

# **MEETING OF THE PARLIAMENT**

Thursday 4 October 2007

Session 3

£5.00

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## Scottish Parliament

Thursday 4 October 2007

[THE PRESIDING OFFICER *opened the meeting at 09:15*]

### Broken Promises

**The Deputy Presiding Officer (Trish Godman):** The first item of business is a debate on motion S3M-607, in the name of Iain Gray, on the Scottish National Party's broken promises.

09:15

**Iain Gray (East Lothian) (Lab):** Autumn is a reflective and quiet time and, as we head into our short October recess, the nights draw in, the leaves turn and we find ourselves far from the hurly-burly of an election season, it seems opportune to have a quiet moment of reflection, to look back over the 20 weeks that we have spent together and to see how the new SNP Government is doing.

We are entitled to ask such questions because, in the run-up to the election, the SNP was very clear about the commitments on which it asked for the Scottish people's votes. It was even kind enough to tell them and us which of its commitments would be delivered by its Government in the very first 100 days.

However, when we look, we find a string of broken promises and lame excuses. Let us start with police numbers. Page 21 of "It's time to look forward: The first 100 days of an SNP Government" says that, within the first 100 days, there will be

"Publication of plans for 1000 increase in community police".

The next page says that the Government will

"employ 1000 additional community police officers".

That seems admirably clear to me.

However, by the time "Principles and Priorities: The Government's Programme for Scotland" was published, that had become:

"We will work with police forces to increase policing capacity"

by

"the equivalent of 1,000 additional police officers".

I do not really know what that means. Does it mean extra overtime? Does it mean shorter holidays? Does it mean that traffic cops will have to get out of their cars and walk the beat instead? Does it mean having a late retirement scheme,

which means that police officers who are ready to retire will not be able to do so? I know that it does not mean what the SNP manifesto said.

That promise has been broken because the Government cannot make its sums add up. Let us keep the arithmetic simple. There are 16,000 police officers now. If another 1,000 are added, there will be 17,000 officers; if that does not happen, that is a broken promise.

They say that if one is going to tell a lie, it might as well be a big one. In exactly the same way, if one is going to break a promise, it might as well be a big promise.

**Tricia Marwick (Central Fife) (SNP):** What did the Labour Government call the weapons of mass destruction that were never found in Iraq? [*Interruption.*]

**Iain Gray:** In truth, I could not hear the member's point of order because it was so ridiculous that it was drowned out by the hooting from members behind me.

**Tricia Marwick:** It was an intervention, not a point of order.

**Iain Gray:** The SNP's biggest promises have been on council tax. Although I do not agree with it, I quite accept that the Government is clear that it still wants to introduce a local income tax. I also accept that that cannot be done in 100 days—if it can be done at all by a minority Government. Instead, the 100 days document says:

"We will first freeze the council tax".

There are no ifs, buts or maybes in that statement. By June, however, the Cabinet Secretary for Finance and Sustainable Growth was saying:

"I am not making the decision. I am encouraging local authorities to move to a council tax freeze."—[*Official Report, Local Government and Communities Committee, 27 June 2007; c 40.*]

That is a broken promise because it could not have been a real promise in the first place; after all, the Government does not have the power to freeze council tax. Did it not know that when it made its promise? Did that lack of powers over local government just creep up and surprise it, or did it make the promise in the sure and certain knowledge that it would be broken?

There are also promises that must have seemed like good ideas in an election campaign but which, from the perspective of Government, are revealed as simply daft. Help for first-time house buyers is a good idea, but what they need is more houses at more affordable prices. A universal £2,000 grant will not provide one single extra house—and, better still, its principal effect will be to increase house prices by £2,000. That promise is being broken because even this Government realises

that it was an election bribe that was too cynical and counterproductive to implement. It should simply own up and get on with finding ways of addressing housing issues.

The list of broken promises goes on and on: smaller class sizes; the paying off of student loans, as pointed out in the Liberal Democrat amendment, which we are happy to accept; a criminal justice bill; a drugs commission; and the pledge to cut red tape for business, as addressed in the Tory amendment, which I am happy to commend to the chamber.

However, let us not get bogged down in lists. Instead, we should consider the Government's strategic objectives, such as the greener Scotland objective. There is no bigger issue than climate change and no more urgent matter than cutting carbon emissions. The SNP agrees; its 100 days document says:

"We all have a part to play in meeting the challenge of global warming".

What part has this Government played? Even in these early days, decisions have already been taken. First, it wants to abolish tolls on the Forth and Tay bridges. However, it must also explain how it intends to avoid the 15 per cent increase in traffic volume and the release of 9,000 extra tonnes of carbon each year that such a move will cause.

**The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon):** In the interests of clarity, will Iain Gray tell us whether the Labour Party supports or opposes the removal of tolls from the Forth and Tay bridges?

**Iain Gray:** From the very moment—

**Nicola Sturgeon:** Yes or no? [*Interruption.*]

**The Deputy Presiding Officer:** Order.

**Iain Gray:** From the very moment the Government introduced its proposal, we have said that we will support the abolition of tolls. However, in order to do that, measures must be put in place to address the issue of congestion. Last week, the Government abolished the biggest public transport project in Scotland, which would have removed 1.7 million car journeys from our roads. It also tried very hard to cancel Edinburgh's trams and was stopped only by the will of Parliament.

I believe that this Government is committed to renewable energy. Indeed, last week, the First Minister pointed out to me that the Government has speeded up the processing of wind farm projects. That is true; however, of the four applications that have been processed, the Government has rejected three. Although it has agreed to onshore wind farm developments, they

have to happen quicker. In that regard, we should not forget the example that the First Minister has set in ordering a couple of luxury Lexus limousines, which might be hybrid but actually produce more emissions than the cars that they replace. No wonder the SNP has had to break another promise: we now hear that there will be no mandatory annual targets in its climate change bill.

We are reasonable people on this side of the chamber—

**Patrick Harvie (Glasgow) (Green):** I am grateful to the very reasonable member for giving way. Will he confirm whether there are any mandatory carbon targets in the United Kingdom bill that his party is promoting, or is the UK bill along the same lines as the proposed SNP legislation? I want a mandatory annual mechanism; I do not care whether it is a target or—

**The Deputy Presiding Officer:** This is an intervention, Mr Harvie, not a speech.

**Iain Gray:** I accept perfectly that this Government is following the example of our Government in Westminster. The point is that this Government said that it would go further than that—and it is not.

As Patrick Harvie pointed out, we are reasonable people on this side of the chamber. We know that no Government will solve climate change in 20 weeks. However, in only 20 weeks, this Government has done significant damage. That is not an achievement to be proud of.

The Government is demonstrably not doing what it said it would do and yet there has been a whirlwind of activity—we know that, because the SNP has told us so. That is a good metaphor, because a whirlwind forms when storms start to spin, and spin is what we have had. We have a new name and new headed notepaper for the Government. Availability status codes in the health service that had already been abolished were abolished again by the Cabinet Secretary for Health and Wellbeing in May and then abolished yet again a couple of weeks ago. We had a green energy day when renewables generating capacity surpassed nuclear generating capacity, except that it did not, because one is available almost all the time and the other is always intermittent. We have had a skills strategy that did not promise a single extra apprenticeship, college place or vocational course in schools.

A whirlwind dissipates when it hits something real and solid. The SNP whirlwind is hitting up against the realities of government and, sure enough, it is dissipating. The excuses come out as to why the SNP cannot do what it said it would do, but it is doing exactly what we said it would do. We said that the Government would pick fights with

the United Kingdom Government at every opportunity, and it has done so. We said that it would blame the UK Government for all its failures to deliver, and it does.

I repeat that, if one is going to make an excuse, it might as well be a big one. The big excuse is the comprehensive spending review. Time after time in the Parliament, we have sought assurances from ministers that services that are vital to the communities that we serve will be protected. Time after time, ministers tell us that they do not know because they are waiting for the results of the CSR. However, the envelope of the spending review has been known since the most recent budget. Are ministers seriously telling us that they have made no working estimate of how much they might have to spend? Either they have made an estimate and they are dissembling, or they have not and they are simply incompetent.

However, the ministers know enough about the CSR to start briefing the press that the settlement will be inadequate, unfair and unequal. That is simply preparation for the biggest and lamest excuse of all. The Government harvested votes using promises that it could never afford, that it never had the power to deliver and, worst of all, that it had no intention of seeing through in government. Rather than take responsibility for that, it now seeks to dish out the blame. The truth is that the Government has twice as much to spend on Scotland as the first Scottish Executive had in 1999—it will have more than £30 billion to govern Scotland. However, this very week, thousands of Edinburgh school students are told that there is no money to provide them with the decent school buildings that they need, want and deserve—in 2007, in our capital city, there is no money for that out of £30 billion. Broken promises and lame excuses: let us have a national conversation about that.

I move,

That the Parliament regrets the SNP Government's failure to implement a range of policies that the SNP pledged to take forward in its election manifesto and its document, *It's time to look forward*, including reneging on the promise to set out plans to employ 1,000 additional police officers, backtracking on a council tax freeze, failing to implement smaller class sizes in every primary school and not delivering on plans to give £2,000 to first-time house buyers; recognises that the SNP Government is already letting down communities and hardworking families across Scotland, and calls on Scottish ministers to make a statement to the Parliament explaining why they have failed to implement these policy pledges.

09:28

**The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon):** Dear, oh dear—that was a long and depressing 13 minutes. The Government hit the

ground running, but we have just heard from an Opposition that hit the ground moaning and has not stopped since. Wendy Alexander proclaimed a few weeks ago that the SNP won the election in May because we had seized Labour's agenda of hope and aspiration. On the evidence of the motion and that depressing and sour speech by Iain Gray, there is absolutely no danger of Labour seizing the agenda back any time soon.

The latest complaint, which we heard yesterday, is that poor Labour does not get enough taxpayers' money to do its job properly. We can probably agree throughout the chamber that Labour does not do its job properly, but if that is down to not having enough staff, it might be a good idea for Labour to stop getting rid of the staff that it already has. Apart from anything else, anyone who Lord George Foulkes thinks is an idiot must have something going for them. I offer some honest and friendly advice to Labour, from a party that I am happy to say spent too much time in opposition: saying sorry for an election loss is the easy bit; what matters is that a party understands why it lost the election and then starts to do something about that. It is abundantly clear from what we have just heard that Labour is still a long way off doing anything at all about it.

In fairness, I can understand the bind in which Labour finds itself, as it has absolutely nothing positive to say. The proof of that is in the motion. We should consider that the debate is Labour's first Opposition debate under the new leadership, but it has not proposed a single idea or suggestion; instead, we have had more of the same whining, baseless negativity that lost Labour the election in the first place.

**Iain Gray:** I want to correct Miss Sturgeon's mistake. The first debate that we brought to the Parliament was on education, which we see as an extremely important issue. That is why we think that it is important to scrutinise the SNP's failure to deliver the policies on which it won the election.

**Nicola Sturgeon:** I know that it is fashionable in the Labour Opposition these days to pretend that Jack McConnell was never leader of the party, but that debate on education happened under his leadership, not the new leadership of Wendy Alexander. When Wendy Alexander said that Labour had not had a single new idea in 100 years, I did not realise at the time that she meant to continue that tradition, but now we know.

**Ms Wendy Alexander (Paisley North) (Lab):** Will the deputy leader of the SNP concede that, a week ago, her First Minister agreed to my proposal on kinship care in Scotland?

**Nicola Sturgeon:** That was already an SNP policy, but we welcome all newcomers to good ideas. [*Interruption.*] I will move on—we have

heard enough whining from the Labour benches for one morning.

The reality is that Labour is going nowhere fast under its own steam. So, bereft of anything positive to say, all it can do is sit and hope that the Government trips up, makes a mistake or breaks a promise. When that does not happen—and it has not happened—the frustration builds up, the desperation clouds the judgment and suddenly we are being accused of not freezing the council tax, four months before a single council has even set the council tax rate. That is clutching at straws.

I say to Labour and in particular to Lord Foulkes that desperation is a really unattractive quality.

**Robert Brown (Glasgow) (LD)** *rose—*

**Nicola Sturgeon:** I will take an intervention, right on that point.

**Robert Brown:** My question, which arises out of what the cabinet secretary has just said, is: will there be a council tax freeze in this financial year—yes or no?

**Nicola Sturgeon:** Yes. When that happens, I am sure that Robert Brown will be the first to welcome it.

If Labour really wants to talk about broken council tax promises, let it try this one on for size:

“We’ll reform the council tax to make it fairer”.

That is what the previous Labour Government promised, but there was no reform and it delivered a staggering 60 per cent increase in council tax. To quote the motion, “communities and hardworking families” are still paying the price for that the length and breadth of the country. The Government will take no lectures from Labour about the council tax, or, for that matter, about health, education, crime or housing.

**Charlie Gordon (Glasgow Cathcart) (Lab):** Will the member take an intervention?

**Nicola Sturgeon:** No. I will move on.

Council tax is not the only Labour broken promise that we can talk about. There are eight years of Labour—and, in fairness, Liberal—broken promises to choose from.

What about crime? A 10 per cent reduction in youth offending is what Labour promised. A 16 per cent increase in youth offending is what it delivered.

Iain Gray specifically mentioned housing. Seven thousand new houses a year is what the Labour manifesto said. In fairness, Wendy Alexander, the then housing minister, downgraded that to 6,000 a few months after the manifesto was published. However, a mere 4,000 a year is what Labour

delivered—hence the affordable housing crisis that Labour now has the brass neck to complain about.

What about health? Six hundred more consultants was the promise. In fairness, Labour did not break that promise; it just dumped the pledge when it got a bit too difficult to implement.

Then there was Labour’s promise to cut class sizes. Of course, Labour no longer believes in cutting class sizes. To be scrupulously fair, that promise was not even dumped, but just redefined so that maximum class size targets became average class size targets—not that it matters, because it did not deliver on that pledge on either count.

That is the reality of eight years of Labour Government: broken promise after broken promise after broken promise.

**Margaret Curran (Glasgow Baillieston) (Lab):** Will the member give way?

**Nicola Sturgeon:** No.

That is why Labour lost the election. I suggest that Labour reflects just a little bit longer on its own shortcomings before hurling false accusations at anyone else.

In contrast to a failed and failing Opposition, this Government has made action and delivery its watchwords. I make this admission: for sure, we have not fulfilled in our first four months every single one of the commitments in our four-year manifesto. If that is the charge, we plead guilty. However, we have made a fantastic start, and that is how we mean to continue.

For the benefit of those who I am sure would rather ignore the SNP’s record of achievement, I will recap just how much can be done when Scotland has a Government with courage, vision, ambition and a determination to act in the national interest. Accident and emergency departments at Monklands and Ayr have been saved; the back-door tuition fee has been abolished; tolls on the Tay and Forth bridges are on the way out; personal care payments have been increased; £40 million and 300 more teachers to start cutting class sizes have been delivered; the international aid budget has doubled; nurses’ pay increase has been delivered; the Crichton campus has been saved; free nursery education has been increased; hidden waiting lists have been abolished; and, on the conversation on independence, we are setting the agenda and dragging the previously ultra-unionist Labour Party along in our wake. All in all, that is not a bad start, given that we have been in office for four months.

However, we have much more to do. As Andy Kerr so rightly said just a couple of weeks ago, we inherited a mess, and sorting it out will take time. We were elected on a clear programme for



action—a four-year manifesto to make our country wealthier, smarter, safer, healthier and greener—and we intend to deliver it step by step. We will do that by showing leadership and working with others where we can to build consensus and agreement. It will be for others in the Parliament to decide whether they want to help or hinder.

Ultimately, it will be for the people of Scotland to judge. The people of Scotland had eight years of broken promises, low ambition and excuses for doing nothing with a Government that sat on the fence when Scotland wanted to be heard on nuclear power, Trident and the war in Iraq. Scotland rejected Labour on 3 May and this morning we have had a good reminder why. This Government will deliver. It will be held to account not by the Opposition but by the people of Scotland, and we will not be found wanting.

