



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

MEETING OF THE PARLIAMENT

Tuesday 23 June 2015

Session 4

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Scottish Parliament

Tuesday 23 June 2015

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

Time for Reflection

The Presiding Officer (Tricia Marwick): Good afternoon. Our first item of business this afternoon is time for reflection. Our time for reflection leader today is Dr Amanullah De SONDY, who is a senior lecturer in contemporary Islam in University College Cork's study of religions department.

Dr Amanullah De SONDY (University College Cork): Good afternoon.

"We're a' Jock Tamson's bairns." That saying continues to grow stronger in its ability to bring us together in Scottish society. In a world in which divisions often lead to violence and death, we all seek ways of building bridges between us, no matter how large the perceived gulfs.

It may have been that very Scottish tradition to bridge to the unknown that led me to the USA six years ago. Having just completed my PhD at the University of Glasgow, I was ready for a challenge and so I crossed the pond.

The experience made me realise a lot more. Building bridges is a difficult business. Critical inquiry, such as we do in the academy, may lead to stronger bridges, but it can also make obvious the option of leaving a bridge well enough alone. It took me six years to realize that America is not the place in which I wanted to grow old as an academic. Do not get me wrong—I enjoyed living there, but there came a point at which I just could not bear being so far from Scotland.

For the past six years I have watched First Minister's questions. Being an academic, I have thought about these things a little too much. Reflecting on the chamber's structure, I see a semicircle of unity—a bridge, one might say—that brings together all the MSPs in the chamber, yet they are far from united. Each party contributes to the glorious colours of the Scottish Parliament, but at the end of the day each holds its own convictions.

As an ethnically Pakistani Muslim, I hold the conviction that Islam is the correct path to God for me, but I understand that that particular bridge—a religious bridge—is not for everyone. I have come to rejoice in the predicament of our colours. The impulse must always be to construct peaceful bridges between people, but surely that cannot mean losing sight of our own convictions. That is, indeed, the Scottish and the Pakistani way, for me.

The path of critical inquiry, and those difficult questions that trouble even the existence of God, are the very foundations of the way in which we think and connect as Scots. It is a way of thinking that builds upon our Scottish enlightenment giants, who taught us to build bridges but to hold strong to our convictions, even if they mark certain bridges as being clearly outside our own individual paths. What is common to us all is that we have no use for flimsy connections. When superficial bridges are built on platitudes and politically correct statements, they are of no use to humans or God. God bless Scotland.

Business Motions

14:03

The Presiding Officer (Tricia Marwick): The next item of business is consideration of business motion S4M-13603, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a revision to the business programme for this week.

Motion moved,

That the Parliament agrees to the following revisions to the programme of business for—

(a) Tuesday 23 June 2015

delete

followed by Stage 3 Proceedings: Prisoners (Control of Release) (Scotland) Bill

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

and insert

followed by Ministerial Statement: The Future of Onshore Wind as part of Scotland's Balanced Energy Mix

followed by Stage 3 Proceedings: Prisoners (Control of Release) (Scotland) Bill

followed by Devolution (Further Powers) Committee: Report on the Memorandum of Understanding on the BBC

followed by Business Motions

followed by Parliamentary Bureau Motions

4.30 pm Decision Time

(b) Wednesday 24 June 2015

delete

5.00 pm Decision Time

and insert

6.40 pm Decision Time—[Joe FitzPatrick.]

Motion agreed to.

The Presiding Officer: The next item of business is consideration of business motion S4M-13601, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a timetable for the stage 3 consideration of the Prisoners (Control of Release) (Scotland) Bill.

Motion moved,

That the Parliament agrees that, during stage 3 of the Prisoners (Control of Release) (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 and 2: 40 minutes.—[Joe FitzPatrick.]

Motion agreed to.

Topical Question Time

14:05

New Women's Prison

1. Alison McInnes (North East Scotland) (LD): To ask the Scottish Government whether the new women's prison will comply with the recommendations of the commission on women offenders. (S4T-01079)

The Cabinet Secretary for Justice (Michael Matheson): The plans for the future custodial estate for women that I announced yesterday will deliver a bold new approach to how women in custody are looked after in Scotland, and they are consistent with the recommendations of the commission on women offenders.

The commission recommended that Cornton Vale should be replaced by a small specialist prison; that there should be an holistic approach to the management of women in custody to address their underlying needs; that most women should be held in local prisons as close to their communities as possible; and that women should be encouraged to take responsibility for themselves and learn basic life skills to equip themselves for life beyond custody.

We will build a new small national prison and five community-based custodial units, which will provide an estate where the level of security is proportionate to the level of risk that a woman poses and an estate that allows women in custody to be located as close as possible to their communities. All the custodial facilities will be managed by the Scottish Prison Service in partnership with multidisciplinary teams to create a trauma-informed and recovery-focused ethos that responds to the specific needs of women and encourages them to take responsibility for rebuilding their lives.

Alison McInnes: I very much welcome the cabinet secretary's thoughtful intervention on the matter. There is no doubt that yesterday's announcement is an improvement on what was planned previously, and I thank the cabinet secretary for it.

The cabinet secretary will remember that one of the recommendations of the commission on women offenders was a separate unit for young women. Will there be a specialist youth unit? Also, what does the Scottish Government plan to do in tandem with the new institutions to help those young women who are caught in the criminal justice system?

Michael Matheson: The member raises an interesting point. In considering the matter, we

established an independent advisory group, which assisted us in considering the different options and moving towards a new model of custodial facilities for women in Scotland. Alongside that, we drew on expertise both from Scotland and internationally in determining how we should approach the matter. One thing that came through strongly was that young women should not be separated into an individual unit and that, instead, they should be part of the adult custodial facilities in general. That view was strongly put to the Scottish Government.

There was clearly a divergence between the view in the commission's report and that of the experts and the advisory group, which involved a range of different stakeholders, on the approach that we should take. We are taking an approach that is based on the views that the advisory group, the wider stakeholders in Scotland and the experts have put to us. That is not to say that the ethos and the way in which younger women are dealt with in the establishments will not be different from the way in which adult prisoners are dealt with. We have listened to views on the matter, and there was a divergence of views. Given the strength of feeling from those, both internationally and domestically, who have considered the issue, we have taken an approach under which younger women will be part of the integrated approach for dealing with women offenders in Scotland.

Alison McInnes: I thank the cabinet secretary for his comments on the matter. It is something that we will perhaps reflect on and return to.

The commission also highlighted the importance of family support for female offenders, particularly when they are mothers. Will there be a separate mother-and-baby unit and family-friendly visitor centres with outdoor play facilities?

Michael Matheson: The Scottish Prison Service has made significant progress in recent years in family visiting provision, particularly for those women who have young children. When the international group that supported our work on the prison estate visited Cornton Vale, it made particular reference to the facility that we now have there.

Under the new model, when a woman is placed in the custodial estate, she will undergo a multidisciplinary assessment to identify the best place for her to be placed in order to meet her needs. For example, if there are specific childcare and family issues that would lead the multidisciplinary assessment to determine that a woman would be better placed in a community-based facility closer to her home environment, that decision will be made at that point. We therefore want to take a much more holistic approach to how we deal with women when they present to the custodial estate in order to ensure that they are placed in the most appropriate environment for

meeting their needs, including their family needs. The community-based units will be for around 20 women at any given time. Part of what they do will be about maintaining and supporting family links, including where women have children.

It is also important to recognise that in the community facilities it will be for the women to continue to undertake domestic responsibilities, such as cooking and cleaning for themselves, rather than those responsibilities being taken over for them once they come into the custodial estate. The reason why we are taking that approach and why that will be part of the ethos in those establishments, alongside maintaining community links and being involved in different community programmes, is that the evidence shows that that is the most effective way in which to re-establish women in the community after they leave the custodial estate and to equip them with sustainable skills that can help to prevent them from committing offences in the future.

We are taking an holistic approach to the issue that is very much about looking at how we can ensure that we are meeting the needs of not only the women but their families, because there is an important need to make sure that they are maintained and supported.

Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP): I join the 218 centre, Soroptimist International, the Howard League Scotland, Sacro, Turning Point Scotland, Families Outside, many women's groups and, of course, the redoubtable Dr Marsha Scott from women for indy in welcoming this measure. The cabinet secretary referred to dealing with underlying needs in a multidisciplinary approach. I am sure that he will understand that a lot of the women in the prison estate have suffered from mental health issues and addictions. Can he give us some specific examples of the type of support that will be on offer to allow those women to change their behaviours so that they can break the offending cycle?

Michael Matheson: As I mentioned, we listened to a lot of different views before we came to a final decision on the future shape of our female custodial estate. A number of the organisations to which the member referred have fed into that process and been engaged in advising the Government on the matter.

I will give an illustration of how we envisage the community custodial units operating. We are developing that model and working it up with the Scottish Prison Service and third sector organisations. A multidisciplinary team will be based in the units. Although they will come under the strategic management of the SPS, a range of different organisations will work in partnership with the SPS in the units to meet the needs of the

women there. For example, Turning Point could provide particular support and assistance to women in the establishments, or a mental health organisation could do so. However, we will also have our community mental health delivery programmes working in partnership with the community units.

We want to achieve a link between the custodial units and the community so that, when an individual woman moves back into the community, the services are not rewritten and re-established but, instead, those who were engaged in working with the woman while she was in the custodial estate continue to do so. If that is about dealing with mental health issues and addiction issues, the individuals who will be working with the woman in the community should be the same individuals and support groups who were working with her in the custodial estate.

I will finish on this point: I have heard time and again—too often—the debate around justice issues being polarised on the basis of whether we are being either soft on crime or tough on crime. I think that we need to be smart on this issue. It is not about falling into the false dichotomy between being soft or tough; it is about looking at where the evidence shows us is the best way to move forward. The evidence shows that, if we want to tackle female offending effectively, we need to deal with the underlying causes that drive that offending behaviour. The new model that I set out yesterday will assist us in taking that forward much more comprehensively and effectively. I believe that, in that way, we can take a much more progressive approach to how we deal with female offenders in Scotland.

Annabel Goldie (West Scotland) (Con): In the light of the cabinet secretary's announcement, what reassurance can he give to MSPs and the public that there will be sufficient capacity to house women offenders for whom a custodial sentence is necessary and justified?

Michael Matheson: In what I outlined yesterday, much of the focus was on the future shape of the female custodial estate, but I also outlined our determination to take forward a range of measures that can act as diversions and community disposals that are much more effective in dealing with offending behaviour.

As we move towards 2020, a decommissioning plan will be put in place, which will look at how we decommission the existing estate for female offenders as we develop the new estate. As Elish Angiolini's report correctly highlighted, we need to do that in such a way that we are careful to ensure that we have sufficient capacity to meet the needs of any women who are referred to the custodial estate.

We believe that having the right balance between the custodial estate that we will eventually shape through what I announced yesterday and alternatives and diversionary programmes will help to reduce the demand for custodial places in Scotland. As we take that forward, we will look at the decommissioning of the existing facilities. We need to make sure that we do that in a balanced and proportionate way. We will adopt such an approach over the coming years, and I am confident that we can get the balance right. Given that we have the second-highest female prison population of any northern European country, it is very clear that we have not got that balance right now. We need to take bold measures that will assist us in getting that balance right, and I believe that what I outlined yesterday will assist us in getting to that point.

Scottish Water (Pollution in North Lanarkshire)

2. John Wilson (Central Scotland) (Ind): To ask the Scottish Government what discussions it has had with Scottish Water regarding the pollution issues reported across North Lanarkshire. (S4T-01081)

The Minister for Transport and Islands (Derek Mackay): Scottish Water and the Scottish Government were in regular contact throughout the incident, and our drinking water quality team, the resilience team and the water industry team were all involved. Communication continues as we seek to establish the root cause of the incident, and the drinking water quality regulator for Scotland will undertake a full investigation, as is the case with all water quality incidents.

John Wilson: As the minister is aware, 6,000 properties across Newarthill, New Stevenston, Dalziel Park, Chapelhall and Carfin were affected last Thursday, with Carfin not getting the all-clear until Friday. When can we expect the report on how the incident was caused? How detailed will that report be?

Derek Mackay: I do not have a timescale to hand, but I am happy to establish when that report will be concluded and to convey that back to the member and any other member who is interested. The drinking water quality regulator will carry out an investigation and will conclude that report. There will be an expectation that any necessary action that is recommended will be taken.

I assure the member that intensive work to establish the cause of the contamination continues, that all necessary action will be taken and that all relevant powers are ready to be used, should they be required. I assure him that quick action was taken and that a full report will be produced. I will return to him on the timescale for that report, but it is very important that we

establish the cause so that we can act on the lessons learned.

John Wilson: I put on record my appreciation for the reaction of staff and others in getting water supplies to the communities concerned. However, given the level of disruption and inconvenience caused to the local population, especially the vulnerable and those with young children, what provisions is Scottish Water taking to ensure that such an incident does not happen again? How can it ensure that it gets back the full confidence of the population of the area as far as their water supplies are concerned?

Derek Mackay: Water quality is, of course, of the highest importance. As soon as there was any concern, all the relevant actions were taken. I can inform the chamber that I was in Scottish Water's national control centre just this morning, when I asked questions about the incident. When there is any evidence of contamination or a breach, it is acted on very quickly, and that happened in this case. We will be able to take further action once we have learned what caused the contamination. That is why an intensive investigation is under way to establish the cause. That will inform us as to what further actions are necessary. We will, of course, take any action that is required.

There was a quick response to the local communities by Scottish Water, including producing information, raising awareness and communicating with people, and taking a very specific approach to the more vulnerable in our community. The key issue now is to identify the cause and minimise the risk that it happens again.

Onshore Wind Energy

The Presiding Officer (Tricia Marwick): The next item of business is a statement by Fergus Ewing on the future of onshore wind as part of Scotland's balanced energy mix. The minister will take questions at the end of his statement; therefore, there should be no interventions or interruptions. I will allow a few moments for the minister to get settled. In the meantime, members who wish to ask questions of the minister should press their request-to-speak buttons now. Mr Ewing—you have about 10 minutes.

14:20

The Minister for Business, Energy and Tourism (Fergus Ewing): Thank you, Presiding Officer. I am grateful for your assistance and that of your office in scheduling this statement at short notice.

My statement concerns the proposal of the United Kingdom Conservative Government to halt new subsidies for onshore wind developments under the renewables obligation. Although the abrupt and early curtailment of the renewables obligation will have serious implications for people right across the United Kingdom, the economic and supply-chain impacts are concentrated heavily in Scotland. Around 70 per cent of all onshore wind projects that are in planning in the United Kingdom—the projects that are at risk—are located in Scotland.

Last Thursday, Amber Rudd, the Secretary of State for Energy and Climate Change, lodged a written parliamentary statement in the House of Commons proposing to end new subsidies for onshore wind, specifically in relation to the renewables obligation. Ms Rudd confirmed that in her oral statement at Westminster yesterday.

Primary legislation will be introduced to close the RO from 1 April next year—a year earlier than the industry and community developers had been led to expect. The future of other support schemes for onshore wind including contracts for difference and feed-in tariffs—the latter apply to smaller schemes—is unclear. However, the energy secretary has asserted that the UK has enough onshore wind to meet the Government's renewable energy commitments.

I appreciate that the Conservatives made a manifesto pledge to end new subsidies for onshore wind farms, but that gave no notice to investors and developers that existing subsidies would be cut short. Developers have invested very substantial sums on the understanding that the RO is an existing scheme and not a new subsidy, and on the basis of a clearly stated UK

Government policy to ensure a smooth transition from the RO to contracts for difference.

