

MEETING OF THE PARLIAMENT

Wednesday 20 December 2006

Session 2

£5.00

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Scottish Parliament

Wednesday 20 December 2006

[THE PRESIDING OFFICER *opened the meeting at 10:00*]

Time for Reflection

The Presiding Officer (Mr George Reid): Good morning. Our first item of business is time for reflection. Our time for reflection leader is the Most Rev Dr Idris Jones, Primus of the Scottish Episcopal Church.

The Most Rev Dr Idris Jones (Primus, Scottish Episcopal Church): Good morning. I thought that perhaps I could begin by saying, “I’m the Bishop of Glasgow; this is what I do.”

Not everyone in the world can respond to colour, but colour is something that comes into our reckoning at nearly every turn. To begin with, of course, there is election time, when we recognise parties by colour. That goes back a long way, I guess—not least to the Jacobite white rose, for example. If I were founding a party, I wonder what colour I would choose. I suppose it would have to be purple.

Some people make a living out of colour. My wife had the experience of having her colours done, and the result is very good, I have to say. We sometimes say that a person “hasn’t got a very good colour”, when we mean that they are looking unwell, and where would the interior designer be without the palette of dramatic or pastel or understated colours?

A line of poetry would surely be much duller if the poet was unable to use colour to draw word pictures that were meant to describe not just landscapes but feelings. We talk about people being in a black humour; angry red; livid; in a blue funk; green with envy; yellow with fear—or whatever. Some people say that they have the ability to think in colour. It is certainly true that in counselling rooms care is taken to decorate in such a way as to produce the right ambience to help the client to engage with emotion in a constructive way.

And what about “trooping the colour”, as another use?

Sadly, the use of colour is sometimes an occasion for division. Colour can be used to stir up hatred. I do not think that I need to illustrate that, because it is still too much a part of some lives in some of the communities in our nation. Members of this Parliament have an honourable record in trying to stamp out that kind of discrimination. It

would be good to look to a time when that association with the use of colour no longer means anything at all.

There are hopeful signs, too. As South Africa emerged from the dark days of apartheid, Desmond Tutu, among others, began to use a different colour image—the rainbow people. There is an aspiration that we can sign up to: to use whatever sense of colour we have to help us to work for a world in which diversity is celebrated but in which we sense that we all belong together. I can sing a rainbow. Will you?

Point of Order

10:04

Alex Neil (Central Scotland) (SNP): On a point of order, Presiding Officer.

I tried to give you intimation of this point of order yesterday, but for some reason that did not reach you, so I will understand if you do not want to make a ruling immediately.

On 8 November I lodged a written parliamentary question to ask the Scottish Executive when the position of chair of Scottish Enterprise would next be advertised. To date, I have received no reply to my question, but on Thursday 14 December the Executive issued a press release, with no notification to any parliamentarian, about the reappointment of Sir John Ward as chair of Scottish Enterprise. At the very least, the Executive has not treated the Parliament with respect. Indeed, the Executive has treated the Parliament with contempt by not answering my question before issuing a notice to the press.

The Presiding Officer (Mr George Reid): I have not yet had an opportunity to consider the full circumstances of the case. I understand that a holding reply was issued on 22 November, but I would normally expect information to be given to the Parliament before it is given to the press. I will come back to you, Mr Neil.

Removing Barriers and Creating Opportunities

The Presiding Officer (Mr George Reid): The next item of business is a debate on motion S2M-5293, in the name of Cathy Peattie, on behalf of the Equal Opportunities Committee, on its second report in 2006, "Removing Barriers and Creating Opportunities".

10:06

Margaret Smith (Edinburgh West) (LD): Before I begin my remarks on behalf of the Equal Opportunities Committee, I welcome Dr Jones's comments on diversity and his previous remarks on this important issue.

It gives me no great pleasure to open the debate. This slot should have been taken by Cathy Peattie, the convener of the Equal Opportunities Committee, who has done a great deal of work on the issue. Unfortunately, because of a family bereavement, Cathy Peattie is unable to be here. I am sure that all members join me in sending our sympathy to her.

The removing barriers and creating opportunities inquiry was the major piece of work carried out by the Equal Opportunities Committee in this session of the Parliament. I look forward to debating the issues that the committee raised in its report and to hearing the Scottish Executive's response to our recommendations. I thank all the people who were involved in the inquiry, which lasted almost 29 months, during which time the committee travelled the length and breadth of Scotland. Many people gave up their time to speak to the committee at consultation events or in formal evidence-taking meetings. Without those important people, the report would not have been possible. I know that some of them are in the public gallery and I welcome them. I hope that they enjoy the debate.

I feel something of a fraud, because I rejoined the committee only recently, although this is my third stint as a member. I thank Cathy Peattie and my fellow members of the committee for their hard work. I also thank my Liberal Democrat predecessor as deputy convener of the committee, Nora Radcliffe, for her contribution, and all members of the committee, past and present, for their time and effort on the inquiry. I also pay tribute to the clerking team for its considerable input.

The inquiry was launched in 2004, although its foundations were laid in 2003, which was the European year of disabled people. Someone will no doubt correct me if I am wrong about this, but I think that the inquiry was the longest ever

undertaken by a parliamentary committee—I am sure that it felt like that to the people who undertook it. The reason for that was the inquiry's extensive scope. The committee agreed to look at the barriers that disabled people face in accessing work, further and higher education and leisure, but during the course of the inquiry it became apparent that other, cross-cutting issues permeated all those areas. The committee therefore decided that barriers to disabled people that are caused by negative attitudes, poor transport availability, lack of accessible information and poor physical access should also be investigated. Each issue could have merited an inquiry in its own right, but the committee thought that an integrated approach was necessary.

The committee started by speaking to and taking advice from disabled people on how it should conduct the inquiry, to ensure maximum participation and accessibility. Those people advised the committee on how to consult effectively with disabled people and on the key issues. Between February and July last year, the committee embarked on a series of consultation events throughout Scotland, from Melrose to Kirkwall. It listened as disabled people explained the barriers that they face in accessing work, further and higher education and leisure.

The committee issued a call for written evidence and heard oral evidence over 17 meetings—I am sure that that is another record. Such extensive evidence taking was necessary if the committee was to get to the heart of the issues that disabled people had told it about, and if it was to identify solutions.

The consultation on recommendations in the committee's draft report, which took place between July and September this year, was a first for a parliamentary committee. The committee wanted to ensure that it had got things right and that its recommendations had the support of the disabled people who had participated.

The committee received more than 30 responses commenting on the draft recommendations, which allowed the recommendations to be refined into the final versions in the report that we are debating. I hope that, as a result of all that work, the voices and aspirations of disabled Scots echo through the pages of the report, which is very much a product of collaboration between Parliament and people.

Another first for the Parliament is the accessibility of the report, which was the first committee report to be published in larger 14-point font and with easy read, Braille, audio tape, Moon and British Sign Language DVD versions of the summary of recommendations being available on the day that the report was published. The committee hopes that other committees and the

Parliament more generally will consider the work that it has done and identify opportunities for adopting similar practices.

Before I talk about the committee's recommendations, I will touch on the work of the Scottish Executive's disability working group, which also reported in November. The committee had hoped to comment on the group's recommendations in our report, but the publication dates did not permit that. Unsurprisingly, some of the disability working group's recommendations overlap with those in the committee's report. The recommendations are mostly complementary; for example, both groups recommend that public sector staff should have equalities as a performance competency in their job descriptions. The committee believes that that is crucial if we are to embed equalities and provision for disabled people into the work of the public sector.

However, on some issues, our report goes further than the working group's report. For example, our recommendation on independent living is much more proactive. The committee listened carefully to evidence on the issue from the Disability Rights Commission and agreed that the Scottish Executive should set up a cross-departmental working group to establish mechanisms that allow the independent living agenda to be developed in a co-ordinated way. If my case load is anything to go by, all members will know about that issue. The committee felt that the issue is of such fundamental importance to disabled people and their families that our stronger stance was more than justified. I urge the minister to look favourably on that recommendation.

I will highlight some of the committee's main recommendations. My committee colleagues will cover the recommendations on each specific theme of the inquiry in more detail as they speak during the debate. In total, the committee made 156 recommendations for change. Those recommendations are extremely wide ranging and call for action from more than 100 service providers in Scotland, from the Convention of Scottish Local Authorities to the Scottish Arts Council. The convener, Cathy Peattie, has written personally to all the organisations that are tasked with implementing the report's recommendations, requesting that they take due cognisance of them in their work.

The committee found that support for disabled people in employment is critical to their ability to access work and to retain it when their circumstances change. In "Workforce Plus: An Employability Framework for Scotland", the Scottish Executive admitted that the current system of employment support is not working, that services are not person centred, and that the £500 million that is currently allocated is not being spent

appropriately. The scheme for supported employment that our report recommends aims to work alongside "Workforce Plus" to address those concerns. Crucially, we seek to support those disabled people who are furthest from the labour market, which is something that the committee heard "Workforce Plus" will have difficulty in delivering.

The committee considers that the enterprise companies are too focused on economic growth and may not be doing as much as they could do to encourage and support the employment of disabled people. We therefore recommend a fundamental review of the services that Scottish Enterprise and Highlands and Islands Enterprise provide to disabled people and employers. I feel strongly about the need for smaller employers to have access to good information about what support is available to them if they employ somebody with a disability.

The committee found that young disabled people are being let down by the careers service. Many of them do not receive adequate careers advice and many receive advice from people who have no real understanding of how a person's impairment may impact on their education or career choices. The committee thinks that Careers Scotland and the other bodies that are involved in the provision of careers advice should take a fresh look at the services that they provide, because it appears that not enough support is being provided at present.

The committee considered how it might provide greater opportunities for disabled people to participate in community and public life. As an example, I highlight the important role that political parties can play. We are all responsible for making our meetings and selection procedures as accessible as possible. Do we, as members of the Scottish Parliament, advertise the availability of BSL interpreters for public meetings? Do we make our literature available in accessible formats? Does the Parliament assist us in that? I make a plea to all members that we consider our systems and procedures to ensure that they are as accessible as possible. It would be helpful not only to disabled people, but to our society as a whole, if we encouraged more disabled people to become involved in grass-roots and representative politics, so that they became involved directly in making decisions and shaping our society.

Many disabled people cannot access work, further or higher education and leisure activities because suitable transport is unavailable. They told the committee that they want certainty of service from door to door, so that they can be confident that they can complete their journey without difficulty. For example, although the Executive's concessionary fares scheme is a

massive step in the right direction, many disabled people find it difficult to get to a bus stop to take advantage of it. Alternatively, they may find that an accessible bus is available but that, when they arrive at a train station for the next part of their trip, the platform is inaccessible. Until disabled people have confidence that accessible transport is available for all stages of their journey, they will be discouraged from travelling. The committee's report contains a large section on transport issues, which are important. Given the publication of the Executive's national transport strategy, now is an ideal time for the issue to be not only discussed, but addressed comprehensively.

I want to mention attitudes. It is extremely regrettable that other peoples' negative attitudes are often the biggest barrier that disabled people face in accessing services. I want the Parliament to reflect on that and the message that it sends about the country in which we live. I hope that the committee's recommendations go some way to providing a Scottish solution to the problem. The committee has suggested actions to combat negative attitudes, from training to increase awareness and understanding in every workplace, to awareness raising through a national campaign.

Many people will ask about the cost—I asked about that when I read the report. It was not the committee's job to give a fully costed breakdown of what it would cost to implement the recommendations. There would be a price tag attached, but we must ask not only about the cost of implementing the recommendations, but about the cost to our society if we do not do so. For too long, disabled people have been left behind and in poverty. I am talking not only about poverty of income—although a disproportionate number of disabled people suffer in that way—but about poverty of opportunity and choice. Disabled people are the poor relations in our society and have for too long been fobbed off with second-class services. By producing the report, the committee says that that time has ended and that it is time that disabled people in Scotland were treated as equals. It is no longer good enough in Scotland to tolerate discrimination on the ground that it is too expensive to tackle.

Along with the report, which is important, there are the changes in legislation that are coming into force and the Scottish Executive's on-going work. I hope that the Executive, the partners with whom we worked in producing the report and those to whom the convener has written to ask them to implement the recommendations will work together to make those recommendations a reality for disabled people throughout Scotland. I commend the report to the Parliament.

I move,

That the Parliament notes the conclusions and recommendations contained in the Equal Opportunities Committee's 2nd Report, 2006 (Session 2): *Removing Barriers and Creating Opportunities* (SP Paper 677).

10:18

The Minister for Communities (Malcolm Chisholm): I thank the Equal Opportunities Committee for the fantastic job that it has done in the past two and a half years in its disability inquiry. I commend the thorough approach that was taken, particularly the engagement with disabled people throughout the country to ensure that the findings were properly informed by and correctly reflect disabled people's views and experiences. I am delighted to have the opportunity to explore the issues in the debate. I will deal with essential general issues in my opening speech and with specific policy areas later on. A full response to the committee's report will be available in the new year.

The committee's focus is on removing barriers and creating opportunities for disabled people. I acknowledge that we still need to do significant work on that, but it is important to recognise that the Scottish Executive, which has a long-standing commitment to disability equality, has an appetite for and a commitment to the agenda. We believe that disabled people should have the opportunity and choice to play an active part in Scottish society, to improve their quality of life and to be respected and included as equal members. These are essential ingredients in achieving a just and inclusive Scotland and in forging a successful, civilised and fair society in which we all feel proud to live.

To achieve that, we all need to make changes in the way we work and become more responsive to disabled people's needs. The public sector has a major role to play in securing improvements in the lives of disabled people, whether that is done through delivering services, shaping the nation's infrastructure or protecting and providing for our citizens. In particular, the new public sector duty to promote disability equality, which came into force on 5 December, will help the public sector to deliver the changes that are needed to improve people's lives.

The Scottish Executive also has a key role in ensuring that the frameworks that we create help to deliver disability equality and that the policies that we develop take account of disabled people's needs and experiences. Since 2000, we have been pushing forward activities to embed equality, including disability equality, into all our activities. We established an equality unit, which has been working to encourage all departments to think about equality issues in the development of their policies and programmes and to ensure that the

systems of the Executive are geared to supporting staff in this. That mainstreaming approach, where disability equality is integrated into the everyday work of the organisation, has allowed us to make significant progress on disability equality through a number of routes, including legislation introduced through the Scottish Parliament, such as the Education (Additional Support for Learning) (Scotland) Act 2004; improving data, information and research through initiatives such as the "Social Focus on Disability 2004"; increasing consultation and dialogue with equality groups through our support for Inclusion Scotland and the Scottish Disability Equality Forum; and raising awareness of equality through campaigns such as the see me campaign to tackle stigma and discrimination in relation to mental ill health.

However, there is more to do and this is an important moment for setting the agenda for the next phase of work. Not only do we have the introduction of the disability equality duty, we also have the committee's disability inquiry and the Executive's disability working group report.

The disability working group was established by the Scottish ministers at the end of 2004. The group determined its own remit, which was

"to establish priorities for the Scottish Executive and partner organisations to promote equality for disabled people in Scotland".

The group reported in November 2006, making 48 recommendations aimed at changing institutions, tackling attitudes and promoting participation. The final objective of all the recommendations is to achieve improvements in disabled people's lives so that they can participate in society as equal citizens. That does not just mean tackling issues in particular policy areas, because some barriers are strategically significant and cut across initiatives. Addressing those barriers has scope to make a particularly positive difference in wide-ranging ways. For example, independent living is about disabled people having the same choice and control in their lives that non-disabled people take for granted; accessible and inclusive communication is clearly essential to social inclusion and empowerment and is an integral part of day-to-day interactions and relationships; the promotion of full citizenship demands tackling negative public attitudes and ensuring access to public life in its widest sense; and we are keen to develop disability equality training.

The working group's recommendations include many on specific policy areas such as employment, education, health and community care. However, all are set in the context of the need to move towards full citizenship in which disabled people can access information and services and live independently. In the main, we

have accepted its recommendations. We have also announced £1 million to make a start on delivering some of the key strategic changes that were called for by the working group.

I am pleased to see that the findings of the working group are consistent with those of the committee's inquiry, which also stress the importance of tackling the strategically significant barriers that prevent full participation. However, the committee's report goes further than the disability working group's report. It encompasses a much broader range of issues and makes detailed sets of recommendations across employment, further and higher education, transport, access to leisure, information, awareness raising and physical access.

Elaine Smith (Coatbridge and Chryston) (Lab): The minister said that the committee's report goes further than that of the disability working group. Will he thoroughly consider the Equal Opportunities Committee's report and not just go along with the working group's report?

Malcolm Chisholm: Absolutely. As I said earlier, we cannot give a full response at this point. Members of the committee will accept that the report has been available to us for only four weeks and contains what is probably the largest set of recommendations that has ever been presented to the Executive. Further, it cuts across the work of many departments. Clearly, we will need more time in order to present members with a detailed response. However, in general terms, I am responding positively to the report and am acknowledging that it has a wider reach than the report of the disability working group. Of course, we will deal with its recommendations in our detailed response in the new year.

Both reports emphasise the need for joined-up working across a range of services and on the part of a host of providers in order to deliver solutions that respond effectively and coherently to disabled people's needs. There will certainly be challenges in implementing the findings of the reports, but what is heartening is that the separate pieces of work are clearly moving in the same direction and both clearly fit well with the aims of the disability equality duty, which establishes a framework that will help us to measure progress. Public bodies will report in December 2007 and every year thereafter on the progress that they are making towards equality of opportunity for disabled people.

The specific duties set out in the Disability Discrimination (Public Authorities) (Statutory Duties) (Scotland) Regulations 2005 (SSI 2005/565) require the Scottish ministers to publish reports by 1 December 2008, and every three years thereafter, giving an overview on the progress that public authorities have made

towards equality of opportunity for disabled people. That duty also requires ministers to set out proposals for the co-ordination of action by public authorities to progress disability equality. The Scottish Executive will work with the Scottish public sector to develop a strategic approach to that.

Of course, there is much to do to realise our goals for disability equality. The new duty will increase the pace of change on disability equality and will make a real difference to the lives of disabled people. It will begin to shift the disadvantage and discrimination that can occur when organisations and institutions fail to take account of disabled people in the development of policies and services.

The committee's report and the 156 recommendations that it makes will also help to set the agenda for the coming period. The inquiry will have found areas where we—that is, the Parliament, the Executive and the public sector—need to improve, become better attuned and deliver more effectively.

I am enthusiastic about meeting the challenge and understand the need for long-term, sustained commitment and hard work. Our close relationships with disabled people and their organisations will help us and the committee's detailed inquiry will provide opportunities for us all to focus our energies and work together.

Again, I commend the committee's approach and the extensive and far-reaching recommendations that it has made. It will take some time for the Executive to develop a full response to the report and we will submit this to the committee early next year. Through our response, we will aim to maximise the opportunities for the full participation of disabled people in Scottish daily and public life and to remove the barriers to that participation.

10:28

Ms Sandra White (Glasgow) (SNP): I, too, offer my condolences and deep sympathies to Cathy Peattie.

I welcome the people in the public gallery who helped the committee with the report and gave evidence to the committee.

I thank everyone who was involved in the production of the report, particularly the clerks, who worked extremely hard, and the members of the committee. I joined the committee a year and a half ago, which was about six months after it started its inquiry. However, I am able to say that the hard work that was done by members from all parties does credit to the Parliament's committee system. I pay tribute to the people from various

organisations who we heard from as the committee travelled round the country; they told us a lot about the experiences of disabled people. Sometimes we take it for granted that we can access leisure facilities, education, work and transport, but some of the people whom we met found it difficult to do so.

As the title of the report suggests, many of the difficulties that are faced by disabled people relate to access to leisure facilities, education and work. We looked at the issue in considerable detail. It was heartening to see that some of the problems are being recognised and that action is being taken on them in various areas. However, many people expressed their great disappointment about the fact that, although the solutions had been recognised, too little had been done to rectify the situation. That feeling echoes the research that the Executive undertook this year, which set out that

"despite solutions being known, a clear problem still remains"

and that many recommendations that have been made

"continue not to be implemented."

I hope that the report acts as a catalyst to bring together all the previous and current research that we looked at, and that it will make a difference.

As I said, one of the main issues was access to services. That is particularly true in the case of transport, on which I will concentrate in my speech. As we heard, each committee member took on an area; mine was transport. As our report identifies, transport is one of the most important cross-cutting issues; it has great influence on many of the other areas that the report addresses.

If people are unable, or feel that they are unable, to get from A to B, it does not matter whether B is accessible to them if they cannot get back to A. That situation was raised many times in our evidence taking. People asked the question: what is the point of making places accessible if disabled people experience barriers to accessing them? In such situations, much of the work that has been done on accessibility is wasted.

We took evidence from the providers of leisure facilities who are increasingly aware of the need to cater for disabled people. Obviously, people want to belong to society and to participate in leisure activities. In our evidence taking, it became clear that some people found it very difficult to access leisure facilities. They told us that that had a big effect on their lives. We have to look at the accessibility not only of leisure facilities—other committee members will address that—but of transport to and from those facilities.

The report highlights that point and identifies the fact that, in this and other areas, a joined-up approach is needed. As we said, it is not good enough for us to concentrate on one thing or to change one thing; we need to look at the big picture. The two previous speakers mentioned that, too. A key recommendation on transport is that the Scottish Executive should develop a Scotland-wide strategy for achieving equality of mobility for disabled people. The committee believes that the work that is being done on the national transport strategy offers an ideal opportunity in that regard. I am heartened by what the minister said.

The report identifies a lack of regular, reliable, fully accessible public transport and the need for staff to be trained in identifying the needs of disabled passengers. In addition, we need to address the misuse of disabled parking bays. If able-bodied people abuse that provision, it is not helpful to disabled people.

Having a reliable public transport system is fundamental if disabled people are to feel confident that they can go out and about. If someone has been immobile for some time but finally gets out and about only to find that public transport does not work for them, the progress that they have made will suffer a setback.

The committee was given a simple example of that, which concerned a transport provider using a mix of accessible and inaccessible buses on a bus route. Disabled people could go somewhere on the route using an accessible bus, only to find that they could not make the return journey because another bus on the route was not accessible. That example demonstrates how much need there is for joined-up thinking. Able-bodied people naturally assume that, if we can get on to a bus to go somewhere, we can also get home again. Unfortunately, disabled people have to plan their journeys carefully. That should not be the case nowadays; people should be able to access transport as and when they wish to do so.

As we heard, the committee recommended that the Executive should ensure that transport providers offer effective pre-journey information in which the accessibility levels of their services are made clear. Providers should ensure that they produce their information in all formats. In that regard, the committee heard a particularly crude example of how transport providers should not communicate with disabled people. The person in question, who was carrying a white cane, asked whether they were on the right bus only to be told by the driver that they should read the timetable. That illustrates the need for staff to have disability training. The evidence suggests that such things happen because staff are not made sufficiently aware of the issues. The committee recommends

that all staff should attend disability equality training. The minister mentioned that training.

The committee welcomes the fact that the Scottish Executive has given a commitment to improve train stations and to make them accessible to disabled passengers. However, I would like the Executive to set targets to make all our railways accessible within a given timescale. The Executive could look at that in greater detail.

One major issue to emerge from the inquiry is demand-responsive transport. Although DRT is not so much of an issue in our big cities, many people to whom we spoke in the rural areas believed that they could get about if only they were given access to a door-to-door bus or taxi service. Witnesses pointed out that the reduced availability of the transport that has traditionally been made available to take people to hospital appointments and so forth makes DRT increasingly important.

The Presiding Officer is indicating that I must wind up. In conclusion, I am heartened by the fact that many of the problems and potential solutions have been identified, although I am also slightly wary as a result of that—it makes the job easier in one way, but more difficult in another. We must look closely at the recommendations in the report and ensure that they are implemented. That must not be done in a piecemeal fashion.

We must remember that the problems exist and that they do not exist in isolation. We must take a joined-up approach. There is a golden opportunity to ensure that everyone—without discrimination—can become involved in and participate in society. I sincerely hope that the Executive will take on board the recommendations that the committee has made.

10:35

Mr Jamie McGrigor (Highlands and Islands) (Con): It is poignant and perhaps appropriate that we are discussing disability this morning, following the sad death last night of Lord Carter, who was a remarkable public servant and champion of the rights of disabled people. I pass on the sympathies of the Scottish Conservatives to his friends and family.

I am pleased to speak in the debate on the Equal Opportunities Committee's report "Removing Barriers and Creating Opportunities". The Scottish Conservatives support the report. We believe that disabled people's rights must receive the highest level of promotion and protection in Scotland, the United Kingdom and across Europe. We also believe that the barriers that are inherent throughout many facets of our society must be removed in order that we can all benefit from the wide range of skills and talent that disabled people have to offer.

As David Cameron said on 16 October to Capability Scotland, 5 million people are

"left on the scrap-heap while British firms deal with the resulting labour shortage by employing migrant workers."

There is nothing wrong with employing migrant workers but, as David Cameron went on to say, that is

"economically stupid and it has to stop ... We have a social responsibility to help disabled people into the workforce."

I welcome the committee's report and I am glad to be a signatory to it. I also welcome the committee's recommendation that

"the Scottish Executive establish a task force, along the lines of that suggested in evidence, to consider all the recommendations of the report in a Scottish context".

One of the main issues that was raised in our consultation events was that, although a lot of information is available, much of it is not always easy for disabled people to find or access. Many disabled people therefore miss out on the things to which they are entitled, and something needs to be done about that. The committee proposed a central source for information and recommended that much more accessibility should be built into websites. Disabled people need better access to information and better signposting of services.

I am proud to be the honorary president of Highland Disabled Ramblers. The group is based on the Black Isle and has made great strides in increasing the ability of disabled people to benefit from leisure activities. Members meet regularly for rambles in the Highlands and Islands, using robust electric scooters that are carried from place to place in a bus. I have been on some of those rambles, including one along the footpath of the Caledonian canal, where I was forced to run to keep up. The group, which has been helped greatly by generous local businesses, is a glowing beacon. The Executive should consider that model when it looks at ways of helping disabled people to access leisure and the great outdoors.

I agree entirely with Margaret Smith's remarks on transport. The Executive should take on board all our recommendations in that regard. We need to have an integrated transport system that includes provision for disabled people. Much of our transport infrastructure, including many of our train stations, is difficult enough for enabled people to access, but poses a nightmare for disabled people. That has to change: we need to give more help to, and focus customer care on, disabled people.

The Executive must address the current abuse of disabled parking spaces. There should be more adequate provision of spaces and severe punishment should be meted out to those who misuse the spaces.

Jackie Baillie (Dumbarton) (Lab): I presume that the member will encourage the Conservative group to be among the early signatories to my bill proposal to make all disabled parking bays in Scotland legally enforceable.

Mr McGrigor: I am sure that we will do so.

The committee welcomed the proposed changes to building regulations, which, if properly utilised, will bring great improvements in accessibility. Those new measures must be closely monitored, and advice from disabled people must be used to ensure that improvements are being generated.

The Scottish Conservatives wish to help disabled people work whenever possible. We feel that the benefits system should be simplified, because the current system is complex, relies too much on Government agencies and often does not provide sufficient incentives for work. What is needed is a radical simplification of the benefits package for the disabled, replacing all the various forms and conditions with a single assessment and possibly a single benefit that is easier to access. It is good that we are debating this important subject. Let us all strive for a real difference for disabled people in Scotland.

10:41

Nora Radcliffe (Gordon) (LD): I am glad that I had the opportunity to participate in the work on the report, which was thorough, wide ranging and in the best traditions of the Parliament and how it works. The direct involvement of disabled people and their validation of the report strengthen the report's recommendations. I hope that what we have done together will result in better appreciation of the issues and greater willingness to tackle them.

I will focus on access to work; it will be difficult to condense everything that I want to say into a few minutes, but what I refer to necessarily briefly is covered in the report in much more detail. Work is important for many reasons. It brings in the money to pay the bills and fund leisure pursuits. Work is often what defines us in our own eyes and in the eyes of others. Work is where we interact with other people; the people with whom we work are often the people with whom we socialise. Work is where we satisfy our need to feel useful and effective. Whether we are old, young, black, white, able bodied or not, all of that applies. Paid work is the main route out of poverty and dependence for many disabled people, but too many of them find it difficult to obtain and/or sustain employment. Why is that the case, when a great deal of money is spent by Government trying to get people into work through myriad public, private and voluntary sector schemes? What the Institute of Directors described as "clutter" may be part of the problem. I

shall return to that. What came out of the committee's discussions, however, was that there are a number of problems with the schemes, how they are funded and their limitations. Those problems can be condensed into lack of information; lack of support; and lack of flexibility.

Those on both sides of the work equation—workers and employers—suffer from lack of information, or lack of access to information. Disabled people often do not know what their rights are or where to find the support that they need. Employers are sometimes hazy about their rights and responsibilities, which can inhibit them from seeking information and support to help them employ people with disabilities. We found evidence that employers may be reluctant to contact potential sources of information in case they found their recruitment and employment practice being investigated and found to be at fault. It might be useful to highlight to any potential employers who are listening that helpline advice can be sought anonymously. There is also a lack of readily accessible information about good practice to help employers overcome their fear factor and their lack of confidence about employing disabled people.

I turn to lack of support. More could be done to fund adaptations to enable disabled people to hold down a job and to encourage employers to take them on. Some equipment is very expensive, but quite minor aids and adaptations can often make all the difference. Funding is available, but there is not enough of it and it is not sufficiently publicised. There is a need for more people to be employed to work with the disabled person, the employer and the disabled person's workmates. Such advocacy can be extremely effective in getting people into work, helping them to stay in work and helping people to advance in work. Too often, disabled people can be left in entry-level jobs when they could and should make progress in the same way as anyone else, as their experience, skills and confidence develop. Training is another type of information. There is a lack of good-quality training for agencies and employers.