I move amendment S3M-607.3, to leave out from “regrets” to end and insert:

“congratulates the SNP Government for its early action to deliver on a range of commitments, including the abolition of the graduate endowment, the retention of accident and emergency services at Ayr and Monklands hospitals and the abolition of tolls on the Tay and Forth bridges, and looks forward to the government continuing to deliver for the people of Scotland.”

09:39

**Murdo Fraser (Mid Scotland and Fife) (Con):** I am sorry to start my remarks on a note of disappointment. When I saw the Labour motion for debate, I assumed that the new Labour leader would be taking this opportunity to set out her stall and impress members with her rhetorical flourishes as she laid about the SNP Government for its numerous policy failures. Alas, it was not to be; instead we have had Iain Gray standing in for his leader. I had rather hoped that Wendy Alexander would be leading from the front, but, on this occasion at least, we have been disappointed.

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** Where is Annabel?

**Jackie Baillie (Dumbarton) (Lab):** Where is Annabel?

**Murdo Fraser:** Members are asking where Annabel is. I hate to have to remind them that this is a Labour Party debate, and one would expect the Labour Party leader to be here.

Perhaps Wendy Alexander had good reason to stay out of the debate. It would take an exceptionally well-polished brass neck for the Labour Party to accuse anyone else of having broken their promises in government. At least Iain Gray has the excuse of not having been part of Government for the past four years, having been relieved of his ministerial responsibilities by my

good friend David McLetchie and the voters of Edinburgh Pentlands.

As Nicola Sturgeon said, Labour is in no position to accuse anyone else of breaking pledges. The Labour Administration told us that growing the economy was the top priority, but economic growth throughout Labour's period in office routinely trailed that of the UK as a whole.

That was the Administration that told us that it was going to reduce class sizes in secondary 1 and secondary 2 for maths and English to a maximum of 20, but said later that that figure was merely an average, not a maximum.

That was the Administration that told us that there would be public involvement in health service reorganisation, but, nevertheless, went ahead with cutbacks and closures in the face of vigorous local opposition.

That was the Administration that promised us new bands for the council tax, which, thank goodness, it never got around to delivering.

That was the Administration that promised to eradicate poverty and social exclusion, but under whose stewardship the gap between rich and poor actually widened.

**John Park (Mid Scotland and Fife) (Lab):** Will the member take an intervention?

**Murdo Fraser:** I am happy to take an intervention from Mr Park, who, of course, is not culpable, having not been part of the Administration over the past eight years.

**John Park:** It is great to have that history lesson from Murdo Fraser, but he should look back a bit further. I remember some of the highlights of the Conservative Government. I was particularly impressed by the 3 million on the dole, the miners' strike and black Monday. Perhaps he would care to comment on them.

**Murdo Fraser:** As Mr Park knows, the Conservative party will shortly be back in government and we will be able to assess our prospects then.

Just in case the Liberal Democrats think that they are getting off the hook on this one, I remind them gently that they are equally culpable for all the failures of the past eight years.

The subject of the debate is SNP failures. Iain Gray has set out well what those are: the failure to meet the commitment to employ an additional 1,000 police officers which has been watered down; the failure to implement smaller class sizes in every primary school, which we know cannot be afforded; and a failed plan to give £2,000 to first-time home buyers, which has been quietly dropped—although I am delighted that the Conservative party has now offered to help those

self-same buyers by pledging to abolish stamp duty on purchases up to £250,000.

There is one other pledge that the Labour motion does not mention but which is covered in our amendment: the commitment in the SNP manifesto to adopt the Better Regulation Commission's one in, one out policy, which means that each new regulation must replace another. The Conservative party supports that eminently sensible proposal. However, the proposal has already been ruled out. Last week, the Cabinet Secretary for Finance and Sustainable Growth told us that the proposal had been ruled out because it was "too simplistic." What a pity that the SNP did not consider whether the policy was too simplistic before it decided to put it in its manifesto. If the policy is too simplistic, what does that say about all the other carefully crafted policies in the SNP manifesto? Are they all to be equally damned and quietly forgotten about now that SNP leaders have the responsibility of government?

I will set out the likely SNP defence to today's charges, of which we have already had a flavour. The first line of defence will be that the SNP cannot carry out its pledges because it does not know whether it will have enough money to do so; it needs to wait until the CSR. However, as Iain Gray said, that position is no different today from what it was in May or at any point in the run-up to the election. If it was in order to make all those pledges back in May, it is simply no excuse to say today, "We don't know if we have the money." That is simply a cop-out, and it shows that the promises are not worth the paper that they were printed on.

The SNP's second line of defence is to say that the Government will not have enough money to implement all its pledges because it has had to pay for the Edinburgh trams. However, it was made perfectly clear back in June, when we had the parliamentary vote on the Edinburgh tram scheme, that this Parliament could not bind the SNP Government and that it was entirely a matter for Government to decide whether to proceed with the Edinburgh tram scheme. That very tram scheme, which it opposed, is now an essential element in the SNP Government's plan to link Edinburgh airport to the Scottish rail network. That line of defence will not wash, either.

This week, the third and final line of defence has started to be spun: the Government will not have enough money to pay for its pledges because Gordon Brown is going to short-change us. Big, bad Gordon is going to be mean to poor, wee Alex and the SNP Government and leave them out of pocket. Gordon Brown is a political opponent of mine but I cannot believe that even he would be so stupid as to walk into that trap. It would be an

own goal of monumental proportions, even for this Labour Prime Minister.

However, that line of defence is instructive in relation to what it can tell us about the approach of the SNP. We were told that this new Government was elected on a message of hope and optimism. Even many people who are not nationalists welcomed the tired Labour-Liberal Democrat partnership being turfed out of office in May and new faces taking over as Scottish ministers. We were promised a bright, new future for Scotland with a positive and forward-looking agenda. How quickly the SNP has reverted to type, however. The sunny uplands have been left behind and we have gone back to the old SNP approach of grin and groan and whine and moan. The great big tartan chip is back on the shoulder and all the whinging and cringing about Westminster has returned. The SNP Government will now blame Westminster for everything that goes wrong—even its own failures to implement its own manifesto commitments, which it now recognises were too simplistic.

Scotland expected better than that from this SNP Government. Scotland deserves better than that. Frankly, this is a Government that has already let Scotland down badly.

I move amendment S3M-607.1, to leave out from "regrets" to end and insert:

"notes the SNP Government's failure to implement a range of policies that the SNP pledged to take forward in its election manifesto and its document, *It's time to look forward*, including reneging on the promise to set out plans to employ 1,000 additional police officers, backtracking on a council tax freeze, failing to implement smaller class sizes in every primary school, shelving the commitment to adopt the Better Regulation Commission's policy of "one in one out" and not delivering on plans to give £2,000 to first-time house buyers; recognises that the SNP Government is already letting down communities and hardworking families across Scotland, and calls on Scottish ministers to make a statement to the Parliament explaining why they have failed to implement these policy pledges."

09:47

**Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD):** I note that the SNP amendment talks about abolition of the graduate endowment. That is something on which the Liberal Democrats agree with the SNP, but announcing a thing does not automatically make it so. The Government is doing the same in relation to bridge tolls; with the magic wand of a press release, the tolls have gone. Quietly in committee this week, however, the Government said that tolls might come back for the replacement crossing of the Forth. That is one of many areas in which the Government has been spinning furiously.

At the beginning of this session, the Liberal Democrats said that we would work constructively

but not uncritically, and that we will support the Government when we think that it is right, but will not be shy in saying that it is wrong when we think that that is the case. The First Minister said that this is a Parliament of minorities and he was right, but the Government is no longer acting as if it is a minority Government. Many people believed the promises of the SNP and the good intentions that were espoused in the early days after the election, but the First Minister's commitment to be consensual and open to all opinions has simply not been borne out by reality in recent months. Spin has been a regrettable bridesmaid to this new Government. In 100 days, £155,000 has been spent on spin doctors and announcement after announcement has been spun as new action, new funding and new policy by the new Government when, time after time, those announcements have been about existing policies with funding that was already budgeted by the previous Administration.

Parliament has been used in a cavalier way, beyond even the criticisms that were levelled at the previous Government by the SNP. In relation to broadcasting and economic advice, Parliament has been actively bypassed by minister-announced commissions. There is absolute justification for us to scrutinise robustly this minority Government with a majority ego. A group hug followed by some family mediation—which is what is proposed by the Greens in their amendment—is not sufficient.

The Government has sought to distance itself from some pledges but it has not been shy in relation to announcements, such as the one about the national conversation. We have been told today that the conversation is in full swing, but the fine print at the bottom of each of the conversation web pages reads:

“All comments are moderated in advance of being made public.”

I was amused to see Sir Sean Connery's contribution to the conversation on 18 September, when he was in wonder at the new Government and marvelled at its achievements—without specifying what they were, of course. His post was followed a little later the same day by a post from Spiderman from Argyll. I am not sure that that is his real name, but he said:

“That's all great, Sir Sean, and we respect you greatly but why don't you come and join us.....?”

In response to parliamentary questions, the Government has confirmed that there is no end to the national conversation, which means that it will be a sort of modern purgatory, with the nation condemned to presentations about the economy from Jim Mather and his hundred flipcharts. To be fair, the Government needs to be commended for getting James Bond from Marbella and Spiderman from Argyll to contribute.

The national conversation web pages also contain ministers' blog posts on the promises. John Swinney's post says that Scotland could do much better than it is doing and should match the performance of Iceland. The next week, Jim Mather pointed to the “arc of prosperity” around us, indicating Iceland in particular. Fiona Hyslop, just this week, pointed to—yes—Iceland. She said:

“We need only look to Iceland to see the benefits.”

Today, I see that the record growth in Scottish exports of 4.4 per cent in the second quarter of 2007 was not good enough for Jim Mather, who said, in a press release, that we need to look to Iceland for a model. That is what I did. I discovered that the macroeconomic forecast for Iceland, which was published this week by the Icelandic Ministry of Finance, pointed to a growth of gross domestic product of 0.7 per cent and a fall in expenditure of 5.2 per cent. That is the Icelandic dream that we should all be following.

On some of the promises that have been made by the SNP about targets, the Minister for Schools and Skills said in a debate on the skills strategy that the era of targets is over. She said:

“The priority of this Government is not to meet targets”.—[*Official Report*, 12 September 2007; c 1632.]

I commend her for her frank admission, of course.

However, 10 days later, the era of legally binding targets in health has begun. On class sizes, on 5 September, the First Minister was keen to confirm that the pledge to reduce class sizes in primaries 1 to 3 will be met in this session of Parliament, before 2011. He was unequivocal—no ifs and no buts. Of course, the ifs and buts came before, and the Cabinet Secretary for Education and Lifelong Learning was sitting uneasy in her seat because, on 27 June, in response to a question in the Education, Lifelong Learning and Culture Committee on whether the Government will deliver that commitment by 2011, she said:

“We deliberately never state timeframes and say, ‘This will be delivered by a certain date’”.

She then said:

“I do not want to give an end date”.—[*Official Report, Education, Lifelong Learning and Culture Committee*, 27 June 2007; c 46.]

Last week, the Minister for Children and Early Years said that the policy would be delivered only with the support of the Convention of Scottish Local Authorities. However, COSLA has not been told by the Government whether it intends to deliver its policy by 2011. Currently, the Government has given no confirmation to COSLA on that point. Internally, as we know from the Minister for Schools and Skills, Maureen Watt, the Government knows exactly how much is needed. That is what she told my colleague, Robert Brown,

on 13 September. However, she is just keeping it a secret. When Robert Brown asked if a bid had been made to John Swinney to enable the class-sizes promise, she said:

“Of course we have made a bid to meet those commitments.”—[*Official Report*, 13 September 2007; c 1757.]

The Government tells us that it might deliver the commitment by 2011 or it might not. It says that it knows internally how much it will cost but that it has not told the councils.

This debate is about the Government’s broken promises—poor ministers were imploring the First Minister not to force them to keep their promises. “We can’t do it,” they told him. “We don’t want to do it,” they pled. “You must do it,” he replied, “but don’t give the councils the money.”

We hear SNP MSP after SNP MSP condemning public-private partnerships. In a recent health debate, an SNP member said that PPP contracts were pimping out the public sector to the private sector. In the Education, Lifelong Learning and Culture Committee on 27 June, I asked the cabinet secretary whether it will

“therefore be possible under this Government for councils to put forward new PPP schemes.”

Fiona Hyslop replied:

“Yes, but I do not think that it is a big issue.”—[*Official Report, Education, Lifelong Learning and Culture Committee*, 27 June 2007; c 40.]

We see the same thing in relation to nursery provision. In December 2006, the SNP said that it was time to double nursery provision. However, in March, the SNP said that it would increase it by 50 per cent and, currently, the funding is for a 30 per cent increase.

The SNP said that it will abolish student debt. Now, however, the Government says, “Well, we might just be relieving it.” Indeed, on 13 September, the Minister for Children and Early Years conceded that the Government has asked the Treasury whether it has permission to act on student debt.

It is right to hold this minority Government with a majority ego to account.

If the Government commits to delivering its manifesto—there are good aspects to it—we will support what is good and proper; however, when the Government promises the earth, we will join with the 70 per cent of the people of Scotland who did not vote for the SNP. The jury is very much out on its broken promises.

I move amendment S3M-607.2, to leave out from “recognises” to end and insert:

“further notes the SNP Government’s reluctance to keep its promise to students and dump student debt by writing off

the debt to the Student Loans Company for Scottish domiciled graduates; notes the SNP Government’s refusal to meet its manifesto pledge for mandatory carbon reduction targets of 3% per annum; recognises that the SNP gained votes on these pre-election promises to the people of Scotland which they are now failing to keep, and calls on Scottish ministers to make a statement to the Parliament explaining which of these pre-election promises are no longer government policy and why, and which promises they do intend to implement and by when.”

09:55

**Patrick Harvie (Glasgow) (Green):** Like a lot of other members, I reacted with dismay and humour when I first heard the title of the debate. It is the first Labour debate since the party’s new leader assumed her post, and I had hoped that there would be some attempt to present more positive ideas, inspirational leadership and proposals for working constructively in opposition—or, at the very least, for getting used to the idea of being the Opposition. Sadly, that is not the case. The motion highlights the gulf between what people should be able to expect from politics and what, all too often, they come to expect: bitterness, sniping and negativity.

That is not what was expected of the new politics when we first got devolution and proportional representation. People talked about the horseshoe chamber that the Scottish Parliament has, which is unlike the oppositional bear pit at Westminster. It is certainly not what people expected from minority government, which gives all parties the ability to influence. The motion is, therefore, disappointing.

**Hugh Henry (Paisley South) (Lab):** I understand perfectly what Patrick Harvie is saying and what he says in his amendment. However, does he not recognise that there is a world of difference between the aspirations that he has put forward and the reality of what is being done by the Administration? We are not talking about criticism of the Government’s inability to do things because it is a minority Government; we are talking about the deception that has been perpetrated because it has promised things that cannot be delivered.

**Patrick Harvie:** I thank the member for his speech.

Is the motion fair? As a member of an Opposition party, I am happy to consider any motion from any party and to decide whether it is fair and whether I should support it. It could be argued that the SNP overpromised in its first 100 days document. That document gave a list of things that the party could do if it could do everything its own way, but everybody knew that that was not going to be the case. Even with a majority in the chamber, every political party in Parliament must co-operate, compromise and

negotiate with others to form a political programme. The SNP knew that, we knew that and most voters knew that.

**Iain Gray:** Will the member give way?

**Patrick Harvie:** No, thank you.

Aside from asking whether the motion is fair, I ask whether it is understandable. I think that it is perfectly understandable—it is a reaction to having lost power. [*Laughter.*] That was not intended as a joke; it is reality, and the Labour Party will have to get over it. There is a real danger that Labour members will come across as being disgruntled, cynical and bitter. That negativity lost them the election.

**Mike Rumbles:** Will the member take an intervention?

**Patrick Harvie:** No, thank you.

In May, Jack McConnell reminded Parliament that Labour is the largest and most experienced Opposition party that Parliament has had. If it wants to capitalise on that position—as it should—it will need to learn what it means to be an Opposition party.