The Scottish Government's view is that the planned transition policy should be maintained, consistent with the aim of moving onshore wind to a position of grid parity—thereby ending the requirement for subsidy—by around the end of the current decade. Any other course will give rise to harmful uncertainty, undermine the UK's reputation with investors and risk wider consequences for investment far beyond the renewables sector.

Given that argument, coupled with the fact that onshore wind is already the lowest-cost large-scale option—and hence should, based on any rational analysis, be the last to be scrapped—what is proposed must surely expose the Scottish and UK taxpayer to serious risk of judicial review at the instance of companies or, indeed, communities that are impacted.

There can be no doubt that the move to close the RO prematurely will harm investment and jobs, damage severely the prospects of community energy schemes and, ultimately, risk increasing the consumer cost of meeting renewable energy targets. A large number of projects face being guillotined and losing sunk investment, as a consequence.

With the Office of Gas and Electricity Markets predicting derated capacity margins falling to as low as 2 per cent this winter, to scupper any planned generation capacity is surely short-sighted. The key impacts will fall into four categories: consumers, communities, companies and our renewable energy goals. Consumers will pay the price in their energy bills. Onshore wind is the cheapest large-scale source of renewable electricity—a fact that was admitted by Amber Rudd in her Radio 4 interview last week. Replacing onshore wind technology with more expensive technologies could cost consumers £2 billion to £3 billion more. That is the clear warning from Keith Anderson of Scottish Power.

In addition to the impact on individuals and households, many communities will suffer. Communities that are planning to develop their own local schemes and those that are in line to gain from community benefit payments will lose from the early closure of the RO. In the past 12 months, communities across Scotland have received nearly £9 million in community benefit payments.

Further community income streams could be lost. For example, Renewable Energy Systems estimates that up to £46 million of community benefit could be lost, in addition to the revenue from local construction and business rates, and Falck Renewables Wind Ltd has three projects

that are at risk from early closure of the RO. Those are only two of the many commercial companies that have made clear the commercial damage that the decision will cause. If those projects are not completed, £10.4 million will be lost to local communities and 11 communities will lose out on the opportunity to invest in co-operative investment schemes.

The third impact will hit companies that are investing in Scotland. According to Scottish Renewables, up to £3 billion-worth of onshore wind projects in Scotland and more than 5,000 jobs are at risk. Let me repeat that: up to £3 billion-worth of onshore wind projects in Scotland and more than 5,000 jobs are at risk. *[Interruption.]*

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

Fergus Ewing: This is not a matter for jocularity, despite the Conservatives' laughter.

The Presiding Officer: Just continue with the statement, minister.

Fergus Ewing: The impacts reverberate across the wider supply chain, including to ports and harbours, transmission and distribution, consultancy, universities and the civil engineering sector, to name but a few areas. The Confederation of British Industry has warned that the proposal

"sends a worrying signal about the stability of the UK's energy policy framework ... and could damage our reputation as a good place to invest in energy infrastructure."

Above all else, investors value certainty, but sudden changes undermine trust and deter investment.

RO closure raises serious questions about the deliverability of the UK's 2020 renewable energy target. The target is to meet 15 per cent of total energy needs from renewable sources by 2020, which is well below the European Union's overall aim of 20 per cent. The latest outturn figures for 2013-14 show that the UK achieved just 5.4 per cent, which is barely a third of the target to be met. Last week, the European Commission published a progress report that identified the UK among a group of countries that need to reflect on whether their

"policies and tools are sufficient and effective in meeting their renewable energy objectives".

As Secretary of State for Energy and Climate Change and the person who will represent the UK in the crucial United Nations climate change talks in Paris in December, Amber Rudd must not ignore the major contribution that onshore wind can make to compensate for slow progress in other areas, such as heat and transport. However,

her first act in the new Government was to cut green energy provisions and to set a terrible example to the rest of the world.

The UK Government is minded to offer grace periods to projects that possess planning consent, a grid connection agreement and evidence of land rights as of the date of Ms Rudd's statement to Parliament—namely, 18 June. I have put it to Amber Rudd that affording reasonable protection to developers would suggest that grace periods should offer as much flexibility as possible and apply to projects in all stages of planning. That is not my preferred course, but it would at least limit the damage that will be caused.

Speaking on the BBC's "Sunday Politics" show, the Secretary of State for Scotland, David Mundell MP, indicated that the grace period will apply when

"there is any prospect of a grid connection being delivered."

We welcome that change in the UK Government's position and will look for that to be extended further.

After several years of uncertainty for the industry while electricity market reform was being devised, there was a fleeting period of relative stability, but once again uncertainty shrouds the entire sector. Our concern is not limited to early closure of the RO; the industry has been clear that longer-term targets and commitments are fundamental in order to maintain investment. Therefore, it is crucial that the UK Government provide early information on the future of contracts for difference, including the date of the next allocation round and the level of budget that is to be assigned.

In conclusion, I call on the UK Government to provide the required clarity on the long-term policy for renewables and so to limit the damage to investment in Scotland. Onshore wind is the least expensive source of renewable electricity; to ignore the massive resource that is available from Scotland and to squander the huge economic benefits for consumers, communities and companies is utter folly.

The Presiding Officer: The minister will now take questions on the issues raised in his statement. We must finish at 2.50—I would appreciate members' co-operation in that regard.

Lewis Macdonald (North East Scotland) (Lab): I thank the minister for the advance copy of his statement.

Last week's announcement by the Conservative Government at Westminster is clearly bad for jobs, investment and the environment and will end up costing consumers more. We deplore the bad decision that the UK Government has made. We want to hear what the Scottish Government

intends to do to address the impacts of the early ending of support for onshore wind across the UK.

Given the number of jobs at risk that Scottish Renewables has identified, can the minister tell us what steps the Scottish Government will take to strengthen the skills base in the sector to ensure that as many jobs and skills as possible are protected for the future?

The Conservative Government appears to be totally confused about its own policy on a grace period for planned projects. Will the minister tell us what discussions his officials have had so far with the Department for Energy and Climate Change on the implementation of a grace period, and what illumination he has had from those discussions?

Bad policy from another Government should not affect progress towards the renewable energy targets that have been set in Scotland, with broad cross-party support. What steps will the Scottish Government take to bring forward the deployment of solar photovoltaic and other forms of low-carbon electricity generation to fill the gap left by the UK Government's misguided approach to onshore wind?

Finally, will the minister examine the impact of the proposals, and the available alternatives, on consumers? Will he report to Parliament on that as soon as possible in the autumn?

Fergus Ewing: Yes, I will certainly update Parliament in the autumn.

Lewis Macdonald is right to say that the jobs and skills are essential. Having been given this ministerial portfolio, my very first engagement was in the kingdom of Fife to open a course for young people on renewable energy skills. Such courses have been replicated in Dumfries, Ayr, Inverness and elsewhere throughout the country because we expected a continued and consistent policy of support for the industry from the UK. In 2013, when the UK Government reviewed the ROCs, it said that the system would continue until 2017—then it abruptly lifted the commercial carpet from under investors' feet.

As I have stated, I have had discussions with Amber Rudd on the terms of the grace period, which I argued we should interpret broadly. I was pleased that David Mundell, on television, clearly said that projects with a prospect of a grid connection should qualify. That is important because in parts of the Highlands and in many other parts of Scotland, grid connections are not currently available. That needs to be recognised.

As far as other forms of energy are concerned, we continue to support solar, biomass, hydro—in which we have substantial capacity—anaerobic digestion, the tidal sector and, of course, wave energy Scotland. It is reasonable to say that we

have been fairly consistent in supporting renewable energy across the board. That will continue.

Lewis Macdonald asks what we will do to fill the gap and address the damage caused by the UK Government's decision, but I would far prefer to try to persuade the UK Government to ameliorate the announcement that it made so that there is at least damage mitigation. I will be meeting Amber Rudd tomorrow, when I will argue that point very strongly. I believe that the UK Government simply does not understand the consequences of what it has done.

Murdo Fraser (Mid Scotland and Fife) (Con): I thank the minister for advance sight of his statement.

Communities across Scotland have been delighted by a UK Conservative Government standing up for their interests, in contrast to a central belt Scottish National Party Administration in Edinburgh, which has done nothing to assist them over the past eight years.

The minister makes extravagant claims about the damage to the economy and job losses as a result of the UK Government's move. Is that not exactly the scaremongering that we heard from the minister and his back-bench colleagues when the previous Government reduced the subsidies for solar PV installations? At the time, we heard dire warnings of job losses and business closures, but the solar industry is stronger today than it ever has been. The minister has been caught crying wolf once before. Why should we believe him this time?

Will the minister confirm whether the Fergus Ewing who is delivering the statement to us is the same Fergus Ewing who, in 2007, railed against the then Scottish Executive and its energy minister for the overdevelopment of onshore wind, saying in the *Strathspey and Badenoch Herald*:

"The SNP believes that many other forms of renewable energy are the future—not unconstrained wind farms"?

The Presiding Officer: I need you to finish.

Murdo Fraser: Will communities across Scotland not be right to draw a contrast between the Conservative Party, which, in opposition promises to act on the overdevelopment of onshore wind and in government delivers on its promises, and an SNP, which in opposition promises to do one thing but in government does exactly the opposite?

Fergus Ewing: I have never argued in favour of the unconstrained development of onshore wind. *[Interruption.]*

The Presiding Officer: Order.

Fergus Ewing: We did not get many facts from Mr Fraser, so perhaps I should introduce one or two. There have been 68 section 36 onshore wind applications, of which 65 per cent have been consented, 22 per cent have been rejected and 13 per cent have been withdrawn.

We have considered each application, as we are required to do as ministers in the Scottish Government, strictly on their merits. In addition, we have addressed the previous policy's shortcomings, to which I have alluded previously, by increasing community benefit.

When Allan Wilson was the minister for energy, I suggested to him that we should increase the community benefit, so that communities would gain. Do members know what he said? He said that if we did that, we would risk all the development going to Wales. We have increased the community benefit to £5,000 a megawatt a year, and £10,000 a megawatt for community schemes. Above all, communities should have an ownership stake. We have also tightened up designations in relation to issues in the cumulative impact guidance and the designation of wild land.

As I say, I was never in favour of unconstrained development, so I am grateful for the opportunity to clarify that—[*Interruption.*]

The Presiding Officer: Order.

Fergus Ewing: —to the satisfaction of every reasonable person in the chamber.

The rest of Mr Fraser's remarks were of a somewhat political nature. I say gently to the Conservatives that the stance of total opposition to wind power that their front-bench members appear to take does not, with all respect, appear to be one that is followed in practice by some Conservative members. Indeed, there are at least three camps in the Scottish Tories: there are those who support onshore wind; there are those who are against it; and then there are some who have a wind farm of their own.

The Presiding Officer: I remind members that I need brief questions and answers.

Rob Gibson (Caithness, Sutherland and Ross) (SNP): I represent areas in the north where the human communities are the most endangered species. They fully support onshore wind. They know that Scotland's renewable electricity displaced 11.9 megatonnes of CO₂ equivalent in 2013. Will the minister offer any further information on the impact of the decision to end onshore wind farm subsidies on Scotland's ability to meet its climate change targets, which are underpinned by our renewables targets?

Fergus Ewing: As I have said, the decision will make it challenging, for obvious reasons, to meet the target of delivering 100 per cent green energy

by 2020. That is particularly disappointing as we effectively met our interim target of 50 per cent in 2014, a year ahead of schedule. I emphasise our support for a broad range of renewable energy generation sources, including hydro, which was at a record high level of up to 26 per cent of the energy mix.

The mystery is how the UK Government can square its perverse and foolish decision, which has extremely damaging consequences, with its manifesto commitment to achieve climate change targets. How on earth can it square that circle? We do not believe that to be possible.

Sarah Boyack (Lothian) (Lab): Renewables are very important in meeting our climate change targets, and they are a key driver of green jobs in Scotland. Given that, and given the importance of the disinvestment to the whole country and the fact that companies that have been investing in good faith now face huge uncertainty regarding future investment, what assistance can the Scottish Government offer the industry? What practical steps can the minister take to secure those green jobs and green electricity?

Fergus Ewing: Members on the Scottish National Party benches are happy to work with the Labour Party on this issue, both here and at Westminster, to see what can be done to ameliorate an appallingly bad decision. Indeed, it is an irrational decision, and the one thing that ministers should not do is make irrational decisions, because the Wednesbury test says that if they do so, they may well face judicial review.

Jackson Carlaw (West Scotland) (Con): Why is the decision irrational?

Fergus Ewing: The decision is irrational because the UK Government has cut the subsidies for the least expensive method of generating renewable electricity. That is irrational.

What can we do to help companies? In the short term I will repeat the call to improve the grace-period provision. The second point—which perhaps is the more important—is this: unless companies in this area of business know whether there will be any provision in the contracts for difference for onshore wind, there is simply no route to market. Companies will have spent millions of pounds on the scheme and there is no route to market. The UK Government has not said when it will end the confusion that its announcement has created by explaining what its CFD plans will be. However, in direct response to Sarah Boyack's question, I say that the best thing that all of us can do is demand that the UK climate change and energy secretary end that confusion by announcing what provision she will make in contracts for difference for onshore wind. Otherwise, a great many companies—many of

which I addressed this morning at the conference of onshore wind developers—may simply shut up shop and take their investments to other countries in Europe.

The Presiding Officer: Eight members wish to ask questions and there is less than eight minutes left of the statement period.

Liam McArthur (Orkney Islands) (LD): I thank the minister for early sight of his statement and agree whole-heartedly that the decision is bad for consumers, communities and companies, including many in my constituency. Does he agree that the lack of prior consultation and, even now, the lack of clarity on the detail of what the decision will mean in terms of grace periods and so on, has damaged and is damaging confidence not only in offshore wind, but in the wider sector, including marine renewables and the wider supply chain? From his experience, will he care to contrast the progressive approach and commitment that was shown by my colleague, the former energy secretary Ed Davey, with the rather reckless and short-sighted attitude of the current Conservative Government?

Fergus Ewing: I have always said that Ed Davey and I worked together, for example on delivering connections to the islands. Liam McArthur is absolutely right: the decision that the UK Government announced will make it more difficult to raise the investment that is required in all areas for renewables, because of the simple fact that when bankers and commercial companies see a Government—the UK Government in this case—acting irrationally and curtailing incentives a year earlier than it promised to, those investors will wonder what is coming next.

Although the previous UK Government, with Ed Davey as minister, did commit to a remote islands CFD, obtained state-aid clearance and announced the CFD in July—a timetable to which Alan Sykes and others are committed at the Viking wind farm, for example, and which is also important in Orkney and the Western Isles—it now looks as though delivery of connections to the islands will, by virtue of this decision's impacts, be made much more difficult.

The smiles are going off the Conservatives' faces now: perhaps the penny is beginning to drop about what they have done.

Dave Thompson (Skye, Lochaber and Badenoch) (SNP): Can the minister give an update on how the recent changes to onshore wind farm subsidies will affect the consented Glen Ullinish wind farm development in Skye, in my constituency—a development that has massive public support in the whole community and which

will bring great benefits to Skye? Does he have any concerns about support for pumped storage?

Fergus Ewing: I have concerns about the progress of pumped storage, because the last UK Government failed to engage with us in advancing it. We have two existing facilities, but we also have one with consent in the Great Glen and another at Cruachan that have between them about 1.2GW. We believe that pumped storage should play a part—and, of course, it counteracts the stochastic nature of wind energy.