The third area of concern is lack of flexibility. There is a lack of flexibility—or, to be fair, in some cases a perceived lack of flexibility—in the benefits system. People are restricted in the number of hours or rate of pay that they can take on, because it affects their benefits. People are terrified of coming out of the benefits system in case they cannot get back into it if their employment does not work out. Lack of flexibility in recruitment practice can be a barrier. It is ironic that the very mechanisms that have been put in place to protect equality of opportunity can be a barrier to people who, for example, find it difficult to do themselves justice in a half-hour interview but could prove their abilities if they were allowed

to demonstrate them in a trial working period. This is perhaps the appropriate point at which to mention that the committee found concerns about the two ticks scheme, which was seen as too often being no more than a tick-box effort by employers. Lack of flexibility in working hours is a barrier to people who, for a variety of reasons—physical, mental or family—have what I will loosely describe as good days and bad days. For many people—not all disabled—flexible working hours to accommodate good days and bad days are essential, or at least enormously helpful.

Another area in which many good schemes fall down is lack of flexibility in the time that can be spent with an individual. Some people need more support, or support over a longer period, than others, and most schemes cannot cope with delivering that. Concerns about the schemes that exist revolve around the fragmented nature of the sector; short-term funding; disparities in quality; the postcode lottery; and lack of knowledge among potential clients on the side of the worker and the employer about who the service providers are, where they are and how to access them. A fundamental concern was the lack of co-ordination and partnership working among all the many agencies and organisations. All those concerns must be addressed; if the recommendations in the report are taken on board, they will be.

I was impressed by what the committee found in Norway, where what was being done was characterised by co-ordination and continuity. It is perhaps easier when one Government controls all aspects, but there seemed to be much more stability there; the main official bodies carried on their work adapting as they went, in contrast to the piecemeal landscape in Scotland of different bodies and a succession of pilots. We could learn a lot from the Norwegians.

The importance of work is well recognised, and both the UK Government and the Scottish Executive are doing a great deal to get people, including disabled people, into work. The information and recommendations in the committee's report can make that work more effective. I commend the report not only to the Parliament and the minister, but to all agencies and organisations that have a role to play.

10:48

Marlyn Glen (North East Scotland) (Lab): We have come a long way in Scotland in our work on equalities. Equal opportunity is a founding principle of the Parliament, and the Equal Opportunities Committee is one of the Parliament's mandatory committees. While equal opportunities legislation remains reserved to Westminster, the promotion and encouragement of equal opportunities are devolved. We take each

of the six strands very seriously in striving to make our society fairer and equitable. However, there is a need to check and measure our progress towards equality. Removing barriers and creating opportunities involves a comprehensive examination of where people with disabilities have told the Equal Opportunities Committee they are now. I hope that that is a useful benchmark against which to measure future improvements.

The report's 156 recommendations mark out the many ways in which life could and should be improved for the almost 20 per cent of Scotland's population identified by the Disability Rights Commission as living with a disability. There is an expectation, rightly, that the Parliament will not just note the report's conclusions but act on the recommendations to remove the barriers and create opportunities so that people with disabilities can access work, further and higher education and leisure services.

The social model of disability emphasises that the barriers that disabled people meet arise mostly from unchanged attitudes and outdated thinking. The DRC describes such barriers as still endemic and as still marginalising 20 per cent of our population. Disabled people want to be viewed not as clients who receive the benefits of social services but as citizens who have the right to participate in their communities and in community decision making. However, in the evidence that the Equal Opportunities Committee took throughout Scotland, we kept hearing about feelings of personal and social isolation, which is totally unacceptable in the 21st century. Everyone wants to be recognised and defined in positive terms that describe what they do and can do. People do not want to be described in negative terms.

Although disabled people make up 20 per cent of Scotland's population, they account for only 3 per cent of public appointments. We welcome the disability working group recommendation that the targets for disabled people in public appointments should be reviewed. Further, we expect the Scottish Executive to work with the commissioner for public appointments in Scotland to make progress in meeting the improved targets through innovative ways of encouraging participation such as by setting up shadowing schemes—they are already in use in Wales—to help diversify public appointments.

Access to leisure is covered in the report by recommendations 71 to 93. The committee recommends that VisitScotland should review its disability access scheme and incorporate within it a single quality assurance scheme. We also recommend that all tourist attraction and visitor accommodation providers should provide disability equality training to their staff. Excellent training

that is delivered by people with disabilities is available from organisations such as Capability Scotland. We need a general move away from simply awareness training to something much more robust. Disability training should be included in the training action plans of tourism and accommodation providers.

Recommendation 77 calls for creative Scotland to have inclusion in the arts at the core of its agenda. We know from evidence that there are champions of inclusion, such as the Birds of Paradise Theatre Company in Glasgow and Artlink Edinburgh and Lothians. Inclusion should be standard across Scotland.

Going to the cinema, visiting a club or pub or attending a leisure centre should be ordinary, regular outings for everyone, but the committee heard evidence of the barriers that people with disabilities meet regularly. Those can be simple things, such as disabled facilities being used as storage space or other things such as centres using health and safety regulations as an excuse to refuse access. Even when access is organised properly, the experience can still be frustrating, particularly for young people, because of timetable restrictions.

Much more could be done across the board. I had wanted to say a little about subtitled cinema and audio-described cinema, the provision of which is limited in Scotland and should be expanded, but I must conclude.

This month has been important internationally because of the adoption by the United Nations General Assembly of the Convention on the Rights of Persons with Disabilities. Inclusion Scotland has stated that the convention

"represents a historical moment for the European disability movement ... the first official recognition of disability as a Human Rights issue ... also ... the first Human Rights Treaty to be signed by the European Communities as a legal entity, since the beginning of the European integration process."

In the spirit of that convention, I support the motion.

10:54

Shiona Baird (North East Scotland) (Green): I was fortunate to be a member of the Equal Opportunities Committee when it began its huge inquiry. At that time, my personal interest was in access to work. When I became a member of the Enterprise and Culture Committee, the cross-cutting issue about this vast pool of under-utilised labour became even more relevant. I found that my time on the Equal Opportunities Committee was very useful in my subsequent committee work.

As Nora Radcliffe said, most people are defined by the job that they do. When we meet people for the first time we most frequently ask them what job they do. A job gives people a sense of purpose, a focus in life, self-respect and the feeling of being valued in the community. Everyone has some talent to offer, as is evident in the supported employment that is provided by many groups. The Scottish Executive has clearly identified the importance of work in moving people out of poverty, reducing reliance on the benefits system and encouraging self-reliance and confidence. A job is therefore even more important for people with disabilities, who have an extra hurdle to overcome.

The Enterprise and Culture Committee has just begun an inquiry into 16 to 18-year-olds who are not in education, employment or training, who are known as NEETs. Because of the barrier that is created by the benefits trap, such young people face similar issues to those that are raised in the Equal Opportunities Committee's report. Dialogue must take place with the Department for Work and Pensions to create a more flexible system.

In a briefing for a debate on moving from education into employment, the Association of Scotland's Colleges identified another group that it defined as WEETs—people who want education, employment or training. Such people may have one of a broad range of disabilities and find that barriers are created not so much by their disabilities but by the lack of understanding on the part of potential employers or education providers.

The Leonard Cheshire report "Discrimination doesn't work" states:

"Disabled people are more than twice as likely to have no educational qualifications as non-disabled people. They are over three times as likely to be economically inactive—and when they are in work, they earn less on average than their peers. By age 30, around a third of young disabled people expect to be earning less than non-disabled people of their own age."

That gives a clear indication of the need for greater educational support as early as possible.

In some of the early visits that the Equal Opportunities Committee undertook, we met disabled people with several degrees—they had excellent qualifications—who were desperate to work but were unable to do so because of the inflexibility of employers. We also met people with increasing disabilities who, after many years of loyal work, were unable to continue working because of the perceived cost of adjustments to workplace facilities.

On the positive side, at a recent well-organised briefing by Psoriasis Scotland I met an amazing lady with psoriatic arthritis who had overcome discrimination in the workplace and unhelpful employers. She was so determined to work that

she refused to be deterred. She has found an understanding employer who is willing to provide the necessary specialist equipment and a job that is commensurate with her abilities. She is now a very loyal and conscientious employee. We need that to be the norm rather than an exception that is worthy of comment in a debate, but the example shows how much more needs to be done.

An interesting point is that people with psoriasis suffer a great deal of extremely hurtful discrimination because they have such a visible, disabling and painful chronic skin and arthritic condition. That underlines the fact that many disabling conditions are not always recognised as being disabilities.

Much good legislation is already in place. The Equal Opportunities Committee report highlights that we need not more legislation but greater education to remove unwarranted fear and prejudice among employers. Epilepsy Scotland presents an annual award to the best employer of the year in respect of epilepsy. That is an example of one way forward.

Finally, on the committee's recommendation for a national framework for supported employment, I suggest that such a framework could be progressed by the Enterprise and Culture Committee. Viewing the issue as an employment matter rather than an equal opportunities issue might assist that much-needed education. Given that social enterprises play an increasingly valued role in supported employment and are gaining a much greater profile in enterprise circles, the link between the two issues already exists. Perhaps we, too, need to learn not to create unnecessary barriers.

10:59

Elaine Smith (Coatbridge and Chryston) (Lab): I declare my registered interest as a member of the Transport and General Workers Union.

As others have said, the debate is the culmination of more than two years of hard work by the committee. Like others, I thank the clerks, the Equal Opportunities Committee's disability reporter—Marilyn Livingstone—and the many other people who contributed to our inquiry over that time.

At an early stage, the purpose of the inquiry was set out as being

"to identify the issues that create barriers to the participation of disabled people, in particular in relation to accessing:

- work;
- further and higher education; and
- leisure."

We felt it necessary to have a limited remit. Now that we are at the end of the inquiry, we can see why.

It became clear at the beginning of the inquiry that there are a number of cross-cutting issues, such as transport, information and physical access, which we have heard about this morning and which permeate the experience of disabled people and create barriers for them. Perhaps the most fundamentally pervasive issue—which was touched on by Marilyn Glen—is attitudes. Obstacles to equality and participation can take a number of forms, such as structural, organisational and physical difficulties, but it is attitudinal barriers that can cause the most profound damage because they effectively underpin inequality by supporting the continuation of discrimination and inaction.

Negative perceptions have a significant impact on the lives of disabled people. They range from apprehension about responding to, and interacting with, disabled people and limited understanding of the nature of disability and the capabilities of disabled people, to more extreme forms of discrimination and harassment, such as that which is encountered disproportionately by people who have mental health problems, learning disabilities and visual impairments.

The Executive has a strong record in trying to effect attitudinal change through high-profile campaigns such as the see me campaign and one Scotland, but the Equal Opportunities Committee identified a number of key actions that would help to bolster that work, including the need to support and develop the quality and availability of disability equality training as a potentially effective solution to tackling negative attitudes. Many members have mentioned that vital measure already this morning. The report particularly suggested that DET has a major role to play in securing equity of treatment for disabled people both in the workplace and as consumers and service users. Unfortunately, many employers lack knowledge and experience of working with disabled people, and they sometimes have misguided perceptions that employing disabled people is expensive.

Our research found that the only disability training that senior managers often receive is limited to the legal requirements and the compliance of their organisation. That translates into a lowest-common-denominator approach and a can't-do attitude to disabled people. One illustration of that is the frequent citing of health and safety considerations as the reason why disabled people cannot participate in certain activities or workplaces. The value of having more widespread DET would be that it would cultivate a more responsive and open can-do attitude.

The committee found that a number of factors would be crucial to ensuring that more people receive DET and that it is of an appropriate standard: all equality training should include disability equality training; disability equality training should be devised by disabled people; and people who work directly with disabled people should have high-level disability equality training, which should also be available to people who work in medicine, health, education and the wider care sector.

As Marlyn Glen mentioned, there are a number of DET providers whose approaches and capabilities are quite diverse, which can be confusing. Our research suggests that there is a need for a central point in Scotland where trainers can register and where organisations can go to seek appropriate DET trainers. The committee recommends that the Scottish Executive develop an accreditation scheme and a quality assurance framework for DET, with a register of accredited providers. That would help to raise the standard and profile of DET, and it could help to ensure its more widespread delivery.

The relative invisibility of disabled people in public life was frequently mentioned in the inquiry—Marlyn Glen mentioned public appointments. There is a lack of realistic role models. Disabled people make up 20 per cent of the population, but are seldom represented as such. Consultees felt that, although high achievers such as Scotland's paralympians have a role to play in raising people's expectations, it can be unhelpful if they are the only public role models whom disabled people encounter. We need to take that on board. The committee believes that there is a need for a long-term strategic campaign led by the Executive that is aimed at tackling negative attitudes and at promoting the visibility of disabled people in society. We feel that the Scottish media should work more closely with disability organisations to present more positive images and role models.

We spoke to a number of people who feel that citizenship education has great potential to reach young people and instil positive attitudes, so I am pleased that the minister mentioned that in his opening speech. The committee recommends that disability equality training should be included in citizenship education in schools. There are many good sources for educational materials—for instance, there is the Zero Tolerance Charitable Trust's respect campaign. We need to adopt a more coherent approach to ensuring that such materials are used in Scottish schools.

I was going to discuss the role of trade unions, but I do not have enough time. I will just say that I am pleased that the Transport and General Workers Union has launched a new disability

negotiators' guide

"to promote rights at work and encourage participation in the union."

Devolution was always intended to be a process rather than an event. The Equal Opportunities Committee's inquiry has shown us how much scope we have to effect change in ways that are specific to Scotland in areas of policy that are often seen as being largely reserved to Westminster. Coatbridge College in my constituency has been following the progress of the inquiry and has responded by setting up an access and inclusion group to tackle the perceived and real barriers for prospective students. The principal of the college commented:

"The committee's report and supporting recommendations provide the College Board of management, staff and students with clear direction on how to improve access to further and higher education. It will have immediate and sustained implications for the College by informing and influencing its strategic aims and objectives, organisational structure and estates strategy."

That shows the influence that the committee's report is already having and what we can achieve. I urge the Scottish Executive also to embrace that approach by adopting the committee's recommendations. I commend the report to Parliament.

11:06

Carolyn Leckie (Central Scotland) (SSP): I record my admiration for the amount of work that went into producing the report and the long process that was required. I joined the Equal Opportunities Committee only recently. My colleague, Frances Curran, participated in the process more than I did, so I do not profess to be an expert on the inquiry.

The report demonstrates just how big the issues are. Although the committee focused on particular aspects, the fact that there are so many recommendations even on those aspects demonstrates how big an issue the exclusion of disabled people in our society is and how much work needs to be done. I hope that the 156 recommendations and the appeals to more than 100 organisations to act, which the report contains, will be implemented. That will require the Executive to put leadership and resources behind the recommendations and it will require proper mechanisms for holding to account various organisations and public bodies as well as the Executive for delivering—or not.

I will speak about a couple of particular issues that the report touches on and other issues that it does not. It should be accepted that we sometimes generalise too much when we talk about disabled people; among them are a whole lot of individuals in very different situations and

with very different disabilities and needs. Many people who have specific conditions need specific approaches to be taken by organisations and some attitudes need to be challenged—I am thinking specifically of people with autistic spectrum disorders. The adoption of the European convention on human rights in relation to disabilities, with the specific commitments that it contains for people with autism, has set the bar very high for government and public bodies. Such people are a section of the community who, in particular, are not being served well in any respect, including in relation to employment, transport, education and health.

Among those whom we call disabled people are people who have complex problems of ill health and morbidity, along with their disability. Our public services do not do very well when they are presented with people who have complex needs. The overcentralisation of specialties in particular means that the national health service is not set up to deal with a person who presents with a number of chronic conditions and disabilities. I speak from experience, with regard to my mother. I sometimes wonder whether it would be easier to chop up people like my mum into different bits and send their bits to all the different departments and organisations to be catered for. There is no can-do attitude in respect of examining people holistically and bringing to them everything that they need, instead of their having to chase around for services in every nook and cranny of the health service, their local authority, the voluntary sector or wherever. It is a huge issue. The report touches on some of the issues and we really need somebody to take responsibility for bringing everything together and driving things so that people with disabilities and people with complex morbidity and illnesses do not have to chase the services themselves.

The other big issue that underpins the problem is poverty. A hugely disproportionate number of disabled people are in poverty. Only 45 per cent of disabled people in Scotland are in work—about half the rate for enabled people—and Scottish households with one disabled person or more are twice as likely to live in poverty as is a household with no disabled people. It is not only disabled people who are discriminated against; those who care for them and others are affected by the disability. More than 40 per cent of the households in Scotland that contain at least one disabled person have an annual income of less than £10,000.

The benefits system and ability to get into work are huge issues. The benefits system is reserved to Westminster, but the Scottish Parliament has a duty to comment on such issues and to push them. I would like us to have the powers to do something about the situation because I have no

illusions about Westminster delivering. Arbitrary age limits for access to benefits such as disability living allowance are completely inappropriate. They represent the state's rationing of access to those benefits in a completely discriminatory way. That must change because it is not compatible with the European convention on human rights. I agree with the DRC chairman, Bert Massie, who said earlier this year:

"Our vision is of a future where having an impairment or long term health condition is considered an ordinary aspect of human experience, not an extraordinary sign of human failure; where the link between having an impairment or long term condition and living a life of restricted opportunities, poverty and unfulfilled potential is broken forever."

That will take massive resources.

Recommendation 119 of the report concerns transport. I support it whole-heartedly, but it is a challenging recommendation. I hope that, when the Minister for Communities takes the recommendations to all the Executive departments, he will speak specifically to the Minister for Transport, who published his transport strategy and bus action plan the week before last. The bus action plan has more quangos than buses and they have all come along at once, including some that are to be called punctuality improvement partnerships—really. We need more buses and more transport and we need it all to be accessible and integrated; we do not need more quangos.

I ask the Minister for Communities to speak to all the ministers when he implements the recommendations. I hope that he will come back to Parliament with a real plan that has goals and timetables for when the recommendations will be delivered. That would be a real improvement.

11:13

John Swinburne (Central Scotland) (SSCUP):

I will concentrate on the problems that many disabled people face with regard to physical access. The main obstacle to be overcome is complacency among people who do not have daily to overcome access problems. Until such time as we or one of our family or friends are confronted with those problems, our general attitude is one of sympathy but, sadly, that sympathy is at arm's length. The complacent attitude agrees that there is a problem but, as it only affects other people, simply turns a blind eye to the situation.

Most progress on disability awareness is down to the sterling work that is done by campaigning groups, many of which have appeared before the Equal Opportunities Committee to air their grievances. One morning, the committee heard evidence from architects, followed by evidence from wheelchair-bound constituents. The highly-

qualified architects made their presentation first, and next up was a retired gentleman from Dumfries in a wheelchair, who promptly shot them all down with an extremely well-articulated tirade that culminated in a statement to the effect: "Architects—these people haven't a clue." That man implied that it is difficult for somebody who is not disabled to approach problems from a disabled person's standpoint and that, unless one is confronted daily with the problem of physical access, one cannot fully appreciate its complexity. I am inclined to agree with that point of view.

We have a mountain to climb in Scotland in that regard: we have only to consider transport as an example. Free travel for the elderly is a brilliant concept, but we must never forget that thousands of people are excluded through no fault of their own. I refer to people who cannot gain physical access to their local buses. However, the problems multiply rapidly when we examine access to trains. Most of us are familiar with the standard loudspeaker announcement that crackles and booms out, "Please mind the gap when boarding or alighting from this train." At my station in Stewarton, the step up is about 15in to 18in, plus a gap. That will have to be addressed—it is certainly not wheelchair friendly. South Ayrshire Council has set an admirable example by raising the pavement at all bus stops. That simple solution to the access problem will last for many years.

Our report contains many recommendations on physical access, so I will highlight some of them. Recommendation 140 asks that the impact of new building regulations on accessibility be closely monitored to ensure that the regulations are implemented. Recommendation 142 states that applications under the new planning laws that Parliament has considered should carry an access statement that should be closely scrutinised to ensure that it is being strictly enforced.

Recommendation 144 highlights the need for long-term resourcing for members of access panels, while recommendation 147 calls for training and guidelines for those people. Such training should be updated and scrutinised by disabled groups.

Recommendation 150 suggests that the Scottish Executive should establish national accessible-design award schemes and that local schemes should be encouraged, with the involvement of disabled people. Recommendation 155, which concerns historic buildings, states that agencies should co-operate to achieve consistent policies on physical access for disabled people, while recommendation 156 looks to Historic Scotland to lead by example in respect of ease of access for people who have disabilities.

It has been a pleasure to be a member of the Equal Opportunities Committee, but I would prefer

it to have been given more power to end all sorts of inequalities. It is my considered opinion that the most unacceptable inequality in Scotland today is the gender inequality that women accept meekly in respect of pensions. Pension credits for a man are £114, but are only another £60 for his spouse. That is pensions inequality and it is not fit for purpose. Pensions provision is not a devolved issue, but surely the Scottish Parliament should be able to let our Chancellor of the Exchequer know that such downgrading of women to second-class pensioners is not acceptable in the 21st century. We should all bow our heads in shame as we pass in Parliament's public hall the exhibition on suffragettes. They got women the vote but seemed to ease up a bit instead of seeking true equality with men in every area, especially pensions.

The root of all inequality is poverty and, until the Parliament manages to eliminate poverty, we will continue to thole unacceptable inequalities.

11:19

Jackie Baillie (Dumbarton) (Lab): I congratulate the committee, the convener—Cathy Peattie—and the clerking team for a comprehensive report on the barriers that disabled people face and, importantly, on identifying some solutions. The report is a seminal piece of work on which we will draw for years to come.

I join committee members in acknowledging all those who gave evidence, the organisations both of and for disabled people and, most important, disabled people themselves. They have directly shaped the report, and I suggest that that degree of ownership means that interest in its implementation extends well beyond the walls of the Parliament. That is as it should be.

It is not often that Sandra White and I agree, but she is right to say that delivery matters. I hope that when the Scottish Executive responds formally, it will provide us with a robust framework with timetables for implementing each recommendation and a monitoring system that charts progress transparently and openly. That will instil confidence and will serve to underline that we want to do more to move from warm words to practical action that makes a difference to the everyday lives of disabled people.

I want to talk about transport and access. If members ever thought that transport and access were a marginal issue, I commend to them the *Sunday Mail* access for all campaign, which highlights in a straightforward and practical way the implications of someone being denied access simply because they are disabled.

Let us imagine for a minute not being able to get into our local newsagent or shop for a pint of milk,

or not being able to get into our library, housing office or even—for goodness' sake—our local hospital. There are real barriers, and basic opportunities are denied. I know that minimum standards are required by law, and I welcome them. New public buildings will be accessible in the future, but we need to do more now with existing buildings.

Constituents come to see me about a range of issues. I will mention a selection. On buses, they say, "Jackie, we've got a wonderful concessionary scheme but we can't get on the bus because it's not low floor." As others have pointed out, timetable information does not indicate which buses are accessible, never mind when they will arrive. Surely that is easy to fix. Some bus companies do well in extending and improving their fleet and ensuring that they have more low-floor buses, but others just do not bother. One suspects that they do not care.

My challenge to the Executive is to examine accelerating the requirement for vehicle accessibility before the Disability Discrimination Act 1995 deadlines. That could be done by encouraging those who contract with our bus companies, for example for school transport, to ensure that there are minimum standards across the whole fleet—but I am sure that the minister will have more imaginative ideas.

When it comes to travel by train, we know that some platforms are inaccessible and that there are challenges because of the geography surrounding stations, but I have learnt from my constituents that even when people can gain access, they cannot get their mobility scooters on the train because they are too big for the entrance areas of certain trains. I hasten to add that I am not to be confused with a trainspotter and I do not possess an anorak, but I now find myself looking at trains with renewed interest.

On advice and assistance, I commend to the chamber the thistle travel card scheme, which we have debated before. Launched by a range of disability organisations and the Executive, it is designed to help people with a disability by alerting transport staff, on trains and buses, that the traveller might need some extra help.

Finally, I will mention the abuse of disabled parking bays and the report's recommendations 126 and 127 on accessible parking spaces, which I support. Members will be aware—I hope—that I have launched a consultation on a proposed bill on disabled persons' parking. Essentially, it would make all disabled parking bays legally enforceable.

I will pause and ask those present how often they have parked in a disabled person's parking bay because they wanted to nip into the

supermarket or a high-street shop for a few seconds. After all, what harm could that do? As someone put it to me starkly, "If you want my disabled parking space, please have my disability too."

The consequences of our unthinkingly occupying a disabled parking space can be extremely distressing for a disabled person with acute mobility problems. I know from disabled constituents the frustration that they experience when they are unable to park near enough to the shops or their own home. In many cases, because they are unable to walk any distance, they end up driving around for hours on end until a disabled parking space becomes free.

The problem is that the majority of disabled parking bays are not legally enforceable—in other words, someone who does not have a disability is not penalised for parking in one. The reason that is often cited is the long, complex and costly process that a council has to go through to designate a legally enforceable parking bay. The purpose of my proposed bill is to sweep that aside and simplify the process to ensure that any disabled parking bay, whether it is on street, in a private car park or in a residential area, can be enforced. I hope that I get support for that across the chamber; I can tell members that I am getting support for it from disabled people across Scotland.

I congratulate the committee and commend its recommendations to the Executive.

11:25

Dave Petrie (Highlands and Islands) (Con): I pass on our condolences to Cathy Peattie and her family.

I congratulate the committee on a comprehensive report. This has been a good debate that has clearly illustrated how attitudes to the disabled have changed. There was a time when disabled people felt marginalised and largely dependent on others. Now, with our inclusive society and modern technologies, they are performing key roles in the workplace and starring internationally in the sports arena. However, there is still a long way to go.

As my colleague Jamie McGrigor mentioned, when David Cameron last came to Edinburgh in October, he made the central point of his visit a meeting with Capability Scotland, and he delivered a speech on disability rights. Like many others, he is only too aware of the limited opportunities for disabled people and the discrimination that they still face, and he is committed to addressing the issue constructively.

Elaine Smith and Marlyn Glen referred to equal opportunities. I would like to think that there will come a time when there is no need for equal opportunities for the disabled to be enshrined in statute—employers and businesses will automatically appreciate the value and contribution of those with a disability, they will wish to make their premises as accessible as possible, they will encourage anyone and everyone to seek their full potential, and they will actively remove any obstacles in their way. Unfortunately, we are not yet at that point, but I feel that we have made great strides towards it in recent years.

As I live in and represent the Highlands and Islands, I am aware that disabled people there are often at a greater disadvantage than people in the central belt because the topography of our area can present added difficulties. Our infrastructure also tends to be older.

Jamie McGrigor rightly highlighted the need to streamline the benefits system. It often concerns me that many disabled people are denied access to services, providers and resources. It is for that reason that I am pleased the committee report goes such a long way to address those points.

John Swinburne referred to access requirements and a constructive dialogue with disabled people. The report suggests that VisitScotland should strengthen its disability access scheme. I strongly support that suggestion. Tourist attractions in Scotland are among the best in the world, so it is only right that they should be opened up to the largest possible number of visitors.

It is remarkable how much has been done. One of my constituents, who offers tourist accommodation at Melfort pier in Argyll, recently won a prestigious award in recognition of the work they have done to create a set of inclusive and accessible accommodation units for able-bodied and disabled people alike. That was accomplished despite a mountain of bureaucracy and regulation, and it sets an example to our tourism industry. Castle Urquhart on the shores of Loch Ness is another fine example of disabled access being given the utmost priority.

Nora Radcliffe and Shiona Baird rightly mentioned access to work. I was most encouraged to read the recommendation that the number of disabled people actively participating in public life should be increased. That will lead only to a greater awareness of disability issues, and I trust that it will only be a matter of time before they are participating fully in this place.

Carolyn Leckie, Sandra White and Jackie Baillie highlighted transport issues. Access to public transport, while supposed to be improved, often still has a long way to go. The report is right to suggest that the Executive develop a coherent

strategy to address that issue. Having dealt with a number of similar cases involving constituents, I shall monitor the Executive's action on that with great interest—I am sure that we will return to the matter in due course.

I was interested to read the recommendations on the adaptation of existing buildings, both modern and historic, to improve their accessibility. Although it is obviously only right for new buildings to be made fully accessible—I fully concur with the committee that changes to the building regulations will improve the situation thoroughly—existing buildings can often present greater problems. I understand that the costs for small businesses and the impact on listed buildings can be high, but I hope that the committee's suggestions will go some way to overcome those problems.

I was interested to note, on the recent opening of Kew Palace in London, that a tasteful disabled lift has been built on the side of the building, to improve access greatly. That was done without detracting from the building's style or age. Just such initiatives and ways of thinking need to be considered more and more.

The report is broadly to be welcomed. I am pleased that the committee has undertaken such a thorough investigation into equality issues for disabled people and produced a wide-ranging list of proposals. It is important that we take the matter seriously. Far too many disabled men and women are kept out of employment, the arts, media, businesses, visitor attractions and public transport. Those people could introduce a valuable contribution into society, but we are losing the opportunity. We must never lose sight of the ability in disability.

11:31

Mr Adam Ingram (South of Scotland) (SNP):

Although I am not a member of the Equal Opportunities Committee, I congratulate it on its disability inquiry and on the publication of such a comprehensive and far-reaching report. The committee has fulfilled its duties and obligations many times over in reaching out across Scotland to meet disabled people and service providers to seek their views, to inform its deliberations. As a consequence, the recommendations in the report have gained added weight and relevance.

I suggest that the Parliament has a duty to ensure that this is one committee inquiry report that is not allowed to lie on an Executive shelf gathering dust. A concern is that the Executive has been slow to follow up the establishment of the independent living review project team in England, which the Prime Minister's strategy unit initiated. In its briefing for the debate, the Disability Rights Commission makes it clear that it regards

the committee's recommendation that the Scottish Executive establish an independent living task force as the key proposal that underpins every other aspect of the report. The task force's objective would be to ensure co-ordinated policies and the delivery of services that will allow all disabled people to have the same choice, control and freedom as any other citizen at home, at work and as members of the community.

A lack of interdepartmental co-ordination has been a weakness of the Executive, and Parliament will require to see the flesh on the bones of any commitment to the independent living agenda before it will be convinced by any Executive pronouncement, especially at the present stage of the parliamentary session. The minister acknowledged that the disability working group's recommendations do not go as far as the committee's recommendations on independent living. When the Executive's response is issued in January, it will be scrutinised keenly on that matter.

