** Water is one of Scotland's primary assets and the Water Resources (Scotland) Bill creates a framework that will allow the development of Scotland's water as an economic resource; at the same time, the bill safeguards the fulfilment of Scottish Water's core functions.

Scotland has an abundance of water with almost 2 per cent of the land surface covered by freshwater lochs and rivers. Scotland has approximately 70 per cent by area and 90 per cent by volume of all the UK's inland surface water. We therefore have a duty to use that resource wisely and to maximise its potential.

The Infrastructure and Capital Investment Committee's stage 1 report highlighted the level of support for the Water Resources (Scotland) Bill from a range of organisations, including the centre for water law, the Institution of Civil Engineers Scotland, the UK Environmental Law Association and SEPA. In the stage 1 debate, I commented briefly on the £44 million that Scottish Water will invest to meet its new obligations. The return, in relation to potential savings and meeting our climate change targets, will be substantial.

Part 3 will place a new duty on Scottish Water to promote the use of its assets for the generation of renewable energy. That could take the form of putting water turbines into high-pressure water pipes, converting reservoirs into hydro dams, or placing wind turbines on some of the 70,000 acres of land that it owns, all of which would help us to meet our climate change targets.

In October 2011, members of the committee toured the new water treatment works at Glencorse, outside Edinburgh. That new facility incorporated a hydro turbine that meets more than 60 per cent of the site's energy needs. Scottish Water estimates that it could boost its hydro power capacity through the development of hydro turbines to deliver an additional 25,000MWh per year from existing assets by 2015. That highlights the potential energy savings that could be made by retrofitting turbines in other waterworks throughout the country.

However, it is not just about making savings for Scottish Water. Scotland has a wealth of experience in hydro power stations dating back to 1927, and has one of the largest hydroelectric

pump storage schemes at Cruachan dam. The existing 145 hydro power stations contribute approximately 12 per cent of Scotland's electricity generation, and initial studies by Black and Veatch on behalf of Scottish Water have identified 30 sites with the potential for cost-effective hydro power generation. Again, such developments will help us to achieve our 2020 renewables targets.

In allowing Scottish Water to develop non-core activities, we must protect the 2.4 million households and 152,000 businesses that it supplies with 1.3 billion litres of water and sewerage services every day. The bill achieves that by inserting new section 50A into the Water Industry (Scotland) Act 2002, which places a duty on Scottish Water to

"take reasonable steps to develop the value of its assets and expertise"

only in so far as it

"is not inconsistent with the economic, efficient and effective exercise of its core functions"

which are to provide water and sewerage services in Scotland.

Scottish Water has delivered one of the UK's largest investment programmes for the lowest bills. It delivered £491 million of investment in 2011-12, which is 20 per cent higher than its delivery plan target. In the past 10 years, a total of £5.5 billion has been invested across Scotland.

Scottish Water, one of the few remaining publicly-owned water companies in the UK, recently announced that the average household bill for water and sewerage for in 2013-14 will be £334, compared with the average bill south of the border of £388. That is an 11 per cent saving for the average household in Scotland. In comparison, the average charge back in 2002-03 was £30 higher than in England and Wales.

Scottish Water has delivered higher-than-planned investment in its core activities, with average annual bills equating to less than £1 per day for all water and waste services—or the cost of a single 500ml bottle of water.

I am sure that people throughout Scotland see the benefits of Scottish Water being a publicly-owned company.

As climate change leads to even more wet weather, there will be a requirement to build bigger sewers to help to deal with the increased rainfall. Residents in Kingsknowe in my constituency, who have suffered regular flooding since 1999, will be pleased to know that Scottish Water plans to replace the main sewer in the next financial year. I hope that even more efficient use of Scottish Water assets will mean that people throughout Scotland see further benefits from having a locally-owned and locally-controlled water company.

16:20

**Malcolm Chisholm (Edinburgh Northern and Leith) (Lab):** I was pleased to be on the Infrastructure and Capital Investment Committee during stage 1, but I departed to pastures new in the Finance Committee before stage 2. I found this bill to be one of the most difficult ones that I have had to grasp—indeed, an image of trying to grasp water in my hand occurred to me several times when I was considering it. I have no doubt that that was due to deficiencies in my understanding.

I have come to appreciate the bill a little more over time. Part of the problem is that, although the bill is modest and worthy, it does not live up to the expectations and rhetoric around the hydro nation that we heard before it was introduced. Having said that, I think that the bill is worth while and that the parliamentary process has been good. I was not present at stage 2, but I read the *Official Report* of proceedings and it is fair to say that the cabinet secretary listened and responded to many—although not all—of the concerns that had been expressed about the bill.

Across the Parliament there is wide acceptance that water is more than a prized natural resource and is an essential that we cannot do without. Key industries, from agriculture and food and drink to manufacturing and energy, depend on Scotland's natural water resources and have an interest in ensuring their sound management.

Water is held particularly dear by people in Scotland, and Scottish Water's status as a public company is highly valued, as members said. That goes back to the key privatisation debates that Elaine Murray and I remember so well—privatisation was an early issue that I was concerned with in the Westminster Parliament. The debates showed the strength of the people of Scotland's feelings on the matter, and the Scottish Government was right to decide that there should be no change to the status of Scottish Water. A consequence of the current status, as the cabinet secretary reminded us, is that water bills in Scotland are significantly lower than water bills in England.

The bill sits with the hydro nation agenda, which is all about realising the value of Scotland's water for the benefit of the Scottish economy as a whole, as well as Scottish industry. However, we must be clear that the value of Scotland's water cannot be measured simply in pounds and pence. Water is a valuable resource in the widest possible sense, so I am pleased that at stage 2 the Scottish Government agreed to the amendment that widened the concept of the value of Scotland's water resources. It is about realising not just economic benefit but environmental and social benefits and it is right that that is explicit in the bill. There must be an all-Scotland response to our

economic difficulties, but the development of our economic potential has to be consistent with important principles of sustainability, especially where Scotland's water is concerned.

I welcome today's further developments in that regard. Jim Eadie talked about the need to attend to all three pillars of sustainability and his amendment 25 strengthened those pillars, as did the cabinet secretary's amendment on the monetary and non-monetary value of Scottish Water.

I welcome the duties on the Scottish ministers in part 1. I perhaps did not appreciate the issue at the beginning of the process. It is important that things that ministers could choose to do will now be requirements. I am pleased about that. However, as I said earlier, I still think that there is a bit of a contradiction between the duties of the Scottish ministers and the rather narrower duties of Scottish Water.

I suppose that I should apologise to the cabinet secretary for asking her to explain her explanation—no doubt there was another failure of understanding on my part—but I was expressing concern that external stakeholders raised, and in relation to today's amendment to section 22, I am concerned that Scottish Water may interpret its duties in a rather narrower sense as a result of the insertion of the word "commercial" before "value" in new section 50A(1) of the Water Industry (Scotland) Act 2002. It is important that Scottish Water meets its wider duties relating to the environment—meeting water framework directive obligations, minimising carbon emissions and so on.

As the cabinet secretary indicated, co-operation is vital for Scottish Water. I would have liked that to have been stated in the bill in relation to all its statutory duties. Working in partnership with other bodies will be crucial for Scottish Water in achieving its objectives. The same applies to the whole issue of scrutiny. I am pleased that Jim Eadie's amendment 26 on scrutiny was agreed to but, again, there must be scrutiny of all Scottish Water's statutory duties.

I think that we are getting a little bit of extra time, so I will briefly—

**The Presiding Officer (Tricia Marwick):** You do not have to be that brief, Mr Chisholm.

**Malcolm Chisholm:** I have not commented on two of Elaine Murray's amendments, so perhaps it is in order to express some disappointment that her amendment 2, asking for ministerial duties to apply to Scottish Water Business Stream and Scottish Water Horizons, was not accepted. It seems that Scottish Water describes those bodies as stand-alone businesses. It concerns me that Scottish Water will not view it as part of its duty to

issue directions, and it would have been better if Scottish ministers were able to issue directions to those two companies, too.