Regarding the first question that Dave Thompson asked, I have been contacted by the director of Kilmac, which is progressing the Glen Ullinish scheme. My information is that a number of local crofters were due to benefit from the lease. For the sake of transparency, I should also say that the Scottish Government might also benefit because of our interest in the land. That is one of many schemes that Mr Thompson will be aware of in the west Highlands, Argyll, Dumfries, Aberdeenshire and elsewhere.

There are many schemes in which communities have an interest but on which the guillotine has been brought down by what appears to me to be a perverse and irrational decision by the UK Government, which has been taken—if this is not an over-polite way of framing it—in the interest of placating its gentlemen from the shires. *[Interruption.]*

The Presiding Officer: Order.

Fergus Ewing: It was taken, in other words, for political reasons rather than reasons of good governance.

The Presiding Officer: I ask members to ask one brief question.

Claudia Beamish (South Scotland) (Lab): Does the minister agree with me that many of the communities that will now be struggling are in rural isolation? Some of them have already been subject to open-cast-mining restoration challenges and are doing their best to develop sustainably. Can he outline what action the Scottish Government can take to support communities that find themselves left high and dry by an ill-thought-out Tory decision?

The Presiding Officer: Minister, be brief.

Fergus Ewing: We will continue to support communities that wish to gain from the resources in their parts of Scotland by helping them with investment from the renewable energy investment fund and from the local energy investment fund, which is designed to stimulate investment and to address the difficulty of finalising projects in time by investing the money and then offering communities a stake. We will also continue with the community and renewable energy scheme—

CARES—which provides advice. We will continue with local energy Scotland, which has excellent people who spend their time visiting communities, listening to them and helping them to navigate issues including grid connections and planning permission, of which communities may have had zero experience. We will help communities in all those ways.

However, at the end of the day, I anticipate that if there is no policy support from the UK Government, a great many communities around Scotland will face the Tory guillotine that was announced this week.

Mike MacKenzie (Highlands and Islands) (SNP): The minister has suggested that early withdrawal of the renewables obligation for onshore wind will have knock-on effects on other sectors. Does he agree that the uncertainty is having serious negative consequences for other renewables technologies, including wave power and tidal power?

Fergus Ewing: Yes I do. Not least is the obvious fact—at least to those of us who have spent hundreds of hours meeting the companies—that many of the companies that have onshore schemes that are being guillotined are also offshore wind developers. They have been planning to do the onshore projects prior to taking part in and delivering offshore projects. Now they may find themselves with little or nothing to do in the UK. Perhaps, like one company that I spoke to on Friday in Inverness at a meeting that was chaired by Inverness Chamber of Commerce, they may already be contemplating switching their investment to countries such as Sweden.

It is essential that the UK Government end the uncertainty by giving clarity on contracts for difference for wind projects. I fear the worst, if it fails to do that by the end of this Westminster parliamentary session. The virus of lack of confidence among investors is contagious, and it will move to other sectors, including offshore wind and other areas of renewable energy. How can companies rely on the UK Government's promises that there will be incentives that will last for a certain period, when the UK Government comes along without notice or consultation and abruptly brings that programme to a halt? They cannot. That is how both investors and banks behave, as I thought the Conservatives understood.

Patrick Harvie (Glasgow) (Green): Is not it clear that if this decision—which the minister rightly describes as “irrational”—is successful in its goal of undermining the onshore wind industry, other sectors of the Scottish economy are going to have to work much harder if we are ever going to reach our climate change targets? Will the minister initiate a discussion with colleagues to discuss how much more can be done by the heat and

transport sectors, for example, in order to restore our trajectory towards the climate change targets?

Fergus Ewing: We have ambitious targets on heat, including our goal of taking 40,000 houses into district heating. As Mr Harvie knows, we have a heat map and a plan in that regard, and my colleague, Derek Mackay, is taking forward issues with regard to work and transport. However, Mr Harvie is right to say that if we cannot achieve our targets as we expected we would, it will become more difficult to do so and we will need to focus more on other areas.

Alex Johnstone (North East Scotland) (Con): Will the minister concede that, more than a year before the election, Michael Fallon made it clear that subsidies would be withdrawn in the event of a Conservative win?

Will he also concede—

The Presiding Officer: One question, please. I call the minister.

Alex Johnstone: —that this party has campaigned repeatedly for a diverse energy mix—

The Presiding Officer: Order. One question. I call the minister.

Alex Johnstone: Does the minister really put all his eggs in one basket—

The Presiding Officer: Minister.

Alex Johnstone: —and not expect us to say, “I told you so”?

Fergus Ewing: I am glad that Alex Johnstone mentioned Michael Fallon, because Michael Fallon was responsible for the daddy of them all, in terms of subsidy. It was he who took forward the Hinkley Point project—

Members: Hear, hear.

The Presiding Officer: Order.

Fergus Ewing: —which gets a subsidy not for 15 years, like onshore wind, but for 35 years. The total cost of that subsidy is £35 billion, plus £10 billion in loan guarantees, which makes it, according to Peter Atherton of Liberum Capital,

“The most expensive power station in the world”.

The total cumulo subsidy for one nuclear power station is equivalent to four times the amount of the aggregate subsidy for all renewables in the first decade of the RO's operation.

The Presiding Officer: That ends the minister's statement. My apologies to Stewart Stevenson and Christian Allard, whom I was unable to call.

Prisoners (Control of Release) (Scotland) Bill: Stage 3

14:52

The Deputy Presiding Officer (John Scott):

The next item of business is stage 3 proceedings on the Prisoners (Control of Release) (Scotland) Bill. In dealing with the amendments, members should have the bill as amended at stage 2; the marshalled list; and the groupings.

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

Section 1—Restriction on automatic early release

The Deputy Presiding Officer: We will start—unexpectedly—with group 1. Amendment 1, in the name of Elaine Murray, is the only amendment in the group.

Elaine Murray (Dumfriesshire) (Lab): This amendment differs from the one that I lodged at stage 2, which proposed that long-term offenders should be required to serve one eighth of their sentence under supervision in the community, rather than the six months that is proposed by the Government irrespective of the length of their sentence or the severity of the crime. The Government rejected that amendment, arguing that it did not believe that an offender who had spent twice as long as another in prison should also be supervised in the community for twice as long.

At the end of May, the Justice Committee heard evidence from two expert academics, Professor Fergus McNeill and Professor Cyrus Tata, who were critical of the Government's blanket six-month period of supervision. Professor McNeill advised that

"if you have spent 10 years in prison, six months is a very short period, not least because of the accumulated effects of the institutionalisation that a long sentence brings",

and he said that

"a proportional system makes more sense".

Professor Tata stated:

"Without doubt, it would be sensible to define the period as a percentage of the sentence".—[*Official Report, Justice Committee, 27 May 2015; c 4-5.*]

A briefing signed by several organisations and individuals came out only on Saturday. It says:

"Proponents of the bill have failed to explain how moving from a compulsory supervision period that is proportionate to the length of the original sentence to a blanket six-month period for all long-term prisoners, regardless of sentence length, better serves the interests of public safety."

To an extent, my stage 3 amendment is a compromise but it has some advantages. It would enable the court to decide at the time of sentencing whether the six months supervision in the community would be sufficient or whether a longer supervisory sentence would be more appropriate if, by the end of the custodial part of the sentence, the Parole Board for Scotland had deemed the offender not to be suitable for early release on parole. For example, the court could take into account the nature of the offence, the length of the custodial sentence and the offender's previous offending history when determining whether the supervisory sentence should be longer than six months.

The maximum length of supervisory sentence would be one eighth of the total custodial sentence. For a sentence of four years, that would be six months but, for a longer sentence, the court would have the opportunity to impose a longer supervisory sentence. That would address the concerns that were expressed at stage 2, when I proposed a supervisory sentence of one eighth of the total sentence. It would allow a proportional approach when the court deemed it appropriate and would have the added advantage that the custodial and supervisory parts of the sentence would have to be defined at the time of sentencing, which would improve clarity for victims, the community and the offender.

Amendment 1 is intended to be a helpful and constructive amendment. It will improve the bill and I hope that the Cabinet Secretary for Justice is minded to accept it.

I move amendment 1.

Roderick Campbell (North East Fife) (SNP): I accept that Elaine Murray's amendment is slightly different to her stage 2 amendment but, when she proposed 12.5 per cent at stage 2, she suggested that it was not really evidence based.

We are familiar with the evidence of Colin McConnell from the Scottish Prison Service on the importance of the first six to 12 weeks. That period of three months was also supported by Sacro. I accept that there is an absence of empirical evidence about some such matters, but I remind Elaine Murray about Professor McNeill's comments on 24 February, when he said:

"I am not aware of any credible evidence that lengthening sentences in and of itself guarantees the more effective risk management that the bill seems to be trying to bring about. I am not able to put it more forcefully than that, because for obvious reasons of justice it is very difficult to do the kind of research that would experimentally test

different release arrangements. We do not really get to do that kind of experiment in criminology, for very good reasons.”—[*Official Report, Justice Committee*, 24 February 2015; c 51-52.]

There we have it. There is an absence of evidence, but I am convinced that six months gets the right balance. If we give power to the court as the amendment proposes, we will take away some of the increased power to decide when someone is fit for release that the Parole Board will get from the bill. If we are concerned about future supervision at the time of sentencing, I expect courts to make better use of extended sentences.

For all those reasons, I oppose the amendment.

The Cabinet Secretary for Justice (Michael Matheson): One of the key issues debated through the scrutiny of the bill has been the supervision of long-term prisoners when they leave custody.

As part of its stage 1 report, the Justice Committee recommended that the potential for some prisoners to leave custody without supervision should be addressed. The Scottish Government listened to those concerns and introduced into the bill at stage 2 mandatory minimum licence condition supervision of at least six months for every long-term prisoner who leaves custody.

The Justice Committee warmly welcomed the principle of ensuring supervision at the end of a sentence, but there was some debate about what the minimum length of supervision should be. Elaine Murray’s amendment 1 would retain six months as the minimum period of supervision but give new discretion to the court to decide at the point of sentencing to increase that minimum supervision to anything up to 12.5 per cent of a prisoner’s sentence.

It might be helpful if I explain the effect of amendment 1 through an example. Under the bill, a person who receives a 12-year sentence with no extended sentence will be released if they are still in custody after 11 years and six months. Under amendment 1, the court would be able to decide at the point of sentencing to order their release from any point after 10 years and six months into the sentence.

15:00

The Scottish Government does not support amendment 1, for two reasons. First, we consider that the length of the mandatory supervision period should be six months. MSPs will be aware that a considerable amount of work goes on inside prisons to plan for the release of long-term prisoners. That includes a comprehensive home background report being prepared for each long-term prisoner, with criminal justice social work

being directly involved inside the prison to consider the long-term prisoner’s needs as they become eligible for consideration for release.

That work seeks to ensure that the prisoner is as ready as they can be for release, through consideration of issues such as housing, welfare and work needs, given that those are key issues to address in order to achieve a successful reintegration into the community.

Keeping that in mind, we think that the minimum period of supervision that is necessary for a prisoner who has served close to four years, as compared with a prisoner leaving after, say, eight years in custody, is likely to be similar, given that both sentences are long periods of time to be incarcerated and that additional preparatory work is done while the individual is in prison.

The committee’s stage 1 evidence highlighted a number of different issues, in particular that the initial six to 12 weeks following release are generally the most critical for individual prisoners once released. It is during those first weeks and months after leaving custody that prisoners have to re-establish themselves into the community. That is when challenges around housing and getting a job are most acute. The Scottish Government considers that a period of six months strikes the appropriate balance.

In addition to considering it a matter of principle that six months is an appropriate period of mandatory supervision, we think that such a role being placed on the court as has been suggested would usurp the role of the Parole Board. It is important to stress that the Parole Board is there to assess risk during a prisoner’s sentence so as to decide whether early release is appropriate. The Parole Board can of course consider how the prisoner has been rehabilitated during their sentence, which is not something that the court can do at the point of sentencing.

The system will continue to operate so that the Parole Board will assess whether supervised early release is appropriate for any given long-term prisoner, from the halfway point of their sentence onward. In our view, amendment 1 would undermine the role of our Parole Board.

Therefore, we do not support amendment 1, and we ask members not to vote in favour of it.

Elaine Murray: I will answer some of the points that have been made. Roddy Campbell says that the approach is not evidence based. In fact, there is no empirical evidence for the blanket six-month period. Indeed, several witnesses who came to the committee at stage 1 stated that six months of supervision is inadequate and is likely to jeopardise public safety, that the reintegration of long-term high-risk offenders takes time, and that there is an increased potential with a blanket six-

month period for challenges under the European convention on human rights.

On the point of a prisoner being released after 10 years and six months, it would be for the court to decide at the time of sentencing on the total sentence that would be served. If the court considered that, if the person was not reintegrated or if they still presented a great deal of risk at the end of their sentence, the sentence should be 11 years and six months in prison, the court could still impose 11 years and six months in prison plus a supervisory sentence at the end of that. The total sentence means both parts of the sentence—the two of them add up.

The Parole Board would still have a role in deciding whether the offender was released at 50 per cent of the total sentence. I do not understand the argument that my proposal undermines the role of the Parole Board, which would still decide whether somebody was released early—it would have exactly the same role as it has at the moment, and it would have to assess the risk of the offender being released before the end of their custodial sentence.

I therefore wish to press my amendment.

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 division. I suspend the meeting for five minutes.

15:04

Meeting suspended.

15:09

On resuming—

The Deputy Presiding Officer: We move to the division on amendment 1.

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)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 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)
 McMahon, Siobhan (Central Scotland) (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)
 Smith, Elaine (Coatbridge and Chryston) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (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)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 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 (Aberdeen Donside) (SNP)
 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)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)

Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Scott, Tavish (Shetland Islands) (LD)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (Ind)
 Yousaf, Humza (Glasgow) (SNP)

Abstentions

Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Davidson, Ruth (Glasgow) (Con)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

The Deputy Presiding Officer: The result of the division is: For 30, Against 69, Abstentions 14.

Amendment 1 disagreed to.

Section 3—Commencement

The Deputy Presiding Officer: Amendment 2, in the name of Margaret Mitchell, is in a group on its own.

Margaret Mitchell (Central Scotland) (Con): Amendment 2 seeks to delay the commencement of section 1 until the day after the Criminal Justice (Scotland) Bill receives royal assent. I stress that agreeing to amendment 2 would not mean delaying the commencement of section 2 of the Prisoners (Control of Release) (Scotland) Bill.

I raised the issue at stage 2 when I lodged a probing amendment to highlight issues that were worthy of further debate and scrutiny. I had hoped that the cabinet secretary would take cognisance of and address stakeholder concerns about the proposals and acknowledge the advantages of postponing the commencement of section 1.

There is good reason for such a postponement. That was confirmed by the analysis published as recently as yesterday by key stakeholders, including those who work at the cutting edge of the criminal justice system such as Apex Scotland, Circle Scotland, Positive Prison? Positive Futures, criminal justice social workers and learned academics, not to mention equality groups such as women for independence.

The issues of concern include inadequate consultation and evidence gathering; the replacement of automatic release at the two-thirds point of the sentence by an arbitrary period of six months; and the fact that, as a consequence of the proposals, there is increased potential for European convention on human rights challenges. The influential stakeholders conclude that the bill

“will not end automatic early release, it will not reduce reoffending and it will not improve public safety in the longer term; indeed it is likely to jeopardise both public safety and reintegration”.