As befits the inquiry's scope, the debate has been wide ranging. Many members have made pertinent speeches. Sandra White, John Swinburne, Shiona Baird and Jackie Baillie highlighted the importance of transport as a cross-cutting issue. Without accessible public transport and secure door-to-door services, disabled people can be excluded from access to leisure and other services. Disability equality training for public sector staff is clearly important. As the minister says, the advent of the disability equality duty must become much more evident in planning services.

Nora Radcliffe, Jamie McGrigor and Carolyn Leckie emphasised the barriers that people who seek work or who are being supported in work face. We all know that paid work is the main route out of poverty, which afflicts a much higher proportion of disabled people than of the general population. Inadequate information for potential employees and employers, the need for more support at work through better funding for aids and adaptations and a lack of flexibility in working hours and in the benefits system add up to fragmented and patchy support services to help people access and retain employment. We can and must do better. The solutions are known, but they are not being implemented.

Perhaps the biggest challenge that we face is the need to change attitudes to disability and to disabled people. It must be recognised that people should not be defined or categorised by the impairment or long-term illness that they have and that such people have an equal right to participate in society without having to overcome barriers such as discrimination or false assumptions about

what they can and cannot do and about what they can expect from services.

It is clear that the impact of disability is affected greatly by environmental, attitudinal and cultural barriers to full participation. Our task is to remove those barriers.

11:36

Malcolm Chisholm: I congratulate the committee again on the significant contribution that the report represents to the future direction of disability equality in Scotland. I pay particular tribute to Cathy Peattie for her leadership in driving the work forward and express my condolences to her on her recent bereavement. As I said in my opening speech, the Executive will respond to the report early next year, but now I will reflect on some of the issues that have been raised in the debate.

Nora Radcliffe and Shiona Baird focused on employment issues. The report highlights the important role of work in assisting disabled people out of poverty and in many other ways. The Executive agrees. "Workforce Plus—An Employability Framework for Scotland" asserts the Executive's belief that, for most people and their families, work is the surest way of raising and sustaining people out of poverty.

Many who depend on welfare benefits face a range of barriers to employment, including disability, poor mental and physical health, low levels of qualifications and caring responsibilities. The workforce plus strategy establishes local partnerships, which are being required to take action to ensure that the services that are needed to help people go into work and progress in employment are available. That involves mapping local provision and addressing gaps and duplication.

We value the committee's investigation into supported employment. The Scottish Union of Supported Employment received funding from workforce plus to develop a "Blueprint for Supported Employment in Scotland", which was launched in October 2006. In addition, the workforce plus team has seconded a learning disabilities co-ordinator to lead on matters that relate to learning disabilities, which will include the role that supported employment can play.

We will consider further the detailed supported employment recommendations in the committee's report. Our support for the blueprint shows that we recognise the part that supported employment can and should play in helping disabled people and others into the labour market.

Sandra White, Carolyn Leckie and Jackie Baillie highlighted transport. The Mobility and Access

Committee for Scotland advises the Scottish ministers on matters that relate to accessible transport for disabled people. I thank MACS for the work that it has done and the contribution that it has made since its establishment in 2002.

The new regional transport partnerships will be key to helping to deliver disability equality. They are subject to the general duty to promote disability equality and, in addition, guidance has been issued to all regional transport partnerships about undertaking an equality impact assessment as part of the development of their regional transport strategies.

We note the committee's findings on the abuse of parking spaces for disabled people, about which Jackie Baillie and Jamie McGrigor spoke. We are aware that the issue is frustrating and needs to be tackled. We are conducting research on the subject of tackling the abuse of off-street parking for disabled people and the report of that research will be available in the spring.

I move to leisure and public life, on which Marlyn Glen majored. We want Scotland to be a tourist destination for disabled people. VisitScotland produces an accessible Scotland guide that lists almost 1,000 attractions and accommodation providers that are members of its disability access scheme. It is also establishing a focus group that will help to inform it how it can further develop the content and delivery of its information service in order to continue to promote and market Scotland as an accessible destination. We shall, of course, consider the committee's recommendations relating to VisitScotland, including those that seek to expand its activities.

The culture (Scotland) bill and guidance will strengthen access to culture. Consultation on the draft bill was launched on 14 December. Among other things, the bill and the guidance will highlight the need for local authorities to engage and consult equalities groups, including disabled people, throughout the process of determining the provision of culture in their area. In preparation for the legislation, the Executive will match fund cultural entitlement pathfinders in order to explore approaches to developing cultural entitlements and cultural planning activities. Yesterday, we announced our support for cultural pathfinders focusing on particular communities and sections of society that are known to be underrepresented in cultural participation and our support for a pathfinder programme for disabled people.

We accept the committee's recommendation, to which Marlyn Glen and Elaine Smith referred, that the Executive should work with the commissioner for public appointments to develop mechanisms to increase the participation of disabled people in public life. Indeed, I have already started a dialogue with the commissioner for public

appointments on the development of her diversity strategy.

More generally, the Executive accepts the social model of disability and the principles of independent living. We want to work with disabled people to develop our approach and identify the best ways in which we can support independent living. We said that in our response to the disability working group's report and will say more about it in our formal response to the committee's report next year.

Elaine Smith majored on attitudes. She referred to the highly successful see me campaign, with which I was pleased to be associated in my previous portfolio. She emphasised the importance of disability equality training. We recognise the value of such training and will establish an expert group of disabled people to work with us to develop our approach to it.

Elaine Smith: I am pleased to hear the minister's comments. However, I want to ask about wider trade union issues. In evidence to the committee, Des Loughney of the Scottish Trades Union Congress said that he was surprised about

"the lack of contact between the trade union movement and what I call the world of disability."—[*Official Report, Equal Opportunities Committee*, 10 January 2006; c 1307.]

Will the minister comment on the STUC's one workplace equal rights campaign, which is part of the one Scotland, many cultures campaign? Furthermore, will he congratulate the T&G on its recent initiative?

Malcolm Chisholm: I certainly congratulate the T&G; we have also had a successful partnership with the STUC on the campaign that Elaine Smith mentioned. Obviously, the matter to which she referred is a matter for the trade union movement to deal with, but I am confident that it will respond positively.

John Swinburne mentioned physical access. We expect that the revised building standards regulations that will come into force in May 2007 will improve the accessibility of buildings. The committee recommended that the impact of the new regulations be closely monitored and that disabled people should be involved in that process. We will do that; indeed, the Scottish Building Standards Agency is currently looking at how best to achieve that aim.

We are committed to supporting the Scottish Disability Equality Forum and, through it, the access panel network. Access panels have an important role to play. We look forward to discussing the committee's recommendations with the forum in the new year.

How much time do I have left, Presiding Officer?

The Deputy Presiding Officer (Trish Godman): You have enough time. I will tell you when you are running out of it.

Malcolm Chisholm: I should say something about lifelong learning, which has not featured too much in the debate, although I am sure that it will feature in Marilyn Livingstone's closing speech. Lifelong learning is an important part of the report. We agree with the committee that unequal access to lifelong learning is a major issue. Our current lifelong learning strategy seeks to promote the mainstreaming of equality in the development of policy and the shaping of legislation.

John Swinburne: Will the minister acknowledge the grand work that is being done by the people in the gallery who are using sign language? Their conveying of what is being said to the people in the gallery is admirable.

Malcolm Chisholm: I acknowledge the invaluable sign language work that is being done in the Parliament and throughout Scotland. We have recently sought to support and expand the training for that work.

To help support the mainstreaming of equality in the further and higher education sectors, the Scottish Further and Higher Education Funding Council has launched the equality forward unit, which will support the FE and HE sectors in delivering the equalities agenda. The unit includes a specific disability strand that will work to support disabled students and disabled staff. In addition, "Partnership Matters: A Guide to Local Authorities, NHS Boards and Voluntary Organisations on Supporting Students with Additional Needs in Further Education", which the Executive published in 2005, helps to promote understanding of disability in FE institutions and sets out the roles and responsibilities of all the agencies that are involved in providing support for students with disabilities. We will work to extend guidance to HE institutions; indeed, recommendations on that have been made. Everyone acknowledges that the publication has resulted in improvement in the FE sector.

We are committed to ensuring that appropriate support is provided to enable students to undertake their studies successfully. The funding council is currently considering developing and implementing a needs-led approach to identify students with additional support needs and is progressing a needs-led assessment model in a pilot project involving 11 colleges.

The report makes important points about transitional support. Our work includes addressing the needs of young people who are not in education, employment or training through our more choices, more chances NEET strategy. We aim to understand fully who those young people

are and to put together the right package of learning and support for pre-16-year-olds and those who are 16 and over. Our NEET strategy identifies young disabled people as one of several key groups that local partnerships should target in implementing the strategy. I heard what Shiona Baird said about WEETs. Obviously, what she said must be addressed in the context of considering the report.

Again, I commend the committee for its work. Its report will form part of the legacy of this session of Parliament, inform policy for years to come and help to drive far-reaching change across Scottish society. The Executive will respond to the report in detail early next year. However, I hope that we have signalled our appreciation for the contribution that the committee has made and I hope that we have made it clear that we will work with it to realise our shared goals for disability equality. The new disability equality duty, the disability working group report and the committee's inquiry report will help to increase the pace of change and deliver equality of opportunity for disabled people throughout Scotland.

11:47

Marilyn Livingstone (Kirkcaldy) (Lab): I thank Cathy Peattie for her first-class convenership of meetings in which evidence was taken for this important inquiry and for her commitment to ensuring that disabled people's issues would be raised and disabled people would be given a voice so that they could help us to reach the solutions that are reflected in the committee's recommendations. I am sure that all our thoughts and prayers are with her and her family.

On behalf of the committee, I also thank all the people from throughout Scotland who have given informal and formal evidence, and the clerking team, whose hard work is reflected in today's debate. I thank it for all its help and support in producing the groundbreaking report that we are discussing.

In the time that is available to me, I will try, on behalf of the committee, to cover as many of the points that have been raised as possible. I will deal with those points under the headings that are included in the report. I hope that doing so will make what I say easier to follow.

Margaret Smith, whom I thank for stepping into the breach and eloquently opening the debate, highlighted the importance of transport. She spoke about the common issues that disabled people face, which our witnesses raised time and again.

Malcolm Chisholm recognises that there is still significant work to be done, but he has an appetite to move forward. I say to him that we will continue to check his appetite. However, we welcome his

support and the work that he has done with us in producing the report. He talked about the public sector having a major role to play and the Scottish Executive's key role. The committee would certainly support what he said in that respect. He said that there is much more to do and that our report will be fundamental in setting the agenda, which is important.

As the minister said, our report goes further than the disability working group's and sets many challenges. However, I am sure that the Executive will meet those challenges. The minister has given a positive response in general today, but we look forward to a more detailed response from the Executive in the new year and will continue to work with the minister. Like him, we have enthusiasm for a sustainable, long-term solution and commend the committee's report as an opportunity to remove the barriers to participation that are faced by disabled people the length and breadth of Scotland.

Recommendation 4 is that

"the Scottish Executive establish a task force, along the lines of that suggested in evidence".

I point out to Adam Ingram that the recommendation also says that we would like the Executive to

"bring forward proposals on how to advance the independent living agenda in Scotland".

I am sure that that will satisfy everyone who believes that to be a key recommendation.

Nora Radcliffe, who acted as the deputy convener throughout the majority of the committee's evidence taking, talked about work and the importance of interaction with other people. That is a key point that came over strongly in the evidence that we took. Carolyn Leckie and other members also mentioned paid work as a route out of poverty.

Elaine Smith: Carolyn Leckie told us that only 45 per cent of disabled people are in work. During evidence, we heard that only 6 per cent of people with ASD are in employment. Will Marilyn Livingstone join me in congratulating the National Autistic Society on the work that it is doing with employers to try to change that?

Marilyn Livingstone: Yes, I will. That work is an exemplar of best practice and the National Autistic Society is to be congratulated on it. I know that Elaine Smith has done much in the cross-party group on autistic spectrum disorder to help take that work forward.

Nora Radcliffe also talked about adaptations, which the committee heard a lot about. Often, it is not about spending a lot of money but about providing minor aids that can make a huge difference to whether people can participate in

work. She also mentioned the importance of advocacy, which is a key issue.

The lack of flexibility in the benefit system and in recruitment practice needs to be addressed. The committee had concerns regarding the two-ticks scheme. Basically, we say that it is a tick-the-box exercise that it needs to be looked at. Nora Radcliffe used the word "flexibility" a few times earlier. Instead of talking about education, education, education, today we should be talking about flexibility, flexibility, flexibility. The need for flexibility came over loud and clear in evidence. We need to consider fragmentation, short-term funding and the lack of co-ordination between agencies.

Recommendation 10 says that the enterprise companies should refocus the work that they do in assisting disabled people into work. We also believe that more information should be given to employers to assist them in employing disabled people. We feel that the public sector in Scotland should set an example in the recruitment of disabled people.

I turn to further and higher education. Shiona Baird talked about the NEET group. Recommendation 37, which she mentioned, says that the needs of disabled people should be integral to the implementation of the NEET strategy. That is crucial. Many of us feel that the strategy should be focused on the students. We would like more soft indicators to be in place and the journey travelled to be measured, instead of the hard indicators that are currently used by Scottish Enterprise, in particular. We would like the careers guidance that is given to young disabled people in schools to be improved. We believe that Careers Scotland should fundamentally review the service that it provides to disabled people.

We also think that familiarisation visits to, and early starts at, colleges and universities would be beneficial. It is a big step to move from school to higher and further education, especially for disabled people, and we feel that such initiatives should be promoted, supported and encouraged. We would like the provision of key workers to be evaluated with a view to rolling out good practice, as that came out again and again in evidence.

We would like the Executive to reconsider funding and what is happening in SAAS. It came over again and again in evidence that pretendy courses should be eliminated. Some people feel that there is a revolving door into further and higher education, whereby they just go from one course to another. The committee feels that courses should have a benefit and should lead on to the next step, not just encourage the revolving door. We think that the teachability project is very

good, and we hope that it will be continued and extended to colleges.

Marlyn Glen said that 20 per cent of Scotland's population is disabled. We should think about the importance of disabled people within our communities, in all walks of life, and to our economy. The disabled pound has been talked about. In recognising the rights of our citizens to participate and not face personal and social isolation, access to leisure is very important. We would therefore like the minister to consider the active schools co-ordinators. We believe that all local authorities should recruit an active schools co-ordinator; at the moment, only 50 per cent have one.

We believe that the number of disabled people who participate actively in our communities and in public life should be increased and that measures should be put in place to support disabled people in doing that. That is fundamental. Access to leisure can be just going to the pub with one's friends or whatever. One young lady in Wick told us that, after 5 o'clock at night, there was no public transport to enable people to get into Wick. She had a taxi pass, but she could not use it because there were no taxis that were suitable for her after 5 o'clock in the evening. There needs to be a joined-up approach. All that that young girl wanted to do was meet her friends and do all the things that we take for granted. Access to leisure is very important.

Elaine Smith talked about attitudes and raised the issues of attitudinal barriers and negative perceptions. The need for disability equality training and the citing of health and safety concerns as barriers to participation are big issues. That is why we have recommended that they should be taken on board and that we should co-ordinate a long-term, strategic campaign to tackle negative attitudes. Elaine Smith talked about positive role models.

Sandra White talked about access to transport, which was a theme throughout the committee's evidence taking. We welcomed all the examples that Jackie Baillie gave us from her constituency casework. I am sure that many of us agree with her and have had to deal with such cases as well.

I have run out of time, but I note that poverty was a theme running throughout the debate. We need to tackle all the issues, including work, further and higher education, leisure, attitudes, information and physical access. We need to look at all those issues.

In conclusion, I welcome the constructive debate that we have had on the committee's report this morning and the commitments that the Executive has given to look favourably on the report's recommendations.

As others have done, I emphasise the value to our inquiry of the input by disabled people. From the outset, the committee took the view that it was their inquiry and I am pleased that so many disabled people and organisations have been so vocal in their support for our recommendations.

Although this debate is the end of a lengthy and worthwhile process, I am sure that all members of the committee will agree that it marks the start of the next stage of our work in the area. It is now up to the Equal Opportunities Committee and its successors to monitor the implementation of the recommendations and to ensure that they make a real difference to disabled people in Scotland. Disabled people want to see action from the committee and it is our duty to ensure that that happens.

We know from our inquiry that disabled people look to us to make a difference to their lives as equal members of society. I hope that all members of the Parliament and Executive and all service providers will share our commitment to do all that we can in the years to come to match the words in the report with concrete, effective action. I thank everyone who has participated in this morning's debate and commend the report to Parliament.

12:00

Meeting suspended until 14:00.

14:00

On resuming—

Accountability and Governance

The Presiding Officer (Mr George Reid): Good afternoon. The next item of business is a debate on motion S2M-5320, in the name of Wendy Alexander, on behalf of the Finance Committee, on its seventh report in 2006, "Inquiry into Accountability and Governance".

14:00

Mr John Swinney (North Tayside) (SNP): I thank the people who participated in the Finance Committee's inquiry into accountability and governance, including those who supplied written and oral evidence. I also thank the committee clerks for their support during what was a complex and interesting inquiry.

I will move the motion on the committee's report mainly because the new convener of the Finance Committee, Wendy Alexander, was on maternity leave during the course of the inquiry and she thinks that it would be appropriate for one of the members who sat through the evidence to open the debate. I am delighted to do that.

The inquiry arose principally through the work of the committee's former convener, Des McNulty, who took a great interest in the role and work of ombudsmen and contributed enormously to the committee. He saw the inquiry through to its conclusion and oversaw the report's contents. Mr McNulty has been elevated to the Government's front bench, and we would have been offered a fascinating example of parliamentary scrutiny had he come to the chamber to make pronouncements from the front bench on issues that he enthusiastically pursued during the inquiry. We wish Mr McNulty well in his ministerial post.

The report came about primarily as a result of the Finance Committee's scrutiny of the Scottish Parliament's budget, which includes provision for financial support to the ombudsmen whose costs are financed through the Scottish Parliamentary Corporate Body. It is the committee's duty annually to scrutinise the SPCB's budget bid. During the course of its scrutiny, the committee became increasingly concerned about the financing of ombudsmen and thought that further inquiry was required. The committee also thought that the view that the SPCB perhaps was not sufficiently empowered to exercise the necessary degree of financial scrutiny needed to be explored in greater detail. I will say more about the outcome of the deliberations on those matters.

The report is comprehensive. The committee reached clear and well-articulated conclusions that were informed by evidence, like most of the committee's work. Unusually for the committee, we divided on three aspects of the report's contents. In all three cases, six members supported the approach in the report and one member, Mark Ballard, dissented. I am sure that Mr Ballard will talk about his concerns about the direction that the committee took in the report.

I am glad that Mr McNulty has arrived. He missed my warm tribute, but I am sure that the Deputy Minister for Finance, Public Service Reform and Parliamentary Business will convey it to him during the debate.

The committee came to robust conclusions by clear majority on all issues, but some issues troubled us. The first was the substantial question whether the exercising of financial scrutiny of and financial control over the ombudsmen's work by the committee or the SPCB compromised the ombudsmen's independence. The committee's report makes it crystal clear that in no way does anybody on the committee have any desire in any respect to question or constrain the operational or functional independence of any of the ombudsmen whom Parliament has so far appointed. However, we do not believe that our duty to carry out legitimate financial scrutiny across all aspects of public policy—a duty that members of the public believe to be ours as members of the Scottish Parliament—would be properly fulfilled unless we exercised a degree of financial control over and financial scrutiny of the ombudsmen and commissioners.

The reticence that the corporate body expressed to us when we reviewed the budget in 2005 was one of the major contributors to encouraging the committee to undertake the inquiry. We felt that the corporate body held the view that, if there was much scrutiny of the budget, and if changes were made to it, there would be a danger that the effective independence of the ombudsmen and the commissioners would be compromised. The committee debated that issue at length and our conclusions were crystal clear: Parliament has a responsibility to scrutinise every aspect of public finance and, as a consequence, the corporate body should be entitled to exercise effective constraints on the budgets of the ombudsmen and commissioners.

I am pleased to say that when the corporate body came to the committee this year to recommend the budget for the forthcoming financial year 2007-08, it had a much stronger and more robust position on the financial scrutiny of the ombudsmen and commissioners. However, in no way has the operational independence of those office-holders been compromised by the corporate

body's actions. The Finance Committee welcomes the steps that the corporate body has taken.

The second major issue that the committee wrestled with was the congestion that has emerged because of the different and distinct decisions that Parliament has taken to establish commissioners and ombudsmen over the past few years. There is now a pretty wide range of commissioners and ombudsmen. In our report, we caution that the Government should carefully consider amalgamating functions rather than forming more stand-alone organisations. When there is a demand to establish a commissioner of some sort, the Government should consider whether the functions could be subsumed by an existing one.

In its discussions on the Scottish Commissioner for Human Rights Bill, the committee felt that there was an opportunity to bring the functions of the human rights commissioner closer to those of the Scottish public services ombudsman. However, I regret that Parliament decided not to accept our view.

In our report, we say that no new office-holder should be proposed unless it can be clearly demonstrated that the function cannot be carried out by an existing body. We go further and make recommendations on the need for co-location and the need to encourage the SPCB to acquire more powers to enforce issues regarding co-location, to ensure better synergy in the performance of the commissioners and ombudsmen. We also argue in our report for a moratorium on the establishment of any more commissioners or ombudsmen until such time as the report that the Executive has commissioned from Professor Crerar is published and we can reflect on its conclusions.

We believe in the need to review the whole architecture and infrastructure of the ombudsmen—to review their legal status, the choice of people to whom they report and how their work fits in with the work of the Parliament. I do not want to prejudge the legacy paper of the Finance Committee, but I would be very surprised if such issues were not handed on to our successors in the next session of Parliament.

The third major issue that we should reflect on is the role of Parliament in relation to the ombudsmen—and here we have to be a bit critical of ourselves. In effect, some of the ombudsmen said to us that they would love to be called before a parliamentary committee to explain what they had been doing and to have their decisions and recommendations scrutinised to a greater extent. It should not just be a case of the Finance Committee holding a one-off evidence session on commissioners' budgets once a year. For example, the Education Committee and the Health

Committee should test some of the decisions that the Scottish public services ombudsman takes.

I hope that all committees will carefully note the Finance Committee's recommendation that there should be more thorough scrutiny of the ombudsmen and commissioners as part of the rolling programme of committee scrutiny that is a continuing part of the Parliament's agenda. From that, we would learn a great deal more about the issues that the ombudsmen wrestle with and their judgments. This morning's newspapers contain a major announcement by the Scottish public services ombudsman about care homes and their associated costs. As we all know from our case loads, the ombudsman deals with issues that have a material effect on the lives of individuals and the delivery of our public services. I encourage parliamentary committees to reflect on the suggestion as they consider their work programmes.

I conclude by making a personal observation on the work of the ombudsmen; I do not make it on behalf of the committee. My experience of the ombudsman sector has led me to be concerned about the fact that the ombudsmen and commissioners do not seem to be willing to assume the position that I would like them to assume, which is to test much more rigorously and robustly than they do the statements and explanations that public authorities give to them. The ombudsmen and commissioners are the last stop—they are the people to whom others go when every other avenue has been exhausted. The public must leave with a sense that their complaint has been investigated thoroughly, that the organisation concerned has been taken to task and that the assumption of the ombudsman has been that the member of the public is correct to think that they have been short-changed by the public authority. If the public authority has nothing to be frightened of, it will be able to marshal evidence that refutes the claims and propositions of the member of the public.

Personally, I think that the ombudsman sector would be strengthened if members of the public could see that the ombudsmen examined their cases in detail, thoroughly and comprehensively, and tested to a significant degree public authorities' performance. If the ombudsmen did that, we would have a sector that served the interests of the Scottish public, which is what we created the sector to do and what we as parliamentarians have every right to expect will be done on their behalf.

I move,

That the Parliament notes the conclusions and recommendations of the 7th Report, 2006 (Session 2) of the Finance Committee, *Inquiry into Accountability and Governance* (SP Paper 631).

14:13

The Deputy Minister for Finance, Public Service Reform and Parliamentary Business (George Lyon): As Mr Swinney rightly pointed out when he paid tribute to the former convener of the Finance Committee, Mr McNulty, it would have been interesting if his promotion to higher places had given him the opportunity to respond to the debate. He would certainly have been well placed and well informed to undertake that important role. I am glad that Mr McNulty has decided to join us for the debate and I am sure that he will not have been disappointed with how Mr Swinney set out the committee's recommendations and concerns.

I begin by putting on the record the fact that the Executive welcomes the report and the work that the committee has undertaken in the important area of accountability and governance. The Executive's formal response, which was issued by the Minister for Finance and Public Service Reform on 9 November, provides detailed responses to the recommendations that are directed at the Executive and a commitment to work with the SPCB to progress some of the recommendations.

It is helpful to state at the outset that the report is timely, in that it reflects and captures the changed mood in the Parliament on the approach that should be adopted to accountability and governance and, in particular, to the role of independent commissioners and ombudsmen. From that perspective, I think that the report has cross-party support. The report also reflects the need to ensure that the commissioners and ombudsmen are effective and accountable to the Parliament. That is a shared goal throughout the Parliament.

Operational independence and robust parliamentary and public accountability should be seen not as conflicting concepts but as key parts of the overall performance management framework within which sponsored bodies operate, whether they are commissioners, ombudsmen or other bodies that are sponsored by the Executive. From that perspective, the committee's report provides the Executive and the SPCB with a strong steer on both the direction in which the Parliament wants us to move and how we can ensure that the commissioners and ombudsmen are properly held to account while maintaining their operational independence. That is the key priority in the report.

The SPCB plays a vital role, because it represents the Parliament in ensuring that there is effective challenging and scrutiny of the office-holders who are accountable to the Parliament. It is not my place to speak on the SPCB's behalf. I am not sure whether any member of the SPCB will

speak in the debate, but it will be interesting to hear the SPCB's response to the report.

Mark Ballard (Lothians) (Green): Does the minister acknowledge that there is a difference between accountability and direction when it comes to the powers of the commissioners and ombudsmen?

George Lyon: It is clear that their operational independence and their decision making on the matters that they deal with should not be compromised. Nevertheless, there is an accountability issue in relation to how public money is spent and how well managed the process is. That is where the line falls. The Parliament has an important role in holding the commissioners and ombudsmen to account and in ensuring that the money is spent effectively and the organisations are well managed. That should not compromise their operational independence, which we all agree is paramount.

The Executive is committed to working with the SPCB to ensure that there is clarity about respective roles and responsibilities and, if appropriate, to formalise our pre-legislative consultation. Officials have already held preliminary discussions with the SPCB and work will progress in the coming months.

Public bodies that report to the Scottish ministers are subject to financial monitoring and control through the application of the "Scottish Public Finance Manual" and key corporate documentation such as management statements, corporate plans, and annual reports and accounts. As well as providing strategic policy direction to sponsored bodies, we are committed to continually reviewing the classification and total number of public bodies. Since devolution, the number of Executive-sponsored bodies has reduced from 186 to 141. Where necessary, we have taken appropriate action to revise, amalgamate or abolish the functions of public bodies and to ensure that there are effective governance, accountability and delivery arrangements that best meet the needs of the people of Scotland. The abolition of national health service trusts is a classic example of that.

Our commitment is reflected in the launch earlier this year of Professor Lorne Crerar's review of the arrangements for the inspection, regulation, audit and complaints handling of public services. Proposals for new public bodies and functions are made only if there is a compelling justification for them. The current framework requires such proposals to be subject to wide consultation with key stakeholders, thorough appraisal of alternative delivery mechanisms and a robust value-for-money assessment.

The committee recommends in its report that the proposals for five new bodies should be deferred until the scrutiny review is completed.

Alex Neil (Central Scotland) (SNP): Will Professor Crerar's review consider the number of inspections of local authorities that are required by the Scottish Executive? Highland Council recently counted the number of inspections and audits that are required of it in a year and the total was 659.

George Lyon: Professor Crerar's investigation and report will consider the whole gamut of scrutiny and regulation throughout the sector. It will not look specifically at the structures behind that inspection and scrutiny but at delivery. We want to ensure that the situation that Mr Neil describes is tackled and that proper scrutiny and investigation take place and deliver the information that we need to make judgments about whether public bodies are delivering, while not crippling those bodies with the amount of scrutiny.

The starting point is to work out what we need to ensure that we get the right quality of information, then consider the structures that sit behind it. It may be that that leads us to conclude that there should be rationalisation and reduction. The important point is first to consider the output, to ensure that proper scrutiny and investigation take place and that the right information comes back to ministers and to Parliament to reassure them. However, at the same time, we should recognise that that must be done efficiently, that it must provide value for money and that it must allow organisations to operate properly. That will be the focus of Professor Crerar's work, which I am sure will be informative and will enable Parliament to come to a view on the structures that lie behind the delivery of inspection and scrutiny.

Of the five proposed bodies, the arrangements for three were under way when the Finance Committee conducted its investigation. Preparations for the Scottish commissioner for human rights, the Scottish civil enforcement commission and the Scottish legal complaints commission were already at an advanced stage and had been subject to extensive consultation and consideration by Parliament. Legislative provisions for the appointment of the remaining two commissioners—the police complaints commissioner for Scotland and the roadworks commissioner—had already been passed by Parliament. In all cases, it had already been established that the functions of the proposed bodies would not overlap with those of any existing bodies.

"Transforming Public Services: The Next Phase of Reform" sets out our vision for the future delivery of public services in Scotland and makes it clear that our expectation is that new and existing public bodies should continue to seek

opportunities to work together at national and local level. There are already excellent examples of closer working between public bodies, and it is clear that sustained partnerships of that kind are key to delivering more user-focused services to the public and better value for money. If structures get in the way of better service delivery, they will need to change. However, there is no single, central blueprint, setting out the right number of public bodies and the boundaries between them. The key issue is to consider how we deliver the services to the end user and the customer, then to work back from that proposition.