Like other members, I am puzzled about the provisions for fats, oils and greases not being changed with reference to schools and certain other public bodies. The reason seems to be to do with the possibility of financial burdens being imposed on the public purse. If there is time, perhaps the cabinet secretary could explain in her summing up what those burdens under the Sewerage (Scotland) Act 1968 are—those seem to be the main reason why she did not accept Elaine Murray's amendment 5.

I was also disappointed that the cabinet secretary did not accept Elaine Murray's amendment 1 on peatlands, which are a vital part of Scotland's water resource. Peatland restoration can improve raw water quality, as well as having other economic and environmental benefits.

Having expressed some disappointment regarding those various amendments, I welcome the fact that the cabinet secretary has accepted other amendments, both today and at stage 2, and the fact that we now have a better bill than we had at the start of the process.

**The Presiding Officer:** I call Maureen Watt. You have a very generous amount of time, Ms Watt.

16:27

**Maureen Watt (Aberdeen South and North Kincardine) (SNP):** Thank you, Presiding Officer. I am not sure how much of it I will take, but here goes.

It is with a little tinge of sadness for me that we are drawing to the close of consideration by the Infrastructure and Capital Investment Committee and the Parliament of the Water Resources (Scotland) Bill. I admit that I found the whole process fascinating. If I were leaving university today, I would consider the water industries in Scotland as offering very exciting career opportunities.

I add my thanks to all those who have been involved in the passage of the bill, including the committee clerks, the bill team and the stakeholders who helped us in our deliberations. Early on, the committee visited Scottish Water's sampling offices at the Heriot-Watt science park, where we learned a great deal about Scottish Water's activities. The water supply and waste water sub-sector in Scotland is estimated to have a market value of £709 million and to employ around 6,000 people. I am referring not to Scottish Water itself, but to the more than 300 companies in the sector in Scotland.

Scottish Water's record since its formation has been impressive. Since 2002, Scottish Water has stripped out 40 per cent of its costs, and it now provides water to Scottish customers at a lower cost than any of the private companies in the rest of the UK. Drinking water quality is at its highest level, leakage has been reduced by 70 million litres per day, and it has recorded the highest-ever customer satisfaction level. Even this week, Scottish Water announced that it is to invest around £250 million in improving water projects in the Clyde area.

To me and to SNP colleagues, it is inconceivable that the Tories and their Lib Dem colleagues can still be hell bent on privatising this valuable Scottish resource. Let us face it: mutualisation is the first step on that road. When I challenged Alex Johnstone on that on the way back from Heriot-Watt, he admitted—as he did today—that indeed Scottish Water was impressive, but he trotted out the old broken record of the Tories: public bad, private good.

There we have it: dogma rules okay. Private fat cats, not the whole Scottish population, should benefit. We saw Thatcher sell off Scotland's oil resources in the 70s, and given half the chance, the Tories would sell off—

**Neil Findlay:** Will the member give way?

**Maureen Watt:** Yes.

**Neil Findlay:** When I challenged—oh, I have not put my card in.

**The Presiding Officer:** It is okay, we have plenty of time. We can wait for you.

**Neil Findlay:** I do not want to waste your time.

I am sure that Maureen Watt will agree that a reason for people such as the Tories to be circling with their fangs dripping with blood is that they see Scottish Water as a potential cash cow, because it is so successful.

**Maureen Watt:** If Mr Findlay had let me finish, I would have said that frankly, and fortunately, there is not even half a chance—not even one iota of a chance—that the Tories in Scotland will see water privatised, certainly not in the near future.

Scottish Water and any of the other 300 companies in the sector can now also compete for global water supply and waste water treatment works, which amount to around £8 billion in the UK and £242 billion worldwide.

Water scarcity and access to clean water and sanitation are global concerns, and Scotland, as a known hydro nation, can play an international role on them. The Government has commissioned a virtual centre of expertise on water, which can pull together advice and information on water management. As the cabinet secretary mentioned,

the James Hutton Institute, which is based in my constituency, is leading on that, as is the University of Dundee's United Nations Educational, Scientific and Cultural Organization centre for water law, policy and science, and Scottish Water itself. All those organisations provide a strong basis for Scotland to be known as a hydro nation.

The Government wants Scotland to be

"the helpdesk to the world on water governance"

and those three institutions also provide a strong basis for that. The fact that Scottish Water already works in countries such as Qatar, India and Canada demonstrates the potential to meet that aim. Scottish Water International works with Governments at national and state level on methods of governance, openness, transparency and accountability and we have already seen the benefit of that, when John Swinney was able to find £50 million to use elsewhere in the Scottish budget rather than on Scottish Water. WaterAid is supported financially and with expertise by many who work in the industry and it is a good example of how Scotland works worldwide.

Although Scottish Water is a high-performing public company, it is not resting on its laurels. I was interested to hear from Peter Peacock, and the body he now chairs, Customer Forum, on how willing Scottish Water is to engage with it and others to have other perspectives on the industry. Scottish Water would tend to admit that it comes to the area from a rather geeky engineering background, so it is interesting to hear from customers and others on how the industry is perceived.

Business Stream still has a lot to do to assure business customers that it deserves their business, as competitors from other parts of the UK enter the market. I wish Scottish Water's new chief executive, Douglas Millican, all the best in his new role and I hope that the message of the passing of the bill is that Scotland appreciates this fantastic resource and is about how we manage it and use our experience to help other countries benefit from Scottish expertise.

Part of my constituency is rural—as is part of Elaine Murray's—and I recognise totally the importance of septic tanks to a lot of our constituents. I sincerely hope that the parts of the bill to improve maintenance where previously there may have been problems will be beneficial.

I am mindful of the costs of water purification. I hope that, through partnership with landowners and farmers, we will be able to drive down those costs, by ensuring that the water that comes off our hills needs less treatment before it reaches customers.

I say to the cabinet secretary that I hope that an information campaign will be run in several languages on the disposal of fats and oils before there are any charges or convictions. Some business premises are perhaps still not aware of their duties and responsibilities on such disposal.

The bill offers huge opportunities for all who are involved in the water sector in Scotland. I support the bill.

**The Presiding Officer:** Thank you very much, Ms Watt. I appreciated your speech.

16:35

**Mary Scanlon (Highlands and Islands) (Con):**

I thank the Infrastructure and Capital Investment Committee for its work on scrutinising and amending the bill. It was nice to hear the committee convener say that she had enjoyed the process so much that she was quite sad that it was over. I thank Maureen Watt for that.

I realise that not everyone who is in the chamber was politically active 20 years ago but, when Elaine Murray spoke, I remembered the options for moving responsibility for water following the replacement of the regional and district councils. One option was to use the same arrangement as that for the police and to have eight water authorities. I clearly remember the six options, but Strathclyde Regional Council did not choose to put those options to voters.

That has jogged my memory on the fact that, after local government reorganisation, three water authorities were established—North of Scotland Water Authority, East of Scotland Water Authority and West of Scotland Water Authority—which became Scottish Water. I am not a member of the Infrastructure and Capital Investment Committee, but I think from what I have heard today that we could learn quite a bit from that merger, particularly as we look ahead to the merger of our police boards.

As Maureen Watt and others have said, there is no doubt that we have a modern water industry that is fit for purpose. Maureen Watt made the point that, since 2002, Scottish Water has stripped out 40 per cent of the costs. In 2002, it was one of the highest-cost water producers in the United Kingdom, so stripping out costs was essential in order to move forward.

When I spoke in the stage 1 debate, I raised the issue of water abstraction. It is worth putting it on the record again that the absence of any consultation on part 2 of the bill, which is on abstraction, in the two public consultation exercises is unacceptable in creating good legislation. I hope that that does not become an acceptable precedent for future legislation.

The Government's response to the committee said:

"my officials have been and continue to be in dialogue with a number of organisations ... to explain the policy intention and"

give

"reassurance that their views will be taken into account."

That dialogue is welcome, but it can never be a substitute for thorough consultation.