In those circumstances, surely the only reasonable course of action would be to postpone the commencement of section 1 of the Prisoners (Control of Release) (Scotland) Bill to allow the full debate and detailed scrutiny that the crucially important issue of automatic early release merits. That would allow the criminal justice system to be looked at in the round, and discussion and debate to take place on short-term sentencing, early release and associated recidivism rates. *[Interruption.]*

The Deputy Presiding Officer: Excuse me. Could members just calm down a little and allow Margaret Mitchell to be heard?

Margaret Mitchell: That is why I again propose delaying the commencement of section 1 until the Criminal Justice (Scotland) Bill receives royal assent.

At stage 2, the cabinet secretary indicated that

“there are no provisions in the Criminal Justice (Scotland) Bill relating to early release”.—*[Official Report, Justice Committee, 2 June 2015; c 16.]*

However, I have received assurances from the head of the legislation and delegated powers team that there would indeed be scope to address the issue in the legislation later this year.

Automatic early release is confusing for the public and distressing for victims of crimes, and we can all agree that it is important to get ending it absolutely right. I urge members to vote to delay the commencement of section 1 to ensure the best possible outcome, following scrutiny of the Criminal Justice (Scotland) Bill.

I move amendment 2.

15:15

Elaine Murray: Margaret Mitchell lodged an amendment in the same terms at stage 2 and, as I said then, I am not quite certain what it is in the Criminal Justice (Scotland) Bill that has to receive royal assent before the Prisoners (Control of Release) (Scotland) Bill can proceed.

Although the provisions in the Prisoners (Control of Release) (Scotland) Bill were originally to be

introduced in the Criminal Justice (Scotland) Bill, the other provisions in the latter bill would not particularly affect those in the former. In addition, I do not see why the provisions in section 1 of the Prisoners (Control of Release) (Scotland) Bill should have to come into force the very next day after the Criminal Justice (Scotland) Bill receives royal assent.

I remind members that, in 2007, we passed the Custodial Sentences and Weapons (Scotland) Bill, which first introduced custodial and supervisory sentencing. The Law Society of Scotland and other stakeholders are wrong in saying that such an approach has never been taken before, because it was taken eight years ago. The provisions in that bill have never come into force because the McLeish commission said that we would have to get the prisoner population down before it would be possible to implement them.

I ask the cabinet secretary for an assurance that the Prisoners (Control of Release) (Scotland) Bill, if it is passed, will not be implemented until all the necessary community interventions and services are in place, including the extension of multi-agency public protection arrangements for violent offenders, which are currently under discussion.

We cannot support amendment 2. If Margaret Mitchell had specified the Community Justice (Scotland) Bill rather than the Criminal Justice (Scotland) Bill, I might have had a bit more sympathy with the intention behind her amendment.

Michael Matheson: I have listened carefully to Margaret Mitchell, as I did when she lodged an amendment in the same terms at stage 2, but I confess that I am still somewhat confused about her views on the matter and why she thinks that it is important to delay the commencement of the reforms in the bill—given that they have been considered by Parliament at stages 1 and 2 and now at stage 3—pending the Parliament passing the Criminal Justice (Scotland) Bill and the granting of royal assent to that piece of legislation. As Margaret Mitchell acknowledged and Elaine Murray emphasised, I indicated at stage 2 that

“there are no provisions in the Criminal Justice (Scotland) Bill relating to early release”.—[*Official Report, Justice Committee*, 2 June 2015; c 16.]

I can see no good reason to delay the implementation of the provisions in the Prisoners (Control of Release) (Scotland) Bill, in the manner that would result if amendment 2 was agreed to.

It is entirely possible that amendments to the Criminal Justice (Scotland) Bill will be considered by the Justice Committee at stage 2. However, amending the Prisoners (Control of Release) (Scotland) Bill to tie its provisions to future legislation—we do not know whether the Criminal

Justice (Scotland) Bill will even contain any such provisions, because the Government does not intend to lodge amendments to that bill in this area—would to a large extent pre-empt Parliament's consideration of the Criminal Justice (Scotland) Bill. That is not an appropriate way for us to take forward legislation.

I listened carefully to what Margaret Mitchell said in justifying her amendment at stage 2, and I have listened to her again today at stage 3. I do not believe that there is any good justification for delaying the important reforms in the Prisoners (Control of Release) Scotland Bill, which is concerned with public safety, once it receives royal assent. I do not see why we should tie the provisions in this bill to the Criminal Justice (Scotland) Bill.

On that basis, we oppose amendment 2, and I ask Parliament to reject it.

Margaret Mitchell: To answer Elaine Murray's point, early release will be discussed in the context of the Criminal Justice (Scotland) Bill. My amendment would allow us time for proper scrutiny and debate, which we simply have not had.

As the cabinet secretary said, we have been through stage 1. However, the bill was not fit for purpose and had to be changed beyond recognition at stage 2, so we cannot take much comfort from that process.

As I say, at stage 2, we changed the bill from ending automatic early release to merely amending the rules. That does not fill me with confidence that we have gone through a process that suggests that the legislation before us is good legislation that has been properly scrutinised and debated.

Amendment 2 is reasonable. By delaying the commencement of section 1, it would ensure that the best possible outcome was achieved following scrutiny of the Criminal Justice (Scotland) Bill. At the very least, that would help to confirm that the period of mandatory supervised release in the community is sufficient—that it is properly thought through and able to address the practicalities of housing, benefits and employment; adequately resourced to ensure that the essential criminal justice social work is in place; and supported by a level of surveillance using all the modern technology that is available, in accordance with the assessment of risk.

It is for those reasons that 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

Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Davidson, Ruth (Glasgow) (Con)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 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)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 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)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 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)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kelly, James (Rutherglen) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lochhead, Richard (Moray) (SNP)

Lyle, Richard (Central Scotland) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 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)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahon, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (Ind)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 14, Against 97, Abstentions 0.

Amendment 2 disagreed to.

The Deputy Presiding Officer: That ends consideration of amendments.

Prisoners (Control of Release) (Scotland) Bill

The Deputy Presiding Officer (John Scott):

The next item of business is a debate on motion S4M-13597, in the name of Michael Matheson, on the Prisoners (Control of Release) (Scotland) Bill.

15:22

The Cabinet Secretary for Justice (Michael Matheson): I welcome the opportunity to open the stage 3 debate on the Prisoners (Control of Release) (Scotland) Bill. First, I offer my thanks to the Justice Committee, the clerks to the committee and all those who gave evidence during Parliament's scrutiny of the bill.

Before I move on to why the reforms in the bill are important, I think that it is appropriate to reflect on how Parliament has helped to shape and improve the bill. Through the diligent work of the Justice Committee, under the leadership of its convener Christine Grahame, stakeholders' views were sought and committee members carefully reflected the evidence that they had heard in making recommendations to improve the bill. That is why, at stage 2, the Scottish Government lodged amendments to make the bill better legislation, which is to the credit of the scrutiny role that was undertaken by the Parliament—especially members of the Justice Committee.

As members will be aware, the bill is relatively small, but it contains important reforms in two key areas in respect of prisoner release. Policy on early release of prisoners is an emotive topic that often generates considerable debate, as has certainly been the case as Parliament has scrutinised the bill.

Section 1 will end the current system of automatic early release for all long-term prisoners at the two-thirds point of their sentence. In its place will be a system in which many long-term prisoners will no longer be entitled to automatic early release at all, while the rest will have early release restricted to the last six months of their sentences.

It is important to explain clearly what the bill will do. Automatic early release will be ended for any long-term prisoner who has an extended sentence. That means that prisoners whom the court has assessed as having the highest need for supervision will never be released automatically from custody. Such prisoners will always be supervised when they leave custody through the operation of extended sentences. Figures show that about 50 per cent of long-term prisoners who receive sentences for sex offences have an extended sentence in place and about 20 per cent

of other long-term prisoners also receive extended sentences, so a significant number of long-term prisoners will, in the future, never be entitled to automatic early release.

In response to the views of the Justice Committee, the bill was improved at stage 2 to ensure that supervision would be in place for each long-term prisoner leaving custody. That provision avoids the issue of a prisoner's being subjected to cold release into the community. That will mean in practice that a long-term prisoner who does not have an extended sentence will be released with six months left on their sentence. That release will include licence conditions for supervision to help the prisoner to reintegrate into the community and to ensure that steps can be taken to recall the prisoner into custody if a breach of conditions occurs.

We consider that the reforms will provide greater public safety. Discretionary early release will still be possible following the reforms, but automatic early release will be either ended or severely curtailed for long-term prisoners. We think that it is right to trust the independent Parole Board for Scotland to continue to consider the cases of individual prisoners, and to make decisions about whether to authorise early release based on assessment of the risk that the individual poses to public safety.

There are data about how behaviour in the community following automatic early release compares with that following discretionary early release. The rate at which prisoners breach their licence conditions following automatic early release is seven times higher than the breach rate for prisoners who receive discretionary early release. The rate at which prisoners are recalled to custody following automatic early release is five times higher than the recall rate for prisoners who receive discretionary early release.

The independent Parole Board does a challenging and difficult job, and if the bill is approved, it will have increased powers to carry on its good work and to make more decisions about whether long-term prisoners should be released into the community before a sentence is at its end. That will help to keep our communities safe while still allowing early release for individual prisoners in order to aid their reintegration into the community, where the risks to public safety are manageable in the community.

I believe that it is worth discussing why the minimum length of supervision should be six months. MSPs will be aware that stakeholders suggested that the initial weeks and months following release are generally the most critical for prisoners reintegrating into the community. A mandatory control period would be most appropriate during that period, when prisoners

who have left custody seek to re-establish themselves in their communities, and when challenges including accessing housing and work opportunities can be at their most acute. A period of six months will ensure supervision during that important time. Of course, considerable work goes on in prison in the lead-up to a long-term prisoner's release. Although the length of supervision is important, it is our view that the quality of support and supervision in the lead-up to release and following release are critical.

Reducing reoffending is a priority for the Scottish Government. Although reconviction rates are at a 16-year low and recorded crime is at a 40-year low, we can always do more to address offending and its underlying causes.

We are taking forward work to reduce reoffending. That will require the establishment of more effective and closer links between the criminal justice system and wider aspects of our public sector and the third sector. I chair a Scottish Government ministerial group on offender reintegration, which has sought to address the key demand for better integration between our criminal justice system and wider public services in order to facilitate a reduction in reoffending. The second section of the bill makes an important contribution in that area and is a key ministerial commitment from that group. The releasing of prisoners from custody when important support might not be available in the community is a key barrier to ensuring continuity of support in the transition from custody to the community.

The ability of prisoners to access public services including housing, welfare and addiction services and advice on the day on which they are released is crucial to successful reintegration. The availability of such support can be particularly problematic on Fridays and on the days preceding public holidays. When there is evidence that suitable arrangements are required to address a prisoner's reintegration needs and those cannot be addressed immediately on release, the bill will allow the prisoner's release to be brought forward by up to two days. I welcome Parliament's strong support for that important provision, which will make a real difference in allowing a more flexible approach to be taken, in individual cases, to supporting prisoners on their release from custody.

The bill will improve the system of early release by allowing decisions about how and when long-term prisoners are released from custody to be informed by three key factors: individual consideration of a prisoner's needs, consideration of the risk to public safety that the prisoner might pose, and the need to have effective supervision in place. I believe that that is the best way to

protect our communities and to reassure the public.

I move,

That the Parliament agrees that the Prisoners (Control of Release) (Scotland) Bill be passed.

The Deputy Presiding Officer: I call Dr Elaine Murray. You have seven minutes. As we are now quite tight for time, please make it a pretty exact seven minutes.

15:32

Elaine Murray (Dumfriesshire) (Lab): The term "ending automatic early release" has been used so often over the years that its meaning has not been questioned. That was the case until the Justice Committee heard the evidence that was presented at stage 1, which certainly made me think again about an aspiration that, for years, most members have held to be desirable.

Currently, between half and two thirds of the total sentence imposed is served in custody and the remainder is served under licence in the community, during which time the offender is supervised and can be recalled to custody if the conditions of the licence are breached. Whether the point of release is halfway through the sentence or at the maximum two-thirds point is determined by the Parole Board on the basis of the risk that the offender might pose to the community.

The bill as introduced at stage 1 proposed that, for certain categories of long-term prisoners, those who had not been deemed safe to be released on parole should serve their entire sentence in custody, following which they would be released cold into the community without any mandatory supervision. An offender who had served a long-term sentence for a serious or violent crime and who had not been rehabilitated would have walked out of prison at the end of their custodial sentence and disappeared into the community. I was therefore pleased when the Government indicated its intention to amend the bill at stage 2. We supported the bill at stage 1, because the Government had recognised that it would be a mistake to allow such releases.

The bill that is before us does not end automatic early release, nor should it, for the reasons that I have just stated. The bill provides that long-term prisoners must serve the last six months of their sentence under licence in the community, during which time they must be supervised, as the cabinet secretary described.

Although my amendments at stages 2 and 3 that argued for greater flexibility and proportionality with regard to the period of time that should be served under supervision were not

accepted, we agree with the general approach that the Government is taking towards sentencing. It very much resembles the approach that was taken back in 2007 by the Labour-Liberal Scottish Executive when we introduced the Custodial Sentences and Weapons (Scotland) Act 2007, which was subsequently amended by the Criminal Justice and Licensing (Scotland) Act 2010—namely, that a sentence involving imprisonment should consist of two parts: a part to be served in custody and a part to be served under mandatory supervision in the community. As the cabinet secretary said at stage 2,

“In essence, the sentence is a custodial and supervisory one.”—[*Official Report, Justice Committee*, 2 June 2015; c 3.]

That was the intention of our legislation in 2007.

We, like the Government, believe that a sentence served under licence in the community is not a soft option. It is not a release from sentence. However, I and the academics whose evidence I quoted during the debate on my amendment have argued for a more flexible approach with regard to the length of sentence served under supervision. The supervisory part of a sentence has to be efficacious and it has to be right for the individual offender—it has to provide rehabilitation and strive towards the prevention of reoffending.

I consider that my amendment could have provided an opportunity to ensure clarity at the time of sentencing, as the court would specify the minimum time to be served on licence when the offender had not been released on parole prior to that point in their sentence. However, unfortunately that was not accepted by the Government.

Is the bill as it is now drafted preferable to the current situation? Will victims, communities and offenders be given a more accurate picture of the maximum custodial sentence for the offender? Yes, I think they will. Will members of the judiciary alter the length of sentences imposed? Quite possibly they will. That is one of the reasons why I wished to see greater flexibility. The bill will not affect the majority of the prison population—still only about 3 per cent of prisoners will be affected.

Is six months an adequate period of time to serve in the community under licence? The Law Society of Scotland provided a briefing to MSPs last week in which it expressed its reservations, stating that

“the reduced licence period of 6 months may well be wholly inadequate to assist reintegration into the community and reduce risk of reoffending.”

Christian Allard (North East Scotland) (SNP): Will the member take an intervention?

Elaine Murray: No, sorry. I do not really have much time.

In the ministerial statement prior to this debate, Fergus Ewing reminded us that irrational decisions can result in judicial review. I refer to the briefing that we were all provided with on Sunday by not only four academics but Apex Scotland, Circle Scotland, Howard League Scotland, Positive Prison? Positive Futures, the Scottish Association of Social Work, Social Work Scotland and the women for independence justice for women group. They all said:

“the Bill ... seems to us to have been created without careful thought and without being informed by the extensive national and international evidence on custodial and community sentencing policy.