Our drivers for reform are the needs of individuals, the quality of services and the effectiveness of the outcomes that public services deliver. While it is important to secure the operational independence of public bodies, commissioners and ombudsmen, the Executive's view is that different classifications should not stand in the way of shared services where there is clear benefit to be gained for the people whom we serve and represent. It should be possible for all such bodies to consider ways in which they might share back-office functions and services.

The Executive is committed to working with the SPCB to ensure that there is robust parliamentary and public accountability of commissioners and ombudsmen, while ensuring that their operational independence is not compromised. We are committed to ensuring that proposals for new public bodies or functions are challenged to determine whether there are other options before we agree to set them up, and to carrying out robust value-for-money assessments.

Finally, I congratulate the Finance Committee on its report, which reflects the mood of Parliament on the issue. I am sure that the committee's recommendations and conclusions will be foremost in member's minds when political parties set out their plans for the future.

14:24

Jim Mather (Highlands and Islands) (SNP): As John Swinney so elegantly summarised, it would be reasonable to see the Finance Committee report as a retrospective fix to formalise and bolster the role of the SPCB in relation to commissioners. The report specifically recommends moves that would facilitate the sharing of services and improve the control of costs—given the comments from the minister about best value, that seems to have been accepted. It properly recommends that potential accountability gaps be controlled—I recognise that that has also been accepted—and that steps be taken to strengthen the SPCB's powers to address the gap in legislation with regard to budgetary control of commissioners. All that is to be

welcomed.

However, the process has also identified many ways in which the commissioners seem to be the same as the Executive. Admittedly, there is one key difference: the commissioners can make a case for an increased budget while the Executive gets what it is given and has limited direct means of increasing its revenue. However, there are strong common denominators. Both commissioners and the Executive need checks and balances to ensure that they are having a positive effect, rather than a neutral or negative effect—the jury is out in both cases. Equally, they both need to prove that they are making best use of the money that they have at their disposal. The commissioners and the Executive have difficulty proving that. In addition, both need a narrow range of important objectives that are monitored and reported on to prove their effectiveness; both seem to have difficulty establishing such measures.

George Lyon: I am not sure what the member means by “effectiveness” in relation to commissioners and ombudsmen. How would he judge whether they were effective? Is he talking about how they spend their budget or the decisions that they make? That would take him across the line, about which concerns have been raised.

Jim Mather: I am talking about reducing the risk of cost and complaint escalation and seeing an improvement in the performance of the entities that regulate, monitor and handle the public's complaints, which is fundamental.

We should go beyond what we have now and consider whether there are better ways of improving the public and media perception of our commissioners, which might trigger greater effectiveness in other bodies downstream. For instance—I throw in this idea to be kicked around and debated—if the commissioners sought over time to reduce their workload and budgets and to cross-charge some of their costs against the entities against which they find in any given case, they would have a better chance of making good use of resources and handling client-based dissatisfaction better. I do not claim that that idea is perfect, or even fully formed at the moment, but it is likely that it would create more good will and more of a sense that the commissioners were working for the common good and in the public interest. Other organisations, such as Scottish ombudsman watch, will be able to adjudicate and make their own positive suggestions.

I am convinced that if we had a more unifying aim—if we carved out a set of motivating aims for commissioners that supported national aims—we would move to a better place. It would not be beyond the wit of the Parliament or the

imagination of the Executive to come up with means to achieve that, which would unify the Government, the commissioners, agencies and other entities—even care homes—in the process of achieving better outcomes in the long term. That could be legitimised if we had cross-billing, so that bodies that were culpable and which were causing delays and generating more complaints from the general public were made to pay the cost of complaint processing. The commissioners would therefore avoid becoming an unpaid customer complaints service with the function of identifying—for free—improvements that might be facilitated, or becoming an unpaid customer and public placator.

The question remains: will the commissioners be an overhead, or will they genuinely play a part in improving accountability in governance in Scotland? I certainly hope that they will play a part and that the report makes that happen.

14:29

Derek Brownlee (South of Scotland) (Con): I join other members in thanking the clerks and witnesses who gave evidence in what seemed a very long inquiry. John Swinney has referred to most of the committee's substantive recommendations, so I will not dwell too much on them.

We should not kid ourselves: the report falls firmly into the dull-but-worthy category. That in itself does not make the report less valuable, but it is worth acknowledging it up front. Some of the lessons that we might draw from the report are of more value than we might think, although it may be a struggle to get everyone to accept the importance of the recommendations. I say that despite what seems to be an outbreak of cross-party consensus in the chamber. I found much to agree with in what the minister said. That is a novel concept that might not be replicated often.

Much of the groundswell of feeling that led to the committee's inquiry was based on a series of negative press articles about commissioners and ombudsmen, particularly in relation to their budgets. It is worth both capturing the fact that there was significant public concern and realising the seriousness of the issue not just for the Parliament but for the commissioners and ombudsmen themselves. Unless we get the issues of their financial accountability and the resources to which they are entitled sorted out up front, there is a danger that their work will be masked by other stories that might fly around, which helps no one.

Two broader issues have been lost in the debate. The first is what we as a Parliament did when we created some of the institutions—in particular, I think of the vagueness of the operating

rules that we gave them, which we expect them to abide by. Secondly, and more fundamentally, much of the criticism that has been directed against individual ombudsmen or commissioners about finance has often concerned the underlying policy of having them in the first place. I sense that some members feel that some of the decisions that were taken earlier on in the life of the Parliament were not the right ones.

On the vagueness of the statute, I remember the exchange that I had in committee with the commissioner for children and young people in Scotland, who has an advocacy role. I do not have the *Official Report* for that meeting in front of me, so I will paraphrase rather than quote. I think that the commissioner's argument was that she felt that she could not carry out the role given to her by statute without the funding that she sought, which is a perfectly legitimate argument for her to advance.

However, I took a more difficult approach and looked back at the statute that created the commissioner for children and young people's role. It seemed to me that a range of options were available. One was a cheap and basic option that would have allowed her to fulfil a simple advocacy role. That may or may not have been what Parliament intended, but it was certainly permissible under the terms of the statute. At the other end of the scale, the commissioner could have had an expansive role, with significantly more resources being deployed to her office than she has ever sought.

Alex Neil: In many respects, the commissioner for children and young people in Scotland has done a good job. However, does the member agree that having both a commissioner and a chief executive in a small office with a budget of just over £1 million seems, to say the least, to be overegging the bureaucratic pudding?

Derek Brownlee: At first glance, that may seem excessive—perhaps it comes down to the vagueness of the commissioner's role. If her role as she interprets it is expansive, there may be a case for her having support in her endeavours. My problem is that the statute gives such a wide range of options that it is difficult to see where the appropriate balance lies. Let us be honest: that is a difficult matter for her as well as for the Parliament.

I will continue with the same example. Many of the people who have been critical of the spending of the commissioner for children and young people have actually been criticising the underlying policy. There are those who now doubt whether an advocacy role is appropriate for a commissioner—personally, I have grave doubts as to whether there is a proper advocacy role for such a commissioner in Scotland today. I do not wish to

disappoint Mr Neil in that respect, but I think that that applies to other proposals, not just those that have already been implemented.

The minister's words were helpful in some respects, but the Executive has not been terribly helpful in relation to the moratorium that has been discussed. I see the distinction that the Executive is trying to draw between a moratorium on new proposals that are made after the moratorium has been announced and a moratorium on proposals that have already been considered but which have not yet been enacted. To be frank, that distinction is a little disingenuous. Most of the public concern has been about the commissioners offering value for money, and the Executive would have sent a helpful signal if it had said that the moratorium would apply until Professor Crerar reported—even to plans that had been taken some way down the line.

Jim Mather suggested that the budgetary slack could be picked up by allowing commissioners to impose charges on bodies that have been found wanting. That is an interesting proposal, but it is the flip side of the independence and accountability issue. If by constraining a commissioner's budget, we can influence what they do, the flip side is that there must be a risk of institutional failure in the commissioner generating income by imposing such charges. I acknowledge that other bodies have dealt with and found a way round that problem, but I have reservations about giving such powers to public bodies, particularly when we know that there will be a squeeze on national budgets.

Although I said that the debate fell into the dull-but-worthy category, a number of constituents have e-mailed me and written to me about it. That does not normally happen with Finance Committee debates, and I do not expect it to continue. Many of those constituents raised a valid point about to whom the Scottish public services ombudsman should be accountable. The focus of the debate has been on financial accountability, but there are broader issues with accountability in general.

We should be wary of giving away too much of the Parliament's power. It seems rather odd to go to all the effort of creating a Parliament and then to start giving away power left, right and centre. The argument has been advanced that, if we control budgets, we are impeding independence. That is nonsense and we should be robust about opposing it. It is entirely right that we are careful with public money—in fact, the Parliament and Government have a duty to be careful with it—and, if we set a budget, it is for individuals to operate within that budget as they see fit. It is not for the Government or Parliament to direct how money is spent, but it is perfectly in order for us to

say what the priorities are and how much the budgets should be.

Of course, the Scottish information commissioner's increasing budget might be reduced if the Government was rather more open and responded more positively to some of my letters.

Mr Swinney: Not just Derek Brownlee's letters.

Derek Brownlee: Perhaps Mr Swinney's letters are also affected.

I was intrigued by the minister's comments about public sector reform, and I am grateful that he is moving towards viewing the user of public services as the key driver of those services. That development is positive—I hope that we witness more such developments. He issued a challenge about manifestos, and I am sure that the Conservatives will rise to it. I look forward to reading his party's manifesto to see whether he also rises to that challenge.

14:38

Margaret Jamieson (Kilmarnock and Loudoun) (Lab): The Finance Committee inquiry into accountability and governance is the starting point for me: it examines inputs, but does not look back at what has been delivered. The current system for funding commissioners and ombudsmen does not provide the level of openness, transparency and accountability that the Parliament and the people of Scotland expect, and I do not believe that financial accountability can be considered in isolation. An examination of economy, efficiency and effectiveness also needs to be undertaken to inform the accountability of any organisation. The report does not address that, although it is the most important aspect of accountability.

As convener of the Scottish Commission for Public Audit, I was asked to give evidence to the Finance Committee inquiry. During that evidence, I demonstrated the lengths to which the SCPA has gone to ensure openness, transparency and accountability. In this parliamentary session, the SCPA has held meetings in public and appended near-verbatim transcripts of meetings to its reports to demonstrate the accountability and governance arrangements of Audit Scotland and the Auditor General. It would be unacceptable if Audit Scotland and the Auditor General were not held to account in the same way as they hold others in the public sector to account.

Sadly, the current system of accountability of commissioners and ombudsmen lacks the examination of economy, efficiency and effectiveness. The Scottish Parliamentary Corporate Body holds its meetings in private and

issues brief minutes, so how can it be seen to be holding any organisation to account? The system is not challenging enough, and I do not accept that hiding behind the current interpretation of legislation is acceptable or that the system is a quirk of the way in which the Parliament was set up. It is incumbent on the SPCB to ensure that the moneys expended by commissioners and ombudsmen deliver for the public and demonstrate best value. We do not have sufficient opportunities to hold the SPCB to account.

John Scott (Ayr) (Con): Does Margaret Jamieson accept that parliamentary committees also have a role to play in the scrutiny of office-holders?

Margaret Jamieson: John Scott's point is different from mine, which is that the overall function of a commissioner is to demonstrate that the funding that has been approved by the corporate body is actually delivering what the commissioner set out to deliver. That is an audit-based trail. I am sure that the minister and Mr Swinney will appreciate—the minister as a previous member of the Audit Committee and the SCPA and Mr Swinney from the Finance Committee viewpoint—that such scrutiny is fine for subject committees when examining specific policy areas, but there is a world of difference between that and accountability.

Mark Ballard: Will the member give way?

Margaret Jamieson: I would like to move on a wee bit.

There is an opportunity for us to drill down into the work of commissioners, and I agree with the Scottish parliamentary standards commissioner, who said to the Finance Committee that the SCPA could be charged with undertaking that work on behalf of the corporate body. We could further define that role by stating that the corporate body would continue to deal with the budget process while the SCPA looked backwards to ensure that we got best value. The evidence given by the corporate body supports such a change. In John Scott's evidence, the corporate body indicated that it does not have the resources to ensure best value, never mind to conduct a three Es examination.

Why has the corporate body not required compliance with the Scottish Executive's efficient government and/or best-value regimes? Why should commissioners and ombudsmen be any different from the rest of the public sector? The legislation governing the setting up of such offices cannot be used as a device to circumvent accountability, openness, transparency, economy, efficiency and effectiveness. The members of the SCPA have the experience to undertake the work and—I hope that Mr Swinney is listening—have

demonstrated that they do not have a cosy relationship with the Auditor General or Audit Scotland.

The report gives us the opportunity to develop further some of the issues that have been raised. It would be wrong just to accept it and then leave it on a shelf to gather dust. Some of the recommendations will rightly be pursued by committees of the Parliament; others will be addressed by the corporate body and the business managers. However, as MSPs, we need to be assured that the Finance Committee will continue to oversee the direction of travel laid out in the report. We must have an impact on holding to account those who expend significant sums of public money on behalf of the Parliament.

I am delighted to support motion S2M-5320 in the name of Wendy Alexander.

14:45

Mr Andrew Arbuckle (Mid Scotland and Fife) (LD): I am pleased to have been a member of the Finance Committee while it undertook the inquiry. Like other committee members, I thank the clerks and the witnesses.

I have no doubt that the establishment of the Scottish public services ombudsman and of commissioners who are responsible for information, for parliamentary standards, for public appointments and for children has been a good thing for the country. With their establishment, advocacy, fairness, openness and support are being directed into parts of our society that were previously ignored or dealt with undemocratically.

As the committee highlighted in its report, concern is felt about control of the organisations' budgets. That might be an inevitable consequence of setting up those organisations without a common or standard template. Most of the bodies have made inflation-beating budget demands, so it is essential that the Parliament recognises the current disparities in financial management controls. The Scottish Parliamentary Corporate Body picked up the committee's concerns in its response earlier this year and concurred that a common understanding is needed of such bodies' accountability mechanisms.

As John Swinney, the committee's deputy convener, said, the tricky problem lies in ensuring that the independence of those public bodies is not compromised by the need to operate within financial constraints; he stressed that real scrutiny of expenditure must take place. One part of the answer lies in the Justice 1 Committee's suggestion that all commissioners should provide a rolling three-year strategic plan. For that to succeed in achieving transparent monitoring, the Finance Committee believes that the corporate

body will require to bare its teeth in scrutinising commissioners. The SPCB can do that with the knowledge that it has budget-setting powers.

One eye-opener of the scrutiny process was the admission that commissioners were often left with the final decision on their location, so the opportunity to share accommodation costs was lost. Similarly, little thought appeared to have been given to sharing back-up and administrative costs. The committee was correct to highlight those issues, especially if, as predicted, we are entering a period of greater financial austerity. The Executive should consider the opportunity to reduce expenditure through sharing. I am pleased that the deputy minister has said that the Executive is moving in that direction.

In addition to direct financial accountability, the Finance Committee concurred with the Procedures Committee's view that an independent assessor should be appointed to advise the corporate body on commissioners' performance. That would aid the corporate body with information on commissioners' financial accountability.

I fully support the recommendation that the Minister for Finance and Public Service Reform and the permanent secretary should review the guidance that is given to departments on the financial controls for non-departmental public bodies. To learn that one such body had received no audit for five years and that limited budget monitoring had occurred does not reflect well on the Government.

The Finance Committee was right to highlight the curious case of the Office of the Scottish Charity Regulator, which seems not to require any financial scrutiny from the Executive or the Parliament.

Given the surge of new bodies, I support the committee's view that business managers should explore all new proposals and check whether we can adapt or adjust present systems to cope with new responsibilities, rather than establish new bodies.

Unlike Derek Brownlee, I accept the deputy minister's view that the latest commissioners were already in process. I was pleased to hear from the deputy minister that the Executive supports the corporate body taking a more rigorous approach to commissioners' budget needs.

I hope that the committee's work on the issue will bring greater transparency to the work of existing commissioners without compromising their independence.

14:49

Alex Neil (Central Scotland) (SNP): I want to make two general points that are relevant to the

debate. First, I think that all members agree that if we were to start again things would be different and that we would adopt a slightly different approach to appointing commissioners, who are commonly referred to as tsars. However, we are where we are and we must consider where to go from here.

The Finance Committee's report rightly sets out several questions that should be asked before the Parliament decides to appoint another commissioner. When I was preparing a bill that would have established a commissioner for older people, I considered the possibility of adding that commissioner's remit to the remit of an existing commissioner, but that proved to be extremely difficult in legislative terms. The legal advice that I received from the Parliament was that that could not be done without introducing a fairly substantive bill, which would probably require to be sponsored by the Executive. As well as considering the criteria that the Finance Committee has set out, we must consider the factors that can influence whether new remits can be added to existing remits.

I come to my second general point. Because of the remit of its inquiry, the Finance Committee inevitably focused on the commissioners who have been appointed by the Parliament. However, compared with the Scottish Executive, those commissioners pale into insignificance in financial terms and in terms of the resources that they use. There is inconsistency right across the board, not only in the operating frameworks—the minister referred to those—of the recent appointments and the new bodies that the Executive has set up, but in relation to the basic principles that are involved. For example, appointments to the boards of regional transport partnerships, which the Executive has recently set up through Executive-sponsored legislation, fall outwith the public appointments code and the remit of the public appointments commissioner. It seems to me that that flies in the face of the Parliament's intention when it passed the Public Appointments and Public Bodies etc (Scotland) Act 2003. The latest appointment—of the police complaints commissioner—also falls outwith the remit of the public appointments code and the public appointments commissioner. I say to the Executive that nothing more than statutory instruments are required to bring such people into line and make them properly accountable under the act and under freedom of information legislation, for example.

A number of issues relating to the five parliamentary commissioners must be addressed. First, my experience of the public services ombudsman's office is that the time that it takes to reach a decision on whether an investigation should be conducted—never mind the time that it

takes to conduct an investigation—is totally unacceptable. I have been waiting for 12 months for a decision from that ombudsman on whether there is a *prima facie* case to answer—that is before an investigation can take place. In almost every case, the turnaround time from referral to a final report is well over a year. That defeats the purpose of the act. I am not sure whether there is a lack of resources for dealing with the ombudsman's workload or whether there are inefficiencies in the ombudsman's office, but the corporate body must urgently and openly address that matter. It must talk to all members of the Parliament and not deal with the matter in secrecy, which it has typically done in the past seven years—Margaret Jamieson was right about that. How can we ask the corporate body to monitor the accountability of such bodies when it is not sufficiently accountable to the Parliament as a whole?

John Scott: Does Mr Neil accept that, until very recently, the corporate body has not had what it at any rate believed to be the powers to monitor those people? There was no element of secrecy.

Alex Neil: That is a separate issue. The corporate body operates like a secret society and there is a wider concern about that among members of all parties. That is not the main focus of the debate, but it is relevant.

Secondly, there is no systematic way to hold the commissioners to account in the Parliament, not only on the financial side, for which the corporate body is responsible, but on the more general policy side. I again give the example of the Scottish public services ombudsman. The ombudsman is not being properly or systematically held accountable to the Parliament. A lead committee needs to be designated so that each commissioner reports to a specific committee. We know that the standards commissioner reports to the Standards and Public Appointments Committee, but the information commissioner does not report to a specific committee and neither does the ombudsman. The same is true of the other commissioners. We must ensure that there is greater accountability, not only to ensure that the commissioners do what the Parliament willed, but to address some of the policy issues that arise out of their work.

I will give one example. It is clear to me—and having had a discussion with Professor Alice Brown, I know that it is also clear to her—that a major problem in Scotland is the lack of adequate complaints procedures within public bodies, including local authorities. That genuine policy issue must be addressed. Many of the public agencies with inadequate complaints procedures are agencies of the Executive, yet there is no way in which the ombudsman can get a committee to

address the issue and have the necessary follow-up work done on policy development.

Thirdly, we should take a leaf out of the book of the United States Congress. When it sets up a body that it is not clear is required in the long term, it puts a brake on the length of time for which the body is set up. If we set up a new body—as I hope that we will after the election, Mr Brownlee—it would be a sensible innovation to set it up for five years and build into the bill a statutory requirement for a review of whether the body needs to continue at all, or in its present form. There would be a built-in procedure to ensure that, as Margaret Jamieson said, we get the valuable outputs in relation to the inputs and achieve not only value for money, but the original principled objectives in respect of either access to information or redress for maladministration or the failure to deliver a service.

Finally, we need to consider inspections and audits across the public sector. The Enterprise and Lifelong Learning Committee was told three or four years ago, when we reviewed lifelong learning, that the Scottish Executive Enterprise and Lifelong Learning Department and its agencies required every college in Scotland to be reviewed 28 times a year for different aspects of their work. Sometimes the same work was reviewed more than once. For example, the Scottish Enterprise local enterprise company for area A required a review for its contract and an almost identical contract with area B required someone else—usually a consultant—to undertake an inspection. I hope that Professor Crerar's report will address that, so that some common sense and streamlining can be brought into the system, along with more effectiveness and more accountability in respect of both the Executive and the Parliament.

I hope that when the time comes members will support my bill to establish a commissioner for older people.

14:59

Mark Ballard (Lothians) (Green): I join other Finance Committee members in thanking the clerks and the witnesses for a long, complex and, ultimately, useful exploration of accountability issues. I say that it is a long exploration because today we are discussing the funding of the commissioners and ombudsmen, which comes to around £6 million per annum. Tomorrow we will discuss the Scottish Executive budget, which is 5,000 times larger at £30 billion. A roughly equal amount of time has been set aside for the discussion of each of those sums of money.

I wonder why there is so much scrutiny of the commissioners and ombudsmen. Part of the

reason is that they are a relatively easy target because, unlike other public bodies, they are not part of the Executive and have no Executive ministers to defend them. Their independence is guaranteed by the legislation that set them up, which states very clearly:

“in the exercise of that officer's functions”,

the officer

“is not subject to the direction or control of—

(a) any member of the Parliament,

(b) any member of the Scottish Executive,”

or even any member of the Scottish Parliamentary Corporate Body.

That clear definition of independence is in line with the international position. Section B2 of the United Nations-endorsed Paris principles for human rights bodies provides that

“The national institution”

of the human rights body

“shall have an infrastructure which is suited to the smooth conduct of its activities, in particular adequate funding. The purpose of this funding should be to enable it to have its own staff and premises, in order to be independent of the Government and not be subject to financial control which might affect its independence.”

That is the framework within which the commissioners and ombudsmen were created.

As John Swinney said, the committee's report is about balancing the need for independence with the right and proper need to ensure that money that comes out of the public purse to support these functions is well spent.

Alasdair Morgan (South of Scotland) (SNP): Mr Ballard raises the issue of adequate funding. Will he explain to us who should decide what is adequate?

Mark Ballard: That is the subject of my entire speech.

There is much in the report with which I agree. It is clear that when the bodies were established there was not enough clarity about who determines the adequacy of funding, about accountability and about scrutiny. We are trying retrospectively to come up with an adequate system for that. However, the system must involve a balance; my speech is about where we strike that balance. I objected to parts of the report on the basis of differences that I have with other members. Some of those arise from the difference between my postbag and that of Derek Brownlee. The letters that I receive are not about the £6 million expenditure of the ombudsmen and commissioners, but about the need for proper advocacy of the rights of children—people who do not have a vote—the need for independent

scrutiny of information and the need for proper parliamentary standards and redress with public bodies. Those are the issues that concern people and that led to the establishment of the ombudsmen and commissioners.

Andrew Arbuckle said that he had an eye-opening experience when he discovered that the commissioners decided where their offices should be located. I quote to him comments made by Jim Wallace during the debate that established the Scottish information commissioner:

"It was the wish of this Parliament ... that we should have a fully independent commissioner. That commissioner will be appointed on the nomination of the Parliament, which naturally means that his or her office will not be established as swiftly as it might have been had ministers selected the commissioner and told him or her where to site the office. That is a small price to pay for ensuring independence".—
[*Official Report*, 24 April 2002; c 11197.]

The view of the Liberal Democrat Minister for Justice back in 2002 was that a delay in the establishment of the commissioner's office was a small price to pay for their independence. The Parliament must ask itself whether it is prepared to pay that price.

The minister spoke about a changed mood and I am sorry if that has happened. The price of independence is that commissioners and ombudsmen will say things that we parliamentarians do not like. They will campaign for things and spend money in ways that we do not like, but giving them independence means that they can do things as they like and not as we like. If they did not have that ability, they would not be independent.

We did not hear anything about commissioners and ombudsmen mispending money. On the other hand, we heard that there has been a 49 per cent increase in complaints to the Scottish public services ombudsman, 725 new cases for the Scottish information commissioner—more than double the upper estimate—and that there are serious concerns that the commissioners and ombudsmen might not be able to clear their backlog, as Alex Neil mentioned.

Alex Neil: Does the member agree that the number of cases referred to the information commissioner and the cost of running his office would be a lot lower if the agencies of the Scottish Executive, such as Communities Scotland, gave us the information that we requested instead of continuously and almost without exception refusing to do so, thus requiring us to go through a whole procedure to get the information to which we are entitled?

Mark Ballard: I agree. I hope that in future the budget of the information commissioner will go down, along with the number of cases, because he will have succeeded in achieving a culture of

openness in the kind of bodies that Alex Neil described. If the commissioner achieves that culture change, his function will be complete and money will have been well spent. Without that culture change, however, we need the commissioner so that people have recourse when they are blocked by the kind of bodies that Alex Neil mentioned.

No one would argue that we do not need more clarity of budget setting to ensure that such bodies have the finances that they need. The suggestion by the Scottish commissioner for children and young people that there be an annual budget and that any additional funding should be discussed in detail is sensible. That takes us to the nub of the problem—the difference between accountability and direction.

We received a good briefing from the Campaign for Freedom of Information in Scotland in which is highlighted the obligation to be accountable. In schedule 2 to the Freedom of Information (Scotland) Act 2002, it is stated that

"the accountable officer is answerable to the Parliament for" the accounts and for

"ensuring the propriety and regularity of the finances of the Commissioner; and ... ensuring that the resources of the Commissioner are used economically, efficiently and effectively."

That was Margaret Jamieson's point.

Margaret Jamieson: Does the member agree that there is no process for that to happen within the Parliament, other than if the corporate body can fit it in?

Mark Ballard: I agree that that is the major concern. It is important that accountability comes after the money has been spent. We need to check that the money is spent effectively and check regularly the accounts. There is a world of difference between doing that and using a power of direction before the money is spent.

If such direction were used in the way that Derek Brownlee described—"Here's your budget; you choose how to spend it"—it might not create problems for the independence of commissioners and ombudsmen. However, if the power goes further and the corporate body or another says, "Spend money on this budget line, but not on that," the power of direction would completely undermine independence. Margaret Jamieson is right that we need much more scrutiny of the money after it has been spent and more scrutiny of the accounts and reports of such bodies. We must be careful if we opt to have a power of direction over budgets—I fear that we could cross the line and conflict with the desire for independence.

We need clarity about financial support and accountability to ensure that we get the best

possible service from the commissioners. If we undermine their independence, we will not get value for money. What use is an independent commissioner who is not independent because his or her budget is directed by the Parliament according to its wishes and not theirs?

15:09

John Scott (Ayr) (Con): On behalf of the SPCB, I begin by paying tribute to the Finance Committee and its staff for preparing such a comprehensive report. I welcome John Swinney's remarks and I endorse all that he said, particularly with reference to Des McNulty's commitment to the report. I also welcome the report's recommendations, which will greatly assist the corporate body in its governance arrangements with the office-holders. We welcome today's debate, as it gives us an opportunity to inform the Parliament of what we are doing and thinking in respect of the report. The SPCB will deal in an open and transparent way with office-holders in future.

First, I take the opportunity to assure Parliament that the SPCB is committed to working effectively with office-holders to ensure that they provide a quality, functionally independent service to the public, underpinned by value-for-money principles, which are of prime concern to the public and to Parliament, as the minister and Mark Ballard said.

We will also work to ensure that the office-holders, working with parliamentary committees, have the opportunity to input into the development of legislation and, where appropriate, the improvement of legislation, based on the work that they do. I will explain that a little further. Hand in hand with that, and based on the recommendations of the Procedures Committee, which have been endorsed by the Finance Committee report that we are discussing today, we are also introducing an independent annual appraisal mechanism for office-holders. Those appraisals will not only feed into the reappointment process, but will also provide a further opportunity for discussions between the SPCB and the office-holders on any issues arising from the appraiser's report. We consider that such scrutiny will add value to the governance of office-holders and will give reassurance, particularly to Andrew Arbuckle, who raised that point.

The Finance Committee has recommended scrutiny of office-holders from the various parliamentary committees, and we wholeheartedly endorse that proposal. I am aware that many committees already discuss with office-holders various issues within their subject remit. Indeed, the Education Committee took evidence from Kathleen Marshall only last week, and the ombudsman has also given evidence to

committees. The scrutiny of office-holders' annual reports can bring into a debating forum various trends that the office-holders may consider to be of concern and which committees may wish to examine. Ultimately, that has the potential to inform proposals for legislative change—again, adding value to the process. That is something that John Swinney referred to.

Having established the offices, the Parliament has a duty to the public to ensure not only that they provide a good service to the public, but that they add value by suggesting improvements to how the public sector operates. That was, in my view, John Swinney's key point.

Alex Neil: I take John Scott's point about the ombudsman giving evidence to various committees, but the policy lessons coming out of her work go into the ether unless she is reporting on her own remit to a particular committee on a regular basis. The lack of that may be one of the reasons why there are currently so many problems and delays in the ombudsman's office.

John Scott: Mr Neil has raised two separate issues. To address his first point, it is important that commissioners and ombudsmen give evidence to committees to inform what may become a legislative process. That is fundamental to the point that I am trying to make, and I hope that he will take that on board.

Many private businesses use a constructive complaints system as a means of improving their services, and there are arguments that we should encourage that culture more. We should see it as an opportunity to learn and to improve the quality of services or processes available. Where trends are identified, they should be fed into committees, with a view to developing a legislative process.