On seeking reassurances, I will ask about the concerns that the Scotch Whisky Association raised at stage 1 about the 10-megalitre limit on abstraction and about the significant difference between the amount of water that is abstracted and the amount that is consumed in the whisky distilling process. No distillery in Scotland currently uses 10 megalitres of water a day but, given the increasing demand for whisky—which, by law, can be produced only in Scotland—the day might come when that limit needs to be exceeded.

A significant point is that two thirds of the water that is abstracted for whisky distilling is returned to the source in a timeframe of between two and 12 hours. Surely it would be more sensible in this case to measure the water that is consumed rather than measure the water that is abstracted without taking into account the two thirds that is returned to source. I seek an assurance from the cabinet secretary that she will address those concerns and consult the industry when the regulations are drafted. I appreciate that she alluded to that earlier.

At stage 1, the committee questioned whether there was a need for a new abstractions regime given that the existing controlled activities regulations system was considered to be working well. Several witnesses found it difficult to see the benefit of an additional layer of regulation, and the committee's report stated that Energy UK considered that part 2 of the bill was not in keeping with the better regulation agenda.

My final point is about the leakage rate. When I mentioned it to my colleague Alex Johnstone, he said, "Dinnae mention that. It's a lot better than it was." I appreciate that it is a lot better, and we should all welcome that, but 700 million litres of leakage every day is a significant amount and, I would think, an unacceptable level. I hope that the leakage rate will continue to fall because, despite our high volumes of rainfall, water remains a scarce resource.

16:41

**Richard Baker (North East Scotland) (Lab):**  
As Elaine Murray said in her speech at the beginning of the debate, the Water Resources (Scotland) Bill does not rank among the most

significant or contentious legislation that we have debated. Malcolm Chisholm was right to describe it as not having lived up to the hype that existed before it was introduced.

However, the bill is important because, as almost everyone has said in the debate, Scotland's extremely abundant water resources are an invaluable asset to our country. It is right that we use the great natural advantage that we have to the benefit of our people, and that we share with others around the world our expertise in making best use of what is a precious, and in some places scarce, resource. Neil Findlay's point about the nature of that overseas intervention is important; the political context of some countries and ownership of their water resources will be important factors for Scottish Water to take into account.

The ambition to have a successful and growing Scottish Water is the right one, which means that we must consider carefully any legislative changes to how we operate our water services. It is right that we are ambitious for the future of Scottish Water—with it remaining in the public sector—and for its roles as not only a service provider but a contributor to economic growth.

The future of Scottish Water has been keenly debated again today between those of us who believe that it should remain in public ownership and those who believe that it should be taken out of the public sector, including Mr Johnstone. To be fair, I thought that Mr Findlay was a bit uncharitable in describing Mr Johnstone as a vampire, with his "fangs dripping with blood". Even I thought that that was going a little too far, but it shows how intense the debate can become. It is far from clear whether some of the additional resources that the proponents of privatisation or mutualisation of Scottish Water say would be released would, in fact, arise. Some of the economic arguments that are made in that regard are faulty.

However, it is without doubt important that we get the best possible performance from Scottish Water. That will certainly be expected by consumers in Scotland, who have just seen their water charges increase by 2.8 per cent. That increase is lower than increases in other parts of the UK, but it is an increase.

Parliament has an important role to play in ensuring proper and effective stewardship of our water resources. The issues can be contentious, but it is clear from the debate today that, by and large, the bill is not contentious. Perhaps the biggest question has been around the focus of, and necessity for, some of its provisions.

We agree that the hydro nation agenda should be promoted by ministers. Personally, I have been

less persuaded of the need to place a legal duty on ministers to carry out the work—particularly as the legal duty has no effect. However, as Malcolm Chisholm said, it is vital work that needs to be happening on behalf of ministers anyway.

There are a range of opportunities for Scottish Water to expand its business, boost our economy and improve its services to customers, and it must seek out those advantages. In recent years, Scottish Water has had considerable success in many areas. However, as regards its economic focus and contribution, in the stage 1 debate I highlighted the submission to the committee by Jim and Margaret Cuthbert on Scottish Water's approach to outsourcing activities and procurement, which they say has resulted in a situation in which

“management skills and”

research and development

“seem to be almost completely derived from outside Scotland.”

Since then, members in the cabinet secretary's party have also highlighted that point, but it has not resulted in changes to the bill, so I hope that ministers—indeed, the cabinet secretary—will reflect on the issue in advance of the proposed procurement bill.

The measures in the bill that give definition to Scottish Water's core and non-core services have received general support, including from us. We have also supported the proposal that the Scottish Government should be able to lend directly to Business Stream, and we have agreed that there is a clear logic behind new powers to enable licensed water and sewerage service providers to demand and recover charges from non-domestic customers in situations where payment is due, so there is a range of areas of agreement.

The amendments that Elaine Murray lodged focused on aspects of the bill as they touch on environmental issues; that has been a running theme throughout consideration of the bill. In its stage 1 report, the committee made the case that the definition of the value of water in the bill should include environmental and social elements, so we welcome the fact that the cabinet secretary took that on board at stage 2. However, Malcolm Chisholm has today expressed concerns about consistency in relation to parts 1 and 3 of the bill, which the cabinet secretary should address.

Abstraction is a major concern—as Mary Scanlon said—not least because it was not consulted on before the bill was introduced, which is a deficiency in the bill. There is also concern about duplication of regulation in that area, which is a problem for the businesses that are involved. That is deemed by the cabinet secretary not to be a problem in abstraction, but when it comes to

peatlands it seems that it is. We are disappointed that the cabinet secretary has not included peatlands within the compass of the bill because peatlands are dealt with in other areas of legislation and the Scottish Government's work. There has not been an impediment for the Government with regard to abstraction and a number of other areas. As Malcolm Chisholm said, peatlands are an important water-management resource, so that is an area of disappointment for us, but we are where we are.

On the additional powers that ministers have given to Scottish Water, the key is that Scottish Water works sensibly and in close co-operation with others that operate regulatory regimes so that we do not—where it might be a difficulty—have wasteful duplication of effort.

Our concerns about the bill are not so great as to prevent us from supporting it. The RACCE Committee has done a good job in debating and scrutinising the bill. Although we have reservations on some aspects of it, of course we agree that Scottish Water and our natural water resources represent an area of significant potential for Scotland. Ministers are right to focus on that. The bill, although it is limited in scope, is part of a much broader and important agenda, which is why we will support it.

16:48

**Nicola Sturgeon:** I thank all members for their contributions to the debate. I was not involved in the pre-legislative stages of the bill, which were the consultations that took place. I came to the issue relatively late; the result of that has been—I do not mind admitting—a bit of a steep learning curve for me.

I agree strongly with Maureen Watt's point; I, too, have thoroughly enjoyed learning about the issues that have been under consideration through the bill. The subject is hugely interesting and it is hugely important to Scotland. As Maureen Watt said, it opens up huge opportunities for people to get involved in water-resource management and all the associated issues, so I am pleased to have been involved in the bill. I am grateful to members who, through the committee and debates in Parliament, have played their part in making the bill what it is today—the bill that I hope Parliament will finally approve. Unsurprisingly, this has been a fairly consensual debate. I am glad about that.

Elaine Murray played a constructive role this afternoon. We were not able to agree to all the amendments that she lodged, but they allowed us to focus on important issues and, I hope, to develop a shared understanding of some issues that lie behind the bill.

Elaine Murray also said in her opening comments that she did not think that the bill had changed much. I disagree; I think that the Government has listened as the bill has progressed through Parliament. For example, we listened to the point that was made by many stakeholders at stage 1 that we had to be explicit not just about seeking to drive economic value in relation to water but also about the need to be mindful of social and environmental benefits, so we amended the bill to reflect those concerns.

We also made changes in response to amendments that were lodged by Jim Eadie around the reporting obligations on ministers. Where we have not been able to agree to amendments, we have nevertheless thought carefully about the issues, and some of the points that have been made will inform our thinking as we move towards drafting regulations and guidance.