**Iain Gray:** Will the member give way?

**Patrick Harvie:** No, thank you.

In opposition, we were used to seeing the previous Government do what we felt was the wrong thing. If all we had done was throw a strop about it, we would have been wiped out along with the Scottish Socialist Party in the 2007 elections. [*Interruption.*]

If Iain Gray wants to intervene now, I will let him; if he does not, I will continue.

The Labour Party would do well not to provoke the SNP to implement policies that it opposes. I do not want to see the £2,000 payment to stoke house-price inflation any more than the housing organisations do or any more than Labour should. Therefore, in drafting motions, Labour members should be careful what they wish for—they might get it.

**Andy Kerr (East Kilbride) (Lab):** In the spirit of the debate, will the member condemn the SNP Government for misleading first-time buyers with a promise that it clearly could not deliver? Will he at least condemn the Government a wee bit?

**Patrick Harvie:** I do not agree with that policy and, as I said, I do not agree with the idea of presenting a list of policies as though the Government will be able to implement them all—everybody knows that a party that does not have an absolute majority does not get its own way.

**Iain Gray:** Will the member take an intervention?

**Patrick Harvie:** No, thank you. I have taken two already.

Both the Conservative and Liberal Democrat amendments reproduce exactly the tone of the Labour motion and are due the same criticism. On the policy points that they contain, I do not like the simplistic idea of one in, one out regulation. Furthermore, the reduction of carbon dioxide emissions is not a simple job. I do not think that any political party has got its head fully around what a society and an economy that are emitting 80 or 90 per cent less carbon dioxide will look like. I say to any political party that thinks we can achieve those deep, swingeing cuts while expanding aviation, building capacity in the road network and removing any vestige of demand management on the bridges for short-term political advantage rather than for serious transport policy reasons, that it will fail to meet whatever targets it sets. The proposed climate change bill, which the Liberal Democrat amendment mentions, is about to be consulted on; I would welcome a few more positive proposals to improve it. The bill will include the measures that Parliament as a whole supports, not just those that the Government supports.

I am sorry to say that the SNP amendment does not attempt to redefine the debate, although it should. The reality that we are facing is a minority Government in a tightly balanced Parliament. If the SNP had approached that new situation by simply introducing bill after bill on its own priorities, without a majority, and had issued ministerial orders on the same basis as well as introducing a budget that addressed only its own priorities, without any negotiation or compromise to build a majority, that would have been a recipe for chaos and conflict. That would have been failure in government; however, I do not believe that that is what we have seen.

Those are the messages that I want to give to the other Opposition parties. I ask the Liberal Democrats to work with us to achieve the best climate change bill that Parliament can produce. Whatever policy differences there are between the Greens and the Conservatives, we share a special bond—I expect a big cheer from the Labour Party on this—because of our uninterrupted experience of being in opposition. The Conservatives should recall the words of Annabel Goldie, who called for an end to

“posturing and petty playground antics”—[*Official Report*, 16 May 2007; c 21.]

in the new session. They should reflect on that and support the Green party’s amendment, so that we can pass a motion that reflects reality.

Finally, I ask Labour members to find a way to accept with good grace the fact that many Labour

voters wanted a change of Government and got it. They will not play the constructive part of which they are capable in Parliament if they continue in this style.

I move amendment S3M-607.4, to leave out from “recognises” to end and insert:

“further notes that the previous administration had its own failures, as will every government; recognises, however, the widespread disillusionment with confrontational and negative politics; recognises that in a parliament of minorities, and especially under a minority government, no single party can expect to implement its full manifesto without consultation or compromise; accepts that the current administration cannot claim a mandate to implement every manifesto commitment and that no political party that has served in coalition government was able to do so either; notes the words of Donald Dewar MSP, on being elected as Scotland’s first First Minister, that “Co-operation is always possible where there are common aims and values, even though there may be great and dividing differences in other areas”; further notes the words of Annabel Goldie MSP that Scotland “wants posturing and petty playground antics to be left at the door”, those of the First Minister that “our overwhelming responsibility is to work together in the people’s interest” and Nicol Stephen MSP’s commitment to be “constructive and positive”, and urges all members to hold the Scottish Government to account but also to work constructively and positively wherever possible for the benefit of the people and the country in the spirit of the founding principles of the Parliament.”

10:02

**Johann Lamont (Glasgow Pollok) (Lab):** I am happy to speak in the debate. I will start with a confession. At first, I thought that it was rather uncharitable and a bit too critical for us to attack the SNP, which has been in power only since May. We all recognise the real challenges that the Government faces and the hard decisions that must be made. However, the problem for the SNP is that it cannot use that defence given its triumphalist, self-regarding and overblown claims about what it is doing. It is in that context of overclaiming and underdelivering that it is entirely legitimate to focus on the gulf between Executive claims and Executive action. I say to Patrick Harvie that the SNP has claimed that it is building consensus but it is doing that behind closed doors instead of working through the parliamentary process.

I will comment on the Executive’s approach in an area in which I have a particular interest—housing and communities. As has been mentioned, the motion talks about the first-time buyers grant. That was an SNP manifesto commitment for which, I do not doubt, people voted. However, the Executive’s position is not clear. Has it accepted that it is a costly promise that does not differentiate between people who struggle to get on the property ladder and those who do not? In the Local Government and Communities Committee on 27 June, Nicola

Sturgeon said that she accepts that she is in a minority Government and cannot automatically have her position agreed. However, if she believes in the policy—I presume that she does, as it was in the SNP’s manifesto—it would be reasonable to expect that she might try. She also said:

“By necessity and by desire, we will have to test all our manifesto commitments in the Parliament.”—[*Official Report, Local Government and Communities Committee*, 27 June 2007; c 22.]

Nicola Sturgeon and the SNP cannot use the fact that they are in a minority Government as an alibi; they cannot say, “We would have done this but these bad people won’t let us do it.” There have been many examples, over the past eight years, of policy coming to Parliament, being shaped and moulded by Parliament and coming out very different at the end of the process. Either Nicola Sturgeon should be honest and say that the SNP now does not believe that the policy is credible, or she should test it through the parliamentary process. If she does neither, our suspicion will be confirmed: like so many other manifesto promises, it was designed to win votes and, having served its purpose, can now be quietly dropped.

The second feature of the SNP Government is its pretending to act. Members may recall the housing supply task force, which was talked up and lauded—of course, we were criticised last week for wanting to set up a talking shop. It has now been confirmed by members of that task force, who accepted that their work would be determined by the Executive’s housing proposals and the comprehensive spending review, that they were not told to produce a report or asked to comment on the Executive’s housing proposals. They have not been asked even for comments on what the Executive should argue for in the comprehensive spending review or for a view on the future of Communities Scotland as a crucial housing regulator.

Another example is the central heating programme. We are told that there will be a review of it, but yesterday we learned that there is no remit, timescale or even a funding commitment for the central heating proposals.

**Nicola Sturgeon:** Will the member give way?

**Johann Lamont:** Let me make my next point.

The third charge for the SNP is that it takes administrative action, safe from parliamentary scrutiny, when it suits it. I will give members one small example: the abolition of Communities Scotland. I was told in June:

“We will take time to consider the issues properly, consulting both organisations, trade unions and other key stakeholders, including ensuring that the relevant Parliamentary Committee has an input into the process

before the final decisions are taken.”—[*Official Report, Written Answers*, 23 July 2007; S3W-1701.]

On 19 September, Stewart Maxwell then said:

“it is imperative that we reach a decision as soon as possible ... If the committee has any other thoughts to tell me about Communities Scotland, I am happy to listen to them and to feed them back into the continuing process.”—[*Official Report, Local Government and Communities Committee*, 19 September 2007; c 74.]

The reality is that the decision to abolish Communities Scotland, like many other Executive decisions, is defended on the grounds that it is a manifesto commitment and will be done precisely because it can be done administratively. That is the charge: the Executive is behaving like the old Scottish Office. It is, when it can, taking administrative action, unaccountable to Parliament.

The last charge is that the Administration calls itself a Government but will not govern. On the community regeneration fund—an issue that I have raised in the past—Nicola Sturgeon told the Local Government and Communities Committee on 27 June:

“The committee will have appropriate involvement, but I will balance that with a clear commitment to people in the areas involved that clarity and certainty will be provided”.

She was asked:

“Can we say that you are determined that funding for those projects will continue?”

She replied:

“Yes ... the matter will be a key priority for Stewart Maxwell and me in the summer, so that we can have clarity soon after the recess.”—[*Official Report, Local Government and Communities Committee*, 17 June 2007; c 28-9.]

Can the cabinet secretary perhaps tell us what she is going to do?

**Nicola Sturgeon:** Let me remind Johann Lamont that the delay in the comprehensive spending review is because of the activities of her party of Government in London. If she is frustrated by the delays—as we are—will she take it up with Gordon Brown?

**Johann Lamont:** With respect, that is precisely my point: the cabinet secretary should stop looking for alibis and start making decisions. I know—because we did it—that the Executive could put in transitional arrangements to ensure that projects continue while the comprehensive spending review continues.

Let me also tell Nicola Sturgeon that the comprehensive spending review is not something that is visited upon the Executive but something that it shapes and determines by its priorities. It told us in June that it could take a decision but it tells us now that it cannot. It should be honest about what it is going to do to communities.

The charges remain: it is disgraceful that the Executive will not take decisions; it is cynical in the decisions that it takes; and ultimately—I say this particularly to Patrick Harvie—it has absolutely no confidence in its rhetoric on consensus. It will not speak to Parliament about what it wants to do, which is the biggest broken promise of all.

10:09

**Alex Neil (Central Scotland) (SNP):** I find it interesting that the first two speakers from the Labour benches are former ministers who failed to deliver and, in Johann Lamont’s case, who failed to keep the biggest housing promise of the lot. In 1999 to 2000, the Labour Party promised second-stage transfer to the people of Glasgow and set up the Glasgow Housing Association. She now talks about accountability to Parliament, but Parliament is not entitled to ask a lot of detailed questions about GHA, which has spent hundreds of millions of pounds of taxpayers’ money. Second-stage transfer is the biggest broken promise in the political history of Scotland. Labour had eight years to carry it out. Johann Lamont last week said that she did not believe that there was any financial black hole. If she could remove it by waving a magic wand, why did she not wave the magic wand when she was a minister?

**Johann Lamont rose—**

**Alex Neil:** The reason she did not is that second-stage transfer was neither costed nor funded. Labour knew that at the time, and it made a false promise to the people of Glasgow. We will not be taking any lessons from Labour members on broken promises.

We have had 10 years of Labour in London and nothing but broken promises.

**Johann Lamont:** Will the member give way?

**Alex Neil:** I will in a minute, Johann. Contain yourself—I will let you in.

We have had 10 years of broken promises. Remember that when Labour stood for election in 1997 the mantra was: “Education, education, education.”

**The Deputy Presiding Officer:** Mr Neil, will you use your microphone, please?

**Alex Neil:** I am delighted to do so.

What is Labour’s record? Iraq, Iraq, Iraq. That is a broken promise: it promised to deliver education but instead committed £10 billion to the folly of Iraq—and Labour has the cheek to criticise us.

Let us look at the promises that have been implemented. We have implemented the decision to keep the Monklands and Ayr accident and emergency units open, when we had the ridiculous

spectacle of Nye Bevan's party campaigning to close accident and emergency units. Nye must be birling in his grave when he looks at the Scottish Labour Party today.

**George Foulkes (Lothians) (Lab):** No he wouldn't—he was cremated.

**The Deputy Presiding Officer:** Not from a sedentary position, Mr Foulkes.

**Alex Neil:** One thing Nye Bevan would not be doing is birling in the House of Lords—that is for sure.

On free school meals, Labour approached the Tories to try to stitch up a deal to scupper free school meals for the poorest children in Scotland. That is the modern-day Labour Party. Labour members talk about broken promises, but they have not only broken promises—they have breached every principle on which the labour movement was founded more than 100 years ago.

The Labour motion says that we have failed “to implement smaller class sizes in every primary school”

in Scotland—in five months. Labour members promised constructive opposition, which represents not one broken promise but two: it is neither constructive nor opposition. They are criticising us because we have not, in five months, delivered our four-year programme. No Government in history—not even Harold Wilson in his first 100 days—has done anything like what this Government has achieved in its first 100 days.

The reality is that Labour members are jealous. We can see the envy in their faces, when there is announcement after announcement about promises being kept, because they did not think of it first.

**Johann Lamont:** Will the member give way?

**Marilyn Livingstone (Kirkcaldy) (Lab):** Will the member give way?

**Alex Neil:** I will take Marilyn Livingstone.

**Marilyn Livingstone:** Alex—I would like to ask you a question, as ex-convenor of the Enterprise and Lifelong Learning Committee, which we worked on together. One of your announcements has been to restructure the Scottish Enterprise network completely with no discussions with the relevant committee. I would like to hear your views on that.

**Alex Neil:** John Swinney and Jim Mather have done in five months what Iain Gray, Jim Wallace and Nicol Stephen all failed to do as ministers. They were supposed to be enterprise ministers, but they showed not one ounce of enterprise when they were in office.

The reality is that we have set an ambitious programme. We do not moan and groan like the

three old unionist parties. We are about the future and they are about the past, which is why in our first five months we have set the agenda in Scotland. If Mr Brown does not call an election on Tuesday, it will be because he knows that the SNP is going to give him a hammering in Scotland.

**The Deputy Presiding Officer:** I remind members to use one another's full names whenever possible.

10:15

**Derek Brownlee (South of Scotland) (Con):** If Alex Neil is the future, Scotland has a bleak future indeed.

An Opposition debate provides one of the few opportunities for Opposition members to present their policies or to offer sustained scrutiny of Government policies. Labour has not proposed any new policies or mounted a sustained critique of one Government policy; instead, it has taken a scatter-gun approach.

Even at this stage in the debate, we can reach two conclusions. First, even today, Labour is still very bitter. The outpouring of bile from the Labour members who have spoken and Labour members' sour faces tell us that. They cannot quite believe that anyone else is in government. I suspect that Labour is joined in that by the Liberal Democrats, but perhaps that is less obvious, as they are happy to attack the Government even when they are in government. [*Interruption.*] Members are right to point to Mike Rumbles.

The second conclusion that it is fair to draw from Labour's motion is that Labour does not do irony. In his speech, Murdo Fraser said that the Labour Party has a brass neck. If that is so, I despair of what decaying and corroded material was used to fashion its brain. Perhaps I am being a little unkind, but it is a bit weak of the Labour Party, which broke many promises in eight years in government, that the motion is the best that it can do, five months into the new Government.

As Patrick Harvie said, Labour seems to condemn the SNP for failing to do in government precisely what it told the SNP not to do in government. That is a bizarre approach to opposition.

**Alex Neil:** Can I take it from what the member just said that he will not vote for the Labour motion?

**Derek Brownlee:** I will listen to the debate. I am not sure whether Mr Neil's speech helped his case.

We should not be surprised that the Labour Party has made an illogical, ill-thought-out and poorly argued case—after all, it is difficult to break



the habits that it acquired in government. Only last month, the Labour Party produced with a flourish the so-called dirty dozen—12 spending cuts that it claimed the new Government was investigating. It demanded that the Government rule out those 12 spending cuts and, at the same time, that the Government double the level of its planned efficiency savings. Of course, all the savings that the Government was asked to rule out were proposed in a report that the Labour Party commissioned when in government. Did the Labour Party in government commission that report with a view to rejecting every recommendation that it made, as Labour members have urged the Government to?

I will remind members of the background to the Howat review. Labour promised to publish the Howat report but did not. The SNP promised to publish it and did. The broken promise there falls fairly at the Labour Party's foot.

The situation gets worse for the Labour Party, because its dire warnings before the election of what would happen if the SNP ever got into government have failed to come to pass—the sky has not fallen in. I remind members that when the roof did fall in—as I remember from bitter experience—Labour and the Liberal Democrats were in charge.

The SNP is wrong not to increase the number of police officers—we oppose it on that—but it is not wrong to try to use better those that we already have. It is wrong not to pursue deregulation more vigorously and wrong to pursue a local income tax.