The report makes a number of recommendations, and I am sure that members will be pleased to hear that I do not propose to address each one in turn. However, discussions about financial memoranda have already been held between SPCB and Executive officials to prepare—

Margaret Jamieson: Was that at a public meeting?

John Scott: I will treat that remark with the contempt that it deserves.

Discussions have been held on the preparation of a memorandum of understanding, whereby we will share information during the development of financial memoranda attached to bills that would establish new offices. The approach could apply to non-Executive as well as Executive bills and the SPCB is more than willing to share its experience with members who prepare financial memoranda. Perhaps Mr Neil will take advantage of that offer.

The SPCB welcomes the proposed legislative changes to enhance its scrutiny role, although we already have voluntary arrangements with office-holders. The office-holders fully accept the need for appropriate scrutiny and have been willing to work with us on budgets, for example. We have received business plans from the office-holders, which not only give us greater insight into their forward work plans but enable us to consider the targets and outcomes that are envisaged. We can monitor and discuss such matters more regularly with office-holders.

We have made considerable progress on a number of governance issues. For some time, we have encouraged office-holders to establish audit committees to assist and advise them on governance and budgetary issues and we have made available to office-holders access to the independent members of the SPCB's audit advisory board. We also agreed with each office-holder a memorandum of understanding on access to the central contingency fund, which is held by the SPCB and can meet exceptional expenditure. The fund was put in place to obviate the need for office-holders to hold a separate contingency in their budgets, thus reducing the overall SPCB budget.

We acknowledged that there might be scope for improving our approach to governance and we commissioned Audit Scotland to prepare a report on our governance arrangements with office-holders. I hope that Margaret Jamieson and Alex Neil will be reassured to hear that almost all the recommendations of that report have been endorsed by the Finance Committee.

We will discuss with the office-holders the processes that are in place, so that they can gain a better understanding of the issues that they face daily. We will expect them to provide us with more statistical information on their work and the targets that they set themselves.

We accept that we need to explore the potential for sharing services beyond ombudsmen, commissioners and the SPCB, because there might be a business advantage to be had by working with other organisations. SPCB and Executive officials have met to discuss the wider sharing of services.

I put on record that we will provide whatever support the Finance Committee requires in the preparation of the legislative changes that it recommended in its report.

Alex Neil: On a point of order, Presiding Officer. I do not want to be churlish, particularly at this time of year, but Margaret Jamieson asked the member who represents the SPCB a fair question and did not deserve to be told that it would be treated with contempt. We are all interested in the answer to her question.

The Deputy Presiding Officer (Murray Tosh): I do not think that Mr Scott intended any discourtesy. Therefore the matter is not one on which I must rule.

15:18

Frances Curran (West of Scotland) (SSP): I hope that my speech will be brief.

When I read the report, I asked myself whether it is about accountability in relation to operational costs or commissioners' work, because the report mixes the two issues.

I attended the informal meeting of the Finance Committee at which the committee heard from an expert panel that had conducted research and advised other Governments on establishing external commissioners to scrutinise public bodies, including parliaments. The discussion at that meeting was much more transparent than the report or this debate because consideration was given to how we might ensure the independence of commissioners who must occasionally scrutinise politicians' work but whose purse strings are held by politicians. We discussed the evident areas of contention—although not the ones that we have debated today—and conflicts of interest, if I may put it that way. We considered how commissioners are funded and we put the spotlight on the accountability of their funders.

The Scottish information commissioner has been mentioned. I could not agree more with Alex Neil: if government bodies and local authorities gave us the information that we seek on national health service contracts and private finance initiatives, for example, the information commissioner's work would be massively reduced. We also have a commissioner for children and young people who speaks out on issues such as dawn raids, making the Executive very uncomfortable on occasions.

A large number of quangos and public bodies have been created, but people feel that there is no accountability. Complaints have soared since we set up the commissioners, which reflects how people feel about the lack of accountability in public bodies. People feel powerless. There is no question but that the ombudsmen are overburdened with work, but lots of campaigns go to the ombudsmen because they get stonewalled at local authority level. Resolution of that problem will be an issue, but scrutiny of the ombudsmen is not the right direction in which to go.

We must consider the money that is given to quangos and their complete lack of accountability and direction. For example, trying to get information on college boards and what they spend money on is an absolute nightmare. Furthermore, where is the accountability of the

Scottish Arts Council? For Scottish Enterprise, it was only when things went wrong that Parliament applied the type of scrutiny that we are discussing in respect of the £6 million cost of commissioners.

I am interested in the emphasis that we are placing on certain details in our discussions of accountability. There have not been any big complaints and there have not been any big crises. People are not knocking down my door to complain about the role of the commissioner for children and young people, or the information commissioner, or the—I was going to say the human rights commissioner, but that post has not been set up yet—so why the urgency? Why are we putting so much time and energy into this? What is the political agenda?

At an informal meeting, the New Zealand approach, our approach and the Westminster approach were discussed. In other places, there are individual commissioners, or commissioners have particular areas of expertise. The Finance Committee's report supports the New Zealand approach. It states:

"The Committee endorses the approach taken in New Zealand and recommends that future proposals for representatives of specific interest groups within society should not be designated as Parliamentary commissioners."

So—Alex Neil's member's bill has had it.

I do not have a problem with the idea of having one or two commissioners who have everything in their remit and who represent all citizens in a very general way, but there is a political debate to be had about who the commissioners should be and why they should be there. Commissioners exist because we are not all equal. Some sections of the population are not "interest groups"—they are oppressed and marginalised people. Commissioners—such as a commissioner for older people—are intended to advocate people's rights. They have prosecutory and statutory powers, which I am in favour of. There are good reasons for having the Disability Rights Commission, the Equal Opportunities Commission and the Commission for Racial Equality because some sections of the population need representation in public bodies. The Finance Committee should not be commenting on that because to do so is not within its remit and it is not the committee's decision.

Is the debate about finances or operational costs, or is it about pulling the purse strings? The committee cannot openly come out and say that it wants to clip the wings of the commissioners, or that it is concerned about what will happen in the future and so wants to influence oh so subtly the direction the commissioners take by pulling the purse strings and using arguments about accountability and transparency, but I am afraid that that is very much what is behind the report.

Why reclassify the commissioner for children and young people? If it is to give her statutory powers, guess what? I would vote for that—that would be fine. Why cannot there be annual budgets that are increased by Parliament by a percentage, as local authority budgets are increased? As Mark Ballard suggested, the case would have to be made for any additional money that was required.

The danger is that a long-term compromise for the independence of the commissioners is on the cards. Simply on the basis of his being against individual commissioners, I hope that Alex Neil will vote against the motion.

15:24

Mr Frank McAveety (Glasgow Shettleston) (Lab): I would first like to apologise for my late arrival; I missed the opening speech from John Swinney and most of what George Lyon said. I thought that it was a 2.30 kick-off.

Alex Neil: How was the pie?

Mr McAveety: Comparison of my physique with the member's makes me sure that he is eating much more than I am at the moment.

The debate has been constructive. The fact that there is a debate about the direction of travel on accountability and governance was reflected in the speeches of Frances Curran and others. Regardless of where people stand in that debate, it is legitimate for parliamentarians to express their views. I hope that members will not, 10 or 15 years into Parliament's life, be inhibited from saying whether they think that the role of commissioners is appropriate. Members should still be able to address and scrutinise the issue—it would be perverse to arrive at a position in which they could not, regardless of whether they believed that the establishment of any commissioner over the past six years was appropriate at the time, or of whether they believe that the establishment of any of the bodies that are in the pipeline is appropriate.

Much of what the Finance Committee said in its report is just practical good sense. Fundamentally, it is asking where we are now in 2006, as we approach 2007 and Parliament's third session, which will begin after the election in May 2007. The report invites us to consider how we view the role of governance in Scotland. Many of us will have been in different directions of travel politically before we arrived at a devolved Parliament. Many of us from different parties have different perspectives on whether Scotland should have a devolved Parliament or even autonomy. We might have changed our positions quite dramatically. I remember Frances Curran speaking powerfully about such matters in the early 1980s. The

fundamental question is what we want to do about the role of commissioners.

The Finance Committee said three important things. First, it said that when the establishment of any new commission is proposed—regardless of whether the proposal has been made by the Executive or by a member—the parliamentary committees should have a rigorous debate about it. We should ask the crucial question whether the new body would fit in with what the existing commissioners and ombudspersons do. It is legitimate for the Finance Committee to ask that.

Secondly, the committee examined the cost implications of the commissioners. The reality is that, in the rush to establish new bodies to achieve better governance, questions about whether they could share services or premises that are being asked now were not necessarily paramount in our concerns. All the Finance Committee is saying is that we should reflect on that.

The committee heard worrying evidence about to whom particular commissioners are accountable. I make no apology for saying that we cannot have it both ways: we cannot say that parliamentarians are held accountable, only to be told, when we transfer responsibility to other bodies, that we have no right to ask questions about those bodies. In the film “City Hall”, Al Pacino’s character lectures a younger man about the role of governance in politics; he says that the world is not black and white, but grey. That is the reality of governance and, perhaps, of the potential dullness of today’s debate.

Members are being asked those questions, sometimes verbally and sometimes in letters. In my constituency, I do not get long letters from people who have long lists of letters after their names that show that they have three or four degrees to support what they say. People buttonhole us about the role that some bodies play. In particular, I have been asked about the role of the commissioner for children and young people. People have asked whether some of the issues that she has focused on—which Frances Curran might feel more sympathetic towards—are priorities for young people in Scotland and whether she should be engaged in such activities. Those are legitimate questions.

Mr Swinney: Mr McAveety might not get many letters from people who have many letters after their names, but regardless of the number of letters that someone has after their name or of their background, if they have been on the receiving end of rough treatment from a public authority, surely they want an ombudsman who will take up their case and test it to the limit in order to guarantee that they get the satisfaction to which they are entitled.

Mr McAveety: I do not disagree. The ombudsmen should deal with such matters with rigour. However, parliamentarians have an interrogative role to play, which has sometimes been displaced because of an understandable desire to give other bodies the independence and autonomy to handle such issues.

Our experience of the past six or seven years tells us that although there is heady excitement in setting up such bodies, it is almost as if we have been mugged by the reality of how some of them conduct their business. It strikes me that the Finance Committee is perfectly entitled to explore that. How Parliament should deal with that is something that parliamentarians in the current Parliament and those who are elected in May 2007 will need to reflect and direct on.

I acknowledge Mark Ballard’s concern—to be fair, he has been consistent on the issue—about the power of direction and the independence of the organisations. However, we cannot have it both ways and we need to reflect on that. Without asking the questions, we would not have been able to revisit commissioners’ budgets so vigorously. By raising the debate to that level, people realised that there is a balancing act between what we want in life—

Mark Ballard: Will the member take an intervention?

Mr McAveety: Sorry, Mark.

We are getting close to Christmas. I know exactly what my two kids want for Christmas, but I tell them that they are not going to get everything they asked for. However, there is an expectation that I will deliver on some of what they want, just for some peace of mind.

Frances Curran: Will the member take an intervention?

Mr McAveety: No. I am sorry about that. Obviously, if I were to have a Trotskyist Christmas I would give them a present every week, but there we go. Somebody else would need to pay for them, incidentally.

The real debate is about striking a balance. I hope that the commissioners and ombudspersons will not be told exactly what to do and what to prioritise, but I expect them at least to be accountable earlier to parliamentary committees, as John Swinney said in his opening remarks. How do we strike the right balance in direction? That is the key question. The Executive, members of the Parliament and advocacy bodies all come up with ideas, but we have to say, “Hold on a minute. How will we put that into the broad agenda of governance in Scotland?” The Finance Committee has tried to make a reasonable contribution to that debate. I pay tribute to the

former convener, who was like a dog with a bone on the issue. He was asking the big questions. Even if they are not articulated in written form or whatever, people reflect on the issues quite powerfully and we need to provide some answers. The Finance Committee's report at least points us in the right direction and we have some better answers than we had when we started the journey more than a year ago.

15:32

Mr David Davidson (North East Scotland) (Con): I congratulate the Finance Committee on its report. Unlike other members, I did not find it dull. I do not know what that says about me.

Members from a number of parties have made good and sensible contributions to the debate. I take off my hat to Des McNulty, who has been described as "a dog with a bone" by his Labour colleagues. He made a start on something that many members have an appetite for. It is not just about the money: it is about considering what the commissioners and ombudsmen are supposed to do, to whom they are accountable and what we know about what is going on.

John Swinney gave a good outline of the report at the beginning of the debate. He made the important point that the committee does not seek to compromise the independence of any commissioner or ombudsperson—I think that that is the modern term. He shares that view with Frances Curran.

It is adventurous for the Finance Committee to suggest that the Scottish Parliamentary Corporate Body should exercise restraints because, as many members have said, we do not know what goes on inside the corporate body. I whole-heartedly support the committee's view that functions should be amalgamated and that we should not set up a new framework and regime to do just slightly different tasks. Government should learn some lessons from that, too, given the number of quangos. I agree with the notion—I think that the minister accepted it as well—that no new organisations should be set up unless there is proven need for them.

George Lyon: I note that, in 1997, the Tory Government left behind 241 quangos, whereas today there are only 141. Mr Davidson should be careful before he throws stones.

Mr Davidson: I wonder whether Mr Lyon also has the statistics on how many people work in quangos now compared with 1997, and also what the relative costs are. I will move on.

The minister mentioned the Crerar investigation. I have always held the view that, when an independent investigation is carried out,

everything sits on the back burner and no progress is made in case it does not match the results of the investigation. The minister talked about value for money, but the trouble that we have, which several members mentioned, is in how we evaluate what is value for money.

Jim Mather suggested that those who are investigated should pay a levy—a system such as will be introduced under the Legal Profession and Legal Aid (Scotland) Act 2006, which was passed last week. Lawyers will pay for the new Scottish legal complaints commission. Perhaps such a system would have merit. No doubt, it will be a key part of the Scottish National Party's proposal to balance the books at some stage.

Derek Brownlee and Frank McAveety mentioned the vagueness of the rules when some of the bodies were set up, which is because we did not really know what we were doing. Frank McAveety made a pertinent point about that.

Derek Brownlee was right that the commissioners must work within their budgets. John Scott, on behalf of the corporate body, talked about the contingency funding system for commissioners in emergencies, which is sensible.

Margaret Jamieson made an excellent speech. She was absolutely right that we are all busy worrying about inputs and are not looking at outcomes, although outcomes should be used to measure public bodies. The issue is not just about cost; it is about what and how many benefits are provided and whether the work is pertinent. That may mean, as Alex Neil suggested, that there should be a review of the rules. Some commissioners might say that they cannot take certain actions that they were set up to take because they do not have the appropriate powers. That should be for Parliament to decide on; such issues should not be decided through memoranda of understanding that are developed behind the scenes somewhere. Margaret Jamieson also talked about the economy, efficiency and effectiveness—or three Es—test and the fact that the corporate body is not transparent. I suppose that not many members who are present would dispute that, although my colleague John Scott might.

Andrew Arbuckle gave the Justice 1 Committee's view. He talked about three-year rolling budgets and ministerial advice on monitoring. Alex Neil began rather well with a point about how we started off in 1999—Frank McAveety agreed with him on that. However, the number of tsars that Parliament has set up is small in comparison to the number of bodies that the Executive has set up. The minister should respond to that point in greater detail. Alex Neil mentioned delays with the SPSO. I have not experienced many such delays of late, although the SPSO

went through a pretty rough patch when it was being set up. That is possibly because the SPSO is getting more efficient, despite the huge increase in the number of requests. I find the SPSO fairly easy to work with, as long as I do the preliminary work, which is the MSP's role, as other members have said. However, Alex Neil made a good point about performance versus policy issues.

John Scott reported the corporate body's view on the commissioners' independence and value for money. I agree with other members that we need more openness from the corporate body. If Parliament agrees that a body will be set up, surely Parliament must be kept informed about the performance and the justification for the role. I was pleased that John Scott talked about consideration of outcomes.

Far too many bodies do not have correct or transparent complaints procedures and many bodies simply do not respond to requests. Hence, the Scottish information commissioner's office is one of the offices that was created partly as a result of the Government's failure to be transparent. I do not suppose that that is a new thing and I do not suppose that it will change much in the future.

The debate has raised some interesting issues. I hope that the minister and the corporate body will get back to the Finance Committee and give Parliament fuller answers to the questions that have been raised.

15:39

Alasdair Morgan (South of Scotland) (SNP): When Alex Neil said that we should follow the example of the US Congress, I thought that he was going to say that we should have elections every two years. Fortunately, he did not go down that route.

The Finance Committee was right to undertake its inquiry. I know from having served on that committee that issues had arisen about its role in scrutinising budgets and the power of the corporate body in setting them. As other members have said, the budgets of the commissioners are small in comparison with the overall Executive budget, but we should not ignore the fact that the amount that they spend is large in absolute terms, so it is not unimportant. I hope that I will be able to return to that point.

The issue of accountability as against operational responsibility was raised. The minister said that the two are clearly separate and that we do not want to interfere with the latter. That sounds great and we have all signed up to it, but is it true? It depends on how we define operational responsibility. It is not a particularly new conundrum: the police are operationally

independent—we have often heard that—but only within the budget that the Executive sets, which is passed on by local councils. The position is similar for all the commissioners that we have set up. There is no point in pretending that drawing a line between setting a sensible budget on the one hand and interfering with operational capability on the other is always easy, or that agreement on it will always be possible.

If we have good communication between the budget givers and the budget holders—the commissioners—that will allow the business of the commissioners to move ahead successfully without any complaints. However, let us be frank: that will not always be the case. The situation is also complicated by the differences between the commissioners that have been appointed. Some budgets are clearly demand led—the Scottish information commissioner is an example of that and its budget could be compared with the criminal legal aid budget. However, others are much more optionally constructed. As Derek Brownlee said, the commissioner for children and young people sees her role as being advocacy, so her budget is not demand led in that sense.

As the committee said in paragraph 49 of its report:

“no public body can be exempt from the requirement to demonstrate value for money.”

The next question is this: to whom are they required to demonstrate that? In evidence to the Finance Committee, the commissioner for children and young people said:

“I would say that I am accountable to children and young people in Scotland”.—[*Official Report, Finance Committee*, 6 June 2006; c3694.]

The Scottish parliamentary standards commissioner said that accountability is to the public. What on earth does that mean? Perhaps we have a problem with the definition of “accountable”, but I cannot see how the commissioners can be accountable in the ways they said they are.

Mark Ballard: Does the member acknowledge that if he had read out the full quotation from the Finance Committee's report, it would make it clear that that commissioner for children and young people acknowledged that she is accountable to Parliament for her responsibility to young people, which is a fairer formulation than that in the partial quotation that he read out?

Alasdair Morgan: I was not trying to exclude that bit; I was just trying to save time. However, I will read out another quotation, in which she says:

“I am accountable to the Parliament for being accountable to children and young people”.—[*Official Report, Finance Committee*, 6 June 2006; c3694.]

I do not know whether that clarifies the matter. It seems very convenient for someone to be accountable to a group of people who cannot dismiss them or subject them to question. I agree with what Derek Brownlee said about accountability. At the moment, only we here in Parliament are accountable; we will be held accountable in five months' time. We are a young Parliament—we are only in our second session—so we should not seek too easily to shed accountability and rely on others to take ultimate responsibility for what should be our job.

I will address an argument on the other side of the fence, which Mark Ballard and Frances Curran mentioned. Why was the Finance Committee examining these particular budgets? There was clearly an issue about them, as I have set out, but another reason for choosing to do so was that it was easy. The hard fact is that the large block budgets of the quangos—as Frances Curran said—and the health boards are difficult to scrutinise and drill down into. To be fair to the Finance Committee, that difficulty with getting down into the big budgets of the Executive and some of the quangos has been a recurring theme in many of its meetings. I therefore do not think that we should criticise the Finance Committee on that score.

I wish to consider one or two other recommendations from the Finance Committee. First, there is the recommendation that

“no new bodies should be established”

unless it can be clearly demonstrated that their proposed functions could not be carried out within existing structures. We owe it to the taxpayers and to ourselves to stick to that recommendation.

Secondly, there is the recommendation that committees need to scrutinise the ombudsmen much more closely. The current relationship with them seems to be too remote, especially for people who are called parliamentary commissioners.

We should tread very carefully when creating new bodies, be they commissioners or quangos. Once they are there, they are very difficult to disestablish. Once a commissioner has been established for group A, it is very difficult—I point out to Mr Neil—to resist the argument for establishing a commissioner for group B. If there is a case for establishing a commissioner for a particular group, we should consider how that reflects on how we have been discharging our responsibilities towards that group of people if we have reached the stage when they also need a commissioner to look after them. We should be wary of the tendency for Parliament and, more important, the Executive to have everything at arm's length, which is a very good way of shying

clear of one's ultimate responsibilities. We should not be afraid to take the difficult decisions ourselves and to carry the responsibility at the ballot box.

15:47

George Lyon: This has been a good debate. It might be on a dull but worthy subject, but there have been a lot of good contributions from across the chamber. As Mr Swinney clearly outlined at the start of the debate, the issues are quite difficult. The committee wrestled with the apparent contradiction between the independence of commissioners and the need for them to be accountable for how they spend money and deliver value for money.

I believe that the Finance Committee got it right: operational independence and robust parliamentary and public accountability should be seen not as conflicting concepts, but as key parts of the overall performance management framework to which all sponsored bodies should operate. With one or two exceptions, that is the view that has been expressed during the debate and it should give the Scottish Parliamentary Corporate Body, who are the representatives of the Parliament, comfort in being robust in delivering those functions.

Mr Swinney outlined two other particular areas. One was the role of parliamentary committees and how they contribute to the exercise. When we look below the surface to determine whether finance or commissioners' budgets are the reason for the delays that various members have mentioned, or whether it is more to do with the management of budgets and how the processes work, committees have a role to play to bottom that out so that decisions can be reached. Ultimately, as Alasdair Morgan rightly pointed out to Mark Ballard, someone has to make the decision to set the appropriate budget for the coming year. A budget cannot effectively be a blank cheque, with the commissioners making the final decision. A proper view must be taken.

Alex Neil: I agree with what the minister has just said, but does he take the point that if organisations such as Communities Scotland adapted to the new situation and gave information without people having to approach the information commissioner to force it out of them, that would have a beneficial knock-on effect on the money that we need for that commissioner? There is an onus on the Executive.

George Lyon: There is an onus on everyone to comply with legislation that the Parliament has passed, but there will always be matters on which individuals or organisations feel that they have legislative cover for withholding information, and it

is up to the Scottish information commissioner to come to a view on those.

Concerns have been raised about the length of time it takes the Scottish public services ombudsman to arrive at a decision—indeed, Mr Neil raised such concerns. Similar concerns have been raised about the information commissioner. I think that there is a general view in the Parliament that it would be useful if committees did some work to get to the bottom of whether the problem is financial constraint or management of the process.

Mr Neil started his speech by going back to 1999 and saying that if we were starting again we might take a different approach and not be where we are today. He cannot always be charged with being out of step with the mood of the Parliament, but I suggest that in introducing his Commissioner for Older People (Scotland) Bill, he is slightly out of step with it. The debate has reflected that. I am concerned that his appeal for support for his bill may be misjudged and that he has missed his time in that the mood of the Parliament is no longer supportive.

Alex Neil: Mr Salmond has promised it.

George Lyon: In that case, Mr Neil might wait a long time.

Mark Ballard legitimately argued his concern that, by scrutinising a commissioner's budget, we could stray into compromising their operational independence. The point is valid and worth making, but someone must make a decision about what the budget is. That requires judgment, and committees of the Parliament have a good role to play in that determination.

The Executive is keen to work with the Scottish Parliamentary Corporate Body. Ultimately, on commissioners, the buck stops at the SPCB's door. The Executive will work closely with the SPCB to ensure that it makes the right decisions on those matters.

I thank the Parliament for allowing us to have the debate. It was an important debate and it included many good speeches.

15:52

Dr Elaine Murray (Dumfries) (Lab): My closing the debate on behalf of the Finance Committee is not an indication of any sort of seniority within it; it is just that I got stuck in traffic and, by the time I arrived, everybody else had refused the honour of summing up.

The debate has been remarkably lively—probably livelier than many of us expected a debate on a Finance Committee report to be. Frances Curran asked what our agenda was, as if

we had sinister reasons for wanting to undertake the inquiry, so I will say a few words about why we wanted to do it. We were aware that an increasing number of investigatory, regulatory and independent—by which we mean independent of the Executive—bodies were being set up by a variety of different means. Having scrutinised the SPCB's budget, we were also aware that there were issues with its ability—and hence ours—to scrutinise some of those bodies.

There were also issues with lines of accountability. Alasdair Morgan was right to point out that although the commissioner for children and young people feels she is responsible to children and young people, they do not elect her and cannot scrutinise her budget, which somebody has to do. Such bodies spend public money, not their own, so there must be a mechanism by which we can scrutinise their expenditure. We were also concerned that, as we were setting up a number of such bodies, there was potential for overlap in their remits, which is not the most efficient way of doing things.

Frances Curran and Mark Ballard said that, at almost £6 million, the total budget of existing independent commissioners and ombudsmen was rather small beer compared with the Scottish Executive budget, but I have another comparison for members. I hope that I have got my information right, but from memory the budget for MSPs' offices, salaries and expenses is in the region of £9 million.

Hardly a week goes past without a freedom of information request about whether we are buying iPods from our allowances—I would like to know how anybody could do that—and a website has been set up so that journalists and other sad folk can check how much each MSP has spent on photocopying in a particular quarter of the year. I am not suggesting that we would expect the commissioners and ombudsmen to be subject to such scrutiny but, as I said, they are spending public money.

We are the elected representatives of the public, and there should be some mechanism by which we can ask questions to ensure that the money is being spent effectively and efficiently. That is not because we are trying to pull strings or do not like what they are saying, but because they are spending public money and it is our duty to ensure that it is being spent efficiently.

Mark Ballard: I agree with Dr Murray that powers exist in statute to examine, for example, economy, efficiency and effectiveness measures, and that there is an issue about how that is done most effectively. However, the report proposes a power of direction over the budget, which goes beyond asking questions and moves into telling people how they should spend money.

Dr Murray: I totally disagree with Mark Ballard's interpretation of the report. We are proposing not a power of direction but a strengthening of the mechanisms to interrogate the budgets and ensure that efficient measures are being taken.

Reference has been made to NDPBs and other budgets that are accountable to the Executive and the Scottish ministers. Those budgets are within departmental portfolios. If civil servants and ministers are doing their jobs properly, they will be examining and interrogating those budgets, and if we on the Finance Committee think ministers are not doing that, we should be asking them about the details of those budgets. There are mechanisms to deal with those budgets, but not with the independent budgets.

We were aware of the anomalies in the legislation that established the posts. The commissioner for children and young people was set up by the Parliament following a proposal from the former Education, Culture and Sport Committee. Many members of different parties are concerned about how the post is operating, but many asked for it. The Executive did not ask for the commissioner—in fact, it resisted it for a while. Parliament asked for it, and the legislation came from the Parliament.

OSCR was set up because of a disastrous collapse in public confidence in charities in Scotland, after a particular scandal. It was necessary to take action to restore public confidence and to ensure that people continued to donate to charities. There was a different reason for that body. We have a slightly messy jigsaw: posts have been set up as a reaction to different circumstances.

The committee looked at other ways for bodies to report to Parliament. We came down in favour of enhancing the SPCB's ability to scrutinise the budgets and, as Andrew Arbuckle said, the suggestion that three-year strategic plans be submitted. We briefly contemplated a new committee or commission to investigate the others—a sort of tsars tsar—but, unsurprisingly, backed away from that fairly quickly. We also considered transferring responsibility to the Scottish Commission for Public Audit, because we were impressed with its audit work. Our session with Margaret Jamieson threw up a number of anomalies in how the SCPA is treated compared with committees of the Parliament. Those issues need to be addressed when the new session starts in May.

We felt that there was no clear rationale behind why some organisations are NDPBs and some are non-ministerial bodies. We were unclear about how non-ministerial departments such as OSCR are monitored financially, because neither the Executive nor the Parliament have the designated lead.

We made a number of recommendations for the Executive and the Parliament when they consider setting up bodies. When a new body or commission is proposed, the possibility of incorporating it into existing bodies must first be investigated. We must consider whether we can make use of existing resources to support the new office-holders. Indeed, we should avoid creating new bodies whenever possible. We suggested that we should integrate the human rights commission into the SPSO. In a sense, we were too late, as the Justice 1 Committee had done a lot of work on that and it was difficult for another committee to charge in at the end and suggest a different way of proceeding.

When new commissioners or ombudsmen are proposed, detailed discussion should take place with the SPCB before bills are introduced. The SPCB must be involved at the beginning.

The SPCB should approve the locations of all commissioners and ombudsmen. The committee was pleased that the SPCB will have the power to approve the location of the most recent body—the Scottish commission for human rights.

We were attracted by the New Zealand approach that specific interest groups should not be represented by parliamentary commissioners. An issue with the commissioner for children and young people is that children who are under 18 cannot vote and therefore cannot voice their view in Parliament. However, I agree with Frank McAveety and Alasdair Morgan that we are responsible for representing all such groups. If we went down the route of representing specific interest groups, we could have commissioners for older people, for disabled people and for lesbian, gay, bisexual and transgender people—we could keep on expanding that. Representing such people is what we do. We are elected to represent not only people like us, but all our constituents. That is ultimately a job for us in Parliament.

The committee suggested that the Executive should consider delaying the implementation and creation of new bodies until Professor Crerar had reported.

For the future, we suggest that bodies with similar roles and responsibilities should be amalgamated. The pooling of existing resources should be encouraged. When the remits of bodies or commissioners overlap directly, the responsibility should be removed from one body and transferred to another and the budgets should be altered accordingly to reflect the differences in responsibilities. When remits do not overlap directly but roles interrelate, the two bodies should have a memorandum of understanding. We suggested that the Executive should review the existing classifications of bodies with a view to simplification. The minister was right to say that

classification should not in itself stand in the way of shared services, but we need to make some progress in that direction.