Elaine Murray said that the bill is not radical. Again, I disagree. The bill is about recognising the enormous importance of our precious resources and it is also about making clear our commitment to managing those resources responsibly, and about recognising that that is not something that we do just for our own benefit, but is a responsibility and an obligation that we have to the wider world. That is radical in intent. The provisions in the bill and the provisions that will be in regulations and guidance that will underpin and give flesh to the bones of the bill will allow us to translate that radical intent into radical reality.

The other point that is worth making, which others have made as we have gone through the process, is that the bill is not the totality of an agenda but is part of a bigger agenda—the hydro nation agenda, which will see us becoming able to take advantage of and exploit all our resources and expertise responsibly and sustainably. That agenda is ambitious, radical and exciting, and I hope that members will support it for that reason.

My mind has been struggling for the last part of the afternoon with two competing images of Alex Johnstone: one that he put there himself of him lounging on a deckchair, and one that was supplied by Neil Findlay, which was of Alex Johnstone with his “fangs dripping with blood”. I am not quite sure which one I prefer. Alex Johnstone should not take it the wrong way when I say that Neil Findlay’s version is winning the battle of the images at the moment, probably because it fits better with my prejudices about Tories than does the other, more relaxed version.

Alex Johnstone spent much of his speech trying to—in his words—“explain the Tory position” on privatisation of Scottish Water. Despite what sounded like some protestations, it still seemed very much to me as if the Tories are in favour of privatising Scottish Water. As members in various

parts of the chamber would, I would say that Scottish Water is working well as a public corporation; indeed, it is performing better than some private water companies. We should be proud of that and build on it. Of course it is the case that Scottish Water needs to work with others to discharge its responsibilities and further its ambitions, but it also operates in an intensely competitive commercial environment and does so as a successful public company. That is the way we should keep it.

Having said all that, I also say that Alex Johnstone has, throughout the progress of the bill, been very constructive in his comments and contributions, so I thank him for that. His contributions, in particular around abstraction, have strengthened the bill. We will ensure that we take account of some of the points that he made when we produce regulations on abstraction.

There have been many good contributions today. Gordon MacDonald raised some extremely well made points about climate change. Maureen Watt’s speech, which I have already mentioned, highlighted the need for a public awareness campaign on disposal of fats, oils and greases, which is a good suggestion to which we will give some thought.

Malcolm Chisholm’s speech—for all his protestations to the contrary—demonstrated a firm and clear grasp of the detail of the issues in the bill. He asked specifically whether obligations under the Sewerage (Scotland) Act 1968 would apply if the provisions on discharge of fats, greases and so on were applied to other public bodies. The principal obligation would be a requirement to apply for trade effluent consent licences. Given that that is an onerous administrative and financial burden, it would not be right to impose such a burden on bodies that Scottish Water tells us are not the offenders when it comes to discharge of those materials. We want to legislate for problems that exist rather than for problems that do not exist.

Mary Scanlon mentioned the importance of the regulations on abstractions. I can assure her that we will consult stakeholders in developing the regulations. As I am sure she is aware, the bill includes specific provision for ministers to leave certain water out of a count when calculating an abstraction. We proposed that to cover, for example, cooling water that is returned to the water environment. I hope that that reassures Mary Scanlon and stakeholders such as the whisky industry, which has been particularly concerned about that point.

Richard Baker also made some good points in his speech, including on peatlands, which we discussed in the context of an amendment from Elaine Murray. If I may try my best to simplify the

issue, I say that I think that it would not be right to include peatlands in the bill not because peatlands are unimportant—as he rightly pointed out, peatlands are dealt with in other work and are given a specific chapter in the draft report on policies and proposals 2—but because, in summary, peatlands are, as their name suggests, a form of land, whereas the bill is about water resources in the conventional sense. That is why the judgment has been taken that it was not appropriate to include peatlands within the scope of the bill.

I think that I have covered most of the contributions to the debate. If I have missed anyone out, I apologise for that.

**Mary Scanlon:** On the issue of the 10-megalitre abstraction limit that I raised earlier, given that by law whisky can be produced only in Scotland, will the Government consider any request from the whisky industry to distil more than 10 megalitres?

**Nicola Sturgeon:** We will continue to discuss with the whisky industry and other stakeholders those details as we develop regulations. I will reflect on the point that Mary Scanlon has made.

Let me conclude my summing up by saying a word or two about Scottish Water, which has understandably featured strongly in this afternoon's debate. Scottish Water is a public sector success story. Now in its 10th year, Scottish Water is an organisation that we can be extremely proud of, given that it has delivered significant efficiencies, reduced leakages—although I take Mary Scanlon's point that there is work still to do—and built new infrastructure. Scottish Water continues to be ambitious for the future and must continue to drive forward with efficiency to ensure that its assets are resilient and meet the needs of customers.

In that regard, on Monday this week I was pleased, along with its chair and chief executive, to launch Scottish Water's massively ambitious plans for investment in the infrastructure of the Glasgow and Clyde area. Over the next five years, that investment will include expenditure of £250 million—perhaps £500 million in total—which will support 500 jobs and ensure that Glasgow has the infrastructure that it needs to continue to grow. We will continue to challenge Scottish Water to do more and to go further not just at home but by looking for opportunities abroad.

In conclusion, I look forward to continuing to work with stakeholders as we take forward the provisions of the bill into regulations and guidance to ensure that the provisions play their full part in the development of the hydro nation agenda. Water underpins every economy, and in Scotland we are well placed to ensure that it plays a full role in our future prosperity. This is a new and exciting

agenda, and I am confident that we will all rise to the challenge of it.

Therefore, I am pleased to commend to Parliament the motion that the Water Resources (Scotland) Bill be passed.

## Point of Order

16:59

**Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab):** On 26 October 2012, I wrote to the Lord Advocate on the issue of legal advice concerning the position of an independent Scotland and its possible membership of the European Union. To date—126 days later—in spite of reminder letters and calls having been sent and made by my office, I have not yet had the courtesy of a reply.

What remedies are available to a member of Parliament when a member of the Scottish Government cannot or will not answer a letter?

**The Presiding Officer (Tricia Marwick):** I thank Patricia Ferguson for her point of order. You will be aware that that is not a matter for me, under standing orders; it is a matter for the Scottish Government. However, I expect that the Scottish Government will take note of what you have just said.

## Business Motions

17:00

**The Presiding Officer (Tricia Marwick):** The next item of business is consideration of business motion S4M-05732, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a business programme.

*Motion moved,*

That the Parliament agrees the following programme of business—

Tuesday 5 March 2013

2.00 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Topical Questions (if selected)

*followed by* Finance Committee Debate:  
Demographic Change and an Ageing  
Population

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Wednesday 6 March 2013

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions  
Finance, Employment and Sustainable  
Growth

*followed by* Scottish Labour Party Business

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Thursday 7 March 2013

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

12.30 pm Members' Business

2.30 pm Parliamentary Bureau Motions

2.30 pm Scottish Parliamentary Corporate Body  
Questions

*followed by* Scottish Government Debate:  
Integration of Adult Health and Social  
Care

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

Tuesday 12 March 2013

2.00 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Topical Questions (if selected)  
*followed by* Scottish Government Business  
*followed by* Business Motions  
*followed by* Parliamentary Bureau Motions  
 5.00 pm Decision Time  
*followed by* Members' Business

Wednesday 13 March 2013

2.00 pm Parliamentary Bureau Motions  
 2.00 pm Portfolio Questions  
 Justice and the Law Officers;  
 Rural Affairs and the Environment

*followed by* Scottish Government Business  
*followed by* Business Motions  
*followed by* Parliamentary Bureau Motions  
 5.00 pm Decision Time  
*followed by* Members' Business

Thursday 14 March 2013

11.40 am Parliamentary Bureau Motions  
 11.40 am General Questions  
 12.00 pm First Minister's Questions  
 12.30 pm Members' Business  
 2.30 pm Parliamentary Bureau Motions  
 2.30 pm Scottish Government Business  
*followed by* Parliamentary Bureau Motions  
 5.00 pm Decision Time—[*Joe FitzPatrick.*]

*Motion agreed to.*

**The Presiding Officer:** The next item of business is consideration of business motion S4M-05733, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a revision to the business programme for Thursday, 20 February.