The SNP may also be wrong to have made some other promises that it made in the election campaign, but that is its problem and not mine. I do not particularly care whether there is a black hole in the SNP manifesto's costings, provided that there is not one in the Scottish Government's books.

None of that suggests that the SNP Government is good. As often happens, the Government benefits from comparison with a poorly performing predecessor.

It is interesting to note how quickly we have moved from blaming everything that is going wrong in this country on the Conservative party—it took Labour only 28 years to get through that phase—to saying that everything is now the fault of the SNP, which has been in government for all of five months.

An effective critique of the SNP Government should not rest on its failure to implement its manifesto in full in five months, or to do things that the Opposition does not think that it should be doing anyway. The Opposition should instead concentrate on a serious, issue-by-issue discussion of where the Government is going wrong, which has been sadly lacking today.

We are told that if a million monkeys are put in a room with a typewriter, they will eventually come up with the collected works of Shakespeare. Today's debate has told us, if nothing else, that 46 Labour MSPs and five months of furious bashing-away at the keyboard have still not produced the semblance of an effective or constructive Opposition.

10:21

**Paul Martin (Glasgow Springburn) (Lab):**

Derek Brownlee does a great disservice to Labour members by suggesting that they are dour. If he looks at Margaret Curran and Johann Lamont, he will see that they are happy that the SNP's honeymoon has come to an end. The blips have started to appear. On 3 May, more than 1.3 million people cast their vote in favour of the SNP. When they marked their cross in the box, they were clear that the SNP would deliver 1,000 extra police officers. Michael Russell might find that funny, but I am afraid that the people in the constituency that I represent, and in many others throughout Scotland, do not find it funny that those 1,000 extra police officers will not be delivered.

The manifesto did not state in the small print that it would be the equivalent of 1,000 extra police officers. It was clear in the SNP manifesto that it would deliver 1,000 extra police officers, not the return of Rebus and Taggart from retirement, not overtime or the "equivalent" that we see in endowment policy documents. Instead, the Cabinet Secretary for Justice, who, like his deputy, is not here today, tried to create wriggle-room for himself during his appearance on a debate on STV by saying that it was stupid of Michael Crow to ask how many police officers would be in place on 4 May 2008. I will therefore put my own stupid question directly to Nicola Sturgeon: how many police officers will be in place in May 2008? How many will be in place in May 2009? How many will be in place in 2010? Perhaps the minister wants to intervene on that point. I am more than happy for her to clarify.

**Nicola Sturgeon:** I simply refer the member to the manifesto. He can read it and find the answer for himself.

**Paul Martin:** She is unable to clarify. The minister needs to be unequivocal. Her document states, "It's time to look forward", but the cabinet secretary is not happy to do that when answering questions about the future projection of police numbers. The document makes clear the SNP's ambitions for the first 100 days of government and it is clear in stating that it will deliver 1,000 police officers in communities throughout Scotland—no Rebus, no Taggart; it is very clear. We look forward to seeing that commitment delivered, and we will welcome the opportunity to question the minister on 4 May 2008.

The minister should take a lead from Roseanna Cunningham, who was unequivocal in saying in 2002:

“As Justice Minister I would ensure that the SNP delivered on our pledge to deliver one thousand more police officers.”

I would like to hear from Roseanna today. Her words were clear and unequivocal. It is a pity that she is not the justice minister; the people of Scotland would have been well served by that unequivocal comment.

Perhaps I may take issue with Iain Gray, but I will not excite Labour's business manager. My calculation is that 16,234 police officers were in place on 3 May 2007. Therefore, we want to see 17,234 police officers in place on 4 May 2011. Will the minister deliver that, yes or no? Will she deliver 17,234 police officers? No Rebus, no Taggart, no overtime—we want to know how many police officers will be in place. We and the people of Scotland will hold her to account.

The SNP also promised, in what the First Minister has called an ambitious document, to deliver a criminal justice bill as an early action. Will the minister confirm what an early action is? When will the SNP introduce that important legislation? I see that Michael Russell thinks that what I am saying is funny, but I suggest to him that several legislative remedies could be discussed. Patrick Harvie's proposed member's bill could be debated, or perhaps Patrick Harvie could lodge amendments to a criminal justice bill. There could be debates on DNA retention, which SNP members have said that they are keen to explore, and on several other criminal justice issues. However, the SNP Government is terrified of having a debate on justice and on the challenges that people throughout Scotland face. It is soft on crime, and it knows that a criminal justice debate would reveal that.

The SNP Government promised to work with all the parties that are represented in the chamber—I hear Nicola Sturgeon agreeing with that. In fact, the First Minister said in his acceptance speech:

“My pledge to the Parliament today is that any Scottish Government that is led by me will respect and include the Parliament in the governance of Scotland over the next four years.”—[*Official Report*, 16 May 2007; c 36.]

In that context, I welcome the commitment that Nicola Sturgeon has again given. However, the First Minister has a lot to learn if he thinks that he can advise the Parliament by means of an inspired question that he is scrapping community reparation orders. Obviously, he has been away from the chamber for far too long. If he calls that joint working, he has a lot to learn.

The possibility of a general election has been mentioned many times. In the light of the SNP

Government's record over the past five months, I say, bring on a general election—and roll on the Scottish Parliament elections in 2011.

10:27

**Rob Gibson (Highlands and Islands) (SNP):** What is at stake in the debate is Scotland's promise. It is our contention that that promise is in safe hands with the SNP Government and that what we have inherited is a threat to that promise. However, before I discuss issues that have plagued us in the Highlands, which I represent, let us look a little behind the scenes. Where are those who are accusing us of breaking promises coming from? What did they celebrate at their British conference in Bournemouth? Let us think about that. Gordon Brown is the friend of the super-rich. He always talks about social justice, but he is always reinforcing notions of Britishness, which have been the bane of our lives. He has presided over a tax system that imposes higher marginal rates on working and middle-class taxpayers than on the wealthy, and that penalises all taxpayers who had the bad luck to be born in Britain rather than abroad. He has made Britain a tax haven for the rich, which is one of the things that is stopping Scotland making progress. Considering where Labour is coming from is important when we are thinking about whether we can believe anything that it says. Labour is barefaced in its attempts to sook up to the hedge-fund kings, to excuse Northern Rock and to seek loans from those people to keep its election campaigns on the road. The tax breaks for wealthy foreigners who are behind that are the ruin of an economy that we could build on. That is what is holding us back.

It is important to take those things into account. Hugh Henry accused us of deception. One thing that we know from the past eight years is that Labour has been barefaced in riding roughshod over the ideas of social democracy for our country that we in the SNP hold dear.

Let us consider our economy and our economic promise for Scotland. In the past eight years, the fiasco of the ferry tender issue has plagued the Highlands and Islands. The Government would not stand up for Scotland by going to Europe and saying that ferry tendering was a unique case. Tavish Scott was the Minister for Transport who was in charge of that.

**Tavish Scott (Shetland) (LD) rose—**

**Rob Gibson:** I am not finished yet.

**Members:** Oh, come on.

**Rob Gibson:** Tavish Scott was the Minister for Transport who would not stand up for Scotland. We now have a Government that will do so and that has had to pick up the millions of pounds that

it has cost to create all the Caledonian MacBrayne companies—which is, apparently, progress.

**Tavish Scott:** I have two questions for Mr Gibson. First, would he break European Union law? Secondly, if he is right, why did the SNP not stop the tendering process the minute that it came into power?

**Rob Gibson:** First, like many of the contracts that we inherited, they cannot be broken once they have been made. Secondly, the previous Government could have fought the Altmark judgment, but did not; we will fight it.

The Crown Estate continues to rip off this country and to exploit our geography by taking money from harbour boards and small piers throughout the country. Labour has had 10 years in which to try to curb how the Crown Estate gives out licences and takes in money from fish farms. Things changed slightly after eight years. We now see the barefaced cheek of the Liberals, who lodge motions saying that we must take action against the Crown Estate. What did Labour and Liberal members do in government? Nothing. That is what we are trying to change.

Part of Scotland's promise is its ability to contribute clean energy to Britain and Europe. Above all, that contribution relies on a regime for grid connections that will allow Scotland to compete. Last week, Highlands and Islands Enterprise and I pointed out that the biggest drawback to fulfilling that promise is that it is 36 times more expensive to get a grid connection in Scotland than it is in Denmark. If that is not the kind of thing that has held us back and held Scotland's promise in check, I do not know what has. Such background issues have plagued Scotland's economy. Labour will not attempt to get the masters down the road in London to change the basic rules, so we must ensure that we change them ourselves.

Our promise is that Scotland will flourish under the SNP. Our achievements in five months are setting the pace, but we are just beginning. As our amendment suggests, we look forward

“to the government continuing to deliver for the people of Scotland.”

In four years' time, we will have taken great strides towards making Scotland the country that we aspire to have. The broken promises will not be ours; they will be Labour's promises of the past.

10:33

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** The debate has been interesting, but I am a little disappointed that we have only a morning to cover all the issues that the SNP said before the election that it would address, but which it will not now address.

I am delighted to be a member of the Parliament's Rural Affairs and Environment Committee because, among other reasons, many of the issues that come before it directly affect my constituents. I am also delighted that Mike Russell will sum up for the Government in the debate.

Let us consider what the SNP said about our farmers before the election. Its manifesto stated:

“The SNP recognises that farmers who commit innocent errors in their paperwork are made to feel like criminals and that the resulting penalties imposed are often disproportionate to the offence.”

However, at the first opportunity in the Rural Affairs and Environment Committee, Mike Russell created a new criminal offence for farmers who make errors in their paperwork. Furthermore, farmers who break the new law are subject not only to a fine, but to a term of imprisonment. Officials had to check when I asked them about that. The term of imprisonment is up to three months. No wonder there is disillusionment with politics when the SNP does such things.

**The Minister for Environment (Michael Russell):** Will the member give way?

**Mike Rumbles:** The minister must learn that it is protocol that when a member asks to intervene, the speaker gives way, but not if the member refused to give way during previous debate. I will not give way on this occasion.

**Michael Russell:** What a pity.

**Mike Rumbles:** I say to Patrick Harvie of the Greens that the complaint is not that the SNP minority Government is unable to implement its policies. That is not the issue. The complaint is about the deliberate deception that there has been on issues—such as farmers and paperwork—where the SNP has done the opposite of what it promised during the election campaign.

Let us look at another of the SNP's broken promises.

**Brian Adam (Aberdeen North) (SNP):** Will the member give way?

**Mike Rumbles:** I promise that I will come to Brian Adam in a moment.

In its manifesto, the SNP promised to lift the burden of agricultural regulations. We have heard a bit about that already. The SNP stated:

“In government we are determined to deliver lighter and effective regulation. This commitment will include a policy of ‘one in, one out’ so new regulations replace rather than add to old regulations.”

That is fine and dandy—great stuff, if only it were true. Hardly a Rural Affairs and Environment Committee meeting goes by without a sheaf of new regulations from the minister. I have sought to annul—

**Michael Russell:** Will the member give way?

**Mike Rumbles:** As I said, I will give way to you, Mike, if you give way to me. I will now give way to you.

**The Deputy Presiding Officer (Alasdair Morgan):** I ask the member not to use the second person or first names.

**Michael Russell:** Mr Rumbles talks about his noble fight to ensure that the Rural Affairs and Environment Committee backs him on this issue and suggests that he represents a view that has unanimous support in the chamber. Will he tell us what the result at each of the Rural Affairs and Environment Committee meetings at which he has put the matter to the vote has been? In case he has forgotten, he was the sole person to oppose any of the measures to which he refers.

**Mike Rumbles:** Last night the minister said to me that since 1964 no one has managed to have such regulations annulled, so the results to which he refers are not surprising.

Richard Lochhead promised to write to the committee with information on exactly how many regulations have been removed as the new ones are added, but guess what? The committee has received no notification of the regulations that the minister has removed. I wonder why. Surely it cannot be that the SNP has failed to do what it promised.

**Brian Adam:** Will the member give way?

**Mike Rumbles:** I will do so in 30 seconds.

No wonder there is disillusionment with politics. In the north-east—I now come to Brian Adam—the SNP promised us a 50m swimming pool. During the election campaign, Brian Adam told us that he would deliver that. Are we getting it? No. The previous Executive put in place funding for the western peripheral route around Aberdeen, but the first thing that the SNP Government did was to remove that funding. The SNP is centralising neurology services in the central belt and cleft lip and palate surgery in two centres in the central belt. Alex Salmond promised to end central belt bias, but the facts prove otherwise.

**Brian Adam:** I remind Mike Rumbles of what he promised the electorate in 2003, to be delivered between 2003 and 2007. Will he care to explain to us why a dental school is not open in Aberdeen and why, when he promised that the Aberdeen bypass would be complete by 2010, it had to—

**The Deputy Presiding Officer:** Order. Interventions must be short and to the point.

**Mike Rumbles:** I am not surprised that Brian Adam has lost the plot, as the SNP Government has lost the plot.

**The Deputy Presiding Officer:** One minute.

**Mike Rumbles:** The biggest con trick of all must be the SNP promise to get rid of student debt. The SNP could have made it clear at any time that it was talking only about the servicing of debt. It will come as a surprise to many young people that they will still be saddled with huge debts and that the SNP Government is no longer committed to getting rid of those. How will the Government try to get rid of the debts? It seems to the SNP that the only way forward is to make payments to individuals that are the equivalent of their debt repayments. That will be a massive task. Does it mean that the debts will never be paid off? I understand the criticisms that have been made of public-private partnerships and the private finance initiative, but surely even PPP projects are paid off at some point. The commitment to servicing student debt is a never-ending commitment.

I would like the minister when summing up to address the three issues that I have raised today. First, does the SNP intend to create any further criminal offences for our farmers, other than the one that it has just created?

**The Deputy Presiding Officer:** The member must wind up.

**Mike Rumbles:** Secondly, will the SNP inform us of any regulations that it annuls? Thirdly, when will the debts that are incurred by our students be repaid? Will they go on for ever and ever?

10:39

**Mary Mulligan (Linlithgow) (Lab):** I am happy to take part in this morning's debate, although I am a little surprised that we are debating broken promises so early in the term of a new Government. In her opening speech, Nicola Sturgeon, who is no longer in the chamber, did not even try to explain why—perhaps the Cabinet Secretary for Health and Wellbeing is in denial.

In its 2007 election manifesto, the SNP stated:

"We will reduce class sizes in Primary 1, 2 and 3 to eighteen pupils or less to give children more time with their teacher at this vital stage of their development."

We have heard from the Educational Institute of Scotland and others that teachers support that aim. Parents also believe that there are benefits from smaller class sizes. Politicians, too, support the proposal. All political parties made a commitment to reduce class sizes; the Labour Party certainly did. This is not a new initiative—the Labour-Lib Dem Executive reduced class sizes at primary level to 30 pupils or fewer. In 2007, class sizes in primary 1 and in secondary 1 and 2 maths and English were to be reduced further.

However, ministers cannot afford to act on a gut reaction. They need hard evidence on which to

base their actions, but they have not been very forthcoming with that evidence. For example, why was the figure of 18 chosen? Would it not be better to leave some flexibility? I cannot be alone in envisaging situations in which smaller classes would benefit children who are finding learning difficult; correspondingly, larger numbers may be acceptable for more able pupils. The Government has spoken about allowing local decision making, but clearly it does not allow it to happen in practice.

**Michael Russell:** At one stage, the member was the convener of the Education, Culture and Sport Committee. She must be aware of worldwide evidence—including from the student teacher achievement ratio project in Tennessee, which was the largest such project—of the effect of reducing class sizes to 18 or fewer in primary school and early years education. If she is not aware of that evidence, she should be.

**Mary Mulligan:** Mr Russell knows as well as I do that the STAR report is inconclusive and that there are a variety of views on the issue. I am asking for flexibility to match the needs of children.

It has been suggested that resources would be better spent on targeting areas of deprivation, where class sizes could be reduced even further. That is probably not necessary, as evidence shows that often classes are already smaller in our more deprived areas. However, that means that those areas will not benefit from the extra money and teachers that will be available under the Government's policy. The other side of the argument is that, where there are larger classes, they are in popular schools in which attainment is high and to which parents aspire to send their children.