I, too, thank the clerks; the Scottish Parliament information centre, which has always supported us well; all the witnesses who appeared before us, some of whom possibly had a hard time and felt that they were under a fair amount of scrutiny; and, of course, other committee members and our former convener, Des McNulty, who, as others have said, was extremely diligent in pursuing the subject.

Aquaculture and Fisheries (Scotland) Bill: Stage 1

The Deputy Presiding Officer (Trish Godman): The next item of business is a debate on motion S2M-5224, in the name of Ross Finnie, that the Parliament agrees to the general principles of the Aquaculture and Fisheries (Scotland) Bill.

16:03

The Deputy Minister for Environment and Rural Development (Rhona Brankin): I thank all those who were involved in the preparation and scrutiny of the Aquaculture and Fisheries (Scotland) Bill. In particular, I record my gratitude to the many people who volunteered their time to help work up the proposals and to give oral and written evidence. Above all, the bill is a collaborative effort, which is why I believe it has found favour with the vast majority of stakeholders.

I thank the Environment and Rural Development Committee sincerely for its diligent and helpful scrutiny of the bill and I welcome its endorsement of the bill in its stage 1 report and its recommendation that the general principles be agreed to.

I have written to thank the committee for its report and my letter responds to some of the main points that are raised in the report. I confirm that the additional information that was requested in the report will be provided to the committee before stage 2 proceedings start.

At the outset, I underline the importance and potential in Scotland of aquaculture and freshwater fisheries. Retail spend on salmon products in the United Kingdom this year has been some £430 million and the salmon farming industry is estimated to support the employment of some 8,500 people. There is scope for aquaculture to grow in Scotland, particularly for other sectors such as shellfish and other marine species.

Anglers who fish in Scotland spend some £113 million annually and support some 2,800 full-time equivalent jobs, mostly in rural areas. There is considerable scope for angling, particularly coarse angling, to grow in Scotland and the bill helps to lay the foundations for such growth to take place sustainably. Ministers are committed to the sustainable development of both sectors for the greater good of Scotland.

In recent years, the Executive has worked with stakeholders and other parts of the public sector to progress a range of initiatives to help protect and promote the two sectors. Our main policy

instrument has been the Executive's aquaculture strategy and its rolling programme of priorities for action. We are drawing up a similar strategic framework for the freshwater sector. Initiatives such as the trade defence measures in Europe protect our smaller salmon businesses from unfair trading practices, and the tripartite working group on aquaculture—the TWG—tackles the tensions between aquaculture and freshwater interests, particularly on sea lice and escapes. The TWG process has developed 15 area management agreements, which provide for greater understanding—for example the exchange of information on sea lice—and the promotion of best practice.

The bill seeks to act as a backstop to the fish farming industry's code of good practice. All sides have recognised that it strikes the right balance on the degree of regulation that is required. It also lays strong foundations for the further development of both freshwater fisheries and aquaculture. I am heartened that the proposals are on the right track and am optimistic that the measured and consensual approach that has been taken will continue for the remainder of the bill's passage through the Parliament.

I am delighted that the committee has recognised the importance of good relations among stakeholders and between stakeholders and the Executive. In particular, I welcome the statement in paragraph 12 of its stage 1 report that the Executive's

"commitment to stakeholder involvement in the early processes of the Bill's development has been widely demonstrated throughout the evidence the Committee received."

The ministerial working group on aquaculture, the freshwater fisheries forum and the tripartite working group have been extremely useful arenas for working through problems together and for coming up with joint solutions. The bill is therefore representative of the agreed views of stakeholders. I thank members of the Scottish Parliament who have been involved with those bodies and have given their time over the years to work with them.

We have said all along that the Executive strongly supports the voluntary approach that is set out in the aquaculture industry's code of practice, which includes robust provisions on the prevention of escapes and the control of sea lice. The purpose of the bill is to underpin that code of practice and strengthen public confidence in the industry by ensuring that companies that do not sign up to or cannot adhere to the code in respect of the key issues of sea lice and containment have to meet the agreed standards. The purpose is not to push beyond the industry-accepted norms of good practice. Our guiding principles for the bill

are fairness, inclusiveness, lightness of touch and responsiveness to need.

The bill provides powers to tackle the parasite *Gyrodactylus salaris*, if it should ever enter Scotland. On 7 December, I published the Executive's contingency plan on how to tackle an outbreak of the parasite. I draw members' attention to that plan. I emphasise that implementation of the plan, when ministers decide that eradication is the appropriate response, depends on approval of the powers in the bill. I have offered committee members a detailed briefing by my officials on GS and the contingency plan, which I encourage them to take up. I am pleased that the committee broadly supports the proposals in the remainder of the bill, including the sea fisheries provisions, which are due to be contained in an Executive amendment at stage 2.

As members know, the purpose of this debate is to discuss the general principles of the bill rather than to provide detailed responses to all the points that have been made. However, I assure members that we will consider and carefully reflect on the Environment and Rural Development Committee's report and the points that members make in this debate. Ministers will seek to respond to those views as positively as they can and to give views that are consistent with the fundamental principles of the bill. I hope that the bill will move to the next stage of consideration with continuing broad-based support. Our shared purpose has been evident in the constructive attitude that has dominated the debate on the bill thus far. I look forward to having further detailed debates on the bill's details with committee members at stage 2.

I move,

That the Parliament agrees to the general principles of the Aquaculture and Fisheries (Scotland) Bill.

16:09

Richard Lochhead (Moray) (SNP): I, too, welcome the committee's report and the debate, in which I speak both as the spokesperson for the Scottish National Party and as a member of the Environment and Rural Development Committee who has been involved in the production of the report.

The debate and the bill are about two vital sectors in Scotland: the aquaculture sector and the freshwater fisheries sector. Our natural environment plays host to both sectors. The debate is not only about the jobs in those two sectors and their importance to the economy; the impact of the sectors on the environment and on biodiversity is of equal importance.

All the sectors that use our natural environment for commercial, economic or recreational purposes must do so responsibly. The purpose of the

Parliament is to ensure that the necessary regulation is in place.

As the minister outlined, aquaculture is an enormously valuable industry in many rural and remote parts of Scotland. It is not only about salmon but about the wider sector, which brings £700 million of value to the Scottish economy and sustains more than 10,000 jobs. As I found out during my visit last week to the Spey District Salmon Fishery Board in my constituency, the freshwater sector continues to be of enormous importance to many of our constituencies. The great salmon rivers that many of us are lucky to have in our constituencies also continue to play an important role. Last week, I met staff and anglers at the fishery board and spoke to them about their livelihoods and their hobbies. The discussions were informative and interesting. The Spey is worth £11.8 million and sustains 370 jobs in Moray. Such a scenario is replicated on our other salmon rivers throughout Scotland.

The aquaculture sector in Scotland has taken enormous strides in recent years, and the Parliament has played a valuable role in ensuring that that has happened. As the minister says, the voluntary code of practice is in place. However, only 97 per cent of operators have signed up to it, so the SNP supports the minister's view that it is important to have a legislative backstop to the voluntary code of practice. It will also give more meaning to the code of practice and send out the right message from the Parliament about the code's importance.

The bill aims to achieve two goals in the aquaculture sector: first, to prevent escapes; and, secondly, to control parasites and, in particular, the infamous sea louse, which can also impact on a freshwater fisheries environment. In that context, the SNP welcomes the creation of the new inspection regime. We take into account the commitment that the minister recently gave to the committee that she will do her best to rationalise the number of inspections that will take place at salmon farms, because a common theme throughout the aquaculture debates in the Parliament has been the level of bureaucracy foisted on salmon farms. We must do what we can to streamline the bureaucracy. There have been calls in the past for a one-stop shop. The bill creates a new inspection and we must recognise that it is in the interests of the sector and the Parliament that we streamline the process. The committee calls for the "intelligent rationalisation" of the inspections and the minister has given a commitment to address the matter; it is very important that that is done. We must ensure that regulation is in place, but it must be proportionate and necessary. It should not lead to significant increases in expenses for salmon farm operators in Scotland.

To stick with the aquaculture sector, we note that the minister did not include in the bill introduced to Parliament the concept of strict liability in respect of escapes from salmon farms, despite the fact that that concept was included in the consultation process. The committee report expresses concern about the matter, which the SNP shares. I think that I am right in saying that the minister has agreed to reconsider the issue at stage 2, but perhaps she will verify that when she sums up.

The reason for our concern is that although we welcome the enforcement regime that will be put in place by the new inspectors' use of enforcement notices and we welcome the fact that there will now be an appeals process for salmon farmers in that context, that is taking action after the event and after escapes have occurred. Having a strict liability offence in the bill would perhaps create an incentive for salmon farmers to ensure that they take all possible steps to ensure that such escapes do not happen in the first place.

The threat that GS poses to Scotland's rivers overshadowed most of the committee's consideration of the bill. The seriousness of that particular fish disease is explained by the Government's economic impact assessment statement on GS. It states:

"The prevalence of Gs throughout Scotland would destroy salmon angling."

That is how serious the issue is. If GS occurs in Scotland, it will destroy many jobs, it will be a huge economic blow and it will be bad for Scotland's main salmon rivers and for the rest of our freshwater fisheries. We must take every step to ensure that if GS occurs, the impact is minimised.

It is difficult to argue against the minister acquiring powers to eradicate GS if it occurs in Scotland, but we must ensure that we take into account the serious concerns expressed to the committee. It was put to the committee that the cost of eradication could outweigh the benefits. That point must be at the heart of the Government's strategy in this context. Very serious concerns were expressed to the committee by the malt whisky sector. It said that, given that the only chemical that is available at the moment to treat GS would kill all life in and close down all activities related to a river, eradication would have dire consequences for local economies, including the malt whisky industry. If to treat this fish disease chemicals were inserted into some of the rivers from which water is taken for distilleries, distilleries would have to stop operating and the image of malt whisky distilling in Scotland would be affected. We must take into account the wider ramifications of treatment for GS. Other sectors such as the renewable energy sector also expressed concern about the issue.

One common theme of the debate on GS throughout the committee's deliberations was that prevention, rather than cure, is the answer. We must prevent GS from occurring in Scotland in the first place, as that is the key to safeguarding many jobs and the biodiversity of our rivers. The minister gave a lukewarm response to the committee's suggestion that we introduce stringent measures at ports of entry not just throughout Scotland, but throughout the UK, for people returning to Scotland from GS hot spots in Scandinavia, especially Norway, who have been involved in water-based sports or angling. We must ensure that disinfection takes place at ports of entry, so that we minimise the risk of GS coming into the country. The committee took a strong line on that issue.

The SNP shares the view that we must speak to HM Revenue and Customs and the port authorities about ensuring that the best-possible steps are taken to encourage disinfection of people involved in angling or water-based sports when they come into the country. It is also essential that there is a big education campaign among the angling population in Scotland and other users of our rivers. The minister says that our Achilles' heel in that regard is the Scotland-England border, but the Republic of Ireland was not put off from combating foot-and-mouth disease by its border with Northern Ireland. In the same way, it is important that we should not be put off from establishing the most stringent safeguards at ports of entry in Scotland.

The economic study says that the cost of running a major information campaign and putting in place disinfecting facilities at ports of entry would be £6 million. Perhaps when the minister sums up she will indicate whether that money will be provided by the Government, from where it will be provided and what progress has been made on putting together the information campaign that the minister says she supports.

The SNP supports the general principles of the bill and will vote for it. We await the return to the chamber in May—when the minister may no longer be the person responsible for the matter—of the issue of freshwater fisheries management, which is the missing part of the jigsaw and is not addressed in the bill. The SNP supports the modernisation of freshwater fisheries management by updating the fisheries boards that govern Scotland's freshwater fisheries.

16:18

Mr Ted Brocklebank (Mid Scotland and Fife) (Con): Conservative members, too, welcome the debate and the committee's report. Although this week much attention has rightly been focused on Brussels, where ministers are wrestling with the problems of managing deep-sea fish stocks, we in

Scotland must never forget that we have a vibrant and growing aquaculture and recreational angling sector. The bill that we are debating today is relatively uncontroversial, but it is hugely important for controlling and avoiding disease in farmed stocks, and in addressing the problem of escapes from fish farms. Rightly, the bill seeks to penalise those who misbehave but, equally important, it proposes compensation for those affected by disease or the measures that are taken to eradicate it. It also includes important new provisions relating to recreational angling and the preservation of freshwater fish stocks, virtually all of which we support. My colleague Jamie McGrigor will deal with that part of the bill.

Despite occasional misdirected scares, no one should underestimate the importance to Scotland of the farmed salmon industry. We are the third-largest global producer of Atlantic salmon, after Norway and Chile. As we heard from the minister, the industry is directly worth £350 million, with an added value of about £400 million. It supports about 10,000 jobs in some of the most remote parts of Scotland. As we have heard, at present it is regulated by a code of good practice that is supported by 97 per cent of the industry. The Executive considers part 1 of the bill to be a legislative backdrop to the code.

Infestation by sea lice is a major problem for the fish farming industry. Two main species are present in Scotland, and fish farms appear to provide the conditions in which the lice can thrive and subsequently affect wild fish. However, it is also true to say that wild fish are the carriers that bring the lice into waters where fish farms are located.

As we have heard, the bill attempts to underpin the voluntary management agreements that are currently in place by giving statutory force to the control of lice. We support the committee's view that inspection is vital but that

"an intelligent rationalisation of the various inspection regimes should be attempted so that the number of visits is not necessarily increased".

We certainly do not want an increase in costs for the industry, which is already operating on very slim profit margins.

On escapes, we broadly support the dropping of the strict liability offence. We fully understand the fears of anglers that farmed fish might get into wild stocks, with disastrous effects on the genetic pool, but we believe that containment is now much more successful than it has ever been. We agree with the committee that the key issues are effective inspection and the standards that the inspectors apply in assessing the adequacy of containment measures. However, we are also concerned that Fisheries Research Services should have sufficient funds to take on those inspection duties.

The one parasitical name that I will attempt to pronounce in full is the dreaded *Gyrodactylus salaris*, which is probably the most pernicious salmon parasite that we know. GS has decimated fish populations across the continent. Thus far, GS has not been found in this country, although it is fairly widespread in Norwegian rivers. Although some witnesses claimed that it is simply a matter of time before GS arrives in the UK, we must take every step possible to prevent that from happening. Action is required because the arrival of GS would not only cause devastation to our wild salmon but affect other river users such as—perhaps most significantly—the whisky producers that Richard Lochhead mentioned. The only way to get rid of GS in a river is by massive flushing with chemicals. One can imagine what that would do to famous whisky rivers such as the Spey.

We totally support the committee's view that at airports and other ports of entry we should take more robust measures, such as requiring people to declare fishing gear or other water-sports equipment. Every possible step should be taken to prevent the scourge of GS from ever coming into Scotland. We also believe that smolts and eggs from GS-infected countries should be banned from the UK. That might sound drastic, but we have far too much to lose.

On a connected issue, we are not convinced by the Executive's proposals for compensation, which ought to be available both for fish farmers who are forced to slaughter stocks because of disease and for whisky producers whose rivers are polluted by chemicals to eradicate the disease. We question why there is not parity between the compensation payments that can be made for the destruction of livestock and those that are proposed for the slaughter of fish. Although producers may, at the Executive's discretion, be compensated for fish that have been destroyed, the bill makes no reference to compensation for wider consequential losses, such as those that might be incurred by fish farmers who are prevented from moving or harvesting their stock even though they are not the primary target of the disease control measures.

Given that the Executive has admitted that it forgot about compensation for shellfish farmers, a clearer line on compensation will be essential at stage 2. As we have heard, representatives of the whisky industry expressed concern about the Executive's confusion on whether whisky producers might receive compensation.

On fish movements, we recognise the serious problems of non-native fish species and the spread of disease due to unauthorised introductions into this country. We agree with the committee that the preventive measures that are outlined in the bill might not go far enough.

We are wholly supportive of the general principles of the bill and we will vote for it.

16:23

Nora Radcliffe (Gordon) (LD): It is fair to say that the bill was introduced after a lot of good work had already been done to bring together the different interests of fish farming, shellfish farming and angling. The bill will provide powers to support the aquaculture industry and to ensure continued confidence in its products by giving statutory underpinning to the codes of good practice that have already been drawn up by the industry.

The two issues that are of paramount importance are the control of parasitic lice and the prevention of escapes. Although there is no conclusive evidence that either of those have caused the decline in wild salmon stocks, it is accepted that they may have made a bad situation worse either because passing wild fish have been infected with lice that developed in fish farms or because the genetic stock has been weakened due to wild fish interbreeding with escapees.

The parasite that is defined in the bill is the sea louse, but it is possible to widen the definition, if necessary, through statutory instrument. *Argulus* has been cited as a parasite that should perhaps be considered. The Scottish Executive has said that it is monitoring the situation with *Argulus* and will take action if it is deemed necessary.

There is provision in the bill to regulate the movement of farmed marine fish between specified sea areas, to maintain health and restrict movement of disease. There are powers to have inspectors assess the measures in place for controlling parasites and preventing escapes. Inspectors will have discretion to serve enforcement notices if such notices are deemed necessary.

There were some areas of concern around inspection—there are concerns about who the inspectors would be, what their qualifications would be and whether their actions would cut across the veterinary advice that fish farmers get from their own vets. Those issues were all raised in the discussions and the evidence sessions during our stage 1 consideration of the bill and I think that they have all been satisfactorily addressed. The bill offers an opportunity to rationalise the number of inspection regimes, which is generally to be welcomed. Inspection must be proportionate, although the committee sounded the cautionary note that inspections must still be effective.

There was a lot of discussion on whether there should be strict liability for escapes. Again, the issues were thrashed out in evidence and discussion and it was felt that the provisions would be adequate and effective.

Relocation of fish farms was a hot topic some time ago. There are issues to do with the historical

difficulties that there have been with Crown Estate-approved sites that are left unused, but there has been a general welcome for the fact that that issue will be tackled. The new planning regime that is being brought in by the Planning etc (Scotland) Bill will also be helpful.

For salmon and freshwater fishing—both game and coarse fishing—the bill's provisions fall into three main categories: improving rules on access; welfare of fish, with the prohibition of certain gear that can be damaging; and conservation. There will be regulation, for example, of the introduction of live fish into inland waters and there will be contingency powers to control GS. The worst-case scenario for GS is very scary indeed and the best strategy would be to keep it out at almost all costs. There are practical difficulties in checking every port of entry to Scotland, but the committee felt that there might be mileage in having a requirement for people to declare whether they have been anywhere where they might have come into contact with GS and, if they have, whether they have treated their gear. We also felt that as much as possible should be done to raise awareness at points of entry, through fishing bodies and where permits for fishing are sold.

However, the biggest single danger seems to be the import of live fish. The committee had concerns about how good the information is about where GS is prevalent in other countries and other waters and about the opportunities that exist for banning the import of live fish. As far as incoming gear is concerned, we heard that people who have been engaged in water sports or angling in countries where there is GS could take simple precautions that work—either by freezing their gear or by soaking equipment in salt water.

There were concerns about the draconian nature of treatment and how effectively a whole river system could be treated. There are also complex issues to do with balancing priorities—whether we should sacrifice salmon for whisky or vice versa, for example. There was discussion about protection orders, and the feeling was that they could work well, and that, although they had been abused in some areas, they are reasonably fit for purpose. However, it was accepted that it was time to bring them up to date, and that was welcomed. There are some points to be tidied up, but the bill in general is widely supported and welcomed, and the general principles should be endorsed by the Parliament.

16:29

Sarah Boyack (Edinburgh Central) (Lab): I speak on behalf of the Environment and Rural Development Committee, so I thank the committee clerks for all their work in helping to arrange our scrutiny of the bill. I also thank the witnesses who

were prepared to be grilled by committee members and the people who submitted detailed written evidence. I thank the Deputy Minister for Environment and Rural Development and her officials for their briefings and their answers to the many detailed questions that the committee put to them, which were extremely helpful.

I thank the minister for the letter that she sent to the committee and for her commitment to allowing us early sight of amendments to the bill, in January. It will be important for us to see the amendments on some of the detailed issues about which we have expressed concern.

I also thank the people who were involved in the process before the bill was introduced—*[Interruption.]*

The Deputy Presiding Officer: I remind members that mobile phones should be switched off.

Sarah Boyack: Members have talked about how the process helped us to have a fairly consensual debate at stage 1.

I will focus on parts 1 and 2 of the bill. All speakers in the debate so far have reflected on the significance of aquaculture and particularly salmon to Scotland. The committee agrees with the proposals on inspection for fish farms, but we want visits to be co-ordinated. We note that the minister has agreed to monitor the situation, but we want to ensure that no additional burdens are added to the industry.

There is always a risk of fish escape, but the committee wants the greatest effort to be put into minimising that risk. We want the code of practice to be used and adhered to and we understand that there could be a legislative backstop if the industry does not comply. Although most of the industry will be happy to comply with the code, it will take only one or two rogue operators to let the whole industry down. We do not want that to happen, so high standards are needed. The committee wants details on how rigorous the regime will be and how it will be applied, particularly in cases in which there is cause for concern about the effectiveness of management to avoid escapes. What assurances will there be that the regime will operate effectively? The Executive must ensure that the FRS has the resources that it needs to operate the inspection regime. We welcome the fact that further detail on appeals mechanisms will be provided in January.

I highlight an issue that the minister did not address in her letter to the committee, although she welcomed the new measures on fish farm consents in the Planning etc (Scotland) Bill. The committee agreed unanimously that the long-term retention of sites that remain undeveloped is unacceptable. It would be good for the Parliament

if the minister could update us on the progress that she is making in her discussions with the Department of Trade and Industry and the Competition Commission in that regard.

Part 2 of the bill deals with GS. The committee spent a huge amount of time on GS because of the devastation that it would cause if it arrived in Scotland. Many members have said that strong action is required and that we should do everything that we can do to prevent GS from reaching our shores. Most people regard the importation of live fish as the biggest risk. The committee asked the Executive whether it would be possible to institute a total ban on the importation of live fish and I welcome the Executive's clarification that we can ban the importation of live fish from areas in which fish are known to be infected with GS. However, the committee remains concerned about the robustness of monitoring in other countries and the potential for a gap in time between the identification of GS and action to prevent the importation of live fish from the area affected. I am concerned that no discussions on the matter are taking place at European Union level—I hope the minister will change that.

Members were sent a copy of the GS contingency plan a week or so ago. The committee has asked why particular areas would be chosen in which the contingency plan would be put into effect. The plan refers to the River Dee network but does not say why it has been chosen or explain its significance in relation to other river networks in Scotland. Clarification would be helpful.

We must consider what would happen if GS arrived in Scotland. The committee wanted clarification on compensation, which members mentioned. The fundamental issue is the use of powerful chemicals such as rotenone and the damage that they could cause to our rivers and lochs. We must consider the impact not just on Scotland's image but on wildlife, which would continue for a significant period after the use of the products. Members have talked about the importance of raising awareness and it is crucial that we do everything that we can do to raise awareness of the issue among the people who use our rivers for angling and other leisure and recreational purposes. I welcome the minister's commitment to seek a meeting with the European Commission to ensure that approvals for payment schemes are in place.

Everything in the bill underlines how important it is that we try to stop GS reaching Scotland. That has to be our top priority, although compensation issues must also be resolved.

There is strong support for the general principles of the bill and I look forward to addressing the remaining concerns in detail at stage 2.

The Deputy Presiding Officer: I say again to members that someone still has their phone on. Please put it off.

16:35

Stewart Stevenson (Banff and Buchan) (SNP): I have checked that my phones are off.

I have constituents who are closely tied to the success of our distant water fishing fleet, but I also have many constituents who work onshore and are highly dependent on aquaculture. Few supermarkets do not have farmed fish on their shelves that have had value added by factories in my constituency that fit between farmer and retailer. We should not fail to understand the importance of such work to the economy of my constituency and of other parts of Scotland that also process the products of our fish farms.

I have one or two concerns about the bill, although I come at it from the outside, not having been involved in the consideration of the bill so far. When she sums up, the Deputy Minister for Environment and Rural Development might be able to clarify a point about the use of the Fisheries Research Services in inspections. I can see the value in avoiding setting up another agency, but I wonder there might be a conflict of interests between the FRS's research responsibilities and its enforcement responsibilities, which have a different character. However, I am sure that a separation of responsibilities within the FRS can be managed—although I would welcome the minister's comments.

I have some slight concerns about taking the strict liability route, but I understand the tension between anglers—who are interested in the preservation of the gene stock of our existing native fish—and farmers.

The committee's report on the bill refers to the code of practice. I hope that the code will be aspirational, rather than one that sets out minimum standards. However, if it is the latter, we will have to be careful about the duties that are placed on fish farms. Those duties will have to be able to be implemented in practice.

The Planning etc (Scotland) Bill will lead for the first time to a proper planning framework for fish farms. I welcome that, but I hope that the framework will be flexible and that, under planning regulations, there will be sufficient allowance for fallow periods so that areas of Scotland that are used for fish farming can recover.

I turn to angling. As a young country lad, I was a brown trout fisherman. The world was very different then: there were many more fish in our burns and they were much bigger than they are today. As a student, I also worked—

Mr Brocklebank: How big?

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): This big?

Stewart Stevenson: Yes, I thought they were waiting for that, and very enjoyable it was too. As I was saying, I also worked for the Tay Salmon Fisheries Board.

The world has changed dramatically. The cost of fishing has risen hugely, and we must not lose sight of the economic contribution of fishing to the remote parts of Scotland in particular. In my constituency, and in that of my colleague Richard Lochhead, we are developing a tourism industry that depends on there being fish in our rivers.

Paragraph 149 of the committee's report on the bill says that the minister has written to the committee on the subject of fishing opportunities for people on low incomes and for children. At the end of last week, I met the Ugie Angling Association in my constituency in relation to the sale of that fishery. I hope that we will be able to ensure that we do not lose those fishing opportunities for the population as a whole.

There are some concerns over section 28, which contains the sentence:

"A person who commits an offence under this section may be convicted on the evidence of one witness."

I understand the reasons for that, but I would like to hear the minister's justification for the breach of what is a fundamental principle of Scots law—corroboration. What might the implications of that be?

16:40

Eleanor Scott (Highlands and Islands) (Green): Although the bill has some interesting content, it has not been hugely controversial, with the exception of a few sections that previous speakers have mentioned and to which I will get shortly. In general, there has been a great deal of consensus on the bill, which, as we made clear in the committee's report, reflects the way in which the Executive has gone about matters, by involving stakeholders and the committee's predecessor committee in the first session of the Parliament from the beginning. I do not want to break the consensus, but I still believe that the plethora of legislation that impacts on our marine environment needs to be consolidated into a single marine act for Scotland.

That said, I broadly welcome the provisions in the part of the bill that deals with aquaculture. Since the beginnings of the aquaculture industry in Scotland, it has been a concern that farmed salmon have been a cause of increased infestation of wild salmonids by sea lice. Although some people might dispute that there is a direct

relationship, there is agreement that lice need to be controlled, both to conserve wild stocks and to protect the welfare of farmed fish, so I very much welcome the provisions on inspections for the control of parasites. I do not believe that that need be a burden on the industry, particularly if inspections can be rationalised and multiple inspections avoided, as our report suggests.

Some witnesses expressed disappointment with the bill's provisions on escapes of farmed fish. There is a great deal of concern about the effect of such escapes on the indigenous fish and some witnesses felt that allowing escapes to occur should be a strict liability offence; I tend to agree with that position. Others felt that because escapes might not occur as a result of neglect on the part of the firm concerned—for example, they might be caused by storm damage—it would be unreasonable to make allowing them to happen a strict liability offence, which has a specific meaning in law.

My feeling is that when any operation is carried out in our marine and coastal environment, the company concerned should be obliged to ensure that its equipment is proof against severe weather events. I would be interested to hear from the minister how the Executive would distinguish between escapes that were the result of cages that were simply not fit for purpose and those that were caused by extreme weather. I certainly concur with the committee's view that the Executive should consider whether there should be an offence of negligently permitting escapes of fish. I would also like the minister to tell us about criteria that could be used during inspections of fish farms to assess the adequacy of cages. On the subject of inspections, I draw attention to the need for the FRS to be adequately resourced to carry them out, which other members have mentioned.

Section 7 allows the Executive to approve by order a code of practice for fish farms. We heard that the vast majority of companies—I think that someone used the figure of 97 per cent—are already signed up to a voluntary code and some witnesses felt that that was sufficient. However, others, with whom I agree, felt that legislative underpinning would be a good thing, provided—as Stewart Stevenson said—that any code that the Executive adopts is a code of best practice rather than one that represents the lowest common denominator.

I turn to an issue that is not dealt with in the bill. Like some people from whom the committee heard, I was disappointed that the provision to give the Executive powers to relocate, or even to close, poorly sited fish farms, which was in the consultation that led up to the introduction of the bill, was omitted from the bill itself. I am aware of

the relocation working group, but I understand that so far only two farms have been relocated with the group's support. I feel that the issue is particularly relevant, given that permission for the siting of a fish farm will become a local authority planning issue and that the granting of planning permission will be permanent, which is not the case with the existing system, under which fish farms are licensed for a limited period—usually about 15 years. The fact that planning permission will be permanent means that it is more crucial than ever to have a system that allows farms to be relocated if they turn out to be poorly sited.

I turn to part 2. Until the committee started considering the bill, I was—like many members, I suspect—blissfully unaware of *Gyrodactylus salaris*. Now I know about it and about how devastating it would be to our wild salmon if it ever got into our rivers—the mortality rate is higher than 90 per cent—and what a devastating effect any attempt to eradicate it would have. As other members have spoken about that, I will not go into detail, but simply endorse the view that we must consider every possible measure to keep GS out of Scotland.

I will deal briefly with an angling issue—that of live bait. There are two problems with using live fish as bait. First, if they escape the potential exists for them to establish themselves in areas where they do not belong—which, it has been argued, has already happened—with consequent effects on the ecosystem. The second problem is fish welfare. Some angling groups have suggested using as bait fish that were caught in the same waters on the same day. That would solve one problem, but it would not solve the fish welfare problem. Fish are sentient beings. That is acknowledged by the aquaculture industry, which has taken steps over the years progressively to safeguard fish welfare. I do not believe that any live vertebrates should be used as bait and I endorse the committee's request that the Executive lodges an amendment to prohibit the practice.