Furthermore, the Bill misses the opportunity to better clarify sentencing and release policy. It may well be possible to combine the virtues of public safety with clarity in sentencing, but unfortunately this Bill appears to achieve neither.”

During the passage of the bill we have taken a constructive approach to it. We supported the Government at stage 1 and at stage 2, very much in the hope that a proportionate supervisory sentencing regime could be achievable. The Government debated my stage 2 amendment, and my stage 3 amendment was lodged in time for the Government to lodge an improved alternative. If 12.5 per cent of the sentence was not thought appropriate, there was time for the Government to come forward with something that was more appropriate, but it did not do so; it has stuck with the blanket six-month supervisory sentence at the end of the sentence.

John Finnie (Highlands and Islands) (Ind): Will the member give way?

Elaine Murray: I am sorry, but I do not have much time.

The Government has not been able to provide evidence that a six-month supervisory sentence for all long-term prisoners is proportionate and sufficient. It has not provided evidence that public safety will not be compromised if somebody has not engaged appropriately within that six months. There is also the argument that, if someone did not conform to the conditions of the licence during that six months, they would be back inside only for a short period before they were back out again. It would not necessarily be effective for all prisoners.

It has also been argued that the bill as proposed could have increased European convention on human rights implications.

It is for those reasons, and with considerable regret, that I advise the chamber that Scottish Labour cannot support this bill tonight.

15:38

Margaret Mitchell (Central Scotland) (Con): I pay tribute to the Justice Committee clerks for their hard work and to the witnesses who provided such vital and insightful evidence at stage 1 and stage 2 of the bill.

The bill is in two halves. Section 2 provides the Scottish Prison Service with the power to release prisoners up to two days early to facilitate community reintegration. That is a sensible proposal that will create the flexibility required to help provide access to adequate support services at a critical juncture for the offender.

Unfortunately, the same cannot be said of section 1, which deals with the automatic early release of prisoners. In its 2007 and 2011 manifestos, the Scottish National Party made commitments to end automatic early release. Six years after 2007, it lodged an amendment to the Criminal Justice (Scotland) Bill that pledged to end automatic early release for less than 1 per cent of prisoners. It then presented the same proposals in separate legislation to end automatic early release for sex offenders who have received custodial sentences of four years or more and other serious offenders who have received sentences of 10 years or more.

As numerous witnesses pointed out, there was little logic to those proposals, given the low-level recidivism rates for those categories of prisoner. The new cabinet secretary therefore lodged amendments at stage 2 to extend the bill's provisions to all long-term prisoners with determinate sentences of four years or more. However, even with those changes, the bill now covers just 3 per cent of prisoners.

Despite the cabinet secretary's efforts at stage 2 to justify the bill, witnesses and stakeholders maintain that section 1 is not fit for purpose. There has been absolutely no attempt to carry out the necessary meaningful scrutiny of and debate on the provisions, which the Law Society of Scotland described as possibly

"the most radical change in custodial sentencing policy for twenty-two years".

Christian Allard: Will the member give way?

Margaret Mitchell: If Mr Allard does not mind, I will make progress.

We are now in a situation in which the legitimate concerns and criticisms of stakeholders, which range from learned and respected academics to third sector and voluntary organisations at the cutting edge of the criminal justice system and include criminal justice social workers, the Law Society of Scotland, the Howard League, and gender and equality groups such as the women for

independence justice for women group, are being swept aside by the new cabinet secretary.

Stakeholders' deeply worrying comments highlight the many deficiencies in the bill, such as the flawed procedure and lack of evidence, the proposed blanket six-month compulsory supervision period, and the potential for article 5 European convention on human rights challenges. The Government's proposed changes at stage 2 simply replace automatic release at the two-thirds point of the sentence with automatic release at six months before the completion of a sentence.

Christian Allard: Will the member take an intervention?

Margaret Mitchell: No. If the member does not mind, I have some progress to make.

That in turn has proportionality implications that may lead to potential human rights challenges.

The Government has not made the case as to why it has rejected a proportionate approach. Professor Fergus McNeill highlighted the extent of that problem when he pointed out that, under the current fixed period proposals,

"if a person is sentenced to five years, 90 per cent of their custodial sentence would be in prison. However, if a person is sentenced to 10 years, that increases to 95 per cent".— [Official Report, Justice Committee, 27 May 2015; c 3.]

Furthermore, at present the demand for rehabilitation programmes already outstrips supply, and that demand will almost certainly increase, which will lead to an inevitable challenge under ECHR.

To quote the somewhat damning indictment of key stakeholders, the bill

"will not end automatic early release, it will not reduce reoffending and it will not improve public safety in the longer term; indeed, it is likely to jeopardise both public safety and reintegration."

In those circumstances, it would be foolhardy to support the bill.

15:44

Roderick Campbell (North East Fife) (SNP): We must acknowledge that the bill has moved since stage 1 and that it operates in the context of the 2007 and 2010 legislation in the area, as yet to be implemented, and, of course, the McLeish commission. It is not and does not purport to be a bill about clarity in sentencing. The sentencing council will no doubt help in that area in due course, and we should wish that new body well. The bill is not the last word on automatic early release, either. That is absolutely clear. However, it is clear that the bill represents a first step along the way of ending automatic release and reversing the Tory policy of 1993.

We ought to recognise the Government's response to criticism of what was described as "cold release". We should also recognise what Dr Barry described as the need for

"proactive support in relation to accommodation, employment, education, benefits and so on." —[*Official Report, Justice Committee*, 13 January 2015; c 7.]

We should bear in mind the need for throughcare for offenders returning to the community.

We should welcome the commitment by the Scottish Prison Service to providing 42 officers to support offenders to reintegrate back into the community, building on the work already begun in prison that the cabinet secretary referred to earlier.

There is a need to ensure that there are adequate numbers of programmes available to offenders within prison to enable them to change their behaviour. Yes, there are challenges and those programmes will need to be adequately resourced, but we have time to plan for this adequately. Indeed, as the cabinet secretary said during the stage 1 debate, an independent review of prison programmes, including psychological programmes, will be carried out. It is not helpful to highlight the possible ECHR challenges that might take place if programmes are not in place; rather, we need to allow the Scottish Prison Service to get its house in order.

The Government always recognised that any reduction to the period of automatic release might incentivise participation in programmes and any planning needs to take account of that. In that context, let us bear in mind that planning can be complex. Eric Murch of the Scottish Prison Service commented:

"Some prisoners will deny that they have a problem until very close to their critical date and then they will try to move up the list." —[*Official Report, Justice Committee*, 24 February 2015; c 46.]

Is six months of guaranteed supervision adequate? We have heard a lot of debate about that and there is a variety of views. We know the position of Colin McConnell and Sacro, and we know that others take a different view. That was debated earlier, so I will not repeat the arguments, but I point out that the academics accept that the highest risk period is immediately after release even if they do not accept that that is the only period when support is required.

We reached a decision on that period earlier, and I have no doubt that courts will take account of the provisions and the alternatives, such as the increased use of extended sentences, at the appropriate time.

Some of the academic critics of the bill would, if their wishes were granted, simply succeed in kicking matters into the long grass. At stage 1 even Margaret Mitchell suggested that that was a

real danger, and in February Sarah Crombie of Victim Support Scotland said that that would cause that organisation concern. Despite the academics, we need to grasp the nettle.

Public safety remains important. I am not sure what the frequently mentioned empirical evidence would show—if it were ever to be obtained—except that this group of prisoners will no longer be sent out to the community, come what may, at the two-thirds mark of their sentence.

The Parole Board will have a greater role than it does now. Public safety will not be reduced. Let us also not forget the availability of extended sentences to courts at the time of sentencing. That will provide additional protection for the public in appropriate cases.

Concerns have been expressed about the financial costs of the legislation by 2030-31. That is a long way off and much can happen in the interim. I hope that it will encourage further thought to be given as to the appropriateness of many short sentences, which, as we know, often do not act as a deterrent and certainly do not provide adequate time for rehabilitation.

Despite its critics, the bill has considerable value and I commend it to the Parliament.

The Deputy Presiding Officer (Elaine Smith): I have a little bit of time in hand at this stage.

15:48

Graeme Pearson (South Scotland) (Lab): I am pleased to speak in this afternoon's debate. However, I am disappointed because introducing the legislation in this way is a missed opportunity.

Rod Campbell says that the bill is a positive response from the Government to the issue of early release. He added that that was for "this group of prisoners", but indeed that is a small and exclusive group.

Let us remember how we arrived at the position that we are in today. In 2013, Kenny MacAskill proposed the bill and said:

"We have stated clearly our aim to end the system of automatic early release ... we are committed to fulfilling that pledge".

In 2014, he added:

"This Government is taking tough action to keep communities safe and reduce the likelihood of prisoners reoffending."

I am sorry to say that I do not see the amended bill reflecting those commitments.

Professor Cyrus Tata, in evidence to the committee, observed that reconviction rates for those serving sentences of between three and six months is 53 per cent, yet, having served only half

of their sentences, those prisoners will not be the subject of supervision by criminal justice social work.

We should not be talking about early release; rather, as Professor Fergus McNeill indicated, it would be much better were we to identify a timely release period. I reiterate that the bill does not deliver on the notion of a timely release with appropriate supervision thereafter.

As Dr Monica Barry reflected, the current legislation is very much about the offence and the length of sentence, rather than about the risk and the perceived threat and what is being delivered in terms of community safety. There is a shortcoming in what the bill delivers in that respect. Indeed, from the viewpoint of the public—from the viewpoint of victims and witnesses—the bill does not provide clarity on sentencing so that they can be confident that they know precisely what will happen to an accused once that person leaves the court upon conviction. The bill does not deliver what, in my view, Victim Support Scotland suggested in saying that it is an important advance that will go a long way to improving public perception of justice.

The speeches in today's debate from the cabinet secretary and other members indicate how confusing the issue is. Indeed, Professors Tata and McNeill, along with Dr Barry, suggested that the bill should be scrapped and that we should go back to the start of the process. I have sympathy with that view.

The public cannot stand front-door sentencing and back-door releases. They are extremely frustrated by that prospect.

Christian Allard: It is important to understand what the academics told the committee. They said that cold release is the problem. A vast amount of cold release is happening. The cabinet secretary will ensure that there will be no more cold release, with a mandatory six-month period of support. Stopping cold release will ensure public safety.

Graeme Pearson: I am grateful for that intervention. I accept that the days of cold release should be history. Unfortunately, they will not be. Over the past few months, I have attended a number of third sector meetings at which the main concern is still about people being cold released from prison with no support.

I remind the chamber that those who will be affected by the legislation will number in their few hundreds. However, each year, more than 14,000 people are sentenced. The legislation does not provide an end to early release. It must be reassessed and reconsidered.

15:52

Alison McInnes (North East Scotland) (LD): It is important to remember that automatic early release is a management device. It was introduced as a safety valve to ease the pressure caused by escalating prison populations, not because of any compelling evidence that such a measure would improve public safety.

A number of questions face members today. Will the reform reduce reoffending? Will offenders receive sufficient supervision and support? Will it better protect our communities? Will it make sentencing more transparent and give victims more certainty?

The bill faltered because the initial draft was flawed in a number of those respects. I welcomed the cabinet secretary's willingness to listen and to respond to the Justice Committee's concerns as set out in its stage 1 report. I suppose the question in that regard is whether the cabinet secretary has gone far enough. Members have received a late joint submission, which some have mentioned, from witnesses including academics, the Howard League Scotland and Positive Prison? Positive Futures, that has cast doubt on that.

I have some sympathy for their argument that the case for the bill has not been entirely substantiated. For example, there is less than comprehensive evidence supporting the flat six-month release. Nevertheless, the cabinet secretary has set out in some detail why he considers that we should proceed with the amended bill. I am also mindful that the Risk Management Authority and the Parole Board for Scotland are broadly supportive of the legislation.

The legislation will mean that the Parole Board will be involved in decisions about the release of each individual long-term prisoner. The release of potentially dangerous offenders will be delayed, and the public will continue to be protected from those who have failed to progress through the prison regime or mediate their behaviour to the extent that they could be managed early in the community.

It would mean that the Parole Board decided when each long-term prisoner was fit for release, based on individual circumstances. That would delay the release of dangerous offenders: those who had not mediated their behaviour or engaged with rehabilitation programmes. The reforms could cause more prisoners to engage at an earlier stage of their sentences. We are talking about those prisoners whom the Parole Board described as "happy to wait", in the knowledge that they will get out after two thirds of their sentence, irrespective. However, when it comes to providing programmes and courses, ministers and the SPS will of course need to ensure that supply meets

demand. There is no doubt that the Government must ensure that the quality of the proposed supervision of long-term prisoners on six-month release is adequately resourced and regularly reviewed.

I turn to section 2. It is eminently sensible to release some people a day or so early if it guarantees that they receive the assistance that they desperately need with accommodation, employment or addiction. Many public and third sector services do not operate 24/7 or are not easily accessible, particularly in rural and remote areas of Scotland.

The short bill is a reminder of the Scottish Government's record of disjointed penal reform. It reforms early release for some prisoners in isolation and neglects many more pressing priorities. Why have successes in reducing youth offending not been rolled out more widely? Where is the concerted shift towards effective community-based sentences and diversion from prosecution? Where are the plans to further reduce senseless, destructive short-term sentences or to reduce the number of people on remand?

In 2013-14, just more than 4,000 people were handed sentences of less than three months, despite our having a presumption against three-month sentences in 2010. A further 5,000 were imprisoned for between three and six months. Those are the people whom the McLeish commission dubbed "more troubling than dangerous", yet they take up the SPS's time and effort and limit its ability to engage with the most serious long-term offenders. It is perverse that young short-term offenders, who are most at risk of reoffending, still do not benefit from statutory throughcare.

I therefore urge the cabinet secretary to develop a clear, overarching and generally progressive strategy that is bold and ambitious. We need to focus on how to bring an end to the primitive punitive approach that causes so many people to be sent to prison in the first place when it clearly is not the best place for them or the communities to which they return.

15:57

John Finnie (Highlands and Islands) (Ind):

The policy memorandum talks about helping to reduce offending and improve public safety, and it is important that we have an evidence base for that. People have referred to the Justice Committee's report, which questioned the focus on sex offenders, not least given their compliance while in custody and their level of reoffending. We heard clear evidence from the Risk Management Authority on that.

The Justice Committee discussed the populism of the bill. I do not think that it is weak in any way for the cabinet secretary to have changed his position on a number of issues. He actually showed strength by listening. After all, that is what the Parliament is here for; it is that scrutiny and change that are important.

Time will tell whether the bill will reduce offending. To my mind, it is poverty prevention and poverty alleviation that are important, but everything will play its part. We do know that there is a clear link between supervision and support, and reducing offending.

The critical early days have been talked about. Less talked about has been the provision that brings forward the release date to assist prisoners to reintegrate. I question whether some of them have been integrated in the first place. That is where the challenge lies. There are challenges around housing, health and, increasingly, the Department for Work and Pensions. We can deal with the first couple, but not the third. Clearly we would want some alignment with United Kingdom policy on that.