*Motion moved,*

That the Parliament agrees to the following revision to the programme of business for Thursday 28 February 2013—

delete

2.30 pm Stage 1 Debate: Aquaculture and Fisheries (Scotland) Bill

and insert

2.30 pm Ministerial Statement: Scotland's New Food Safety Body

*followed by* Stage 1 Debate: Aquaculture and Fisheries (Scotland) Bill

*followed by* Legislative Consent Motion: Crime and Courts Bill – UK Legislation—[*Joe FitzPatrick.*]

*Motion agreed to.*

**The Presiding Officer:** The next item of business is consideration of business motion S4M-05734, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a timetable for stage 1 of the Victims and Witnesses (Scotland) Bill.

*Motion moved,*

That the Parliament agrees that consideration of the Victims and Witnesses (Scotland) Bill at stage 1 be completed by 28 June 2013.—[*Joe FitzPatrick.*]

*Motion agreed to.*

## Decision Time

17:02

**The Presiding Officer (Tricia Marwick):** There is one question to be put as a result of today's business. The question is, that motion S4M-05711, in the name of Nicola Sturgeon, on the Water Resources (Scotland) Bill, be agreed to.

*Motion agreed to,*

That the Parliament agrees that the Water Resources (Scotland) Bill be passed.

**The Presiding Officer:** The Water Resources (Scotland) Bill is now passed. [*Applause.*]

## Families Need Fathers

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

The final item of business today is a members' business debate on motion S4M-04456, in the name of John Mason, on Families Need Fathers. The debate will be concluded without any questions being put.

*Motion debated,*

That the Parliament welcomes the publication of the Scottish Government's national parenting strategy, *National Parenting Strategy: Making a positive difference to children and young people through parenting*; considers that parenting is one of the most important jobs that anyone could have in their life; welcomes the Scottish Government's commitment to developing a national parenting strategy that includes an investment of £18 million to improve access to information, advice and support for parents; notes the comments from Families Need Fathers, which, following the publication of the strategy, said that it "welcomes the emphasis on fathers in this new strategy, including fathers who live apart from their children", and considers that Glasgow and Scotland as a whole would benefit from a debate on the role of fathers and their rights and responsibilities.

17:03

**John Mason (Glasgow Shettleston) (SNP):** I thank members who signed the motion, which has allowed the debate to happen.

Perhaps I should start off by declaring a non-interest in the subject, in that I am happily single and do not have any children.

The issue was highlighted for me in October 2011 when a young father in my constituency contacted me about the difficulties that he was having in seeing his son, who was 18 months old. I was impressed by the man. He held a responsible job and was obviously distraught at being pushed out of his son's life. He told me that he had spent over £2,000 thus far on legal costs and expenses. He had been granted legal access to his son by the court, but the mother was still refusing access and the court seemed unwilling to enforce its decision. He also told me about an organisation called Families Need Fathers which, as I have got to know it, strikes me as a fairly balanced type of organisation, although we know that there are others in the same field whose members climb roofs and suchlike. I thank Families Need Fathers for its briefing for me and, I believe, other members.

In March 2012, I attended one of the Families Need Fathers support meetings in Glasgow, which started at 7 pm with a collection of fathers telling their stories and expressing frustration or explaining problems, and getting support from others in a similar position. They were quite a mixed bunch of people from a variety of backgrounds, many of whom admitted making

serious mistakes in their lives. However, I must say that I was totally captivated by the stories that they told, and I managed to get away only at about 11 pm.

The motion for the debate was prompted by the publication last October of the Scottish Government's "National Parenting Strategy: Making a positive difference to children and young people through parenting". Alongside a lot of points on how good parenting can be supported, the strategy specifically mentions the importance of supporting and encouraging all fathers to play an active role in their children's upbringing. The strategy mentions that fathers are sometimes forgotten when discussing parenting or are treated as if they are of secondary importance.

It might be useful to mention a few statistics. The Scottish household survey indicates that about 21 per cent of households with children in Scotland are single-parent households and that 88 per cent of those one-parent families are headed up by the mother. That means that a substantial number of Scottish fathers live apart from their children; the figure is in the region of 150,000, although estimates are complicated. The results from the growing up in Scotland survey that was published recently indicate what is happening with the non-resident fathers: more than two thirds of them see their children at least once a week, but 9 per cent see their children once a month or less and 24 per cent do not see their children at all. That pattern tends to have developed by the time the children are 10 months old.

Most of the non-resident fathers make some contribution towards their children through maintenance payments, but 13 per cent give no support of any kind. Of course, being involved as a father is not just about the amount of time or money that they spend; it also means being involved in important decisions about health, education and other matters regarding their children. The growing up in Scotland study indicates that many non-resident fathers are not given that opportunity. In a quarter of families where the non-resident father's name was on the birth certificate, the father was not allowed any involvement in the key decisions for his child relating to inoculations or diet. It seems that a significant number of children are missing out on the involvement of their father.

I can give members some examples of what such lack of involvement really means, which come from people who have taken their case to Families Need Fathers in Scotland. For example, a father who now has regular overnight care of his two young children after a long court battle is very concerned about one of his sons' eating problems. The child's mother refuses to discuss that with him and he has been told by the children's health

visitor that he cannot have information about what is being done to resolve the problem. Another father had a court order setting out times of contact with his son. Both the father and son were keen on football, and the father helped at the school's football training. The boy's mother took the court order to the school, showed it to the headteacher and indicated that the times listed on it were the only times when the father was permitted to see his son. The headteacher then told the father that he could help at football training only on the condition that his son was not there.

Such issues can be sorted out if the relevant health and education authorities are clear about what the role of a separated father is; it should not be necessary for such battles to take place time and again. There seems to be a feeling at times by courts and some public authorities that if a father does not live with his children, he should be treated with suspicion until it is proved that he should be treated otherwise.

Neither the Government nor the Parliament can legislate to make mothers and fathers get on with each other after separation, but perhaps we can act to remove some of the barriers that hold back fathers who want to play a part in their children's lives. Some things should be fairly easy to do, such as reminding all schools of their obligation to treat separated parents equally and provide both mothers and fathers with school information.

We must put the best interests of the children at the top of the agenda when parents are separating. The national parenting agreement provides a blueprint for parents to make such arrangements. Family lawyers in Scotland perhaps need to make more use of that as part of their service and make contact arrangements a priority from the outset, rather than a bargaining ploy to be spun out as long as possible.

Sadly, an increasing number of cases are being heard in court. The annual number of legal aid supported applications for contact in Scottish courts has almost doubled over the past five years from 2,005 to 3,848. Perhaps more training and guidance for all sheriffs, and swifter action to identify and deal promptly with the very high-conflict cases would benefit affected children and their families. It would save money for all concerned, too.

Some courts will make contact orders but not grant the accompanying parental rights and responsibilities, meaning that fathers have care of their children without the right to do things, such as authorise medical treatment.

I welcome the progress that has been made in the Scottish parenting strategy but, clearly, changing long-held attitudes on the roles and

responsibilities of mothers and fathers will not be easy.

Article 9(3) of the United Nations Convention on the Rights of the Child states:

“Children whose parents do not live together have the right to stay in contact with both parents, unless this might hurt the child.”

I ask the minister to respond on whether the forthcoming rights of children and young people bill will include a provision to ensure that right.

Clearly, the situations that we are discussing are often difficult—I am sure that we will hear personal examples—but it is the best interests of the children that must be made the heart of the matter.

17:11

**Anne McTaggart (Glasgow) (Lab):** As a parent of three lovely young children and a former chair of the Blairdardie primary school parent board in Glasgow, I am delighted to take part in the discussions on the importance of parenting. I welcome the Scottish Government's £18 million investment in a national parenting strategy that develops information, advice and support for those with guardianship and caring responsibilities for Scotland's youngest citizens.