Having said that, I support the principles of the bill and I ask all members to do likewise.

16:45

Maureen Macmillan (Highlands and Islands) (Lab): It gives me great satisfaction to speak in support of the Aquaculture and Fisheries (Scotland) Bill, which is the culmination of years of hard work by all those with an interest in the industry, including members and clerks of two parliamentary committees—the Transport and the Environment Committee in the first session, and the Environment and Rural Development Committee.

In 2000, petition PE96 reached the Transport and the Environment Committee, asking for an independent public inquiry into the adverse environmental effects of sea cage fish farming. We found ourselves caught between the aspirations of a young industry that employed 5,000 to 6,000 people in remote areas of the Highlands and Islands and the industry's perceived impact—I say “perceived” because the research was patchy—on wild salmon in west Highland rivers, the numbers of which were in decline.

Uniquely, the committee and the Executive jointly commissioned an assessment of the research. That was in no small measure thanks to Rhona Brankin—who then, as now, was responsible for aquaculture—and Allan Wilson, who followed her. The committee's involvement was crucial because it reassured parties that the research was independent. The research, which was conducted by Dr Kenny Black of the Dunstaffnage marine laboratory, found that the two major environmental impacts of aquaculture were the impacts on wild salmon of sea lice and escapes from fish cages.

A tripartite working group had already been established between the Executive, wild salmon interests and the industry, and area management agreements were being encouraged. The Executive then set up a ministerial working group whose task was to find the right environmental, social and economic balance for the industry. The group's membership involved representatives of all stakeholders and—again, uniquely—a committee member. That had never been done before. I hope that other committees and Executive departments will note that approach and consider it as a way of getting consensus on particularly contentious issues.

The parts of the bill on aquaculture, then, are the result of a huge amount of work. That is not to say that equal work has not gone into the other parts, about which other members have spoken. The bill is finely balanced between the industry's need to be economically viable and the need to control the environment for the sake of biodiversity and the sustainability of the wild salmon fishery, which is also of economic benefit to remote, rural communities. Good environmental status is, of course, also of crucial importance to our aspiration for a high-quality farmed salmon product.

The industry has had input as well as the Executive. The industry set itself a high standard in its code of practice and almost 100 per cent of fish farmers have signed up to it. The fact that the bill underpins the code of practice is crucial to retaining the confidence of the other sectors that I mentioned.

A great deal of work has been done to minimise the occurrence of sea lice and treat fish effectively

and safely using medicines or synchronised fallowing. That includes the relocation of farms from river estuaries. I do not share Eleanor Scott's concern about permanent planning permission, because the bill is the carrot that will move operators from unsuitable sites. We must balance environmental responsibility, fish health and welfare, and the industry's need to remain competitive.

Escapes might seriously damage the genetic make-up of our wild salmon, which is specific to those in each river, and weaken their ability to survive in the wild. The Executive believes that we cannot make every escape incident a statutory offence, although that seems to have been its original intention. I agree that fish farmers cannot be held accountable for misguided animal rights activists or extreme weather events, but they should keep their cages fit for purpose, as their code of practice requires. The committee is seeking further information on the matter.

I would like more detail on the robustness of the specification of fish cages; on whether an inspection every five years is sufficient to monitor good practice; and on whether there will be sanctions for negligence such as careless handling when fish are being transferred. I accept that no salmon farmer wants to lose his stock—which should be incentive enough to ensure good practice—and that draconian measures could result in escapes not being reported. However, I urge the Executive to give us a clearer idea of the point of balance.

On the GS threat, suffice it to say that we need a robust education campaign to make anglers and game fishermen aware of the risks to our rivers. The risks may be perceived to be small, but the consequences would be catastrophic.

The committee heard evidence on affordable access to angling. Although it seems that more access is available than is taken up by the public, a perception still exists that, on some rivers, the riparian proprietors have protection orders in place but are denying the quid pro quo of allowing access. Each protection order area has a liaison committee. We were impressed by the liaison committee for the River Tay and I am pleased that the minister will explore the possibility of issuing guidance to all such committees. I am sure that other members will expand on that matter.

The bill is a good one. As with other bills, there will be some tweaking at stage 2, but I have no hesitation in endorsing its principles.

16:51

Dennis Canavan (Falkirk West) (Ind): Thirty years ago, I voted in the House of Commons against the Freshwater and Salmon Fisheries

(Scotland) Act 1976, which introduced protection orders. The Government at the time claimed that protection orders would be granted only in return for increased access, but I predicted that, in many cases, that would not happen. In fact, the opposite has happened. Rather than increased access, there has been decreased access in many areas and, in some areas, no access at all. That situation has resulted in protection orders being referred to by many ordinary anglers as exclusion orders. I have campaigned for 30 years for the repeal of the 1976 act. After the Scottish Parliament was set up, I welcomed the repeated firm commitments to repeal the 1976 act that the Scottish Executive gave to the Parliament.

I remind the Parliament of those specific commitments. In August 2001, the Executive published a consultation document that announced a review of freshwater fishing. The document, which is signed by the then Deputy Minister for Environment and Rural Development, Rhona Brankin, states:

"We propose to undertake the review by 2003, aiming to repeal the 1976 Act and replace Protection Orders with a new system when an opportunity arises."

On 28 March 2002, the then Deputy Minister for Environment and Rural Development, Allan Wilson, told the Parliament:

"We aim to repeal the Freshwater and Salmon Fisheries (Scotland) Act 1976 and replace protection orders with a new system".

He said:

"As soon as a legislative opportunity arises, we will introduce legislation to repeal the 1976 act".

He continued:

"I repeat that it is our intention to introduce legislation to repeal the 1976 act to broaden access."—[*Official Report*, 28 March 2002; c 10780-10781.]

On 25 April 2002, the Minister for Environment and Rural Development, Ross Finnie, told the Parliament:

"The 1976 act will be reformed and repealed. It will have to be replaced."—[*Official Report*, 25 April 2002; c 11360.]

On 1 July 2004, deputy minister Allan Wilson told the Parliament:

"a fisheries bill ... will provide the means for repealing the Freshwater and Salmon Fisheries (Scotland) Act 1976, which would be widely welcomed."

It is an affront to parliamentary democracy for the Scottish Executive to abandon such repeated and unequivocal commitments to the Scottish Parliament, but that is what the Scottish Executive is apparently trying to do. Rather than repeal the 1976 act, it has been consolidated under the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 and there is no mention of repealing protection orders in the bill that is before

us. Yet deputy minister Allan Wilson told the Parliament on 1 July 2004:

“there is a provisional slot for a fisheries bill this session. That will provide the means for repealing the Freshwater and Salmon Fisheries (Scotland) Act 1976, which would be widely welcomed. We are in the process of consulting on what we would wish to put in its place.”

For years, I have been suggesting what should be put in its place: a democratically constituted Scottish anglers trust, to administer and decide the rules on freshwater fishing throughout Scotland. The then Deputy Minister for Environment and Rural Development, Allan Wilson, apparently expressed support for that idea when he said in response to a question from me on 1 July 2004:

“we intend to repeal the Freshwater and Salmon Fisheries (Scotland) Act 1976 and replace it with more modern mechanisms, which will include the trusts to which the member refers.—[*Official Report*, 1 July 2004; c 9780-9781.]

Where is the Scottish anglers trust? There is no mention of any trust in the bill and it is little wonder that many anglers have little, if any, trust in the Scottish Executive to deliver its pledge to repeal protection orders.

The bill fails completely to honour the repeated commitments that have been given to the Parliament. It is a lost opportunity and its omissions will be seen as a sell-out by those who respect parliamentary democracy, as well as those who believe that angling should be a sporting opportunity for the many rather than the privileged few.

16:56

Mr Alasdair Morrison (Western Isles) (Lab): I welcome the opportunity to take part in this stage 1 debate on the Aquaculture and Fisheries (Scotland) Bill. During their contributions, Sarah Boyack, Maureen Macmillan and others outlined the joint working between stakeholders, the industry and the Executive. Maureen Macmillan also reflected on recent history and the work of various committees, as did the measured Ted Brocklebank from the Tory benches.

I will focus on the needs of my constituency and the role that it plays in what is a hugely important industry. There is no need for me to retrace the facts and figures that the minister quoted in her opening speech. Members have already placed on the record the numbers employed, exports and so on.

In many of the communities that I represent, fish farming is the central, dominant economic activity that helps to retain and sustain the population and vibrancy of many villages. In the Western Isles, the importance of fish farming cannot be overstated. I was particularly delighted to read last

week in the *West Highland Free Press*, which, among other things, champions the aquaculture industry, that the European Commission has rejected decisively the case that is being presented for a review of the minimum import price imposed on non-European Union countries—namely, salmon that is farmed in Norway. For years, our fish farmers have been trying to compete against industry barons whose banks were constantly backed by the Norwegian Government, which helped the Norwegians to flood the market with cheap salmon.

There is no doubt in my mind—and in the minds of many in the Western Isles—that securing the minimum import price was a triumph for British diplomacy. From the Prime Minister down, UK and Scottish Executive ministers and officials are to be congratulated on their efforts in Europe on behalf of Scottish fish farming. The prospects for businesses, for their employees and for families are infinitely better today than they were when we debated aquaculture previously.

To those who constantly come to the chamber wittering away and asking people to stand up for Scotland, I pose the delicate question: where were the separatists when we were fighting for Scottish jobs, most of which are based in the islands and in the west Highlands? The separatists—the Scottish nationalists, one of whom I see has deemed the debate important enough to turn up at this stage—ignore the needs of Scottish fish farmers. They were content—as they still are—to roam the country peddling their dreary politics of grudge and grievance while others focused on the politics of making a difference for Scottish fish farmers and their families.

Some years ago, when the political editor of the *Sunday Post*, Campbell Gunn, splashed on the front page a story that quoted Allan Wilson, the then Deputy Minister for Environment and Rural Development, as saying that the minister had secured the support of the Prime Minister, the London leader of the Scottish nationalist party scoffed and dismissed it and said that the Prime Minister would not be interested in fish farming.

Richard Lochhead: Will the member take an intervention?

Mr Morrison: I do not have enough time. It is amazing that when one mentions dreary, Mr Lochhead gets on his feet.

The Prime Minister is and was interested in fish farming. Securing the minimum import price was a triumph for British diplomacy. I suspect that the minister will not be able to do this in her summing up, but I would appreciate it if, early in the new year, she could quantify and present to Parliament or the Environment and Rural Development Committee the economic impact of securing that important measure in Europe.

I wish to raise the issue of the role and status of the Crown Estate, a matter that I raised at First Minister's question time a few months ago. I believe that the Crown Estate and some of the larger fish farming operators must resolve a scandalous situation that has been allowed to develop over many years. The convener of the Environment and Rural Development Committee has highlighted the matter: it is the issue of land banking—as it were—and of fish farm consents. There are far too many fish farm sites where valid consents are not being used. Large swathes of our sea and sea bed are effectively being sterilised, with no activity. I was pleased to hear Sid Patten saying on the record that his organisation will take that issue seriously.

As other members have said, the bill addresses a number of important areas and issues of concern, and I look forward to positive engagement with the industry and the minister as we take it forward. I urge all members to support the general principles of the Aquaculture and Fisheries (Scotland) Bill—I suspect that members of most, if not all, parties will do so.

17:01

John Farquhar Munro (Ross, Skye and Inverness West) (LD): We have had a wide-ranging debate, and I am sure that there is consensus all round about what should happen to the Aquaculture and Fisheries (Scotland) Bill.

As we have just heard from Mr Morrison, there is no doubt that there is tremendous support for the fish farming industry throughout the Highlands and Islands. That is not surprising when one considers that about 10,000 people are directly or indirectly employed in the industry at various stages of the process—in production at the sea cages, in processing or in all the other associated activities. Members can imagine the level of revenue that the industry brings into remote rural areas.

The great pity is that, over the years, the fish farming industry has been taken over by the bigger national companies. Currently, 80 per cent of the fish farming industry up and down our coast is owned or managed by Norwegian interests. That should be considered, and it might be addressed in the future. I know that another merger is taking place between two of the big fish farming interests: Pan Fish ASA and Marine Harvest, which is one of the biggest operators. That merger is currently undergoing an inquiry by the Competition Commission. Very few private operators are left in the industry, which is sad.

There is no doubt that the fish farming industry has had many problems to contend with over the years. Members have mentioned the storm damage to nets and cages, which resulted in

many thousands of fish escaping. Not only is that a loss to the fish farming company; it is also detrimental to our environment, because the escapees fight with the native stock for food in the rivers and tributaries, and there are fears that interbreeding of wild and caged salmon is not in the best interests of the industry.

There is a fear of a further problem. Many medicines and chemicals have been introduced to try to get rid of sea lice. I note that the word “chemicals” is no longer used—they are all now referred to as “medicines”. Whatever they are, the treatment has been fairly effective. The big fear, however, is that another disease will come in from the Norwegian sector: *Gyrodactylus salaris*, which is a deadly parasite. The fear is that, if GS gets into our river systems, much of our salmon will be destroyed.

This comment will perhaps appeal to my friend, Dennis Canavan. Interestingly, the bill says that fishing for salmon or sea trout is a criminal offence. I am not so sure. When someone catches a salmon or a sea trout and takes it on to the bank or the shore, that may be an offence, but to suggest that fishing for them is an offence is pushing it a bit too far.

As we have heard, the fish farming industry is in a healthy situation and brings a tremendous amount of revenue into remote and rural areas. I am sure that we would like it to continue into the future and to be sustainable.

17:05

Mr Jamie McGrigor (Highlands and Islands) (Con): This has been a good debate about a bill that I hope will prove to be a good piece of legislation. As my colleague Ted Brocklebank said, the Scottish Conservatives will support the bill at stage 1, although we have a small number of concerns about what its implementation may mean in practice. I will reiterate a few of those concerns.

An important issue that is dealt with in the bill is the control of *Gyrodactylus salaris*, the parasite that has devastated salmon stocks in Norway. The impact of the parasite in Scottish waters would be awful, and it is right that the Scottish ministers should have the powers that are needed to deal with such an outbreak. However, I cannot help but worry that the available treatments may prove even more damaging than the parasite itself. For example, the chemical rotenone would completely destroy the ecosystem of some of our rivers, not to mention the impact that it would have on the whisky industry, agriculture, recreational angling and tourism.

As Ted Brocklebank said, the point is surely that we must do everything in our power to ensure that

the GS parasite does not come to Scotland. I simply do not accept the view of the Executive's GS task force that comprehensive screening of people who arrive in Scotland from GS-infected countries with fishing gear, canoes and the like is a step too far. I say that because the appearance of GS and the use of associated treatments in Scotland would be nothing short of a national disaster, and we simply cannot afford to compromise on prevention.

I will touch on the sections of the bill that relate to recreational angling. I have spoken before about the importance of angling to the Scottish economy, particularly the rural economy, and I believe that the Executive and VisitScotland should redouble their already commendable efforts to promote Scotland as a first-rate angling destination. Although I generally welcome the provisions in part 3 of the bill, I would like reassurances from the minister that the measures relating to close seasons for species other than trout will be used wisely. Will she consider establishing a close season for rainbow trout—which does not exist at present—to protect wild brown trout from being caught out of season? There could, of course, be a derogation for put-and-take rainbow trout ponds. Will close seasons for coarse fish be created in line with English coarse fish seasons? The suggestion of increasing the rod limit to four rods for pike fishing must have strict conditions—such as bite indicators, wire traces and large baits—attached to it to ensure that the increase does not impact on trout fisheries where both species are present.

It would be a tragedy if the bill's powers were in any way to damage Scotland's reputation with anglers, which I am sure is not the Executive's intention. Anglers will be interested in part 1 of the bill and will no doubt be disappointed that the strict liability offence in relation to escapees from fish farms has been dropped. It would be good if the bill could ease the tension that has existed between salmon farmers and wild sea trout and salmon anglers for the past 20 years. That is far too long to have an argument. Both industries are vital to Scotland's rural economy and, given the length of Scotland's west coast, there is no reason why they cannot co-exist in reasonable harmony. Good practice measures have helped, but the loss of many west coast sea trout stocks over the past 20 years is a tragedy that should be righted.

The west coast fishery trusts employ scientists who do great work, but the problems of wild sea trout and salmon are complex and the scientists require further funding to do additional research, especially at sea. Although present funding for the trusts is welcome, it is inadequate to do that work properly. Sea trout fishing was a famous Scottish sport, especially in areas such as Loch Maree, and we ought to do something to get it back.

Considering what the sea fishing industry has had to sacrifice to preserve cod, we should do something to bring sea trout back to Scotland.

More needs to be done to ensure that fewer farmed fish escape and to trace where escapees come from. There is no point in legislating on that if we cannot police the legislation because we do not know where the fish have come from. In this day and age, traceability of food and livestock is vital, so surely it is vital that farmed fish be traceable as well.

17:09

Rob Gibson (Highlands and Islands) (SNP):

This has been an interesting debate—reasoned for the most part—in which there has been a strong degree of consensus.

It is interesting to note the background to the bill. The shellfish industry already has its own voluntary code of practice that works in many parts of the country, but we need an approved code of practice for salmon farming, which has a much greater impact on other industries than does the shellfish industry. In so saying, I think that everyone agrees that the development of the approved code is one thing that the committee has in mind.

Members have raised issues about following fish farms, the use of existing sites and the fact that more than half the existing Crown Estate licences were not used in the past year. Indeed, 67 of the 252 licences have not been used at all in the past four years. The idea that planning permission should be sought for more and more sites must be questioned, particularly given the Marine Harvest—or Pan Fish, as it now is—application for a site off the coast of Arran. We do not need more sites; we need to sort out the ones that we have and use them better. That point answers the question raised by Nora Radcliffe.

Escapes, parasites and enforcement are all serious issues. The FRS has a job to do, and it will be interesting to hear what the minister has to say about the research and regulatory parts of that job. We would like to consider that in more detail.

I do not have the huge amount of time to go into the bill that the committee had, but I am glad that the evidence that we received often gave us insights into the difficulty of applying the science and the question whether the science is fit for purpose. It is obvious that our understanding of the effects of *Gyrodactylus salaris* has not yet been tested. It is of considerable concern that we are making a law before the exercise in January and February takes place and can be evaluated. It is up to us to ensure that the Government keeps a close watch on how that is carried out. The import of GS would be devastating.

Ted Brocklebank commented on compensation for people who would be affected by such an outbreak. It is inconceivable to think about future compensation for Diageo or the whisky industry now. The costs would be so high that they cannot possibly be taken on board at this stage. We must be careful about defining how compensation should be stated.

The question of live imports is the most crucial in preventing GS from getting here, but the situation in ports of entry is not yet clear. The GS task force called for stricter control, as has the committee. Education is one thing, but if members peruse the current leaflet on GS, they can see that it is not just Norway that has the disease: Sweden, Finland, Russia, Germany, France, Denmark, Spain and Portugal also all have sources. People travelling on angling trips to this country will be part of a problem that has to be solved at the port of entry.

Live fish imports are the biggest problem, and the question of how they will be policed gives us the greatest problem. Norway imported GS through smolts from Sweden, and we must clamp down on live fish imports. I hope that we will be able to agree that they are virtually a no-no.

A great deal could be said about the bill. I thank the members who made reasoned remarks, but I must comment, once again, that the Alasdair Morrison rant serves no purpose in helping us to make the best of what is a consensus. Echoing Sarah Boyack, I think that the European Union must decide how quickly to identify areas that are affected by GS. The British Prime Minister and others must act on our behalf.

17:14

Rhona Brankin: I thank the members who have spoken in today's debate. The vast majority have been thoughtful and constructive and have brought a degree of consensus to our deliberations. I am glad that there has been widespread support for the broad sweep of our proposals from across the chamber. I believe that that reflects our stakeholders' views about the bill. There have been relatively minor disagreements, and some points of detail for us to consider further at stage 2 have been raised.

I will address one or two points at least, but I hope, if I speak quickly, to address as many as possible. If I do not cover them all, I apologise, but there will be time to cover them at stage 2. I repeat my commitment to provide the committee with information about amendments as early as possible. I continue to be willing to listen to any constructive arguments that will help us to improve the bill as it proceeds through its parliamentary stages.

I reassure members who are concerned about action that might have to be taken by the Scotch whisky industry and the hydro industry—I do not know whether anybody mentioned that—in what I hope is the unlikely event of GS coming to Scotland. I emphasise that stakeholders have of course been involved. All the key stakeholders, including the Scotch Whisky Association and the hydro industry, were represented on the GS task force. The whisky industry was briefed separately on the possible implications of an outbreak of GS in a whisky-producing area and the association has been assured that it will be directly involved in the dry-run exercise in the new year that will test the contingency plan.

Many members talked about the risks that are involved in GS coming to this country. The Executive and I do not underestimate the risks, but they should be put in context. I provided the Environment and Rural Development Committee with a scientific paper by Dr Ed Peeler on the risk of introducing GS into the United Kingdom. In that paper, Dr Peeler says that the risk that is presented by canoes and angling is

“extremely low because the volume of water transported is minimal (therefore unlikely to contain a parasite) and the parasite is likely to be desiccated during transit ... canoes, boats and angling equipment have not been implicated in the transmission of the parasite between rivers in Norway”.

That is not to say that we underestimate the risk, about which my officials have had several discussions with colleagues in Whitehall and the customs authorities.

Our position is that mandatory controls are not appropriate at this stage. It would be impossible to confirm the veracity of any declaration of disinfection and, in any event, points of entry are not always manned by customs officials, so checking equipment would be something of a lottery. It is hugely important to educate people to disinfect their gear before they travel. That is more effective than hoping to find damp gear as it enters the country.

The evidence that was given to the committee supports the view that preventive measures at ports of entry do not lend themselves to legislation and that education is likely to be more effective in keeping GS out of Scotland. We are moving up a gear in the development of our communication plans for GS and are actively considering strategies for what needs to be a high-profile education campaign. I will of course keep the committee up to date on those developments.

Eleanor Scott talked about using live fish as bait. The Executive will lodge a stage 2 amendment to introduce explicit provision in the bill that will prohibit the use of live vertebrates as bait. That is in response to the committee's recommendations and stakeholders' wishes.

Richard Lochhead: I take the minister back to stopping GS coming into the country in the first place. She has not addressed the widespread concern that the Scottish National Party, committee members and other members have expressed about the proposed scope of the ban on live fish imports. Does she see any chance of expanding the scope of that ban from what is proposed?

Rhona Brankin: The member will be aware that the importation of live fish is regulated at European Union level, so no scope exists to do anything unilaterally. However, current rules prohibit the importation of live salmonids from areas that are affected by GS. Fish health experts have assessed those rules as posing a low risk of the import of GS.

As I said to the committee, the industry code of practice requires any imports of live fish from countries with a lower fish health status, such as Norway, to be held in quarantine until tests can be done that demonstrate their freedom from infection. The matter is hugely important and we will continue to keep it under review.

Several members raised issues relating to site availability. The issues, which affect large and small companies, appear to apply to the fish and the shellfish farming sectors. We must ensure that we know the full facts. The Crown Estate has commissioned an independent study to co-ordinate site-use data from FRS, the Scottish Environment Protection Agency and its own records and to ascertain trends in regional variation. The Executive will consider whether any action could or should be taken if the study identifies any problems associated with site availability. Of course, we are continuing discussions with the DTI and the Competition Commission.

I say to Dennis Canavan, who is interested in such matters, that we have worked painstakingly for a number of years with stakeholders who have made it clear that protection orders must not be removed until new management structures are in place. However, we will continue to consider that matter. If stakeholders want us to return to legislation, we will do so.

Dennis Canavan: Will the minister take an intervention?

Rhona Brankin: My time is restricted.

The Presiding Officer (Mr George Reid): I am sorry, but the minister is in her final minute.

Rhona Brankin: Alasdair Morrison and other members mentioned minimum import prices. It is hugely important that we have a floor price that is aimed at promoting market stability. Many members are well aware that not having a

minimum import price in place could condemn the Scottish independent sector to a slow death.

I hope that my brief comments underline the breadth of support that exists for the principles of the bill. I encourage members to follow the lead of the Environment and Rural Development Committee in supporting those general principles and to support the Executive's motion at decision time.

Aquaculture and Fisheries (Scotland) Bill: Financial Resolution

17:22

The Presiding Officer (Mr George Reid): The next item of business is consideration of motion S2M-5264, in the name of Tom McCabe, on a financial resolution in respect of the Aquaculture and Fisheries (Scotland) Bill.

Motion moved,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Aquaculture and Fisheries (Scotland) Bill, agrees to any expenditure or increase in expenditure of a kind referred to in Rule 9.12.3(b)(ii) or (iii) of the Parliament's Standing Orders arising in consequence of the Act.—[*Rhona Brankin.*]

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

Civil Appeals (Scotland) Bill

The Presiding Officer (Mr George Reid): The next item of business is consideration of motion S2M-5246, in the name of David Davidson, on behalf of the Justice 2 Committee, that the Parliament does not agree to the general principles of the Civil Appeals (Scotland) Bill.

17:23

Mr David Davidson (North East Scotland) (Con): The Civil Appeals (Scotland) Bill was introduced by Adam Ingram MSP on 29 September 2006. Its aim is to provide for a final right of appeal to a civil appeals committee in the Court of Session and to abolish the right of appeal to the House of Lords.

Rule 9.3.1 of the standing orders states that

"A Bill shall on introduction be accompanied by a written statement signed by the Presiding Officer which shall ... indicate whether or not in his or her view the provisions of the Bill would be within the legislative competence of the Parliament".

The Presiding Officer ruled as follows:

"In my view, the following provisions are not within the competence of the Parliament—

Section 3

Section 5 insofar as it relates to paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 14, 15, 16, 17, 18, 19, 21, 24, 25 and 27 of schedule 1

Paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 14, 15, 16, 17, 18, 19, 21, 24, 25 and 27 of schedule 1

Section 6 insofar as it would confer power to make provisions relating to matters outside the competence of the Parliament

Section 8 and schedule 2

With the exception of paragraph 16 of schedule 1, the reason for this view is that in my opinion these provisions relate to the Constitution. The Parliament of the United Kingdom, including the judicial functions of the House of Lords, is reserved under paragraph 1(c) of Schedule 5 to the Scotland Act 1998. Section 29(2)(b) of the Scotland Act 1998 states that a provision is outside the legislative competence of the Parliament if it relates to reserved matters.

As regards paragraph 16 of schedule 1, the reason for this view is that in my opinion the provision would be incompatible with Article 6(1) of the Convention. Section 29(2)(d) of the Scotland Act 1998 states that a provision is outside the legislative competence of the Parliament if it is incompatible with any of the Convention rights."

It is therefore possible, under the Parliament's rules, for parliamentary committees and the Parliament to consider a bill even if the Presiding Officer has ruled in such a manner. As the convener of the lead committee, I sought further advice from the Parliament's directorate of legal services and the legislation clerks. Their advice, which I shared with members of the Justice 2

Committee, confirmed the Presiding Officer's advice: the majority of the bill is outwith the Parliament's legislative competence and it is unlikely that it could be brought within the Parliament's legislative competence, even if it were amended at stages 2 and 3.

The remainder of the bill is within the Parliament's legislative competence, but while it would create a civil appeals committee and enable rules of procedure to be made for it, it could not confer any jurisdiction on the committee that would be recognised in law, so the committee would not have any functions to perform. What remains of the bill is therefore rendered nugatory.

In the light of the evidence, I concluded that undertaking the extensive work that stage 1 consideration would involve would not be a productive use of the committee's, or the Parliament's, time, and I recommended to the committee that I move the motion in my name. The committee supported that position by five votes to two.

I do not criticise the policy aims of the proposal. Indeed, I recognise that there may be room for debate about the appropriate route for such appeals, but I do not believe that the bill is the correct vehicle for such a debate, given the competency issues I have outlined.

I move,

That the Parliament does not agree to the general principles of the Civil Appeals (Scotland) Bill.

17:26

Mr Adam Ingram (South of Scotland) (SNP):

As the convener of the Justice 2 Committee made clear, the general principles of the bill, which seeks to repatriate final appeals in civil cases from the House of Lords to the Court of Session, have not been considered by his committee.

By a majority, Justice 2 Committee members chose to accept without question the Presiding Officer's ruling that the bill's provisions are outwith the legislative competence of the Parliament and decided under rule 9.14.18 to put the kibosh on the bill without further consideration. The rule is pernicious and effectively gives the Presiding Officer's legal advisers the power of veto over members' bills.

My view is that the legal advice given to the Presiding Officer could have been, and should be, challenged. Whether the bill is within the Parliament's legal competence revolves around whether the judicial committee of the House of Lords should be regarded as a court or as part of the United Kingdom Parliament in the context of what the bill aims to do. Given that the bill focuses exclusively on the civil appeals process, the pith

and substance of its purpose falls within a devolved, rather than a reserved, area. Plenty of legal opinion confirms that contention. For example, the public law class for first year undergraduates at the University of Edinburgh has been set the question whether a bill to abolish appeals to the House of Lords was competent. The students' tutors have been telling them that such a bill was legally competent under schedule 5 to the Scotland Act 1998. That view is common currency in the legal profession.

The Justice 2 Committee did not ask to view the legal advice that was given to the Presiding Officer, but I did. It may interest members to learn that I have been refused access on the ground of confidentiality. So much for transparency in decision making, so much for openness and accountability and so much for a fair hearing.

I urge Parliament to reject David Davidson's motion and to send the bill back to the Justice 2 Committee. Failing that, the only remaining recourse will be to put the matter in front of the Scottish courts for judgment.

Business Motions

17:29

The Presiding Officer (Mr George Reid): The next item of business is consideration of business motion S2M-5352, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, setting out a business programme.