I discussed the proportionality of supervision with Dr Elaine Murray in advance of the committee's discussion of that. As Dr Murray knows, I was minded initially to lend my support to her proposal. However, my mind was changed on that by my discussions with the cabinet secretary at stage 2, in which I sought confirmation on what the bill would mean for individuals. We know that community justice workers who work in prison do an admirable job. I asked about risk assessments for individuals and I said that treating everyone equally does not mean treating them the same: people have different needs. I was reassured by what I heard then, which is why I will lend my support to the bill tonight. I was reassured on the non-statutory support that continues after six months and the very important plans for release, which involve the SPS and the criminal justice social work service.

A key point in my persuasion was when the cabinet secretary said that quality rather than quantity was important—a point that one member has already raised. His link with the chairing of the ministerial group on offender reintegration is important.

On long-term prisoners, I commend the approach to release in order to help start employment. The provision of 27 throughcare officers is very important; I am keen to see progress on that. The Christie commission on the future delivery of public services talked about organisations working together for the integration of health and social care. There still are challenges, though, as members have said, for prisoners who have been released.

I do not think that the availability of rehabilitation programmes should be scattered. The Scottish Human Rights Commission said that there would be the possibility of prisoners raising appeals about that, as it would ultimately affect their right to liberty under article 5 of the European convention on human rights, so that is important.

I would also ask whether the balance—the cost—is correct in the scheme of things, as I have mentioned previously. This bill will cost over £16 million, compared with a community justice budget of £31.8 million.

There is also the issue of where the bill fits in the overall direction of travel. I would like to see a situation in which the only people who are being confined are those who pose a threat to our communities. Dr Murray talked about extending MAPPA to cover violent offenders. That is something for which there would be an evidence base or understanding of where individuals sit in the scheme of things.

For me it is about prevention, rehabilitation and never losing sight of it being about individuals. Positive prison? Positive futures says that it values the changes to automatic early release but

“only as part of a comprehensive review and restructuring of the criminal justice system from arrest through to release”.

Rod Campbell talked about rejoining the community and the thought-provoking approaches that we may need to take in respect of that. The Howard League for Penal Reform talks about community-based supervision. That is the future, not more prison.

16:01

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): Much has already been said about this short bill, so I will try not to repeat too much. I think that we all agree that ending automatic early release is, in itself, a good thing. The Justice Committee, with the exception of Margaret Mitchell, agreed with the general principles of the bill.

Members will recall that at the committee stage the bill dealt with certain categories of long-term prisoner. As amended, it deals with all long-term prisoners—those who are serving four years or more. We are not talking about short-term prison sentences, so those are irrelevant in discussion of the bill. One might ask why we do not end automatic release for all, but that is not the purpose of the bill, and there are practical constraints. In order to deal with that issue, we know that we have to have more prisoner places and more post-custody support, and—as the cabinet secretary made plain in his evidence to the committee—we have to be looking at a change of

culture to having alternatives to short-term custodial sentences. We know that those sentences simply do not work and that there is a revolving door with people going in and out of prison.

I hope that the announcement about how we are to deal with women offenders heralds how we will deal with young offenders and others, in terms of looking at the whole set of circumstances that lead some people—though not all—to find themselves in the penal system with a drug or alcohol habit.

For long-term prisoners, one thing that the committee was quite rightly concerned about was cold release. Therefore we welcome the stage 2 extension of the bill's provisions to all prisoners serving four years or more. We also asked that the six-month period be made part of the custodial sentence: that is what has happened. The sentence continues, but there is a bridge, as it were, from rehabilitation programmes in prison to when the person is out of prison.

Although nothing is perfect in this world, in evidence we were told that it is during the early weeks of a prisoner's release—in fact, the early hours and days—that the person is vulnerable to going back into old habits with old gangs that they knew.

Elaine Murray's amendment is complicated. We did not take evidence on fractions of sentences, so I do not think that the amendment would have taken us forward. At least we know where we are with six months; six months is the mandatory period, but that does not mean that nothing will continue thereafter.

That will also link into the Community Justice (Scotland) Bill, and that is where we see the larger picture. There is £100 million going into community justice to look at how we handle community sentences and people once they are released from prison. We know that prison does not work for most people. Obviously there are people who should be kept in prison and away from others because they are a danger to society, but for many people prison simply does not work.

Section 2 contains a provision that will be lost if the bill is voted down, which concerns the timing of release to benefit reintegration. We all know—as others have said—that releasing a prisoner on a Friday is bad. Everything is closed, the person is left to meet their old cronies, they have no money, they have no social security and they have no home. They have nothing. Members who vote against the bill tonight are voting against the flexibility that will enable prisoners to be released earlier, up to two days before their release date.

The bill gives clarity to victims. Somebody who is sentenced to six years will do five years and six months and will then have six months supervision

in the community. Everyone will know where they are with the provisions in the bill. Of course, the bill is not perfect, but I do not know any piece of legislation that has been passed by this Parliament that is perfect. The Government's endeavours are a start; it is trying to ensure that there is continuity of rehabilitation from within the prison to outwith the prison, we hope with the same people involved. I know that Colin McConnell, the chief executive of the SPS, has made it plain that that is his goal.

I want to ask about the commencement of the provisions. Section 3(2) says:

"The other provisions of this Act come into force on such day as the Scottish Ministers may by order appoint."

If the bill is passed tonight, we are talking about prisoners being released at different times, with six months' supervision, so I would like to have some idea about when the provisions will come into force.

I am not sure whether Labour is abstaining or voting against the bill. Either would be a bad move. If Labour members were to be successful in stopping the bill, they would be stopping prisoners having supervision when they require it and they would also be stopping people being released at a time when they have some chance of making a better start.

16:06

Jayne Baxter (Mid Scotland and Fife) (Lab):

The core principle behind the bill is recognised across the chamber: automatic early release of prisoners does not engender confidence in our criminal justice system among the general public and must be reformed. However, that does not mean that the legislation and the Scottish Government's overall approach to sentencing are appropriate or adequate.

It is important to note again that the Scottish Government attempted to squeeze the content of this important bill into a previous bill, but we should be grateful that it listened to the recommendation of the Justice Committee to place it in free-standing legislation.

Scottish Labour is in complete agreement with victim support groups that there needs to be clarity in sentencing. Victims, the community and offenders need to understand what the sentence that is passed by the judge or sheriff means in practice. It is not good enough that victims of crime and their families hear that someone is sentenced to X years in prison but have no idea what that means in reality. Victims and their families should be at the centre of the criminal justice system, but the current system of sentencing fails to put them there.

The bill might increase confusion about sentencing, however. As Victim Support Scotland noted in its submission,

"ending automatic early release for only some categories of prisoners would work to further complicate an already confusing system; the proposals would in fact create another rule that needs to be taken into account when calculating the release date of an offender".

The amendment that was lodged by my colleague Elaine Murray is significant. It recognises that starting the new process with six months to go before the end of a prisoner's sentence is a blunt instrument. Instead, as she has proposed, making it proportional is a much more reasonable approach. The amendment would have ensured that there was no uniform approach to offenders. It seems to be bizarre that an offender who is sentenced to four years' imprisonment would be expected to be placed under supervision for the same length of time as an extremely violent or repeat offender, but that is what the bill proposes.

Scottish Labour's amendment would have given the courts the power to set the period of supervision, rather than treating every offender the same way. A more nuanced approach would help to ensure that offenders were given a less generic rehabilitation programme, thus minimising the risk of recidivism. It would also allow a more joined-up and flexible approach to individual offenders to be introduced.

The provision in section 2 of the bill to allow prisoners who are due to be released on Fridays to be released two days earlier in order to increase the provision of support for them is a good one. It may appear to some people to be a relatively minor change, but according to the Scottish Prison Service around 4,000 prisoners are released every year on Fridays. They emerge into our communities with limited support and go straight into the weekend, a period in which many people run an increased risk of breaking the law. We currently do not do enough to help offenders back into the community once they have served their time, so that modest proposal will at least make some provision to increase the support and guidance that they receive.

However, we must look more closely at the proposals. At the heart of any structure surrounding the release of prisoners must be the calculation of risk to public safety. That is, of course, notoriously difficult to calculate, and it would be wholly unreasonable of us to expect the relevant authorities to successfully calculate the risk of reoffending every time they are called on to do so.

John Finnie: Will Jayne Baxter give way?

Jayne Baxter: No.

We must ensure that each offender's risk profile is central to the debate about whether they are released early. For those who have committed serious offences, early release should not be automatic.

I agree with Victim Support Scotland and Police Scotland, who indicated that they support the essence of the proposals because they will encourage relevant prisoners to engage with prison rehabilitation programmes to improve their chances of early release, and will ensure that prisoners who are assessed as still posing a high risk do not benefit from early release. I also agree with the Howard League for Penal Reform and other experts who noted that an unintended consequence of the bill would be that prisoners are released cold into the community without a period of supervision from relevant authorities.

Elaine Murray's amendment was eminently sensible. Parliament would have been wise to accept it and ensure that offenders would be dealt with in a way that was more specific to their offending profile. It would have allowed Scotland to adopt a more subtle approach to offending. It was a tremendous opportunity for positive change, so I regret that we have allowed it to pass us by.

The Deputy Presiding Officer: We come to the closing speeches. I call Margaret Mitchell.

16:10

Margaret Mitchell: Oh, it is me. I thought I heard "followed by".

If the decision to pass the bill is taken at 4.30 pm, the Parliament will be able to take absolutely no pride in it. It follows on the heels of the corroboration debacle—a mess that the cabinet secretary has been credited with sorting out—but here we are again with the legitimate concerns and criticisms of key stakeholders, who have a wealth of knowledge and experience in the criminal justice system and the treatment of prisoners, being unceremoniously swept aside.

The bill does not end automatic early release. Its stated aims were to reduce reoffending and improve public safety, but it does neither. Its proposals are undermined by evidence and knowledge of practice that the Government has chosen to ignore. A bill that was deeply flawed to begin with has been made worse by the lack of scrutiny and the failure to allow sufficient time to consider the major amendments at stage 2.

To put the unacceptable lack of proper scrutiny in context, the Law Society of Scotland points out that the current law was enacted following two inquiries. The Scottish inquiry, under the chairmanship of Lord Kincaid, a senator of the College of Justice, conducted its deliberations

over 14 months. During the same period, the Scottish Prison Service published two consultation documents, so prison reform was the subject of full debate. How ironic it is that devolution should lead to a weakening of the scrutiny, transparency and accountability of Government in Scotland.

The elephant in the room is the bill's failure to consider short-term sentences, as prisoners who serve such sentences have the highest rates of reoffending. According to the Scottish Government's 2013-14 figures, 602 individuals received custodial sentences for attempted murder and serious assault. A staggering 82 per cent of them were given sentences of less than four years. However, those offenders will be released automatically halfway through their sentence.

The bill does not provide the clarity and honesty in sentencing that victims and their families want and have the right to expect. The Scottish Conservatives have long called for automatic early release to be abolished for all prisoners, regardless of their crime or the length of their sentence. Based on the evidence that we heard at stage 1 and stage 2, it is impossible to allow the bill to continue its parliamentary progress in good faith.

My amendment would have provided the opportunity to examine the criminal justice system—including short-term sentencing, early release and the associated recidivism rates—in the round and to scrutinise further the other key issues that emerged in evidence to ensure that they were properly debated and scrutinised. The fact that it was rejected marks a low point in the Parliament's scrutiny process, which is already attracting widespread and justified criticism.

For those reasons, the Scottish Conservatives will not support the bill.

16:14

Hugh Henry (Renfrewshire South) (Lab): I cannot find any fault in the idea that we should end automatic early release. Victims, and indeed the general public, deserve some clarity from our legal system. When they hear a sentence of a specific length of time handed down, they expect that the offender will actually serve that length of imprisonment. It causes real trauma, anxiety and anguish when victims find that those who were responsible for the crime are out wandering the streets, back in their community, after a relatively short period. The idea of stopping automatic early release is right. The problem is how we go about it.

In a sense, the cabinet secretary deserves our praise. As Margaret Mitchell suggested, he has tackled a number of things since taking office by changing direction completely from that set out by

his predecessor. Frankly, this is another mess that the cabinet secretary inherited from his predecessor, and he has worked hard to try and make improvements, but I do not think that he has sorted out the inconsistencies and inadequacies in the bill.

We have got things back to front. If we were going to consider such a fundamental change to the way in which our legal system operates, we should not have taken this particular manifesto commitment from the SNP and put it into effect; we should have taken the commitment to establish a sentencing council, which was also in its manifesto, and allowed that sentencing council to take an informed view and analysis and to come up with some recommendations that the Parliament could debate and consider. We have got this back to front—we have done it the wrong way about. That is a shame.

Christian Allard: Will the member give way?

Hugh Henry: No, thank you.

Roderick Campbell criticised Elaine Murray, saying that there was no evidence for her amendment. That was echoed by Christine Grahame, who said that the Justice Committee did not take evidence on Elaine Murray's amendment at stage 2.

Let us consider the comments from the Law Society of Scotland. The Government's stage 2 amendments brought in one of the most fundamental changes to sentencing that we have seen. The Law Society said:

"We are concerned that such a sweeping amendment was agreed without any collation of supporting evidence or research, and in our view full opportunity was not given for proper scrutiny of the amended section 1 in any significant detail."

Others, too, expressed concerns about

"the lack of evidence in support for the need to end automatic early release for all long term prisoners."

That is a separate debate, however.

We cannot criticise Elaine Murray for not providing evidence for her amendment and yet say that we are happy to accept a fundamental change from the Scottish Government without evidence, without consultation and without adequate discussion. Again, we have got it wrong.

As I said earlier, it is imperative to have clarity. As Elaine Murray and others have said, we believe that a prison sentence should mean what it says and that a prisoner should be in prison for at least as long as a judge orders. That is the point that Elaine Murray has been trying to make. We believe that we should give our judges the ability to determine the sentence, and the ability to determine the required supervision that the

prisoner will have to undergo at the end of their sentence.

We all accept that reintegration into society after a long period in prison is not straightforward. Indeed, the Law Society makes a valid point:

"In the absence of supervision, we are concerned that offenders may leave prison after many years in secure conditions with no, or at best minimal, opportunity to access properly funded support within the community."

That is one problem with what the Government is putting forward, because there is no structure or indication of what supervision and support will be provided. Frankly, this is a missed opportunity, which is a shame because the public expect us to do something effective. The Government got it wrong; it went about this the wrong way and Parliament should have taken the opportunity to do things properly, because that is what victims and the public deserve.

16:21

Michael Matheson: I have listened with interest to the issues and points raised, although some of them were echoes of concerns that were raised at stage 1 of the bill. I said that I would consider a number of issues that were raised during that debate and during the evidence-taking sessions. During this afternoon's debate I confess that I have become a wee bit more confused about the position of some of the parties.

Margaret Mitchell gave a list of organisations that oppose the bill as it currently stands, a number of which opposed the bill and the ending of automatic early release from the outset. Those organisations do not believe that we should end automatic early release, and some think that people should receive community supervision for 25 per cent of their sentence rather than six months—that point was made by Elaine Murray during consideration in committee at stage 2 of the bill.

It is interesting that a member would choose to use as their argument a list of organisations that includes those that, to some extent, oppose the idea behind the bill. I understand that the Conservative Party wants to end all automatic early release for long-term and short-term prisoners, and that it does not support any form of mandatory community supervision. It therefore accepts that cold release should take place. I find it bizarre when members in this chamber who oppose the bill quote from organisations that have ideas to which they are diametrically opposed. No doubt Margaret Mitchell will want to clarify that matter.