I thank John Mason for securing the debate. I agree fully with his views that fathers play an important role in the upbringing of their children, and that the rights and responsibilities of fathers should not be underestimated. I acknowledge that the national parenting strategy seeks to pursue more father-friendly services and policies, so that dads play an active role in the lives of their children and benefit from the same support services traditionally available only to mothers.

I caution against any implication that families without fathers are deficient or lack the necessary support structures to raise children in a safe and loving environment. Many children and young people have been brought up in single-parent families, and the absence of a father does not necessarily lead to less well-adjusted, healthy or successful young people as a result. Good parenting is about the commitment of the parent, or parents, to securing the welfare of their children, and it is enhanced by access to well-funded support structures that enable mothers and fathers to provide financially for their families.

An increasing number of young people are raised by same-sex parents. Those families are no less successful in providing the same stable and loving environment for their children than households with married heterosexual parents. Families come in all shapes and sizes. Every parent—and not just fathers—deserves the full

support of the Government and local authorities in raising healthy and happy children.

I often talk about Parent Network Scotland when I speak in a debate on parenting. That voluntary organisation, which is based in Glasgow, provides training courses and support to parents in a non-judgmental and safe environment. All its programmes, which are evidence based, home grown and bottom-up led, have been evaluated by the University of Strathclyde.

I have seen at first hand the positive effect that Parent Network Scotland's service can have on families and the increased confidence that parents enjoy as a result of the support that its staff offer. I believe that the Scottish Government's parenting strategy should seek to recognise and build on the invaluable work that Parent Network Scotland and other organisations undertake in supporting parents and building the capacity of mothers and fathers to raise successful, healthy and talented young people.

Parent Network Scotland achieves all that. I believe that it is an outstanding network, because it is about parent power—it is about parents empowering and supporting other parents in their community. As you can tell, as someone with a community development background and community development training, I am a huge fan of programmes and organisations that involve a bottom-up approach.

17:15

**Sandra White (Glasgow Kelvin) (SNP):** I thank John Mason for securing the debate, which is very timely, given the publication of the Scottish Government's national parenting strategy, in which—as has been mentioned—the Scottish Government has announced that it is investing £18 million, and the emphasis that it places on fathers, including fathers who live apart from their children.

I know exactly where Anne McTaggart was coming from but, like John Mason and other MSPs, I have had numerous constituents come to me on the issue. It is not the case that the fathers concerned think that they are better than anyone else or that they should have extra rights; what they want is equality of rights. I think that that is the gist of tonight's debate.

The debate is timely not only because of the announcement of the strategy, but because of the announcement of the consultation on the proposals to transform Scotland's courts, which include changes to sheriff courts and civil cases, and the recommendation that specialist family sheriffs be introduced. I note that that is mentioned in the briefing that we received from Families Need Fathers, which says:

"We suggest that more courts should have specialist family sheriffs who have adequate support and training, to avoid cases dragging on for months and years."

John Mason mentioned that issue. I am sure that I do not need to, but I suggest to Families Need Fathers and other groups that they take part in that consultation. I am sure that their participation would be more than welcome.

Families Need Fathers also makes a point about the courts that is similar to the point that John Mason made. In its briefing, it mentions contact orders, which are raised with me. John Mason explained the issue well. Contact orders should fulfil not just the needs of the mother and the father, but those of the child. That is an extremely important issue, which should be raised in the consultation on the proposed changes to court proceedings.

I hope that the recommendations that the strategy makes will go a long way to alleviating some of the difficulties that exist. One of the recommendations includes a

"Focus on fathers and male carers, including those who live away from their children",

which is one of the issues that we are debating. In the strategy, the Government also says:

"we will update the Parenting Agreement for Scotland—a pack with a parenting agreement for separating parents".

That is extremely important, too.

Another interesting aspect of the strategy is that it says that

"A fathers' roundtable meeting will be held twice a year".

Will the minister give us some more information on that twice-yearly meeting, such as who will attend it and how people will be approached to attend it?

A proposal that is particularly important in the context of what John Mason said about court orders and fathers not always having the ability to get medicine for their children is that

"NHS Health Scotland will set up a Fathers' Forum".

It would be interesting to find out more from the minister about how that forum will be set up and whether groups or individuals will be involved in it.

It has been a great pleasure to speak in this debate on a very important subject—as I said, many constituents have come to see me on this issue—and I am grateful to John Mason for securing the debate. The fact is that families need fathers and fathers need contact with their children.

**The Deputy Presiding Officer:** I should have reminded members at the beginning of the debate to speak through the chair and to refer to each other by their full names, not as "you".

17:20

**Nanette Milne (North East Scotland) (Con):** I very much welcome the debate and am grateful to John Mason for bringing it to the chamber this evening.

Mr Mason's motion rightly refers to the "important" role played by fathers and "their rights and responsibilities", and I think that we will all agree that the ideal environment for bringing up a child is within a loving and stable relationship between a man and a woman. However, I would be the first to acknowledge that we clearly do not live in an ideal world and that we need to consider other models that, as Anne McTaggart has suggested, can be successful.

A sad but simple fact is that marriages and relationships, often involving children, break up every day in every country across the world, and the priority following what are frequently traumatic events for all involved must be the wellbeing of children. The irreversible collapse of a relationship can sometimes lead to great bitterness in one or both of the partners. Children can become pawns in custody battles; access rights can be denied; and children suffer because they do not get to see one or other of their parents. Sadly, it is the father who all too often loses out.

Few of us in the chamber could have failed to be moved by the briefing paper from Families Need Fathers Scotland, which was set up to help, support and provide advice to parents of either sex. Examples include the father who received a legal letter from his ex-partner, complaining that he had taken his child to the library during a contact visit, and the father who had been the main carer for his son before his partner left and who then did not see the boy for six months—and was then allowed only two hours of supervised contact just once a month. That sort of situation is hard to explain to a young child, for whom such separation is a bereavement experience that will stay with them forever, no matter how hard the other parent tries to fill the gap.

I read with interest the story of Jonathan Agnew, the cricket commentator, who described what he called the "tough time" he went through as he tried to maintain relations with his two daughters after he divorced the girls' mother and how it was in stark contrast to the conscious effort that he and his second wife made to ensure that her ex-husband had a relationship with his children. Those are just a few examples, but I am sure that many in the chamber will have similar stories, some from personal experience.

The motion refers to the national parenting strategy, the aim of which is to champion the importance of parenting

“by strengthening the support on offer to parents and by making it easier to access that support”.

The emphasis on the father’s role in nurturing children is significant because too often it is perceived as being less than that of the mother. I pay tribute to the Scottish Government for its pledged financial support to improve access to information.

As the Health and Sport Committee’s inquiry into teenage pregnancy has progressed, I have become aware of how easy it is to focus on a young mum and her baby and to forget the important contribution that a young father can make to his child’s early wellbeing, whether or not his relationship with the mother continues. I am therefore encouraged by the evidence that we have received on projects for teenage mums that also seek to involve the fathers and by the commitment of those dads who wish to actively participate in their child’s development and progress.

Grandparents can make an enormous contribution to a child’s healthy development but, sadly, when partnerships split up they are often sidelined and kept away from their grandchildren. I have a lot of sympathy for groups such as Grandparent Rights that campaign for greater access and which remind us of the devastating impact that family breakdowns can have on children.

A very serious issue has been given the much-needed oxygen of publicity in this debate and I once again pay tribute to John Mason and Families Need Fathers Scotland for all their work in this field.

17:24

**Mark McDonald (North East Scotland) (SNP):** I congratulate my colleague John Mason on securing this debate.

In its national parenting strategy, the Scottish Government has set out its ambition to make Scotland

“the best place in the world to grow up”

and I think that we should all be striving to achieve that, not just for Scotland’s children but for Scotland’s families. We can make Scotland the best place in the world to grow up in partly by ensuring that children themselves grow up in a loving and nurturing environment.

Part of that environment will be developed through stable relationships between parents, but we must accept that there will be situations in which relationships will break down, for whatever reason. The most important thing is that the children’s rights are considered, and that includes considering the rights of both the mother and the

father. The father’s rights are all too often forgotten in the process. We absolutely have to put the child at the centre, but we must not forget that there are two other players as well, and the father often gets left out.