**Bob Doris (Glasgow) (SNP):** Will the member give way?

**Mary Mulligan:** Not at the moment.

I will be kind and say that one of the unintended consequences of the policy will be to reduce parents' and children's choice of school. Strangely, I could not find that in the SNP manifesto, but it will come about, because the Government never gave enough consideration to what it was promising. Even if all members were sympathetic to the policy of reducing class sizes, how the Government goes about achieving that is important.

Maureen Watt, the Minister for Schools and Skills, stated in a letter to Ken Macintosh:

"Scottish local government has said they need to discuss with us how these commitments will be delivered."

Clearly, she was not referring to SNP-led West Lothian Council, where the SNP and Tory administration ruled out a motion from Labour

councillors calling for just such a meeting. Ms Watt goes on to say that

"it is vital that local and national government work together".

I could not agree more, but would it not have been better if the SNP had had that discussion before announcing the policy, rather than afterwards? Who advised SNP ministers that £40 million for school buildings and £9 million for 300 new teachers would be anywhere near what was needed, or were those figures just pulled out of the air?

How have local authorities reacted to the announcement? In Edinburgh, the capital city, where we are today, the council said that the cost of delivering the SNP commitment would be more than £41 million and that a further difficulty would be finding space for the new classrooms. I understand that £2.3 million has already been given to Edinburgh, but that is not even close to the £41 million that is needed. Worse still, the money has gone into a general education pot to resolve financial pressures. In Aberdeen, while the local authority calculates how much will be needed, it has been given £2 million; again, that is not enough. As my Aberdeen colleague Lewis Macdonald indicated in the previous education debate, the policy is already having a detrimental effect, as Aberdeen City Council is seeking to end out-of-zone placements—stopping parent choice.

A pattern is emerging—too little money for classrooms, too little money for teachers, too little money for support costs and too little space for the classrooms that are needed.

I hope that the SNP Government will talk to local government and listen to what it says. I hope that the Government will not use local authorities as scapegoats for its own mismanagement. Sadly, and most damning for the SNP Government, is that had the policy been thought through properly, it could have gained consensus in the chamber and improved educational opportunities for many of our children. Instead, the SNP went for a quick headline. The SNP Government is incompetent and the policy is a mess and yet another broken promise.

10:45

**Tricia Marwick (Central Fife) (SNP):** I thought that I would contribute to the debate in the spirit of conciliation and consensus for which I am renowned. Then I looked at the petty, mean-spirited motion from the Labour Party. Despite that, I will point out a number of the Labour Party's problems and give its members pointers about how they can address them. The Labour Party cannot come to terms with the fact that it lost the election and is no longer in control of Scotland's councils. It has the arrogance of a party too long in

power and lacks the humility to realise that it does not have a God-given right to continue to be in power.

Wendy Alexander's apology to the Labour Party for losing the election was par for the course, but her apology should have been to the people of Scotland for 10 years of broken promises. Wendy Alexander said that the SNP had seized the agenda of hope and aspiration. Too right we did, but the agenda of hope and aspiration is not Labour's; it is not even the SNP's—it is the agenda of the people of Scotland. It was part of our manifesto and the campaign that we ran.

Where Labour delivered mediocrity, the SNP brought vision. Where Labour looked inwards, the SNP looked outwards. Where Labour dampened down aspiration, the SNP raised horizons. Today's Labour motion is more of the same negativity that was prevalent in the May election campaign. Is it any wonder that Labour lost the election?

Every manifesto proposal that Labour highlights in its motion was opposed by the party at the election. I take it then that Labour's new-found concern for communities and hard-working families in Scotland means that it will support the SNP Government in delivering over the next four years on all those commitments. I welcome Labour's conversion and look forward to its support over the next three and a half years on each and every one of the issues that it has highlighted today.

**Iain Gray** rose—

**Jackie Baillie:** Will the member give way?

**The Deputy Presiding Officer:** Iain Gray. Sorry—Jackie Baillie.

**Jackie Baillie:** We will be delighted if the member wishes to take a further intervention. Does she believe that the £2,000 first-time home buyer grant is an effective use of public money?

**Tricia Marwick:** I look forward to my friend the minister making an announcement on housing proposals in the very near future. I suggest that Jackie Baillie has the patience to wait, because I will address housing in a moment.

Let us look at what the SNP has delivered in my constituency of Central Fife, which since time immemorial has been in Labour Party hands. To be fair, however, the late, great Willie Gallacher—the only communist ever to be elected to Westminster—might have had a bit of the constituency at one time. The SNP has committed to remove tolls from the Forth and Tay bridges. Labour and the Liberal Democrats steadfastly voted against that proposal in this Parliament before the election and supported it after the election; today, we had Iain Gray—the Kenny Dalglish of politics—saying that Labour's stance is mebbes aye, mebbes no.

**John Park:** I understand that the member has been campaigning for the removal of tolls since she was 15. By my calculation, she started in 1969, two years after the bridge was opened. Was that a productive way to spend the first summer of love?

**Tricia Marwick:** I am not quite sure I got that, but in 1964 when the Forth road bridge was opened, I was 11 years old. I remember the unfairness of the tolls at that time. My dad, who was in the Labour Party, could not understand it when the Labour Government brought in the tolls.

Let us look at what else the SNP has done in Central Fife. We have free school meals for all pupils in primary 1 to primary 3. We introduced regulations to give ministers a role in the decision on ship-to-ship oil transfers, while Gordon Brown and the Labour Party at Westminster refused to act. We supported the Fife energy park at Methil and the world-leading Pelamis wave technology that will power the Orkney wave project, as announced last week by the First Minister. Already the SNP has funded 20 more teachers in Fife, six of them in primary schools in Levenmouth.

No one in the SNP will take lectures when, for the past eight years, we had a Labour Government so desperate for the trappings of power that it forgot why it wanted power in the first place. Of the many broken Labour and Liberal promises over the past 10 years, I will focus on just one. When she was minister with responsibility for housing in 2000, Wendy Alexander told *Housing Magazine*:

"We propose to address the housing situation radically. We will build 18,000 new homes in three years."

In fact, Labour built fewer houses between 1999 and 2005 than the Tories built in 1995. No wonder there is a housing crisis.

In four years, the people of Scotland will make their judgment on the success of the SNP Government. In those four years, we will work hard to get cross-party support for our proposals. Labour will also be judged if it stands in the way of the measures in our manifesto that were supported in May by the people of Scotland.

10:51

**Hugh Henry (Paisley South) (Lab):** It is right that this Parliament continues to expose the level of duplicity that was perpetrated on the people of Scotland by the SNP at the last election.

We are already seeing a catalogue of excuses advanced by the SNP to try to explain away its failure or unwillingness to deliver what was promised. The most blatant excuse is that everything is down to the spending review and that somehow Westminster is to blame for all its

problems. The truth is somewhat different. Before the election, each of the parties had access to civil servants to cost its promises and manifestos. The SNP knew the size of the current budget and like everyone else it could make adjustments within certain parameters about future budgets while waiting to see final details. So, when the SNP came forward with its proposals on education, it would have had been advised of the cost and indeed the consequences.

Let us look at a couple of examples. On 29 November 2006, speaking in advance of a speech at the University of Strathclyde, Fiona Hyslop said:

“Only an SNP Government will write off the outstanding Student Loans debt”.

Note the clear language—not servicing or assuming the debt, but writing it off. Fiona Hyslop was not the only one. On 27 July 2006, Nicola Sturgeon, speaking to young people in Edinburgh, said that the SNP package

“will allow for the write off of existing graduate debt from student loans”.

Not to be outdone, Alex Salmond, writing in *Liberate*, the student nationalist newspaper, in September 2006, said that the SNP would

“scrap the student loan debt for current graduates”.

There was no misunderstanding. On the contrary, a clear line was developed that gave the specific promise that student debt would be written off.

Alex Salmond, Nicola Sturgeon and Fiona Hyslop were quite clear that the debt was to be written off. They were told at the time that the £1.58 billion of student debt was unaffordable but not only did they persist, they sought to ridicule those who pointed out that it was unaffordable. Allan Wilson, then the minister responsible for higher education funding, wrote to *The Herald* to point out that the SNP figures were bogus. He pointed out that if the debt was to be written off, it would have to be done in one year of the existing budget. He stated clearly that Audit Scotland had advised that once something is no longer held to be a debt, it cannot be held on the balance sheet and must be written off via the operating statement. Even worse, Treasury funding to the Scottish Executive, in the year of the write-off, would be commensurately reduced. It would be a double whammy of monumental proportions. The SNP sneered at Allan Wilson. He was derided and denounced, but now he has been shown to be absolutely correct. Even though the SNP was warned and told that its promises could not be delivered, it persisted.

What do we have now? The SNP has made a full-scale retreat to a cop-out—it will provide nothing near what was promised. Instead, it will merely service the debt. Leaving aside the

foolishness of that proposal, which will mean that £40 million will have to be diverted from front-line services every year, while nothing is done to reduce the debt, it is a complete U-turn from what was promised.

What word should we use to describe people who knowingly make promises that they cannot keep? What word should we use to describe people who continue to repeat something that they know is not true and—worse—which they have been advised cannot be delivered? Some would say that such people are guilty of telling lies; others would call it deception or misrepresentation. What words properly describe those people who engage in lies, deception or misrepresentation? Whatever word one uses, it hardly touches on the breathtaking scale of what was done last May.

The same can be said about the promise on the number of teachers that are required to deliver class-size reduction in primary schools and more teachers for nursery education. Alex Salmond and Fiona Hyslop have confirmed to the Parliament that that promise will be delivered by 2011, but they know that that cannot be done. They are already starting to get their retaliation in first. They say that delivery of their promise will require the co-operation of local councils, but there was no mention of that before the election. At the time, we were told that an SNP Administration would deliver more teachers; there was no talk of having to rely on others. Now we have more weasel words, squirming and playing of the blame game. All the advice that the SNP would have been given, before the election and since, would have told it that what it was promising could not be delivered, but it persisted.

Taken in totality, the scale of misrepresentation is truly staggering. We were told that prisons would be taken back into the public sector. The reality is different—even Low Moss will be built by the private sector. We were told that PPP would be abolished, but now it is to be allowed to continue, with the Administration being prepared to pick up the cost. We were told that there would be a council tax freeze, but now we find out that that will happen only if local authorities co-operate. On health, the jury is still out on whether the promises that the SNP made in relation to Lanarkshire and Ayrshire can be delivered and on what the cost of that will be to other services, but people in the Vale of Leven and elsewhere have had no words of comfort. Do they not count? On education, the SNP has made a complete U-turn on writing off student debt and the start of a U-turn on class-size reduction.

The Parliament has a duty to expose the scale of what has been done. Each party in the Parliament needs to think carefully about the

consequences of allowing such behaviour to continue. We must reflect seriously on whether we can have any confidence in a First Minister and a team who are prepared to behave in such an outrageous fashion.

10:58

**Aileen Campbell (South of Scotland) (SNP):** I take members back to 3 May 1997, which was a bright, sunny day. As I travelled to school, I was a bit bleary-eyed because I had stayed up to watch the election results flood in. I walked to school with a smile on my face and felt a sense of optimism, a sense that something major had happened. The reason for that sense of well-being was Labour's victory in the election—things could only get better. It was a result that was supposed to signal the end of 18 years of Tory rule, or so I thought. I should have realised that nothing had changed when the very next year I, along with thousands of other students across Scotland, had to pay for my education.

In 1997, Tony Blair told us that the Conservatives' broken promises had tainted all politics. In comparison, his tenure would be hallmarked by the politics not of a revolution, but of a fresh start. His Britain would be respected in the world for the integrity with which it conducted its foreign relations. The new Labour Government would make the protection and promotion of human rights a central part of its foreign policy.

However, as the years rolled on, it became clear that new Labour's foreign policy would be far removed from the appealing words that were spoken at the beginning of the party's term in office. As Alex Neil said, if we want to see a genuine example of a broken promise, we need only look to the actions of the new Labour Government in waging war on Iraq. Broken promises are not just an element of London new Labour; unfortunately, as we have heard at length, they are a not-too-distant feature of Scottish new Labour.

Education was to be a key theme for Labour in 2003. In its 2003 manifesto, it told us that class sizes in maths and English at secondary 1 and secondary 2 levels would be reduced to 20 and that additional teachers would be deployed to meet that goal, which had the explicit backing of Labour's Liberal Democrat colleagues. We were also promised maximum class sizes of 25 for primary 1 pupils. Despite being in power for eight years, the Labour-Liberal coalition failed to deliver on that promise.

**Hugh Henry:** Will the member give way on that point?

**Aileen Campbell:** No, I am sorry—I want to move on. [*Interruption.*]

**The Deputy Presiding Officer:** Order.

**Aileen Campbell:** In February 2007, we learned that more than 41 per cent of all primary 1 pupils were in classes that contained more than 25 pupils. The previous Administration also failed to deliver on the promise of reducing class sizes in maths and English.

In the May election, I stood in the Clydesdale seat. Under freedom of information provisions, we learned that not a single maths or English class in Clydesdale was of the promised size. Pupils and parents in Lesmahagow, Biggar, Carlisle, Lanark and Larkhall, along with countless others across the country who had been promised such reductions, were failed by eight years of a dithering, inactive Government.

**Hugh Henry:** Will the member give way?

**Aileen Campbell:** I have had eight years of hearing from the member.

Perhaps that failure is why Wendy Alexander, who in her 2003 election leaflet said that a vote for a party other than hers would put smaller class sizes at risk, decided last month that class sizes were

“not a good measure of what matters.”

As Nicola Sturgeon said, the SNP won the election in May because we ran a positive campaign that talked up Scotland and showed its people what enormous potential we had to be a fully functioning, normal country. Our theme—it's time—was successful, so much so that the Conservatives used it for their conference banner.

We pledged to offer hope and aspiration, and we will deliver on that. Labour does not have a divine right to rule in Scotland and it should not dare to apologise for the election simply because it lost it. As Tricia Marwick said, it is not Labour's right to win every election in this country. That thing called “democracy” is precious and no members of our party will ever take it for granted. The people have placed their trust in us to deliver on our contract with them. We have made a pretty impressive start: we have announced the abolition of the bridge tolls, the scrapping of the graduate endowment and the saving of the Crichton campus. I could go on, but I will not shame the Opposition by listing more examples of the SNP's ability to accomplish more in months in government than the previous Executive could do in eight years.

The Labour Party needs to rid itself of its tendency to think complacently that people will always vote for it. Times have changed; we operate in a new political climate, which I hope will develop into an environment in which we all act for the good of our country. That is why it is so disappointing to have to participate in a yah-boo



debate—a style of debate that is all too common at Westminster, but from which I thought that we all hoped to distance ourselves at Holyrood.

How will the people of Scotland feel if they see Opposition politicians playing political games instead of providing robust opposition that helps the country to be run positively? Maybe the Labour Party cannot afford to do that. All Labour members who support the motion will be playing games because they know that no Government anywhere in the world has ever implemented all its manifesto pledges five months into a four-year term. They know, too, that those who are behind the motion have engaged in the most childish political mischief making and that the SNP Government has been well received, is doing well for Scotland and will keep its promises to the people of Scotland.

**The Deputy Presiding Officer:** You have one minute left.

**Jeremy Purvis:** Will the member give way?

**Aileen Campbell:** I am in my final minute.

The elation that countries in Britain felt when new Labour broke 18 years of Tory rule did not feel half as good as 4 May this year felt. The difference this time will be that the hope and aspiration that the whole country feels, and the trust that has been placed in the SNP, will be rewarded by positive, responsive government that is dedicated to making the country a better place to be. It is up to the other parties in the Parliament whether they join us on that journey.

11:03

**Patrick Harvie:** I was not quite sure how the debate would go. It has been lively—we should have lively debates—with both positive and negative aspects. It was predictable that such a blatantly party-political debate would be lively, regardless of whether it took place in the run-up to a potential general election. On the downside, there has been a fair bit of “Youse willnae do that,” and “Well, youse didnae do this.” We should all try to raise ourselves above that.