Motion moved,

That the Parliament agrees the following programme of business—

Wednesday 10 January 2007

2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Executive Debate: Finance

followed by Business Motion

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 11 January 2007

9.15 am Parliamentary Bureau Motions

followed by Scottish Conservative and Unionist Party Business

11.40 am General Question Time

12 noon First Minister's Question Time

2.15 pm Themed Question Time—
Environment and Rural
Development;
Health and Community Care

2.55 pm Stage 1 Debate: Custodial
Sentences and Weapons (Scotland)
Bill

followed by Financial Resolution: Custodial
Sentences and Weapons (Scotland)
Bill

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business.—[Ms Margaret Curran.]

Motion agreed to.

The Presiding Officer: The next item of business is consideration of business motion S2M-5353, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, setting out a timetable for legislation.

Motion moved,

That the Parliament agrees that consideration of the Christmas Day and New Year's Day Trading (Scotland) Bill at Stage 2 be completed by 19 January 2007.—[Ms Margaret Curran.]

Motion agreed to.

Parliamentary Bureau Motions

17:30

The Presiding Officer (Mr George Reid): The next item of business is consideration of two Parliamentary Bureau motions. I ask Margaret Curran to move motion S2M-5348, on approval of a Scottish statutory instrument, and motion S2M-5354, on the office of the clerk.

Motions moved,

That the Parliament agrees that the draft Advice and Assistance (Assistance by Way of Representation) (Scotland) Amendment (No 2) Regulations 2006 be approved.

That the Parliament agrees that from 3 January to 2 April 2007 the Office of the Clerk will be open on all days except on Saturdays and Sundays.—[Ms Margaret Curran.]

The Presiding Officer: The questions on the motions will be put at decision time.

Decision Time

17:30

The Presiding Officer (Mr George Reid):

There are seven questions to be put as a result of today's business. The first question is, that motion S2M-5293, in the name of Cathy Peattie, on the Equal Opportunities Committee's second report of 2006, "Removing Barriers and Creating Opportunities", be agreed to.

Motion agreed to.

That the Parliament notes the conclusions and recommendations contained in the Equal Opportunities Committee's 2nd Report, 2006 (Session 2): *Removing Barriers and Creating Opportunities* (SP Paper 677).

The Presiding Officer: The second question is, that motion S2M-5320, in the name of Wendy Alexander, on the Finance Committee's seventh report of 2006, "Inquiry into Accountability and Governance", be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Ingram, Mr Adam (South of Scotland) (SNP)

Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robison, Shona (Dundee East) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Fox, Colin (Lothians) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)

ABSTENTIONS

Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)

Ballard, Mark (Lothians) (Green)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)

The Presiding Officer: The result of the division is: For 102, Against 2, Abstentions 7.

Motion agreed to.

That the Parliament notes the conclusions and recommendations of the 7th Report, 2006 (Session 2) of the Finance Committee, *Inquiry into Accountability and Governance* (SP Paper 631).

The Presiding Officer: The third question is, that motion S2M-5224, in the name of Ross Finnie, that the Parliament agrees to the general principles of the Aquaculture and Fisheries (Scotland) Bill, be agreed to.

Motion agreed to.

That the Parliament agrees to the general principles of the Aquaculture and Fisheries (Scotland) Bill.

The Presiding Officer: The fourth question is, that motion S2M-5264, in the name of Tom McCabe, on a financial resolution in respect of the Aquaculture and Fisheries (Scotland) Bill, be agreed to.

Motion agreed to.

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Aquaculture and Fisheries (Scotland) Bill, agrees to any expenditure or increase in expenditure of a kind referred to in Rule 9.12.3(b)(ii) or (iii) of the Parliament's Standing Orders arising in consequence of the Act.

The Presiding Officer: The fifth question is, that motion S2M-5246, in the name of David Davidson, that the Parliament does not agree to the general principles of the Civil Appeals (Scotland) Bill, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)

Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)

Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

The Presiding Officer: The result of the division is: For 75, Against 36, Abstentions 0.

Motion agreed to.

That the Parliament does not agree to the general principles of the Civil Appeals (Scotland) Bill.

The Presiding Officer: The sixth question is, that motion S2M-5348, in the name of Margaret Curran, on approval of a Scottish statutory instrument, be agreed to.

Motion agreed to.

That the Parliament agrees that the draft Advice and Assistance (Assistance by Way of Representation) (Scotland) Amendment (No 2) Regulations 2006 be approved.

The Presiding Officer: The seventh and final question is, that motion S2M-5354, in the name of Margaret Curran, on the office of the clerk, be agreed to.

Motion agreed to.

That the Parliament agrees that from 3 January to 2 April 2007 the Office of the Clerk will be open on all days except on Saturdays and Sundays.

Alcohol-related Crime (Highlands and Islands)

The Deputy Presiding Officer (Murray Tosh):

The final item of business is a members' business debate on motion S2M-5280, in the name of Maureen Macmillan, on the rise in alcohol-related crime figures in the Highlands and Islands. The debate will be concluded without any question being put.

Motion debated,

That the Parliament notes with concern the serious rise in alcohol-related crime figures, released by Northern Constabulary, which show a year-on-year increase in drunkenness, drink-driving, serious assaults and alcohol-related deaths; notes in particular the increase in the number of people being arrested for drunkenness, including the charge of being drunk and incapable; commends the work of CrossReach in Inverness, which provides a purpose-built residential service designed to care for people who have difficulty in managing their alcohol and/or drug abuse and which also provides a "designated place", thereby offering an alternative to custody for those who have been arrested for public drunkenness offences; welcomes the campaign being launched by Northern Constabulary alongside the Highland Drug and Alcohol Action Team's festive drinking campaign which it is hoped will prevent drinkers ending up in police cells and hospital wards over Christmas and New Year, and endorses the "Don't push it" campaign being run by the Scottish Executive asking Scots to take responsibility for themselves and to think first before they encourage others to have "just another drink".

17:35

Maureen Macmillan (Highlands and Islands)

(Lab): I did not mean to be the Christmas killjoy when I lodged my motion, but I am conscious that many of my Labour colleagues are having their Christmas party tonight and, almost at this very moment, our admirers in the media are offering MSPs festive cheer in another place. However, let those of us who are in the chamber be part of the annual campaign for sensible drinking.

I lodged the motion after paying a visit to the Church of Scotland's alcohol rehabilitation centre and designated places unit in Inverness. Almost at the same time as my visit, the Northern Constabulary released its latest crime figures, which showed an increase in alcohol-related offences, and the Highland drug and alcohol action team, in conjunction with the Scottish Executive, had launched its seasonal campaign to advise people to use alcohol wisely.

The omens for the festive season are not good. What has been described as the endless booze party in the Highlands will, I fear, continue over Christmas and new year. The Northern Constabulary's latest figures show increases in drunkenness, drink-driving and drink-related serious assaults. In fact, the police doubt whether

any assaults are not fuelled by alcohol. In the past two weeks, about 100 assaults have taken place in the area.

The messages from the HDAAT and the Executive are good messages about not pressuring friends into having a drink if they do not want one and about not feeling pressured oneself. In a Scottish Executive survey, 40 per cent of young male Highlanders—men in the 18 to 24 age group—said that they had on occasion, even though they did not really want a drink, taken a drink because their friends were drinking. Some 30 per cent said that they had sometimes wakened in the morning not knowing how many drinks they had had the night before.

Why do young men—and now young women, too—measure prowess by drinking capacity, given all the attendant health and safety risks? Alcohol abuse can end up being a justice issue when crimes are committed but, first and foremost, it is a public health issue. That is endorsed by the World Health Organisation. Misuse of alcohol can put at risk the drinker's health and the health and well-being of others with whom he or she interacts. Tragically, the sort of brain damage and liver damage that was once seen only in hardened drinkers in late middle age is now seen in young men and women in their 20s.

According to the Institute of Alcohol Studies, which has compared alcohol misuse across the European Union, young men in the 18 to 24 age group in the United Kingdom drink heavily on average about five times per month. That compares with twice per month for young adults in Finland and with the even less frequent instances for young adults in, in descending order, Italy, Sweden, Germany and France. Such heavy drinking affects people's work, education, health and families. As we have seen, it also leads to crime, which in turn affects the health, safety and welfare of others.

We know what the problem is and we know what its effects are, so how do we move from our current situation in Scotland, where going out to eat and drink means a packet of crisps and 10 pints, to the situation in Italy, where going out means a four-course meal and perhaps one glass of wine? What are the solutions?

I believe that we need more commitment from the drinks industry. Diageo produces drinks information cards that explain safe alcohol levels. That is good, but where are the Diageo sports and leisure centres that could offer young men and women an alternative to bingeing? As Inspector Bob Pollok of the Northern constabulary pointed out to me, once upon a time the brewers built the Usher hall and the McEwan hall. He is right—we should demand more of the drinks industry.

Let us change the kinds of pubs that we have. They encourage drinking by playing loud music. Somebody tried to explain to me what the music that they play is called—it is something like “trans beat”. Seemingly, it is the same sort of rhythm as a heartbeat and, when it is played loudly, it makes for aggression, as does people standing packed closely together. That is not to mention the fact that it kills off conversation entirely.

Let us also crack down on bad management of pubs. The new licensing legislation should deliver that if the licensing standards officers go in tough at the start, so that rowdiness is curbed before it spills out on to the streets rather than being dealt with afterwards.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): I am grateful to the member for allowing me to make a short intervention, which will be my only contribution to the debate on account of a disappearing voice.

Does Maureen Macmillan agree that the pressures that she accurately describes about the effects of excess drink having been taken—especially in the city centre of Inverness at the weekends, when huge numbers of people are on the streets—put a huge strain on the police force, and that it is believed, locally, that the complement of police officers is about 20 officers short of the number that is needed to deal with the strains that excessive consumption of alcohol cause?

Maureen Macmillan: I have spoken to the area commander on this issue and he is confident that the police can cope with the situation. I know that it is tough for them, but they are well used to dealing with such situations. Unfortunately, the problems that we are discussing are not new in the Highlands; they have been going on in Inverness and other Highland towns and villages for a long time.

We should ask supermarkets to stop selling cheap beer—a can of beer is now cheaper than a bottle of water. Furthermore, let us consider offering anger-management strategies so that people know to stop drinking and leave when their pal begins to niggle them, instead of continuing drinking and ending up fighting. We should bring alcohol awareness right down into primary schools. By the time a child is eight, it has become part of its family or community culture and it might even have had a drink or two. We must also work with families. That has had a positive effect in Europe, as has taxing of alcopops, particularly in Switzerland.

We should ask the media to cut down on the amount of drinking that is shown incidentally on television. I watched a police show the other night and noticed that every other scene had people drinking wine or beer in it, which was quite

incidental to the action. Would it also be possible to not have radio programmes in which musicians—especially folk musicians—boast about how they woke up in Drumnadrochit or Fort Augustus not knowing where they had been the night before? In other words, since our relationship with alcohol pervades Scottish culture, we must let the solutions also be all pervasive.

We must find out what works in rehabilitation; for example, the Church of Scotland's programme has an 80 per cent success rate for those who complete it. We must also consider what works in prevention—the Institute of Alcohol Studies suggests that working with families is important in that regard. We must think about what works in relation to sanctions and penalties, including alcohol-awareness courses for drink-drivers and others who are convicted of alcohol-related offences. We must roll out those programmes across the country, because the problem is the same across the country. In Glasgow city centre and Highland villages, alcohol abuse is wrecking lives—young lives.

I know that the Scottish Executive is giving serious consideration to how it can tackle alcohol abuse. I hope that this debate will help.

17:43

Jim Mather (Highlands and Islands) (SNP): I congratulate Maureen Macmillan on securing the debate and commend her for using her speech to frame the problem that we are discussing as a public health issue, which it is, and for making a number of positive suggestions. I hope that we will hear similarly positive suggestions from other members and that they will be added to the inventory of ideas that the minister can apply to the problem in due course.

I agree with Maureen Macmillan about the good work that is done by CrossReach, Northern constabulary and the Highland drug and alcohol action team. They are working together to address the issues and help people. However, at best, those well-motivated people can treat only the symptoms of the problem. The core problem, which needs to be addressed, is deeper and is a combination of the drinking culture to which Maureen Macmillan referred, which needs to be challenged, and economic conditions that do little to help some people to move beyond that culture, despite much effort on the part of the Executive and others to promote responsible drinking.

Most of us have enjoyed the positive aspects of Highland conviviality that are the by-product of a drink with family and friends, but many of us also know of family and friends who have been ensnared by drink and drugs and have lost licences, relationships, jobs and businesses.

Perhaps we know people who have come to the attention of the police and been captured in police statistics. Such problems are not obviously a by-product of the economics of the Highlands. The good and talented Highland friends of mine who did not live to see their 60th birthdays all worked and owned their homes—some even owned businesses. However, a closer look at their circumstances indicates that they were under more economic strain than their talents and personalities deserved and that they might have achieved more elsewhere, in different conditions.

There are people outwith my circle of friends and not of my generation, who are not in employment, education or training, or who have jobs that neither satisfy nor reward them properly. Such people have an increased propensity to be captured by drink and drugs and an increased chance of becoming police statistics. That is why alcohol-related crime cannot be reduced just by direct action on the symptoms or by focusing only on the people who are currently involved in such crime.

We need a three-pronged approach. First, the work of CrossReach, Northern constabulary, the Highland drug and alcohol action team, NHS Highland and other agencies and voluntary groups must continue, so that people and their families can be helped in the here and now.

Secondly, we must boost the local economy. Complacent nonsense about how unemployment is lower in the Highlands and Islands and the fact that the area's population is growing misses the point: the area is exporting its unemployed people and the population is aging rapidly. We must expose the nature of low income in the Highlands and Islands and start to drive up incomes, by using the current situation as a positive opportunity to attract investment. The fact that people are willing to come to the Highlands to live and work for marginally less income will propel the economy forward. We must also acknowledge that we need more powers so that we can compete.

Thirdly, we must start to educate new generations about the ravages and life-shortening effects of drink and drugs. There should be more pitches in schools on the issue. Perhaps pupils could hear anonymous personal testimonials that would tell them about the prognosis for people who embark on a life of drinking and drug taking.

Maureen Macmillan: The police told me that they think people drink more now than they did in the past because they have more leisure time and more money in their pockets.

Jim Mather: The member makes an interesting point, which might well be a contributory factor. However, a doctor in Shettleston said that people who have money in their pockets and are doing

well tend to make better choices. Too many people make self-destructive choices because they have no confidence in who they are, their capabilities and their future. It is incumbent on us to create the conditions in which people can have such confidence.

17:48

Dave Petrie (Highlands and Islands) (Con): I live in and represent the Highlands and Islands and I am only too aware of alcohol-related crime in the region. Alcohol-related disorder is rarely out of the headlines in the media and I congratulate Maureen Macmillan on giving us an opportunity to debate this alarming issue.

It is appalling but unfortunately not surprising that there has been a rise in alcohol-related crime. The binge drinking culture is on the rise throughout the United Kingdom and the Highlands and Islands, despite their remoteness, are not immune from the growing trend. There is evidence of a perception that more alcohol-related crime takes place than is actually the case, which leads many people to avoid city centres in the evenings, particularly at weekends, and generates a fear that honest, law-abiding people are under siege in their homes. However, when Northern Constabulary released figures on 4 December, which showed a clear year-on-year increase in alcohol-related crimes in the Highlands and Islands, no one was left in any doubt that we have a serious problem.

It is estimated that about 40 per cent of violent crimes, 78 per cent of assaults, and 88 per cent of cases of criminal damage happen under the influence of alcohol. When we consider the Scottish health survey findings that 5 per cent of men and 2 per cent of women are unable to stop drinking, it is not hard to find a link. In addition, an estimated 180,000 annual accident and emergency attendances in Scotland are alcohol related. That costs the tax payer £9.6 million. The trend is worrying and a massive drain on public resources.

In the Highland region, there were 62 alcohol-related deaths in 2004—more than one a week. The number of women prosecuted for drink-driving has nearly doubled in the past five years—a further demonstration of the rise in the number of young women drinking inappropriately and to excess. Throughout Scotland, there has been a big increase in underage drinking. In 2004-05, there were 51 cases of under-16s who were proven to have been drink-driving. That figure rose to 142 for 17-year-olds.

I am pleased that £9 million will be invested in alcohol rehabilitation over the next three years. Rehabilitation is an invaluable tool, but we must also examine social alternatives to drinking. I am

totally convinced that prevention is better than cure and that more emphasis on extra-curricular activities for pupils would pay dividends in the long run.

I am delighted that community initiatives such as CrossReach in Inverness are working effectively with individuals who have fallen victim to alcohol addiction. CrossReach has the aim of assisting people to return to the community dependency free. It has a dedicated staff working through Alcoholics Anonymous meetings as well as through voluntary work and craft work that can help to boost confidence and social skills. Using themed activities—ranging from sports to quizzes to crafts—it is able to work with individuals to restore their belief in their ability to exist away from their dependency.

I am pleased that Highland drug and alcohol action team has launched such an effective Christmas campaign. The distribution of goody bags in Eastgate shopping centre in Inverness, with anti-binge drinking literature, is a great way to take the message to the people. In addition, the inclusion by Morrisons, Tesco, Spar and the Co-op of alcohol information with alcohol products will, I hope, go some way to getting the message home.

Christmas is traditionally the time when we all go out to a host of seasonal parties and nights out, and at times we drink to excess. Christmas is also a time when people are killed on our roads, when our casualty wards are at their fullest, and when our prisons have to cope with added pressure. Our actions have a consequence and we must never forget that. A Christmas drink or two is not wrong, and we should enjoy getting together and celebrating the season. However, when that is done to excess, gets out of hand and affects those around us, it is out of order.

I congratulate Northern Constabulary on all the work that it does over the festive period, and the rest of the year, to keep our streets safe and to try to maintain order. I very much hope that the many seasonal campaigns will pay off this year, and that this will be one of the quietest December periods on record.

17:53

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I, too, congratulate Maureen Macmillan on securing the debate. If colleagues will bear with me, I ought to declare an interest. Some 17 years ago, I was done for drink-driving. It made the headlines in the local papers in the Highlands—Tain councillor put off the road. So, I have the T-shirt, and I hope that what I say does not smack of hypocrisy. I would not wish it to do so.

I want to discuss two particular themes. I was interested in what Maureen Macmillan and others

said about countries such as the Scandinavian countries. In my time, I have worked in the Faroes and in Italy, as members will know. It is true to say that there is a lot in the differences in culture. I say to Maureen Macmillan that Italian families would indeed have four courses, but they might have slightly more than one glass of wine. However, she is dead right to say that Italy does not have repetitive instances of drunkenness. I lived with an Italian family for a longish period and I know that to be true.

I want to take Jim Mather up on one point. I worked in the Faroes a long time ago. It was an exceedingly prosperous place—it still is—because of the fisheries and the amount of fish being processed. People had a lot of disposable income, but the instances of drunkenness were quite terrifying. The taxation regime in those days was extremely draconian: a person could buy drink only if they had paid their income tax. The drink came in every quarter from Copenhagen. Sadly, the people I worked with would go on binges that I did not know that human beings could have, they were so bad. The enormity of the problem was terrifying.

We could talk until the cows come home about whether the problem is to do with the northern light or northern climes, which differ from those in the Mediterranean. We do not know; our experts are working on that. However, Maureen Macmillan was right—the evidence shows that there is definitely a correlation between the cheapness and availability of drink to people with a disposable income and alcoholism and alcohol-related problems, and we should bear that in mind.

My second point relates to my constituency. This morning, by complete coincidence—it had been scheduled in my diary for a long time—I had a meeting with Steve March and Jack Law of Alcohol Focus Scotland. They said that there are councils on alcohol for all parts of the Highlands except Caithness. There was a Caithness council on alcohol until quite recently but, for reasons that I will not go into here, it came to the end of its existence. The result is that although Alcohol Focus Scotland spent thousands of pounds on training up people to provide advice on the control of drink rather than total abstinence, those people are not being utilised in the county of Caithness.

It is hard to estimate the number of people who might be affected, but Alcohol Focus Scotland says that at least 100 and perhaps as many as 200 people would be using that service if it existed. Apparently, about £7,500 was provided by the Highland Council and £7,500 by NHS Highland. That makes a total of £15,000, but the service is not there. I bring to the attention of colleagues and the minister the fact that, for reasons that will have to be investigated,

Caithness does not have the alcohol advice service that other parts of the Highlands enjoy.

The net result of that is perfectly simple. Regardless of whether the figure is 100 or 200, there are people in Caithness who are probably in a great deal of trouble with alcohol and who are not getting the advice, support and assistance that they need to bring them back from the brink and to improve their lives and those of their partners and loved ones. As someone who believes that everyone has the same right to services, regardless of whether they live in Thurso, Airdrie or Edinburgh, I think that we have a problem in Caithness. I merely give the minister and colleagues notice that the issue needs to be addressed. I do not want to condemn anyone unfairly or to guess at the reasons behind the situation, but the net result is that in Caithness we do not have a service that we badly need. Fifteen thousand pounds is not big bucks. Meantime, my constituents are losing out.

17:57

Eleanor Scott (Highlands and Islands (Green)): I thank Maureen Macmillan for securing a debate on what is, unfortunately, an important issue.

In the run-up to the debate, I obtained some figures. Unfortunately, because they come from an article in *The Independent*, they are United Kingdom-wide rather than specific to Highland. However, the figures for Highland will probably not be any better than those for the UK as a whole and might be worse. The article said that over the 12 days of Christmas, the average Briton will get through 18 pints of beer, three bottles of wine, one bottle of spirits and four glasses of fortified wine, which amounts to the consumption of 137 units of alcohol in less than two weeks. That is equivalent to drinking four times the recommended limit for men and six times the recommended limit for women.

I looked at the figures and thought, “Oh, I would never drink 18 pints of beer.” The scary thing is that I thought that three bottles of wines, one bottle of spirits and four glasses of fortified wine over the two weeks at Christmas—which is what is left after the 18 pints of beer have been removed from the equation—did not sound that much. That reveals how we regard alcohol. Even without the beer, that amount of alcohol works out at three and a half times the limit for women and two and a half times the limit for men. In our society, we have become quite tolerant of the regular consumption of a large amount of alcohol.

Price cutting by supermarkets and cheap drinks promotions in bars have fuelled the situation and, as Maureen Macmillan has said, pressure from so-

called friends to have another drink exacerbates the problem. Of course, the UK has always been near the top of the binge-drinking league and, while Jamie Stone was speaking, I wondered whether there might be a Scandinavian genetic cause, because excessive drinking seems to be very much a northern European rather than a southern European thing. Although a lot of drinking might go on in southern Europe, there is not so much drunkenness or binge drinking.

The health effects are well known, but the motion focuses on crime. In that context, there is one other statistic that I want to mention, given that I know that Maureen Macmillan has an interest in domestic violence—32 per cent of cases of violence between intimate partners occur when the perpetrator is under the influence of alcohol. That is quite frightening. Alcohol is fuelling violence not only on the streets but in the home.

NHS Highland's funding for drug and alcohol action teams has gone from just under £0.25 million in 1999-2000 to just over £1.1 million in the most recent financial year. Although I welcome that funding, I am saddened by the need for it. I was also saddened to note that Ross and Cromarty, where both Maureen Macmillan and I live, comes out worst in Northern Constabulary's statistics for drink-driving in the past two years. I therefore welcome any initiatives to tackle the problem.

I want to pick up on a couple of points that other members made. First, I put on my folk music hat. Maureen Macmillan said that unhelpful things are portrayed or said in broadcasting, but my point also ties in with what Jim Mather and Dave Petrie said about people doing other things and having social alternatives to drinking. Something that has been good for young people in Ross-shire and throughout the Highlands is the fèis movement, where the kids play music. If people are playing music, even in pubs, they are not drinking, or not drinking much. The kids find that there is something for them to do that is important, enjoyable, sociable and good for their self-esteem but which does not involve drinking alcohol.

My other point is about culture change. Maureen Macmillan talked about our relationship with food and drink. There is perhaps a glimmer of hope in the Highlands, where there is a reviving food culture. In Joanna Blythman's book "Bad Food Britain", she makes the valid point that our bad relationship with food, our poor food culture and the loss of our food culture go hand in hand with our relationship with drink. In other countries, drink is something that people have with food and it enhances their enjoyment of food, but because we have lost the pleasures of cooking and food, we have lost the pleasure of having alcohol in its proper place.

I wish the Highland drug and alcohol action team well with its campaign. I hope that people realise over the festive season that indulgence need not mean excess.

18:01

The Deputy Minister for Health and Community Care (Lewis Macdonald): I congratulate Maureen Macmillan on bringing this debate to the chamber. It is particularly appropriate that we discuss the matter at this time of year. Our message must be not that people should not enjoy socialising or having a drink at a Christmas party, but that we want to encourage a more responsible attitude towards the use of alcohol in Scotland. In order to do that, we must become more aware of the impact of alcohol on our health and our communities.

Alcohol is and has ever been part of Scotland's culture. Most people in Scotland enjoy a drink and most people drink sensibly. We want to promote that approach to alcohol. In spite of the problems that we have heard about, we should not overlook the fact that many people enjoy alcohol without harming themselves or anyone else. We must be careful not to create an overly negative impression when we talk about alcohol, because responsible drinking can indeed—in northern Europe as well as in southern Europe—be part of a healthy, happy and sociable lifestyle.

Nevertheless, we recognise that we have problems with excessive drinking, which includes binge drinking and the cumulative effect of drinking just a bit too much day after day, year after year. Four years ago, we published our "Plan for Action on alcohol problems", which set out a range of actions to seek a cultural shift to a point where alcohol was treated more appropriately. I will mention briefly a couple of things that developed on the back of that.

We provided additional funding of £10 million this year and last year for alcohol treatment and rehabilitation services. We heard about some of those this evening. National communications campaigns have been run to challenge harmful attitudes and behaviour. Maureen Macmillan's motion mentions the don't push it campaign, which encourages individuals to take responsibility for their behaviour and not to persuade others to drink more. Members might have seen the campaign on television this week.

We published a guide for parents, to help them talk to their children about alcohol and we developed a set of national leaflets that give factual and consistent advice on sensible drinking. We also support school-based programmes such as choices for life and a new media literacy pilot to encourage a more balanced portrayal of alcohol

and alcohol problems. Maureen Macmillan mentioned the unbalanced portrayal that is sometimes seen. We are keen to address that.

In the Highlands and throughout Scotland, drug and alcohol action teams are co-ordinating action effectively to meet the particular needs of their communities. We need to build on that progress. We will shortly update the action plan on alcohol problems to promote a more responsible approach to alcohol.

Maureen Macmillan talked about the role of the alcohol industry. I am pleased to report that we are in the process of developing a formal agreement with key partners in the industry. We are already doing joint work on guidelines on the responsible promotion of alcohol, a common set of responsible drinking messages and the development of exemplary workplace alcohol policies. That is a good start and it is setting us off in the direction of what I hope will become a long-term partnership that broadens to involve interests that are not involved at present. At present, the partners are mainly on the production side, but we hope to include businesses that are involved in retailing and the licensed trade.

Maureen Macmillan and several other members highlighted the excellent work of CrossReach in Inverness, which provides a place of safety for those who are drunk and incapable as an alternative to the police cells, and an opportunity for people to access longer-term support if that is what they need. I recently visited the similar Albyn House Association project in Aberdeen, when I attended the launch of Alcohol Support, which has brought together Albyn House with the local Alcohol Advisory and Counselling Service. I was impressed by the quality of the facility there and the dedication of the staff. I understand that CrossReach is similar in many respects, including the quality of the provision. It was interesting for me to see in Aberdeen the effective joining up of services that voluntary sector partners provide.

Facilities such as designated places of safety and rehabilitation services ease pressure not just on police cells, but on accident and emergency services, and provide protection for individuals who would otherwise be at risk in several ways.

Fergus Ewing: The minister's comments are all welcome. Does he agree that the police are under strength in Inverness city centre and that the rise in the population in Inverness during the day, because of people travelling to the city to work, and in the evening, because of people travelling to the city to play, is proportionately far larger than that in any other city in Scotland, and that it is not taken into account in the calculation of police numbers? Will he therefore agree to consult colleagues in the Justice Department about whether there are enough police officers on the

beat in Inverness to deal with the problems that are the consequences of excess drink being taken, which members have described?

Lewis Macdonald: I am sure that Mr Ewing will acknowledge that there are more police officers in Scotland now than there have ever been and that that is an important step in achieving the protection that is needed. My recent experience is not in Inverness, but in Aberdeen, which is similar in that it is a regional centre into which many people from rural areas come of a weekend to drink. A couple of weeks ago, I had the opportunity to go on patrol with the police in Aberdeen city centre into the small hours of a Saturday morning. I was impressed by the way in which they made effective use of their resource. I suspect that if I inquired about the issue with Northern Constabulary, I would hear that the same takes place in Inverness.

Measures can be taken to assist the police in their work. Establishing effective places of safety is one of them. The measures that we have put in place through the Licensing (Scotland) Act 2005 will be significant and will have a particular relevance to city centres. The 2005 act will, for the first time, allow overprovision of existing licensed premises to be a consideration in the licensing process. In the past couple of years, the police have acquired new powers under antisocial behaviour legislation and a power to carry out test purchasing of alcohol by underage people. The evidence from the current pilot scheme suggests that the power is helpful in allowing the police to use their resources more effectively and to nip problems in the bud.

There is an issue with binge drinking and young people drinking in city centres at the weekend, but we would be mistaken if we thought that that was the extent of the issue of alcohol as a challenge to our health. The statistics show that, sadly, the consequences of long-term misuse of alcohol have become more serious in recent years.

I am sorry that Jim Mather was not enthusiastic about celebrating the success of the Highland economy, but I know that many others in the Highlands are. One of the consequences of a successful economy is that there is substantial disposable income, which can have consequences for the choices people make. However, as others have said, choices are sometimes influenced by poverty as well as by large amounts of disposable income.

We should acknowledge that in recent years there has been more long-term excessive consumption of alcohol, of which there are consequences. We in the Government have a duty to work with the voluntary sector, the alcohol industry, the police, the NHS and other services to develop a long-term vision and recognise that the

issue is as much about culture change as anything else. We need to effect such a change and we will continue to work to do so. I hope that we will have broad-based support for that.

Meeting closed at 18:11.

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