Anne McTaggart helpfully summed up the range of family models that now exists in Scotland, none of which should be considered to be any less worthy than another, as children can be given a loving and nurturing environment in a range of ways. However, I want to focus on two specific groups. There are fathers who live with their partner and child. I am a father of two young children. I live with my wife and, obviously, we have our children with us. Those of us who are in such a position still need to be given support in the role of father. No father is ever handed an instruction manual on how to do the job, and support networks sometimes quite rightly in many ways focus heavily on the mother’s role and on directing support towards them. However, there can be times when the father needs to be given a bit of support in performing his role. How our public sector organisations include and seek to include fathers needs to be looked at. I will perhaps discuss that a little bit more a little later.

There are also fathers who live apart from their partner for whatever reason. The most important issues in that context are around access rights and custody. I sometimes wonder whether, in looking at access rights, for example, there is still a harking back to the Victorian attitude of the distant father and the nurturing mother, as if fathers somehow do not really need to have access to their children because they do not take as active and interested a role. How we view fathers and the role that they play also needs to be looked at.

On the wider support networks, obviously there is the support that can be provided through the public sector organisations. Voluntary groups have also been established, and groups of dads come together. Dads rock, which was in the Parliament recently, has established itself very well in Edinburgh and is now looking to branch out into other local authority areas. I told it to give me a shout when it comes to the north-east, although, given that it is based around a musical environment and I cannot carry a tune in a bucket, I do not suppose that I will be much help to it.

Fathers of children with complex support needs and disabilities also need to be seriously considered, particularly fathers who live apart from and have only very limited access to those children. How we support those fathers in their role as a father and in providing the support that they can provide to their children in those circumstances needs to be looked at.

17:28

**Malcolm Chisholm (Edinburgh Northern and Leith) (Lab):** I congratulate John Mason on bringing forward this important but complex debate. It is complex in practice, but not in respect of the principles that should underline what happens in the area.

It is worth quoting again from the United Nations Convention on the Rights of the Child, which says:

“Children whose parents do not live together have the right to stay in contact with both parents, unless this might hurt the child.”

That is consistent with what is stated in our 2006 legislation. There are automatic parental rights and responsibilities for fathers whose name is included on the birth certificate, although again that is subject to the welfare of the child.

As a father and now a besotted grandparent, I absolutely empathise with men who are separated from children whom they love. However, we must recognise, as the UN convention and our laws recognise, that there are circumstances in which it is not in the interests of the child to be in contact with the father. Obviously, domestic abuse is the most clear-cut example in that respect, but there may be other circumstances. That must be borne in mind.

The other slight problem that I have in the debate is the name Families Need Fathers. I have met Ian Maxwell, who heads up the organisation in Scotland. I used to know him when he worked for One Parent Families Scotland, and I have a very high regard for him. I told him that I think that the organisation’s name is a problem, quite apart from the fact that some people confuse it with Fathers 4 Justice, which is certainly not a very desirable organisation.

More fundamentally, the word “need” is wrong. Today’s debate comes very conveniently after yesterday’s debate, in which we all spoke about lone parents and the superb way in which many of them bring up their children. Indeed, we could talk about two women carrying out the same duties—as Anne McTaggart said, families come in all shapes and sizes. It is therefore regrettable that the organisation is called Families Need Fathers, because that has unacceptable connotations around the nature of the family.

That said, a lot of what Families Need Fathers is campaigning for is progressive and, it could be argued, even potentially feminist. Men having more to do with the upbringing of their children is an important part of the equalities revolution and the ending of traditional stereotyping. It is absolutely right for us to encourage men to have more to do with the upbringing of their children and, consistent with the welfare of the child, it is right that they should have the opportunity to do

that, even when they are separated from the mother of their children.

I apologise to Aileen Campbell because I mentioned dads rock yesterday and here I go mentioning it today, but it is an excellent example of an organisation that works with fathers in my constituency as well as elsewhere. I thank Aileen Campbell for visiting the organisation in West Granton. It is making a serious effort to make sure that fathers are encouraged and supported to be more involved in their children’s care.

I welcome the fact that the Scottish Government’s parenting strategy has the same objective. There has not been much discussion of the wider objectives of that strategy, which some have criticised. We have even heard from the usual suspects about the strategy being a feature of the nanny state, but I welcome it because parents need support. Parenting is possibly the most important thing that anyone does for the future of society, so it is important for us to have a strategy.

I also welcome the money that is being put into family support. I do not know whether Aileen Campbell is able yet to say more about the details of how that is being spent, but it has been widely discussed and I welcome the Government’s financial commitment to that agenda as well as its wider commitments to the parenting and early years strategies.

17:32

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** I congratulate John Mason and declare an interest as a former court lawyer specialising in family law. Although I am wary of drawing from that experience, which was 12 years ago, I shall do so in part, with the caveat that there has been some progress in balancing and protecting the rights of fathers with regard to their children when relationships end—particularly when they end acrimoniously.

I acted for women and men and found faults on both sides, although sometimes they were just on one side. A good family lawyer does not indulge in inflaming dispute, nor does he or she allow clients to use their children as ammunition or bribes. I never did.

However, at that time, there were some presumptions that sometimes still prevail, although that might be patchy. There is a presumption that women should have residency rights, and the father should have contact. There is also a presumption that in what I would call—in inverted commas—a “domestic”, the man is at fault and has to be decanted out of the home, leaving the woman with the children. I understand that there is

still a protocol between the Crown Office and the police on that. I do not know the details, but I will follow it up.

There is no doubt that some men made it hard for themselves. Refusing to pay maintenance for their children unless contact orders were obtempered was always a bad move. The two do not go together. Some women made things hard for their ex-partners because they had the child's ear and could and did bend it. Neither of those actions are supportable and they are certainly not in the interests of the children.

I will focus on education, to which John Mason referred, and access to information, particularly under the Scottish Schools (Parental Involvement) Act 2006.

Guidance that was published along with the 2006 act says specifically that both parents have equal status in their relationships with the school unless there is

"a court order limiting an individual's exercise of parental rights and responsibilities."

The guidance also urges schools to engage actively with non-resident parents and requires schools to produce a parental involvement strategy and report annually on its progress. I bet that not many schools do either of those things. I do not want to malign headteachers—I was a teacher, too—but I think that many might well be unaware of that duty on them, given that so few have complied with it.

Fathers are further impeded by the Pupils' Educational Records (Scotland) Regulations 2003—members can tell that I was a lawyer. Paragraph (d) of regulation 6, "Circumstances where information should not be disclosed", provides that information should not be disclosed

"to the extent that its disclosure would in the opinion of the responsible body, be likely to cause significant distress or harm to the pupil or any other person".

I stress that the regulation refers to "significant distress or harm", not "serious" harm. What could that be? It certainly should not be annoyance, displeasure or inconvenience. Who might "any other person" be? We should bear it in mind that if someone wants to prevent information from being disclosed to the father there must be a court order against the father.

There are huge difficulties. Fathers are not even entitled to see school photographs. They get access to information about what is happening to their children only if they have access to the school bag. That is not the way to impart information.

I very much object to the term "absent parent", which I understand that my council, Scottish Borders Council, uses in its forms. The people

whom we are talking about are not absent parents. The term is cruel, hurtful and incorrect and should not be used.

17:36

**Bob Doris (Glasgow) (SNP):** I thank John Mason for bringing to the Parliament what has been so far an excellent debate. I signed his motion, and I had been thinking of putting my name down to speak in the debate, without quite getting around to it until I was contacted by constituents who reminded me how important the issue is to them. That was a reality check and reminded me that some of what we say in the Parliament does not go unheard to the extent that we sometimes think that it does. People sometimes listen to every word of a debate that chimes with them, and the debate about fathers certainly chimed with the constituents who contacted me.