After listening to the debate, I wonder whether any members of the Labour group argued for a more constructive motion and, if so, who they were. They might not be the members who were selected to speak in the debate, but I live in hope that they are out there somewhere.

I respond to two points that were made from the Labour benches. Johann Lamont made serious points about taking the Parliament seriously. Any Government should be held to account in that regard and I agree with aspects of what she said. Accountability to the Parliament partly depends on Government; it also depends on the Parliament

itself and on the legislation that defines the power of ministers.

I recall debates that Johann Lamont and I had during the passage of the Planning etc (Scotland) Bill, when I lodged amendments that would have introduced the most robust and rigorous scrutiny of the national planning framework—a document that is profoundly important for the future of the country. I challenged Johann Lamont, who was then Deputy Minister for Communities, on the implication that giving ministers the power to pass such an important document was legitimate because ministers represent a Government that carries the democratic mandate that is given to it in an election. I asked Johann Lamont how accountability could be achieved if a minister for a minority Government were to lay an important document before the Parliament. I thought that we should give the Parliament the right to say no. However, I am sorry to say that my point was not taken on board. During today’s debate, Johann Lamont made serious points about the Government’s responsibility to be accountable to the Parliament. We also need to define ministers’ powers more carefully, bearing in mind the possibility of the circumstances that we are now experiencing.

**Johann Lamont:** The point that I was trying to make was that the Parliament is not getting the opportunity even to discuss key issues. Some things are for a Government to decide. It is ultimately for the Government to decide what the Scottish Enterprise network should look like. However, the SNP Government has failed to take on board anything that anyone says through the parliamentary process. That is a failure. It is an administrative approach rather—

**The Deputy Presiding Officer:** You have had long enough.

**Patrick Harvie:** Any failing of the Government that Johann Lamont points out is shared by the Parliament as a whole. The Labour group had the opportunity to lodge any motion for today’s debate that it wanted to lodge, but it chose not to go with an issue on which a decision would have bound the Government. Instead, Labour chose to have a party-political debate.

Paul Martin is as keen as ever to win the tough-on-crime crown. After his third attempt to get a laugh with his Rebus and Taggart joke, I wondered whether he imagines that if 47 Labour members had been elected and had formed a minority Government, that Government would have blithely ploughed its way through its manifesto commitments, without the need for co-operation and compromise.

**Paul Martin:** If the SNP does not fulfil its commitment to deliver 1,000 extra police officers,

will Patrick Harvie no longer associate himself with the SNP Government?

**Patrick Harvie:** Paul Martin knows well that my association with the SNP Government is limited to an agreement that has been fulfilled. The Greens have a positive and constructive working relationship with the Government, but we are not bound to it.

If Paul Martin's party learns the ropes of opposition in good spirit, the numbers in the chamber make it possible to implement any measure in the SNP manifesto that Labour wants to be implemented. That might not necessarily happen in 100 days or four months. Opposition MSPs who want something out of Government need to work at it and to persuade.

**Iain Gray:** Mr Harvie's point is entirely reasonable. If the SNP proposes to bring in 1,000 extra police officers, we will support the proposal, so that those officers can be delivered. The point is that the SNP is not making that proposal.

**Patrick Harvie:** As I said, four months have passed and Opposition MSPs need to work to persuade.

If the Labour Party does not want to learn to be an Opposition party, that is fine. It can spend the rest of this session of the Parliament merely rattling the cage and scoring party-political points—that would be easy. Labour will win some points and lose others, but the party should not fool itself into thinking that indulging its party—political instincts is the same as serving in opposition in the best interests of the people who elected us.

Some members of the Labour Party have not adjusted to the reality of opposition, but a few members of the SNP have spoken as though they think they are still in opposition. Alex Neil made fair points about the record of the Government from 1999 to 2007, but he undermined them hugely by deviating into wider issues, such as Iraq. Iraq is hugely important, but it is not the responsibility of the previous Scottish Administration. Just as Labour will take time to settle into the reality of opposition, the confident demeanour of a Government might take time to develop. When that has happened, we will have confident, assertive proposals from the Government, rather than defensiveness and mere attacks.

I shudder at the prospect of trying to pull apart the old enemies by injecting a little reality into our debates during the next few years. I call on all parties to support the Green amendment, which offers an addition to the motion that injects a note of reality about the political circumstances that we live with.

11:10

**Tavish Scott (Shetland) (LD):** It is surely more in sorrow than in anger that we debate the motion. We have witnessed the enormous expectations, the hype, the spin, the determination, the drive and the enthusiasm—and that is just from Mike Russell—but the SNP is charged with overhyping, as Johann Lamont said, and with underdelivery. As members said, the SNP's approach is to take administrative action but to introduce little or no legislation.

SNP members and ministers have criticised Opposition members for not looking forward. We are indeed looking forward. The Opposition is looking forward to the fulfilment of all those expectations—and all that spin, hype, drive and enthusiasm. However, that has not happened. As Iain Gray said, there was much clarity in the SNP's manifesto. A striking aspect of the debate has been the number of members of all parties who have quoted directly from the manifesto and then quoted ministerial remarks that suggest that the manifesto was not worth the paper that it was written on. I hope that when Mr Russell winds up for the Government he will accept that members have been quoting directly from the manifesto and giving clear examples of issues on which the SNP in Government has not done something that it said in its manifesto that it would do.

In its manifesto, the SNP made crystal-clear commitments about police numbers, the council tax freeze, grants for first-time buyers, climate change and carbon emissions targets. However, there has been a volte face. The SNP's failures have been underspun and underhyped—that was uncharacteristic of the SNP—but they have certainly been overdelivered.

The SNP's position on the comprehensive spending review in London, the results of which will be known next week, perhaps offers the clearest example of what I have described. Mr Fraser called the SNP's position "a cop-out", which was fair. Mr Fraser's analysis was right. The SNP met senior civil servants of the Scottish Executive prior to the election—I remember a fair bit of publicity about that, too—and no doubt received exactly the same briefing as the Conservatives and other parties received about the United Kingdom spending pattern. The SNP's position, which is that the situation is desperately difficult now, is not coherent. The situation was completely clear in May.

Mr Arthur Midwinter, an academic whom the SNP was happy to quote when it was in opposition, called the SNP's proposals "wholly unrealistic" and identified a shortfall of £2 billion. I am sure that Mr Russell will expand on that and I hope that he will reflect on Mr Midwinter's comments now that he is a Government minister.

Let us be clear about the spending review in the context of the council tax freeze, because it is arguable that the local government financial position is the most serious issue that is faced by our constituencies, areas and communities. Nicola Sturgeon, who just sighed heavily—I would sigh, too, if I had said this—

**Michael Russell:** It was me.

**Tavish Scott:** I apologise to Nicola Sturgeon. I mistook the sigh for hers.

Nicola Sturgeon wrote to SNP councillors in 2006 to say:

“we will freeze Council Tax at April 2007 levels.”

That is a direct quote, which has not been taken out of context. However, the Cabinet Secretary for Finance and Sustainable Growth said:

“I am not making the decision. I am encouraging local authorities”.—[*Official Report, Local Government and Communities Committee, 27 June 2007; c 40.*]

A desperately serious issue for local government should not be batted away in idle political chitchat. I hope that the Government will sort out its position, given the impending financial situation in which all councils will find themselves.

I will pick up on one other point about changes in the SNP’s position—on VisitScotland and local enterprise companies. I can take good political debate and Rob Gibson, who is not in the chamber now, was happy to enter into that. [*Interruption.*] I see that he is just returning—good for him. The other day Rob Gibson strongly welcomed the centralising of local enterprise companies and VisitScotland in Inverness. I look forward to a continuing full debate on that matter over the next year.

Policy after policy has been announced, reannounced and spun. Nicola Sturgeon said this morning—I have a direct quote right here—that she and her Government would be held to account not by the Opposition, but by the people. That confirms the SNP’s view that Parliament is great when it agrees with the SNP, but it is not worth doing anything with at all when it does not agree. I do not agree with that approach, and nor—I suspect—will Parliament. More to the point, I suspect that, in the coming years, the people will not agree either.

Members on the Conservative benches have today shown two of their typical positions. I am sure that we will have a good strong attack from David McLetchie—we certainly had that from Murdo Fraser. Annabel Goldie is not here today, while Derek Brownlee said once again that the SNP really is rather good, and that it does not really mean what it says on independence. I wish that the Tories would sort out their position.

**Derek Brownlee:** Will the member take an intervention?

**The Deputy Presiding Officer:** The member is in his last minute.

**Tavish Scott:** Today, the SNP has put up as its ministerial team the über-loyalist Nicola Sturgeon and the über—well, Mike Russell. We always enjoy Mr Russell’s contributions, and I am glad that he is back here. [*Interruption.*] Okay, I withdraw that last remark.

The other night, I read—or tried to read—Mike Russell’s most recent publication, “Grasping the Thistle”. I tried to read it, but the Scottish Parliament information centre does not have it—the book is apparently out on loan to a Mr A Salmond, who clearly has strong views on it. There is one line from it that is important: Mike Russell believes that we need a new union, because it is a constitutional watering-hole. We are happy to look strongly at the future of this country, but I suspect that when people do that, they will find this lot wanting.

11:17

**David McLetchie (Edinburgh Pentlands) (Con):** Today’s debate is conspicuous because of an absence.

**Members:** Annabel!

**David McLetchie:** I am coming to that.

As my friend Murdo Fraser pointed out, one would have thought that the new leader of the Scottish Labour Party would take the opportunity of this set-piece occasion to lead from the front, but Wendy Alexander was missing in action. Leaders debate with leaders, so her absence meant that there was no need for Alex Salmond to come out to play, that Annabel Goldie could put her feet up and prepare for First Minister’s question time and that Nicol Stephen could reinforce his well-deserved reputation for anonymity.

In spite of that, we have enjoyed a spirited clash. I congratulate Iain Gray on his forensic analysis of the broken promises in the SNP manifesto. While I am in a generous spirit, I also congratulate Jeremy Purvis on the most entertaining and well-researched speech that has been delivered by a Liberal Democrat in the Parliament over the past eight years.

**Jeremy Purvis:** But, but.

**David McLetchie:** There are no buts.

It is true that, as Nicola Sturgeon, Aileen Campbell and others on the SNP benches have pointed out, this session of Parliament will last for four years and the Government will be judged by

its performance over the full term rather than the early stages, but the essence of today's charge concerns the false prospectus of a manifesto that has, in significant respects, been abandoned in short order.

The abandonment of some of the policies is more than welcome on the Conservative benches, as we said that they were a nonsense at the time, and they remain a nonsense now. The proposal to give a £2,000 grant to first-time house buyers was a self-cancelling policy that would have stoked inflation and taken house prices further out of the reach of young people and families. Similarly, the class sizes policy was never going to work, could not be afforded, was of dubious educational value and would have led to many children being refused admission to the schools that their parents wanted them to attend. We do not in the least lament the departure of those policies. On the other hand, the slippery equivocations by Kenny MacAskill and others on the subject of additional police officers—a policy that is both desirable and achievable—betrays the superficial cynicism that is typical of much of the SNP manifesto.

In this debate, the Conservatives have highlighted the U-turn on regulation. I ask members to cast their minds back over the past couple of years. Here we have Jim Mather, king of the prawn cocktail circuit and architect of the SNP's boardroom blitz, who talks in tongues to our captains of industry about the SNP's bogus enterprise agenda in a torrent of management guru psychobabble—a second language that he shares with Wendy Alexander. It is inconceivable that during all those discussions the subject of regulation did not crop up. Every member in the chamber knows from talking to businessmen—from those running small businesses to the biggest FTSE 100 company—that concerns about overregulation are at the top of their agenda.

The SNP pledged in its manifesto to

“adopt the Better Regulation Commission's policy of ‘one in, one out’”

in order to cap the regulatory burdens on our enterprises. However, as my colleague Derek Brownlee discovered in a written answer from the same Mr Mather after he had consulted the industry-led review group—the very same captains of commerce—Mr Mather now says that such an approach may not be

“wholly appropriate or realisable at present.”—[*Official Report, Written Answers*, 31 August 2007; S3W-2666]

Indeed, I heard someone else on the Government benches say that it was simplistic. One wonders why Mr Mather took so long to realise that. Is that U-turn a betrayal of the pledges that he made in all those boardrooms, or is it an acknowledgement that the policy was no more than a decorative

soundbite that was concocted for effect rather than to achieve any practical result?

That illustrates the answer to Patrick Harvie and the Green amendment. Of course, in a Parliament of minorities with a minority Government there is a need to build alliances across parties in order to implement policies, although consensus does not have to embrace all parties, and majorities can be constructed on different issues with different parties. However, the charge laid today against the SNP is that on many fronts it has failed even to bring its policies to the Parliament and to seek a majority. Instead, it has ditched them from the outset—a move that calls into question its good faith in putting the policies forward in the first place.

Nicola Sturgeon's amendment underlines the superficiality of much of the Government's approach. Playing to popular opinion on accident and emergency closures, the graduate endowment and tolls on the bridges is all well and good—even welcome in some instances—but the Government has done so in isolation, without looking at the underlying and far more fundamental issues, such as the delivery of health services, the future of higher education and the financing of a new Forth crossing.

It is now obvious that the SNP will be playing the victim card—blaming Westminster and blaming its minority position for its failure to deliver, with no acknowledgement that some of the policies were just plain daft in the first place. We on the Conservative side of the chamber do not intend to let the SNP get away with that, and today's debate should be a reality check for the Government. We will be pleased to co-operate with it on implementing policies with which we agree and on which we campaigned. It is up to the Government to reach an accommodation with others on policies with which we do not agree. Many of the policies highlighted today constituted a false prospectus. They deserve to be—and have been—shown up as such. Having shown them up, let us move on—we on the Conservative side are more than willing to do so.

11:23

**The Minister for Environment (Michael Russell):** I have said before in the chamber that when I was a student at the University of Edinburgh, staying in Pollock halls just up the road, there was on the wall of my room a 1970s Pan Am poster of a cartoon character looking over his shoulder, saying, “The real world's not in here—it's out there.” When the real world judges this debate, it will see as ludicrous and unnecessary the motion and a number of the amendments—apart from the Greens' amendment, which is appropriate. The motion

exists for two reasons only. The first is that, in the real world, Labour in Scotland is, and is seen to be, in a huff about losing an election. The second is that, in the real world, it is scared of the possibility of another election. That is what the motion is about.

Let us start with the election that the Labour Party lost. As my friend Tricia Marwick has said, Labour believed that it had a God-given right to rule in Scotland. The party could not believe that any election would come along in which the Scottish people would choose an alternative. The last democratic politician who had the same feeling was Mayor Daley in Chicago. He took some extra steps to ensure that failure did not come along: he had an electoral officer called "Short Pencil" Lewis, whose job it was to rub out the votes of other parties and put in votes for Richard Daley. The Labour Party may eventually be reduced to that if its negativity continues as it is.

I do not mind, and nobody on my party's benches minds, the resentment—

**Hugh Henry:** Will Mr Russell take an intervention?

**Michael Russell:** No, Mr Henry, I will not. I have heard enough this morning from Iain Gray, Johann Lamont, Paul Martin, Mary Mulligan, Hugh Henry, and shortly Andy Kerr—the happy gang of Scottish politics.

The reality of—

**Hugh Henry:** On a point of order, Presiding Officer. I hesitate to say it, but a serious allegation was just made about a threat that we would resort to electoral misrepresentation and electoral fraud. Will Mike Russell withdraw that serious allegation?

**The Deputy Presiding Officer:** That was not a point of order.

**Michael Russell:** What I said was a joke, but the happy gang cannot even get a joke.

I do not mind, and my party does not mind, the resentment that has come up—although it is not a good thing. However, the people who should be worried about it are the Scottish people. The motion is an insult to them. This Government has been in place for four and a half months. It has been working hard—indeed, it has been working flat out—but it does not matter what this Government does; the Labour Opposition does not like being in opposition, it does not know how to be in opposition, and it cannot handle opposition.