Margaret Mitchell: It is true that we want to end all automatic early release. The difference between the minister's position and ours is that we

want to debate the issue properly and ensure that cold release is considered and rehabilitation carried out properly. We want to facilitate the widest debate and scrutiny to get this issue right, but the minister is not prepared to do that.

Michael Matheson: That might be the member's view, but it is clear that the Conservative Party is in favour of cold release, irrespective of its implications. The committee heard evidence that cold release is an issue of public safety, and then the member comes to the chamber and says that the bill will undermine public safety. I know that the Conservative Party is in a confused position on this bill, but I cannot help but feel that what I have heard this afternoon has confused that position even further.

The member also made the point, as did Elaine Murray, that the bill does not end any form of automatic early release, but that is incorrect because it does for prisoners who get an extended sentence. There will be no six-month mandatory period for those prisoners. They will have to serve the whole custodial period, and their community supervision provision will be through the extended sentence. It is factually wrong to make that point.

Having introduced automatic early release, the Conservative Party now intends to abstain on the vote to abolish it for prisoners who get an extended sentence. Who are they? They are the ones who the courts think are the greatest risk to the public. It makes no sense for the Conservative Party to come to Parliament to say "We're gonnae vote against it."

There also seems to be bizarre confusion among Labour Party members. If I have got this right, Graeme Pearson feels that the bill does not go far enough and that we have to deal with short-term as well as long-term prisoners. He also seeks clarity around what victims should expect.

The problem with the amendment that the Labour Party lodged today is that it would have created more confusion. Under it, at the point of sentencing, the court could say the supervision could be up to 12.5 per cent of the sentence but we do not know—we will have to wait to see what happens later on. The victim would therefore leave the court unaware of the position.

Graeme Pearson *rose—*

Michael Matheson: I will just finish my point before I let the member in. The bill will mean that the released prisoner will be supervised for six months. If they need any more than that, the Parole Board for Scotland will make that decision. As I have also outlined, the statistics say clearly that those who get parole are significantly less likely to breach their parole conditions and significantly less likely to be recalled to prison than those who get automatic early release.

Perhaps the Labour Party wants to end automatic early release for all prisoners, but it also wants to allow the period of supervision to be longer, which will create confusion for victims about what that means when the sentence is handed down.

Graeme Pearson: The cabinet secretary will remember that I quoted the academics who indicated that the approach that is suggested in the bill is confusing and does not improve the situation. By indicating that there is confusion among the Opposition, the cabinet secretary is distracting attention from the key issue at the heart of the bill, which is that it does not deliver for the general public on all prisoners who go through our courts.

Michael Matheson: The member does not think that the Labour Party is confused, so I will give an illustration. Hugh Henry said that the sentence that the judge hands down should be the sentence that the offender has to serve in prison, and that that will give victims clarity. Where does that leave parole? Is parole to be ended altogether? Is there to be no provision for parole?

If the sentence handed down by the court is the time that the offender has to spend in prison, does that mean that the Labour Party's position is that there should be no community supervision period? There is real confusion at the heart of what the Labour Party thinks. I know that it has the same problem in a number of policy areas and it will have to face those problems in the coming weeks and months.

The bill will mean that the mandatory supervision period will be only six months, unless the person gets supervision under the Parole Board at an earlier stage after halfway through their sentence. That is clear, and it is certainly clearer than the position that the Labour Party proposes.

Elaine Murray: Will the cabinet secretary give way?

The Presiding Officer (Tricia Marwick): I am sorry, Ms Murray, but the minister is in the final 30 seconds of his speech.

Michael Matheson: I draw my remarks to a close by again thanking all those who have participated in the consideration of the bill, which will add to public safety and the clarity that people need about sentencing in bringing automatic early release to an end. The bill is a good bill that will improve the way in which sentences are handed down in Scotland. I call on all those members who believe that that is what we should achieve here tonight to support the bill when it comes to the vote.

BBC (Memorandum of Understanding)

The Presiding Officer (Tricia Marwick): The next item of business is consideration of motion S4M-13584, in the name of Bruce Crawford, on the memorandum of understanding on the BBC. I call on Bruce Crawford to speak to and move the motion on behalf of the Devolution (Further Powers) Committee.

16:29

Bruce Crawford (Stirling) (SNP): The motion invites Parliament to agree a memorandum of understanding with the BBC and both Governments. The MOU sets out what this Parliament can expect in the future by way of our relationship with the BBC, such as agreement to provide copies of annual reports and agreement to appear before committees when invited. That will be important, as we will now begin engagement on the renewal of the BBC's royal charter.

I am pleased to say that both Governments reached an accommodation on the proposed form of words for the MOU. The Devolution (Further Powers) Committee is therefore able to recommend the MOU to Parliament today, having consulted the Education and Culture Committee and the Public Audit Committee.

I reiterate that the motion relates only to the MOU, and not to any wider statement by any committee or this Parliament on broadcasting policy per se; the independence of the BBC; or any question of where devolved competence should lie.

On behalf of the Devolution (Further Powers) Committee, I move,

That the Parliament notes the Devolution (Further Powers) Committee's 6th Report, 2015 (Session 4), *Report on the Memorandum of Understanding on the BBC* (SP Paper 764), and approves the memorandum of understanding relating to the relationship between the British Broadcasting Corporation, the Scottish Government, the UK Government and the Scottish Parliament.

The Presiding Officer: The question on the motion will be put at decision time.

Decision Time

16:30

The Presiding Officer (Tricia Marwick): There are two questions to be put as a result of today's business.

The first question is, that motion S4M-13597, in the name of Michael Matheson, on the Prisoners (Control of Release) (Scotland) Bill, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Burgess, Margaret (Cunninghame South) (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, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 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 (Aberdeen Donside) (SNP)
 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)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Scott, Tavish (Shetland Islands) (LD)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (Ind)
 Yousaf, Humza (Glasgow) (SNP)

Abstentions

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (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)
 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)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McMahon, Siobhan (Central Scotland) (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)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 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)

The Presiding Officer: The result of the division is: For 67, Against 0, Abstentions 46.

Motion agreed to,

That the Parliament agrees that the Prisoners (Control of Release) (Scotland) Bill be passed.

The Presiding Officer: The next question is, that motion S4M-13584, in the name of Bruce Crawford, on the memorandum of understanding on the BBC, be agreed to.

Motion agreed to,

That the Parliament notes the Devolution (Further Powers) Committee's 6th Report, 2015 (Session 4), Report on the Memorandum of Understanding on the BBC (SP Paper 764), and approves the memorandum of understanding relating to the relationship between the British Broadcasting Corporation, the Scottish Government, the UK Government and the Scottish Parliament.

Kinghorn Lifeboat Station (50th Anniversary)

The Deputy Presiding Officer (John Scott):

The final item of business is a members' business debate on motion S4M-12759, in the name of David Torrance, on congratulations to Kinghorn lifeboat station on its 50th anniversary. The debate will be concluded without any question being put.

Motion debated,

That the Parliament congratulates Kinghorn Lifeboat Station on its 50th anniversary; understands that the Kinghorn station covers an area from Elie to North Berwick and all the way to the Forth bridges; understands that, since its establishment in 1965, the station has provided crucial services and launched over 1,000 times to save lives at sea and along the coastline; recognises that, in order to raise money for the Royal National Lifeboat Institute (RNLI), Kinghorn Lifeboat Station regularly organises fundraisers, which include an annual Halloween-themed event with spooky walks and refreshments as well as the Kinghorn Loony Dook to welcome the New Year; further recognises that, in 2015, 80 people took part in the dook, raising a total of £620; welcomes the close links between the lifeboat station and the community, which it believes contributes to the great success of these events; understands that, because of this cooperation, a golden theme in celebration of the anniversary and the lifeboat station's long-standing services on the Firth of Forth has been included in many events organised by community groups, such as the Children's Gala Parade, Kinghorn in Bloom and the Kinghorn Historical Society, and wishes everyone involved the best of luck for these events as well as all future endeavours.

16:33

David Torrance (Kirkcaldy) (SNP): I welcome to the gallery from Kinghorn lifeboat station Alan McIlravie, operations manager; Joanne Wibberley, helm; Leanne Fisher, helm; Elizabeth Davidson, deputy launching authority; Charles Tulloch MBE, former operations manager, who served for more than 40 years; and Suzanne Gilfeather, who is the treasurer of Kinghorn community council.

Founded in 1824, the Royal National Lifeboat Institution has a long and fascinating life-saving history of which we should all be justifiably proud. The RNLI's main purpose is to save lives at sea by providing on call a 24-hour lifeboat search and rescue service and a seasonal lifeguard service, with an ultimate vision of preventing loss of life at sea.

The first inshore lifeboat station in Scotland was established in Broughty Ferry 175 years ago, in 1840. The inshore rescue boat at Kinghorn was formally established on June 26 1965 and was very soon in action. On June 27—a memorable day in many respects: the legendary Jim Clark won the French grand prix—the lifeboat was called out. A catamaran with three crew found itself in difficulty passing close to Inchkeith island, and the

station's first service call took place. The rescue boat was manned by two men, one of whom was George Tulloch, the older brother of Charles Tulloch, who is in the gallery today and who helped to launch the rescue boat. Coincidentally, one of the men on the catamaran whom they set out to rescue that day was Charles's twin brother, Gordon. Thankfully, the incident was resolved successfully for all concerned.

Since its inception 50 years ago, Kinghorn lifeboat station has played a vital role in helping people who are in difficulty in the surrounding waters. The new craft was initially housed in a wooden garage that was constructed on common ground behind what is now a sailing club. It is still there today and continues to be painted in the dark blue colour of the RNLI. Although most inshore boats were expected to have an operating area of a few miles, in those days, Kinghorn covered most of the Firth of Forth.

The station was manned by volunteers, as it is today, but conditions 50 years ago were less than favourable for the brave men who were called out to help people who were in distress. Initially, they went out in plastic trousers and plastic smocks with kapok-filled life jackets supplemented by oiled wool jerseys and woolly hats that were provided by the men themselves. That is not really adequate protection for getting into a boat or for the stormy seas that they often faced when they were called out.

The first boats, although very manoeuvrable, had little or no keel, which resulted in an uncomfortable and often painful ride for the volunteers, who were already soaked from launching the vessel. To add to the difficulties that they faced in the early days, the rescue boat did not have a radio and attempts to recall the boat in severe weather conditions through the use of flashing Aldis lamps were often unsuccessful. That was problematic for many years, and various alternatives were tried, including firing a green flare and another maroon one. When on exercise, the crew always remained in sight of Kinghorn beach because a white sheet would be hung out of a second-storey window if they needed to come ashore and be tasked with a rescue. Thankfully, more modern and up-to-date equipment makes it easier and safer for the crew when they are participating in exercises or helping people in distress.

One of my favourite stories is about the time when the inshore rescue boat set off from Kinghorn to help with the rescue of a stricken dinghy near Kirkcaldy—not by sea, but by road, towed by a crew member's Land Rover. A police panda car was sent to the promenade in Kirkcaldy to escort the vehicle, but a crew member was not impressed with the progress that was being made.

All of a sudden, the lifeboat overtook the police car, much to the consternation of the other crew members.

Lifeboat stations such as that at Kinghorn play a vital part in coastal communities, in protecting people in the area who use the sea for fishing and leisure activities, as well as in helping those who find themselves in trouble at sea while passing. I have cause to be thankful to the station: in the 1980s, my brother found himself in difficulty while at sea near Kinghorn and was grateful for the assistance that he received from Kinghorn lifeboat station.

The station is also committed to managing its impact on the environment and can be called upon to help to protect marine life. One such incident occurred when Alan McIlravie, the current operations manager, was part of an operation to assist marine biologists. Having had the sad task of towing the body of a beaked whale off the sand at Pettycur beach, the crew proceeded to Drum sands on the south side of the Forth, where they were instrumental in rescuing a dolphin, taking it into deep waters off Inchcolm and happily watching it head down the river to freedom.

The RNLI and the Kinghorn lifeboat station depend on volunteer crews, who are unpaid and are prepared to put their lives at risk to save others. That requires skill, courage and time. They are on call 24 hours a day, 365 days a year and they often put out to sea in total darkness and terrifying conditions.

Although there were initially only male crews, there have been females at Kinghorn lifeboat station since the mid 1990s, three of whom are also in the gallery today. Women have demonstrated their ability to work alongside their male colleagues naturally and effortlessly, proving to be equal to them in any task that is assigned to them, and in some instances proving to be far better equipped to deal with some situations than their male counterparts.

In order for the men and women to do their job effectively, however, training and equipment are required on top of the annual running costs for the inshore lifeboat station at Kinghorn, which amount to £85,000 a year. Its work can be sustained only through the public's generosity and the support that they provide through the variety of fundraising events that are organised in the community: £20 pounds can keep a lifeboat running at full speed for 10 minutes. Kinghorn RNLI station has close links with the local community, and in holding fundraising events in this, its 50th anniversary year, it is pushing the boat out with a year of events with a golden theme. It began the year with the golden loony dook. About 80 people took part and the event resulted in £620 being donated on

the day, with further sponsorship expected to boost the total.

Other fundraising events have included volunteers swimming in the Forth to raise funds, venturing out of the boathouse as Stormy Stan, making pancakes and even being able to metamorphose into a witch for the spooky walk.

In its 50th anniversary year, I commend Kinghorn lifeboat station and all those who have given their time to serve as volunteer crew members or in another capacity, and those who have generously supported them in whatever way they could. The dedication of those who have served as crew members and those who have supported them has enabled the station to complete nearly 1,300 call-outs over the past 50 years and has saved about 389 lives.

In congratulating Kinghorn life station on its 50th anniversary, I reiterate that it is an organisation that truly serves the community and the surrounding area in so many different ways, so it is indeed deserving of the tremendous support that it has received over the years from the people of Kinghorn. I applaud not only the members of the station crew, but the people of Kinghorn for their efforts, and wish them well for the future.

16:40

Claire Baker (Mid Scotland and Fife) (Lab): I thank David Torrance for securing the time this afternoon to have this debate, and I welcome our visitors from Kinghorn to the gallery.

Debates that congratulate and acknowledge the immense contribution that local organisations and volunteers make to our communities are always welcome. It is right that, among all the political debates, the Parliament has the time to come together and welcome the achievements of people and organisations in our regions, and Kinghorn lifeboat station deserves this recognition. Established in 1965, for 50 years it has been looking after and serving our coastline. Its responsibility stretches from Elie to North Berwick and includes the Forth bridges. It is amazing—and reveals such dedication—that lifeboat stations are run by volunteers and funded by money that is raised for the RNLI.

As a Fifer who goes to local events, I know that we will always find at them an RNLI stall promoting its cause and raising money. At the last such event I attended, I came away with a dolphin bracelet from the RNLI stall, but I have to say that it was not for me. I am also a Fifer who, over the years, has spent many sunny days on Kinghorn beach, where watching for activity from the lifeboat station is one of the ways to pass the time.

Fife has a busy coastline. We have commercial activity and leisure activity in our seas. As I drove home last night to Burntisland from a school concert in Aberhill primary school, I noted that there is so much to see in the drive along the coast: from industrial platforms to cruise ships and sailing boats. The lifeboat station supports and protects all those activities.

It is interesting to look at the Kinghorn station's history and see that its establishment in 1965 was partly in response to growing leisure activity in the seas. The RNLI recently launched the respect the water campaign, which focuses on staying safe when enjoying water sports and waterside activities such as kitesurfing, kayaking, beach visits and sailing. The sea is to be enjoyed, but we all have a responsibility when doing so to take care of ourselves and others.