Constituents wanted me to raise the idea of shared parenting, on which Families Need Fathers has produced a briefing. Let me be clear: I am talking not about fathers and mums each getting 50 per cent of the time, but about dad—or whoever is the so-called absent parent—being more than a weekend visitor and being a core part of the family, with a proactive role in the child's life that is about more than just taking them out for a day here or an hour there. Many fathers feel that they are denied that role.

We must consider the whole idea of access to children, which seems to be interpreted restrictively in some cases. People think that if someone is guaranteed access to their child for a couple of hours once a week, that is the maximum time that they are allowed to spend with their child. That is not the case, and I think that Christine Grahame also said that it is not the case in law. I find that attitude worrying.

We also need to consider the whole idea of custody of children, which comes back to children's rights. Children are not assets to be divided up on the breakdown of a marriage. We can miss that point.

Christine Grahame talked about how the Scottish Schools (Parental Involvement) Act 2006 seems to have gone unnoticed by many people in the education sector. Why should a dad not attend their kid's parents night, whether with mum or not, to find out how the child is doing? Why should they not be an active member of the parent teacher association, if they choose to do that? Why should they not take part in school life? After all, school is a major part of their child's life, from which they should not be excluded. We will have to return to the 2006 act and ensure that it can be properly

and appropriately implemented. I will be interested to hear the minister's views on that.

As we heard, the issue is not just about guidance for schools and the laws and rights that exist. There is also an issue to do with access to healthcare information and how the national health service treats fathers—or absent parents, whoever they are. I point out that, in a minority of cases, fathers are sometimes the main custodians, and it is the mums who are seeking access. That does happen. These matters concern absent parents, not specifically fathers.

We must consider whether or not sheriffs are skilled enough in how they deal with access and custody arrangements and with the rights of fathers and mothers. We must consider why the amount of people applying for legal aid has doubled within five years. Are lawyers driving people towards that solution, instead of pushing them to use the avenue of the national parenting agreement to facilitate a consensual move forward?

Families do need fathers. The United Kingdom Government's bedroom tax will make it incredibly difficult for fathers who have positive access arrangements with their children even to have a bed for their kids to stay the night. Where things are working well, they have been put at risk by the UK welfare reforms.

17:41

**The Minister for Children and Young People (Aileen Campbell):** I thank John Mason for bringing this important debate to the chamber and for raising a number of important issues. I also thank other members for their thoughtful, considered and emotive speeches—I hope that I have enough time to cover everything.

Through the national parenting strategy, which we published in October, we are determined to ensure that all parents get the support that they need when they need it so that they can do their very best for their children. I hope that that gives Anne McTaggart some comfort that the strategy is truly for all parents and those in a parenting role, including the corporate parent.

It is right for us to focus on what that means for fathers. Sometimes when we talk about parents, we tend to mean mums and, perhaps unintentionally, we cut dads out of the picture. That needs to change, as I think everyone would agree. In a modern and successful Scotland, we want to encourage and support fathers in playing a much more active role in their children's upbringing and, as Mark McDonald says, to view fathers in a much more modern way.

During our work to develop the parenting strategy, we engaged with more than 1,500 parents and carers. About 500 of them were dads, many of whom were living apart from their children. We are acutely aware of the issues that fathers face, and I thank them for giving us their time to help us develop the strategy.

In response, we have set up a fathers national advisory panel to help us consider how our policies, services and communities can become more dad friendly. That is a proactive move to provide a platform for fathers to input directly into policy. In answer to Sandra White, that group will help to dad-proof policies, and its members will include practitioners, academics and policy makers. Referring to what Mark McDonald said, we will also invite a representative with knowledge of disability and additional needs. I am delighted that Ian Maxwell from Families Need Fathers has agreed to sit on our fathers national advisory panel to ensure that we do not lose sight of the needs of fathers who do not live with their children.

I strongly believe that both parents should be involved in their child's upbringing, as long as that is safe, practical and in the interests of the child. Generally, it is best if parents can agree on what is best for their children. Services such as family mediation can help with that, and services should appreciate the very positive role that dads can play in their child's life.

Christine Grahame and Bob Doris raised the subject of educational barriers. My colleague Dr Allan has met representatives of Families Need Fathers to discuss those barriers against the backdrop of the Scottish Schools (Parental Involvement) Act 2006.

**Christine Grahame:** I suppose that this question is for onward transmission to Dr Alasdair Allan. Regarding the number of schools that seem absolutely unaware of their duties under the 2006 act, which I referred to, will the minister convey to Dr Allan my request to find out what schools are doing in terms of obtempering their duties to obey the law, and how many of them are doing it?

**Aileen Campbell:** I will consider that point, and Christine Grahame and I can continue a dialogue on it.

John Mason mentioned the parenting agreement for Scotland. The national parenting strategy commits us to updating it in 2014 and to publicising it more. We will certainly involve Families Need Fathers when we update it, and my officials will talk to Families Need Fathers shortly to discuss what we can do now to publicise it more. The debate is timely in relation to that dialogue.

This year we have provided funding to Families Need Fathers for a project that provides

information and support to fathers and other family members facing contact problems after separation. It is also working to improve understanding of existing legal rights and to promote involvement of non-resident fathers in their children's education.

I know how difficult some non-resident fathers can find it to be fully involved in their children's lives. Indeed, many members mentioned that in their contributions. Contact cases can be very difficult for all concerned.

John Mason referred to article 9(3) of the UNCRC, which provides:

"States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests."

As John Mason, Malcolm Chisholm and Bob Doris mentioned, the key is the "best interests" of the child.

The relevant Scottish legislation—section 11 of the Children (Scotland) Act 1995—provides that in cases such as contact and residence, the court

"shall regard the welfare of the child concerned as its paramount consideration".

We are not planning any amendments to section 11 that could have an adverse impact. We believe that, where it is possible and safe, both parents should be involved in the upbringing of their children, but the child must always be at the centre.

Sandra White mentioned courts and Christine Grahame gave a very factual and knowledgeable account of her experience in the legal field. I reiterate that I am happy to follow up any of the points that she wants to be covered. We are taking steps to improve the court system. Kenny MacAskill today launched a consultation on a bill to reform the civil courts, so the issue is very much live. That bill will address inefficiencies in Scotland's civil courts and rebalance the system so that more cases will be heard in local sheriff courts. We hope that that move will find more user-friendly ways of dealing with family disputes.

At another level, we have established a working group on bar reporters, on which Families Need Fathers is represented. Bar reporters provide reports to sheriffs in contact cases. Moreover, members who were unable to participate in today's debate have raised with me the practical problems that can arise when a child is relocated in the UK. We will continue to work with the UK Government to raise awareness of the practical issues of child relocation in the UK.

Bringing up children is a hugely rewarding job—none of us wants to forget that point, which was raised in members' speeches—for dads as well as

mums, but it can also be the hardest job that there is. If we are serious about improving outcomes for our children and young people, we need to ensure that all parents and carers get the support that they need, when they need it, and we need to ensure that dads are supported to play their full part. I am glad that Nanette Milne welcomed the work that we have done with the national parenting strategy to address some of the issues that fathers raised.

As the First Minister announced in September, the early years task force has committed £18 million over three years to improve the provision of family support across Scotland. I am glad that Anne McTaggart welcomed that, given her experience of groups in Glasgow. Indeed, I visited the Parent Network Scotland in Greenock and I very much understand its good work. Family support will be influenced by the fathers national advisory panel and we will ensure that family support meets the needs of fathers across Scotland.

It is important to recognise that we are not starting from scratch. Many members mentioned the dads rock musical playgroup that is run by dads for dads. I had the pleasure of meeting those dads a couple of times and I recognise the work that they do, which Mark McDonald and Malcolm Chisholm mentioned.

Removing the barriers that prevent dads from playing their part is one of the most effective ways that we can improve the health, wellbeing, opportunities and life chances of our children and young people. Investing in parents—by that I mean dads as well as mums—is good for not only children and young people but our communities and the cohesion and productivity of our country. That is something that we should not forget.

We have made a start and we are determined to build on that. We look forward to working with colleagues across the chamber and partners such as Families Need Fathers to achieve more.

*Meeting closed at 17:48.*



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