This is about not just the past but the future. The grand old duke of North Queensferry has marched his lot up to the top of the hill. They are looking over that hill and they can see something rather unpleasant—that they are bound to lose seats in

Scotland in a coming general election. We have heard the opening lines of a general election campaign, and I must give the Labour Party a word of advice: one of the main reasons the party lost the election on 3 May was its negativity. If it goes into the coming election negatively, it will lose, and lose badly.

It is especially regrettable this morning that, with a new leader who uses the words "optimism" and "hope", the best that the Labour Party could bring to the chamber was a debate of such negativity. It is rather sad that the other parties have been suckered into it. We should have been hearing ideas for the future, but we have heard not a single idea—not one idea—from the happy gang. What we have actually had—

**Iain Gray** rose—

**Michael Russell:** No, I will not give way.

What we have actually had—

**Johann Lamont** rose—

**Michael Russell:** No, I will not give way. We have heard enough this morning.

What we have actually had is what the former First Minister, the late Donald Dewar, called

"the awful predictability of Oppositions through the ages."

He used those words on 9 September 1999, when launching his first legislative programme. He went on to say:

"I know all about opposition. I relish the challenges of government".—[*Official Report*, 9 September 1999; c 273.]

The SNP relishes the challenges of government.

**Murdo Fraser:** The subject of this debate is broken promises. What would Mr Russell say to a member of the business community who voted SNP because of its manifesto pledge to bring in a one in, one out policy on regulation? That pledge has now been broken.

**Michael Russell:** No, it has not been broken. I would say to that member of the business community who showed enthusiasm for change—it is not just Jim Mather who meets such people—that change is under way. In my area, a substantial amount of change is already taking place to do with regulation.

This document in my hand—the SNP manifesto, which so fascinates the Labour Party that its members apparently support it in its entirety and want every item in it to be implemented—is a positive, optimistic, hard-working, visionary document, and it is about government. What we are doing is translating this document into government.

The Scottish people expect much of their Government. For eight years they were

disappointed and let down by the Labour Party and the Liberal Democrats. Now the Scottish people are hungry for change, and they are not being disappointed by this Government. This Government is delivering what it promised, and it will go on delivering what it promised. This Government has vision and hope and optimism, which will be the hallmarks of the Scotland that we will see.

I have to say this to the Labour Party: get over it. The party should learn from its mistakes, otherwise—alas—it will be fated to repeat them. On the evidence of today, the next election cannot come soon enough. The people of Scotland will judge the Labour Party by the negativity of what its members have said today. The happy gang is not an attractive gang and it is not a vote-winning gang.

In the 100-days document, my good friend the First Minister—my very good friend the First Minister—quoted Alasdair Gray, who talked of working

“as if you were living in the early days of a better nation.”

We are in the early days of a better nation. This party in government is delivering that better nation. It is what the Scottish people asked for, it is what the Scottish people voted for, and it is what the Scottish people are getting. I invite every party in this chamber to join us in our task, because we need a better nation. In the light of what we have heard from the Labour Party today, oh we do need a better nation.

11:31

**Andy Kerr (East Kilbride) (Lab):** As a proud member of the happy gang, I am pleased to be summarising on behalf of the Labour Party. If Mike Russell wants to look back at the thematic debates that the Government has held over the past five weeks, he will see idea after idea—not just from the Labour Party, but from other parties in the chamber. Of course, none of them was taken up by Mr Russell’s party. The SNP delivered the nation’s 100-days document, and it will be held accountable for it.

Nicola Sturgeon spent 85 seconds defending the Government’s record. I am not in denial; I know the benches that we sit on: you are in denial, and you are actually in government. It is about time that the SNP acted like a Government and defended its record—the record, set out in the 100-days document, that it has not delivered on.

I share Aileen Campbell’s view about yah-boo politics and debates. The real victims are not us in the chamber; the real victims are our communities that will be denied police officers, our students who have been misled about student debts, and

our first-time home buyers who thought that they would get £2,000 from this Government. None of those commitments has been met or will be met.

I will repeat some of the comments that have been made during the debate. Hugh Henry made a clear point that highlighted the big lie of the SNP campaign. He said that the SNP had access to civil servants and had knowledge of the comprehensive spending review and the cost envelopes for the budgets for this session of Parliament. The SNP knew all that, but irresponsibly, and in a deceptive way, went to the Scottish people and made promises that it knew fine well it could not deliver because of financial constraints. The SNP did that in the context of a budget in Scotland that, under Labour, has more than doubled.

In the past in the chamber, the SNP talked about the Executive being awash with cash. Well the time has come for you to make choices—and as a Government, not as an Opposition. You have not yet made that transformation. As a Government, you have tough choices to make.

It is the job of Opposition to hold the Government to account on its promises. There is nothing wrong with doing so.

**Nicola Sturgeon:** Exactly—but you are not holding us to anything.

**Andy Kerr:** Nicola Sturgeon calls out from a sedentary position. She spent 85 seconds of her speech defending her record. That suggests to me that she has no defence at all. She talked about the agenda that was seized. The only agenda that was seized in Scotland was the misleading and deceptive election campaign. If anyone is in denial, it is the SNP.

In government, the SNP stated what it would do within 100 days. Members of the Opposition parties have not made up their quotes or read briefing documents; they have used your very words from that 100-days document. They have made it clear that the SNP has delivered not one of those promises.

**Patrick Harvie:** Would it not be more fitting for the member, while closing for the Labour Party, to present arguments about why, for example, the £2,000 payment to first-time buyers is a bad policy, rather than regretting that it has not been implemented?

**Andy Kerr:** I say to Patrick Harvie—who is apparently the SNP’s poodle in the Parliament this morning—that, if the SNP brings forward its commitment on police, we will support it. However, it has said that we will get virtual or kiddie-on police—people doing a wee bit more overtime. Nicola Sturgeon said that we will have 1,000 extra police officers. She said in the chamber that we

will go from having 16,234 police officers to 17,234—exactly 1,000 extra—but that is not what everyone else in the SNP has said.

John Swinney acknowledged that the SNP does not have the powers to do what Nicola Sturgeon said on council tax. However, from a sedentary position, Nicola Sturgeon said that we will have a council tax freeze, which is in complete contrast to what the Cabinet Secretary for Finance and Sustainable Growth said. I am happy to take an intervention from Nicola Sturgeon if she is disclaiming that point.

Let us get the facts right: the police numbers are 16,234 and the SNP has promised 17,234—no equivalents, no overtime, no virtual police.

Derek Brownlee brought up Labour's record. We live in one of the strongest economies in the world, with low inflation and high employment. We reduced hospital waiting times from 18 months to 18 weeks. A school was built every day under the Labour-led Administration in Scotland. We provided a record number of teachers and free nursery places for three and four-year-olds, while teachers' pay issues were resolved through the McCrone agreement. We reduced long-term unemployment, and more than half of our kids are now in higher or further education. We introduced free concessionary travel and free central heating for pensioners. There are record numbers of police. As a member of the happy gang, I am proud of that record of delivery.

**Michael Russell:** I want to be absolutely clear that Mr Kerr claims that the Labour Administration built a school a day over eight years. That is extraordinary. I do not know where those schools are; the Labour Party must be hiding them.

**Andy Kerr:** My apologies. I meant to say "a school a week". [*Interruption.*] I was excited. Under Labour, a school was built every week—a new school opened every week—but you are closing them. In Edinburgh you are closing them. In Aberdeen you are closing them. What is your argument?

**The Deputy Presiding Officer:** Please do not address the member in the second person.

**Andy Kerr:** Okey doke. My apologies for that.

Let us consider some of the other big issues that have been raised this morning. It is absolutely clear that the Government has let down first-time home buyers and communities that are victims of crime. It is absolutely clear that the council tax freeze—well, it is not actually clear any more, because Nicola Sturgeon has changed the position yet again, so we need clarity.

I have shared many television studios with Alex Neil, who is not in the chamber at the moment. When I was on TV with him, he said that the SNP

would end public-private partnerships by autumn 2007. That is not what John Swinney, Nicola Sturgeon or Fiona Hyslop say. What is the SNP's position on PPP?

The SNP makes much use of its commitment on accident and emergency units. The paper that went to the NHS Lanarkshire board on 26 September 2007 states:

"The Report also advises us that 'The more comprehensive are the services to be provided at all three sites, including Monklands, the greater are the risks and uncertainties that they will be able to be sustained in the longer term future'".

I suggest that that is not the health policy of a responsible Government.

Johann Lamont clearly set out her claims about the SNP overclaiming and underdelivering. She pointed to the housing supply task force, which the Government has emasculated, and the review—now not a review—of the central heating programme.

There is a lack of clarity when there should be clarity, and a lack of vision when there should be vision. We should have a presentation from the Government justifying some of the manifesto commitments and the 100-days commitments that it has not yet been able to fulfil. It is astonishing that none of the SNP members spent any time defending their own Government's record. For the past five weeks, the SNP has held thematic debates to which we could all contribute with no votes at decision time. We contributed ideas to those debates but, today, we want to hold you to account for your record and what you said in the 100-days document. All Opposition members have quoted precise actions that the document said the Government would take but that it has not taken.

We have a record of lack of delivery, of broken promises and of the Government saying that it has not managed to deliver its big commitments to the Scottish people. We have flags and fights, grudges and grievances, as the Government says that it is all Westminster's fault and it cannot deliver. That is the agenda that the SNP is trying to set. It is 1,000 police officers no more, the end of student debt no more, £2,000 for first-time buyers no more, the council tax freeze no more and smaller class sizes no more. That is a record of lack of delivery and of misleading the Scottish public. It is the big lie at the heart of the SNP Government.

## Question Time

### SCOTTISH EXECUTIVE

#### General Questions

11:40

#### Scottish Adjacent Waters Boundaries Order 1999 (SI 1999/1126)

**1. Christine Grahame (South of Scotland) (SNP):** To ask the Scottish Executive what negotiations it has had with Her Majesty's Government regarding the Scottish Adjacent Waters Boundaries Order, which came into effect in 2000. (S3O-831)

**The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead):** The issue is important for Scotland and Scotland's fishing industry. We will consider raising it with the United Kingdom Government in the context of our discussions on the forthcoming marine legislation.

**Christine Grahame:** Does the cabinet secretary agree that the removal of 6,000 square miles of maritime territory from Scotland—approximately 5 per cent of Scotland's total territorial waters—shortly before the Parliament came into being remains an outrage and demonstrates that Westminster is more often the beneficiary of so-called union dividends at Scotland's expense? Will he advise us what plans the Government has to make a legal challenge to the order to secure Scotland's vital strategic and economic interests?

**Richard Lochhead:** I certainly agree with many of Christine Grahame's sentiments, as does the Scottish Government. She will recall that, back in 1999 when the issue was huge—which it remains, of course—the SNP in opposition quoted Dr Iain Scobbie, the senior lecturer in international law at the University of Glasgow who argued that the lines should have been drawn as requested by the Scottish fishing industry, not the UK Government of the time. I have no reason to believe that the legal position has changed since then. The waters were part of Scotland pre-1999 and, as far as the Scottish Government is concerned, they should be Scottish waters post-1999 as well. That is why there was such outrage at the time, and we are determined to raise the issue with the UK Government when an appropriate opportunity arises.

#### Police (Additional Officers)

**2. Jackson Carlaw (West of Scotland) (Con):** To ask the Scottish Executive what progress it has made in developing its strategy for the recruitment of additional police officers and on what date it

expects the recruitment of such officers to commence. (S3O-817)

**The Cabinet Secretary for Justice (Kenny MacAskill):** This Government is committed to delivering additional policing capacity—the equivalent of 1,000 officers over the parliamentary session—and ensuring that additional capacity is directed at providing visible and identifiable policing in Scotland's communities. Delivering that commitment will require a co-ordinated, carefully planned and innovative approach that will involve not only central Government but police authorities and chief constables. It will consist of a mixture of additional recruitment, improved retention and a freeing up of existing officers' time through tackling inefficiencies and exploiting new technology. We are currently developing those plans and intend to make an announcement in the context of the outcome of the spending review.

**Jackson Carlaw:** The Cabinet Secretary for Justice's response to the question gets weaker every time it is asked. I must caution him. Is he aware that the answer to the question "How long is the 1,000 police officer recruitment string?" is that it is too long? Does he recall his answer to my colleague Gavin Brown on 14 June—112 long days ago—when the cabinet secretary said almost exactly the same thing:

"We are developing our plans to deliver the commitment, and we intend to publish them in due course"—[*Official Report*, 14 June 2007; c 785.]

When is "in due course"? Any commercial organisation that has identified a demand for additional people sets the criteria for recruitment and gets on with it. Can the cabinet secretary persuade the Parliament that the delay can be justified any longer?

**Kenny MacAskill:** I will happily reply to Jackson Carlaw's caution. I am surprised that he goes on about deficiencies in specifications, given that the last time that he asked the question, he commented:

"the SNP committed to providing 1,000 more police officers, while we committed to an additional 1,500. It would be interesting to know how the SNP arrived at its requirement figure; come to that, it would be interesting to know how we arrived at ours."—[*Official Report*, 6 June 2007; c 421-422.]

Jackson Carlaw requires specifics from the Executive, but his party apparently did the work on the back of a fag packet.

Jackson Carlaw has a commitment: we will recruit new officers. However, this is equally about retaining existing officers, far too many of whom leave with skills that are still required in our communities. Most important of all, this is about current and new bobbies using their time appropriately and visibly in our communities,



rather than being hidebound by the paperwork and bureaucracy that the previous Executive imposed on them.

**Pauline McNeill (Glasgow Kelvin) (Lab):** The Scottish National Party promised 1,000 extra officers on the streets of Scotland. Most ordinary people would understand that to mean 1,000 additional officers, with the number rising from 16,232 to 17,232. The cabinet secretary now seems to be saying something different—which he should clarify today—and the new policy seems to be about additional officers being freed from certain duties. Can we expect the SNP to stick to this latest new policy and new promise? Given the knowledge that the number of retirements will double in 2009, how confident is the cabinet secretary about achieving his policy by 2011?

**Kenny MacAskill:** I reiterate what I said in response to Mr Carlaw: the Government is committed to delivering additional policing capacity by the equivalent of 1,000 officers in the lifetime of this parliamentary session, ensuring—given what Ms McNeill said—that that additional capacity is directed at providing visible, identifiable policing in Scotland's communities. We will ensure that those 1,000 officers—the bobbies whom we recruit, those whom we retain and those whom we use effectively—will be visible in our communities, making Scotland a safer and stronger community.

**Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD):** Page 58 of the SNP manifesto is clear:

"That's why we will set out plans in our first Budget for Scotland for 1000 more police".

The Deputy First Minister said this morning that there will be 1,000 more officers at the end of the session than there are today. Is that the case—yes or no?

**Kenny MacAskill:** There will be 1,000 more officers in our communities providing the visible policing that communities need and want. We have faith in the bobbies whom we will recruit and in the excellent service that will continue to be provided by those whom we will retain. We will ensure that they will be freed up to do an excellent job in our communities without being overburdened by the paperwork that was the responsibility of the Labour part of the previous Executive and for which Labour's junior partnership colleagues, the Liberal Democrats, are equally culpable.

### Environmental Justice

**3. Robin Harper (Lothians) (Green):** To ask the Scottish Executive whether it supports communities suffering environmental injustices that affect their health and well-being and what

action it is taking to support such communities. (S3O-820)

**The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon):** It is a fact that the environment can impact on health and well-being. The Scottish Government supports communities directly through the environmental action fund. We are also progressing the strategic framework on environment and health, which aims to deliver evidence-based interventions to improve and protect physical and mental health and well-being where environment is a contributory factor.

**Robin Harper:** The minister will be aware that one of the most important tools of environmental justice is the ability of communities to access local health information. For the past four years, Green MSPs have been pressing a test case to gain access to childhood leukaemia figures. The information was refused by the national health service, but the decision was overruled by the Scottish Information Commissioner, whose ruling was upheld by the Scottish courts, which ordered the release of the information. Sadly, the NHS is appealing to the House of Lords rather than abiding by the ruling of the Scottish courts and the Information Commissioner. The NHS's defence is patient confidentiality, although that argument has been exposed as baseless.