The lifeboat station provides valuable assistance to the Maritime and Coastguard Agency, which depends on the lifeboat service. It is a huge achievement to maintain a highly trained and dedicated crew—all volunteers—who are available and ready 24 hours a day, every single day of the year, and for the volunteers at Kinghorn and around the country, we should offer our thanks. As well as giving their time, those highly skilled volunteer crews demonstrate courage and commitment. They are prepared to go out to sea in terrible conditions, often in the middle of the night, when the call for assistance comes.

I thank, too, the volunteers who run the organisation and do all the fundraising. David Torrance has outlined the range of fundraising activity that they do in Kinghorn involving attractions that bring in people from all over Fife, with the Halloween walks and the loony dook being two of the highlights. Fundraising can be difficult, but the strengthening links between the lifeboat stations and the community help to support that activity. I welcome all the golden anniversary events that are being held this year and wish them much success.

Earlier this year, the lifeboat station photography project started, with support from the RNLI. For the project, photographer Jack Lowe aims to visit every lifeboat station in Britain and Ireland, and to use Victorian photography methods to document each station. That will culminate in an exhibition where each photographic glass plate will be hung in geographical order around a huge room, depicting a vision of the entire coastline of the British Isles through photographs of lifeboat stations. If the project is completed, it will give a sense of history and demonstrate the lifeboat stations' dedication to country and community.

For Kinghorn, this is a time of celebration, and 50 years of service is an achievement to be honoured. I give thanks to our lifeboat station, as I

am sure every member of the Parliament does, for the immense work that it does 24 hours a day, 365 days a year.

16:44

Roderick Campbell (North East Fife) (SNP): It is a privilege to have the opportunity to speak on the subject of Kinghorn lifeboat station, and I commend David Torrance for bringing the debate to the chamber.

As is the case with all the emergency services, the job that the Royal National Lifeboat Institution does is too easily taken for granted, so occasions such as this evening's debate offer a valuable opportunity to remind ourselves of the lifesaving service that it provides. The fact that the RNLI is composed entirely of volunteers further underlines the sacrifice that they make; that they do so on a 365-day-a-year, 24/7 basis makes it all the more commendable.

It is worth reminding ourselves that the RNLI is in fact a charity that has its headquarters and college at Poole in Dorset. It has a network of stations throughout the UK that function purely as a result of the commitment of its volunteer crews. That network consists of 236 lifeboat stations, one of which is Kinghorn lifeboat station. Based on the coast of Fife, it covers an extensive area along the Firth of Forth from Elie in my constituency to North Berwick.

For those who are not well acquainted with the sea, it is an environment that must not be underestimated but so often is. It can turn unexpectedly from a serene, flat, calm setting to an extremely hostile one in a very short space of time. The sea is a force to be reckoned with, and anyone who does not take heed of that throws the dice every time they embark on its surface. It is in that inherently dangerous and changeable arena that crews often find themselves being called on to operate to save lives at sea. The most recent example of that for Kinghorn lifeboat station was a call that it received on Wednesday 17 June this year. The task that it faces has been made much more difficult since the United Kingdom Government's decision to close the Fife coastguard station in 2012, which has meant that the remaining stations have to cover a much larger area than they did previously.

There has been a lifeboat crew in place at Kinghorn since 1965, as has been mentioned, and it has made progress in obtaining better craft. Its current model is an Atlantic 85-class RNLI lifeboat, a rigid inflatable boat that is 8.3m long and which can reach speeds of up to 35 knots in order to reach those in peril at sea. That can be achieved in sea conditions up to those associated with onshore winds of force 7. Given that the boat is

valued at £185,000, it is no mean feat that it has been provided as a direct result of fundraising by devoted crews and RNLI members across the country.

If that were not enough, the lifeboat must be launched from its own drive-on, drive-off trailer—otherwise known as a DODO—that is moved by a launching tractor. With a value of £120,000, it allows the crew to move the boat from the station, which is situated at the west end of Kinghorn beach, into the sea after travelling some distance across the beach, depending on the tide. I look forward to catching that on “The Fountainbridge Show”, for which I understand that some filming took place recently, on STV in the coming weeks.

The station has been in its current form since 1995 and can be accessed via the promenade to the east or a set of stairs down the hill to the west. Its setting in the local community is wholly appropriate, given the incredible and relentless support that it receives from the community.

Being a crew member of the RNLI does not stop at performing rescues, although the fact that the station has dealt with 1,300 call-outs since its establishment, saving around 389 lives, is a huge achievement. Fundraising is an essential part of the crew's duty. Without it, the RNLI would simply cease to exist. Therefore, I am pleased to publicise the upcoming events, including the open day that will be held on 11 July to celebrate the 50th anniversary. That comes on top of five other publicised events earlier this year. The fact that those events occur at all is down to the commitment of the nine members of the committee, which is headed up by the president, Sheona Baxter. I commend the committee for its hard work. The nature of such endeavours means that they often go unseen, but they must not go unrecognised.

I am sure that all members would join me in congratulating Kinghorn lifeboat station's crew, the Kinghorn community and the RNLI on their work and all that goes with it. They represent a huge contribution to Fife, and to all the people who rely on them and are enabled to take to the sea with the confidence that a professional volunteer force is ready to react should the need arise.

16:49

Liz Smith (Mid Scotland and Fife) (Con): I thank David Torrance for presenting his motion to Parliament. I, too, congratulate Kinghorn lifeboat station, and I wish it a very happy 50th, or golden, anniversary.

There are certain charities that are held in particularly high public esteem, and I have no doubt whatsoever that the RNLI is one of them. Indeed, the lifeboats and their stations are to me

iconic symbols of the very best in public service—the Kinghorn station is exactly that.

The station has many remarkable stories. David Torrance mentioned the station's first call-out, which I think he said happened within 24 hours of its founding, to rescue the pilots of a catamaran whose mast had snapped. So desperate were the pilots to avoid being saved by the volunteers that they tried very hard to beat them off with their paddles—if I heard David Torrance correctly.

There have been other incidents. I believe that the crew once made a very quick exit from a very special local wedding. Then there was the visit of the Queen's baton in the lead-up to the Commonwealth games.

I have a very vague memory that as a child—a very young child, I hasten to add—my father, who was a very proud Fifer, took me to see the new Kinghorn lifeboat station in 1965, not long after the new Forth road bridge had opened the previous September. My mother still recalls my father being extremely impressed by what he saw.

As David Torrance has made clear, lifeboats have been launched from the station more than 1,000 times and they have saved the lives of just under 400 people, as the motion states.

One of the most interesting aspects for me is the social history, as well as the maritime history. Clearly the Tulloch family are best placed to know exactly what has been involved. They have been quite extraordinary in their support for the lifeboat. In an interview with *Fife Today* in April, Charlie Tulloch commented on how much the process of a call-out and the boat itself had changed over the years. He said:

“when the lifeboat first arrived in Kinghorn it was launched by hand, and you had to get wet whilst doing so. It wasn't like the current boat where they have dry-suits, gloves and even seats in the boat!”

I believe that Charlie Tulloch exemplifies what I said about lifeboats being the iconic symbol of the best in public service, and he is well deserving of his honour in that respect. I know that everybody in the chamber will support that.

I entirely agree with Claire Baker's comments about the fundraising efforts of all those connected with the station in the community. Volunteers have swum the Forth and held all kinds of fundraising events, including gathering donations at the door. The way in which that has taken place shows the love and affection for the station.

To put the donations in context, David Torrance said that £20 can keep a lifeboat running for 10 minutes at full tilt or purchase a first aid trauma kit that could save someone's life. That puts everything very much in perspective.

I do not think that we can praise those involved with the Kinghorn lifeboat highly enough for all that they have done. They are magnificent and they provide that feeling of security and safety to many people who take to the seas. They are part of the intrinsic value of the community, and for that alone they deserve all the praise that we can lay on them.

16:53

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): Let me start, as I properly should, by congratulating David Torrance on bringing this subject to Parliament's attention and giving us the opportunity to debate it.

The lifeboats are a very important part of my constituency. We have four lifeboat stations—at Buckie, Macduff, Fraserburgh and Peterhead—because, of course, we are essentially a coastal constituency. I know how much my constituents value having the lifeboats, which provide the security of knowing that there is someone on standby who knows what they are doing and has the equipment to do it. Given what goes on in Kinghorn, it is no surprise to find the esteem in which the lifeboat service is held there.

Of course Kinghorn has had many maritime connections, such as the death of Alexander III in 1286, which meant that the Maid of Norway became the Queen of Scotland at the age of three. She then drowned off St Margaret's Hope in 1290, which caused the wars of independence that underpinned much of the history of Scotland of those times and which resonate today. Kinghorn has a history around the sea and a history around the lifeboat.

I was interested to read about the early experience of the lifeboat in 1965, when it rescued leisure sailors—or perhaps did not, because they did not want to be rescued. I used to do a lot of dinghy sailing. I am not quite sure that I was out at Kinghorn on that particular day, but I would love to go back and look at my records and find that that was the case. However, I am pretty confident that it was not.

Lifeboats in Kinghorn and elsewhere are quite high tech now. The first rescue boats were cobbles. A couple of guys rowed them and somebody would be in the stern steering the boat towards the vessel in distress. We have made a lot of progress in professionalising and improving the quality of support.

Claire Baker mentioned the respect the water campaign. It is as well to remind ourselves that the sea is a cruel mistress and can be very dangerous. I do not know how many members are aware that a cubic metre of water weighs a tonne. Therefore, it is not a trivial matter when water

comes in waves. That is not like the water in the bath that we feel is comfortable and warm in surrounding us. Once we are out at sea, water can be one of the most dangerous prospects. It can be so for any fisherman in my constituency, leisure yacht in Kinghorn or, indeed, aviator who has taken off from Edinburgh airport and come to grief in the Forth, as has been the case.

On one particular occasion, a lifeboat—I am slightly uncertain about whether it was the Anstruther boat or the Kinghorn boat—even went to the rescue of the pirate radio ship LV Comet, from which Radio Scotland broadcast between 1966 and 1967. That was off the Bell rock. When the anchors were drifting, the lifeboat had to go out and help. The lifeboats therefore get involved in a wide range of activities.

I will leave members with a little humorous remark that one of my constituents made about his service on the lifeboat and the conditions that he often experienced. If I may put it in this way, he said that it was the best cure for constipation that he has ever met.

The Deputy Presiding Officer: Thank you. Just enough information there.

16:57

The Minister for Local Government and Community Empowerment (Marco Biagi): Like all members, I am delighted that we have the opportunity to commend Kinghorn lifeboat station and its volunteer crews for all the valuable work that they do in saving lives along both sides of the Forth.

The crews have given their time and effort for 50 years to serve all those who use the waters in the surrounding area. It is a great pleasure for me to thank the many people who have made such an important contribution to Kinghorn and the surrounding area and to extend those thanks to the RNLI and its lifeboat crews across Scotland.

As we have heard, Kinghorn lifeboat station is an RNLI-funded-and-operated rescue station on the coast of Fife. It is situated three miles from Kirkcaldy and across the Forth estuary from Edinburgh, which is the city that I am proud to represent. It is available and ready 24 hours a day every single day of the year to assist the Maritime and Coastguard Agency in effecting rescues between Elie Ness and Aberlady to the east and Inchcolm and Granton to the west.

As we have heard, the Kinghorn lifeboat was first launched in 1965. As David Torrance pointed out, it was called to its first use just a very short time after it was instituted. It has been launched more than 1,000 times in the 50 years since then to save lives at sea and along the coastline.

The RNLI's volunteers and staff strive for excellence. They are selfless: they are willing to put the requirements of others before their own and the needs of the team before the individual. They are dependable, always available and committed to doing their part in saving lives with professionalism and expertise. They are trustworthy, responsible, accountable and efficient in the use of the donations that are entrusted to the RNLI by their supporters. They are also courageous, as they are prepared to achieve their aims in changing and challenging environments that most of us would shrink back from.

The RNLI has been an essential part of the country's life for nearly 200 years. The statistics speak for themselves. In 2013, there were 8,304 launches across the United Kingdom, which is an average of 23 launches a day. More important, a total of 8,384 people were rescued during the same period. That is an average of 23 people rescued each day. Closer to home, the Kinghorn lifeboat regularly takes part in rescues along our coast and was launched as recently as 17 June.

The lifeboat crews are all volunteers. Their particular expertise is in the preservation of life at sea and on the water through prevention and rescue. They are part of a proud tradition of saving lives spanning nearly two centuries. They are available 24/7, whatever the weather, to rescue those who need help.

The volunteer crews are the backbone of the lifeboat service, physically going out and saving lives at sea, but it takes many more volunteers to run a lifeboat station effectively. We should recognise all those volunteers: the lifeboat operations manager who is in charge of authorising launches and day-to-day station management; the lifeboat management group, which represents the station in the local community; and the volunteers who lead the fund-raising efforts that support the lifeboat's valuable work—the RNLI is very clear, and always has been, that it does not seek funding from central Government. I am glad to welcome to Parliament the range of people who have participated in all those ways.

I have been impressed by the range of fund-raising activity undertaken on behalf of the Kinghorn lifeboat, from spooky walks to the loony dook. I assure Kirkcaldy's MSP, David Torrance, that if he were to invite the minister to take part in the latter event, I would have to find something else to do that day.

The level of support and activity shows the importance of the lifeboat, not just as a service but as a cherished and indispensable part of the community as a whole. The volunteers who run lifeboat stations and crew the lifeboats are just a small part of the huge range of formal and informal

volunteering that goes on across Scotland throughout the year.

More than 1 million people volunteer in Scotland each year, in a wide range of circumstances—from on our seas to in our care homes—and the Scottish Government recognises the contribution that our volunteers make to the lives of individuals and communities across Scotland.

Volunteers of all ages make our society strong. They are vital to the success of our country and they often play a major part in building the confidence of those who feel marginalised in our society, helping them to realise their potential and develop their talents and skills. Volunteering helps people to find ways to lead healthy, fulfilled lives and become economically active. There is no doubt that volunteering helps individuals, organisations and communities.

We are proud that Scotland has so many people willing to give their time and effort to strengthen their communities and help those less fortunate than themselves—even at the risk of their own lives. Their involvement reflects a community spirit of active and responsible citizenship to which we should all aspire.

Scotland is well renowned for its community spirit: so many people are making a difference in their own communities without any fanfare, doing what they believe in without any expectation of any great reward. They are our unsung heroes and heroines. It is fitting that we take this moment to recognise them.

What motivates any individual to get involved will vary but what is most impressive is their determination to make a difference and what they achieve with the skills and experience that they bring to their voluntary work. I am proud that Scotland has so many people who care and who are willing to give their own time and effort to help those less fortunate than themselves.

Let me say well done to the Kinghorn lifeboat crews who have done so much over the past 50 years since the Kinghorn lifeboat was first launched. I thank them all. The Scottish Government recognises the vital and often dangerous role that they play in serving those who use the waters in Kinghorn and surrounding area, and we recognise the wider role of the RNLI throughout Scotland.

David Torrance said that 389 people had been saved by the Kinghorn lifeboat. Those are 389 people whose lives went on, who could raise families, be with friends and continue to be loved rather than mourned. No words from me could ever carry more weight than the simple truth of all those lives that have been touched by the work of the Kinghorn lifeboat crews.

Meeting closed at 17:04.

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