Will the minister intervene? Can she intervene? Will she confirm whether she supports the Scottish Information Commissioner, the Scottish courts and Scotland's poorest communities, who suffer most from environmental injustice?

**Nicola Sturgeon:** I thank Robin Harper very much for that question. He has corresponded with me on the issue, and I am fully aware of the background to it. As I have said to Mr Harper before, I have considerable sympathy with the points that he makes. I hope that we can find a way forward on the issue.

As Mr Harper knows, the issue is not about an attempt to conceal information; it is about whether the information that he wants may be published in the precise format in which he wants it without revealing individuals' identities. I am aware of the view of the Scottish Information Commissioner on the matter, but NHS National Services Scotland believes that it cannot publish the information in the precise format that has been requested without compromising patient confidentiality. In those circumstances, NHS National Services Scotland is entitled, under the freedom of information rules, to test its position in the courts.

As I have said previously, and as I will repeat to Mr Harper now, I would like to find a way of allowing Robin Harper to access the information that he wants without compromising patient

confidentiality. I repeat my previous invitation to him to discuss the matter with NHS National Services Scotland in the interests of finding a way forward that satisfies his objectives while ensuring that patient confidentiality is not compromised.

**Elaine Smith (Coatbridge and Chryston) (Lab):** Is the minister aware of the environmental injustice in my constituency? A section of Dunbeth public park that is currently used as playing fields by schools and the public will be used by private finance initiative contractors to build a floodlit sports pitch, in spite of significant public opposition. The development will involve the cordoning off of a substantial area of a beautiful Victorian park for what will effectively be restricted public usage that will be subject to cost. That will undoubtedly affect health and well-being. Does she share my concerns that the objectives of the contractors have taken precedence over the needs and concerns of the community, and will she undertake to look into the matter?

**Nicola Sturgeon:** I of course undertake to look closely at the matter. Although I do not know the details of the local circumstances that Elaine Smith describes, I am sure that my colleague the Minister for Environment will also be happy to discuss them with her in more detail.

I take this opportunity to outline the action that the Scottish Government is taking to help communities, starting with the £2 million environmental action fund. The Minister for Environment recently announced 10 community projects that will benefit from the fund. The strategic framework on environment and health is also extremely important, and its next stage is in development. The purpose of the framework is to go beyond tackling environmental hazards and to focus more on promoting the environment, particularly an environment that can contribute to good health. I hope that Elaine Smith will recognise the work that is being done. I can give her an undertaking that I am happy to discuss the specific local circumstances with her further.

**Nanette Milne (North East Scotland) (Con):** On another tack, does the minister agree that one way of addressing environmental injustice lies in addressing health and the lack of fresh local food in areas of urban deprivation through providing more opportunities for the provision of allotment space? Will she encourage local authorities to review the allocation of allotment space in their local plans, so that provision is made for local community groups to grow fruit and vegetables? We all know the enormous importance of a decent diet to our health and well-being.

**Nicola Sturgeon:** I have a huge amount of sympathy with the points that Nanette Milne makes. She might be aware that my colleague Richard Lochhead is developing a food policy. I

certainly hope that Nanette Milne's points will be fully considered in that policy development.

**Johann Lamont (Glasgow Pollok) (Lab):** I understand that the SNP intends to merge the Scottish Environment Protection Agency and Scottish Natural Heritage, which are of course important bodies for the protection of local communities. Indeed, the First Minister himself cheerily reassured us that the merger was okay, because the bodies were moving to become a new rural service. Will the minister confirm whether that is the case? If so, can she explain how such a rural service will serve the needs of my constituents, who, as she is aware, live not in a rural area but in a city that has suffered disproportionately from environmental injustices and which deserves to be protected from further attacks on its people's health and well-being?

**Nicola Sturgeon:** As Johann Lamont is well aware, the Government is in the process of developing a single rural delivery service, an approach that has been warmly welcomed by the very agencies that she mentions in her question. I am sure that my colleague Richard Lochhead will be more than happy to discuss the specific points that Johann Lamont has made as he continues to develop his extremely positive policy.

#### HM Treasury

**4. Derek Brownlee (South of Scotland) (Con):** To ask the Scottish Executive on what subjects it has made representations to HM Treasury since May 2007. (S3O-812)

**The Minister for Parliamentary Business (Bruce Crawford):** Derek Brownlee will not be surprised to hear that the Scottish Government holds a number of on-going discussions with HM Treasury on a number of subjects.

**Derek Brownlee:** The answer is not a surprise, although its vagueness is. I hope that one of those subjects is the planning gain supplement, which was introduced by Labour at Westminster with very little consideration for the impact on the devolved Administrations—and in the face of the opposition of the previous Scottish Executive, at least judging by its submission to the consultation on the matter.

Will the minister commit to going back to whoever happens to be running the Treasury in a month's time with a view to getting some additional consideration of how the planning gain supplement will interact with section 75 arrangements in Scotland?

**Bruce Crawford:** Today, the Cabinet Secretary for Finance and Sustainable Growth, John Swinney, is meeting with the Treasury, standing up for Scotland and trying to ensure that we get

the best possible deal out of the financial settlement.

I assure the member that John Swinney has written to HM Treasury in the strongest possible terms about the planning gain supplement. We believe that, in practical terms, an option that is based solely on local charging mechanisms will be more efficient and more suited to meeting our objectives for sustainable economic growth.

### **Antisocial Behaviour (Rural Areas)**

**5. Murdo Fraser (Mid Scotland and Fife) (Con):** To ask the Scottish Executive what action it is taking to tackle antisocial behaviour among young people in rural towns and villages. (S3O-814)

**The Minister for Community Safety (Fergus Ewing):** The Scottish Government is committed to tackling antisocial behaviour wherever it occurs. We fund community safety partnerships to deliver a range of services to protect their communities from unacceptable behaviour and to provide more choices and chances for young people to engage in positive rather than negative behaviour.

**Murdo Fraser:** An important part of tackling antisocial behaviour is a visible police presence, which is an ambition shared by both the Conservative party and the Scottish National Party Government. Is the minister able to tell me how many extra police officers will be on the streets of Tayside by 2011?

**Fergus Ewing:** As the Cabinet Secretary for Justice has already indicated to Parliament, we are fully committed to implementing our pledge to continue and increase the visible police presence in Scotland. This Government is absolutely determined to promote community safety and to tackle antisocial behaviour. However, we wish to give a new emphasis in this policy area by trying to provide to young people in the poorest parts of Scotland the choices and chances that have been enjoyed in the richest parts of this country. Our emphasis should be on providing such chances to our young people and on promoting good behaviour, not just tackling bad behaviour.

### **Proposed Disabled Persons Parking (Scotland) Bill**

**6. Jackie Baillie (Dumbarton) (Lab):** To ask the Scottish Executive whether it will support the disabled persons parking (Scotland) bill. (S3O-857)

**The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson):** I understand that a final bill will be introduced in Parliament later this year. We will reach a view at that stage.

**Jackie Baillie:** The minister will be aware of the very real problem caused to disabled people by the abuse of disabled parking bays; indeed, that much is clear from the Government's own research, which was published just last week. It is equally clear that the current legislation is not fit for purpose. Will the minister tell the chamber why the Scottish Government has declared its support for the proposed sunbed licensing bill, which has yet to be published, and the tartan register, which is not even before the chamber—both worthy proposals, I am sure—but remains silent on improving the lives of disabled people in Scotland?

**Stewart Stevenson:** I think that I can say without ambiguity that we certainly support what Ms Baillie's proposed bill seeks to achieve. However, we need to see whether the material in the bill delivers.

In the meantime, we are engaged on this subject. I have written to Councillor Pat Watters of the Convention of Scottish Local Authorities to remind him of local authority powers to promote orders to protect the parking spaces in question, and I await his reply. We are as committed as Ms Baillie is to supporting people with blue badges and ensuring that they are able to park wherever they require.

**The Presiding Officer (Alex Fergusson):** Question 7 is withdrawn.

### **Foot-and-mouth Disease**

**8. Tavish Scott (Shetland) (LD):** To ask the Scottish Executive what action it is taking to minimise the impact on farmers and crofters of the outbreak of foot-and-mouth disease in Surrey. (S3O-843)

**The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead):** We have been able continuously to relax movement restrictions where veterinary risk assessment has shown it safe to do so. We have also very strongly pressed our case with the United Kingdom Government and obtained on 2 October a relaxation of drivers' hours regulations to address the backlog of livestock movements. We have also lobbied strongly for the resumption of exports of meat from Scotland following the export ban. On 3 October, we achieved that aim, which will take effect from 12 October.

Moreover, we are preparing a sheep welfare scheme to address the problem of light lambs that are still on the hills and are facing a shortage of feed and the onset of inclement weather and for which there is no viable market. The Scottish Government continues to work with stakeholders and other organisations to provide appropriate support to farmers.

**Tavish Scott:** Does the minister agree that, even though it comes with restrictions, the European Union's decision to lift the export ban—and I acknowledge the Government's role in that respect—is extremely important in creating confidence in the light lamb and store lamb markets? Is he able to clarify whether any particular measures will be introduced to help with exports to the Faroes, which is a matter on which I have corresponded with him? Moreover, given the problems that I appreciate he knows about but which are currently very real, is he able to tell us how quickly the sheep welfare scheme might be introduced?

**Richard Lochhead:** We are putting in place arrangements for the sheep welfare scheme, which, all things being equal, should be up and running at some point early next week. I am sure that there is cross-party support on that important issue. We are also continuing to press the UK Government to fund the scheme, given its moral and political responsibility in that regard.

The member raised concerns about exports from the islands. My officials and I are well aware of those concerns—I will get back to the member on that. The expert group of the Standing Committee on the Food Chain and Animal Health will meet once again next week. Following today's productive meeting with a range of stakeholders in the Parliament, we are aware of several measures with which we want to proceed.

## First Minister's Question Time

12:00

### Engagements

**1. Ms Wendy Alexander (Paisley North) (Lab):** To ask the First Minister what engagements he has planned for the rest of the day. (S3F-191)

**The First Minister (Alex Salmond):** Later today, I will be holding meetings to take forward the Government's programme for Scotland.

**Ms Alexander:** In May's election, Labour said that we would continue the largest school building programme in Scotland's history by building or refurbishing 250 more schools in the next four years. In the First Minister's party's manifesto, he said that his party would match that school building programme "brick for brick". However, this week, his Cabinet Secretary for Education and Lifelong Learning told the people of Edinburgh that the Scottish Government will not fund plans to rebuild or refurbish five ageing Edinburgh schools. What has happened to that manifesto commitment on building and matching us brick for brick?

**The First Minister:** The Government will match the previous Executive's commitments brick for brick. The major difference is that we will not use the hyper-expensive private finance initiative but will use much better means of public finance. We have already put in an extra £40 million of capital investment across Scotland, over and above what the previous Executive intended.

**Ms Alexander:** The First Minister might like to explain to us why the Cabinet Secretary for Education and Lifelong Learning simply said that the Government does not have £100 million with Edinburgh's name on it. The truth is that in wave 1 in Edinburgh, Labour built 14 new schools, in wave 2, we built six new schools, but instead of wave 3 happening under the Scottish National Party, Edinburgh is being told to wait. There is nothing on the table from the SNP. In Portobello high school, the classrooms are collapsing. I simply note that the absent friend, John Swinney, urged his party to be pragmatic on funding decisions. Why are children losing out because the SNP will not give the go-ahead for new schools?

**The First Minister:** I suggest that Wendy Alexander takes some time to read the Unison report of this week that excellently set out the failings of PFI and public-private partnership schemes. Once again, she has come to the Parliament without the advice and information that she should have as an Opposition leader. I have here a letter to the City of Edinburgh Council from the previous Executive, which is dated 27

February 2007, on exactly the issue that Wendy Alexander has raised. It says that any funding decisions for Edinburgh schools

“will be for after the election and in the context of the next Spending Review.”

I know that Wendy Alexander is new to the job, but if Labour is not going to continue to let the people down—as she put it—she had better come to question time armed with facts and figures. It is one thing to let people down in government; Wendy Alexander is letting them down in opposition.

**Ms Alexander:** Let me come armed with the facts and figures, which are that the previous Government built in excess of 300 new schools. You said that you would match us brick for brick, but your Cabinet Secretary for Education and Lifelong Learning has said no to Edinburgh.

**The Presiding Officer (Alex Fergusson):** Use full names, please.

**Ms Alexander:** There were 14 new schools in wave 1 and six new schools in wave 2. We told the City of Edinburgh Council to come back for wave 3 after the election. The council came back and you said no. You said that you would match our commitment on the 250 schools. Where are they?

**The First Minister:** The previous Executive, which most certainly was not a Government in any sense, made its position exactly clear. There was no such commitment to the City of Edinburgh Council, which incidentally has been left in financial crisis as a result of the actions of a Labour administration.

**The Presiding Officer:** Final question, Ms Alexander.

**Ms Alexander:** If Edinburgh is not to get five of the 250 schools that we promised, why is it that parents in Aberdeen find their SNP-led council now proposing to close 22 city schools and closures are proposed in West Dunbartonshire? The SNP promised to put schools at the heart of communities, but instead of building schools as it promised, it is now shutting them down all over the country.

The budget of the Scottish Government has doubled in the past eight years. The SNP has known since March that it will have more than £32 billion next year. Let us recall that when Donald Dewar had half that sum of money, he gave the go-ahead to rebuild every secondary school in Glasgow. Children are now benefiting from that, but you are shutting schools instead. [*Applause.*]

**The Presiding Officer:** Order.

**The First Minister:** Let us get back to the specifics of Wendy Alexander’s question. I will put

the letter in the Scottish Parliament information centre today and every member will know that there was no commitment to the City of Edinburgh Council from the previous Executive.

What has been Wendy Alexander’s priority in three weeks as Opposition leader? It has not been more money for schools, hospitals or the police; it has been more money for the Opposition leader. Her new adviser, Professor Arthur Midwinter, is concerned that the SNP will not have enough money from the spending review to fulfil our commitments. Wendy Alexander is worried that she will not have enough money to pay Arthur Midwinter. Wendy Alexander apologised on behalf of Jack McConnell to the Labour Party conference. Perhaps she would now be better to apologise to the Scottish people for eight years of failure from the Labour Party.

**The Presiding Officer:** I will allow one brief final supplementary, Ms Alexander.

**Ms Alexander:** I respectfully suggest to the First Minister that it ill becomes somebody who sloped off to Westminster, leaving this Parliament for a bigger pay packet, a bigger pension, bigger expenses and bigger allowances of every kind, to decry the same for this place.

However, the issue comes down to the people’s priorities and children and schools. We promised 250 new schools. You promised to match us brick for brick, but all over the country you are proposing school closures and refusing to match us brick for brick. You are saying no to Edinburgh, in the words of your own education secretary.

**The First Minister:** The letter will be in SPICe this afternoon and, yet again, Wendy Alexander will have some explanations to give. We will match the previous Executive’s commitments brick for brick. We will do so not through the hyper-expensive funding mechanism of PFI and PPP but through people’s investment—do not line the pockets of private enterprise, invest in the people’s priorities. I have here a copy of Wendy Alexander’s speech apologising to the Labour conference for a party that has lost touch. I have obviously touched a raw nerve in expressing the view that Wendy Alexander has put forward a spending commitment for herself and her office. Perhaps the best way to employ staff in her office is not to sack the people she already has.

**The Presiding Officer:** I am sorry that I find myself still having to remind members that they should not refer to other members directly in the second person but should refer to them using their full names. Sadly, I still have to remind them of that.

### Prime Minister (Meetings)

#### 2. Annabel Goldie (West of Scotland) (Con):

To ask the First Minister when he will next meet the Prime Minister. (S3F-192)

**The First Minister (Alex Salmond):** I have no plans to do so at present, but I suspect that I might be meeting him on the campaign trail.

**Annabel Goldie:** Scotland currently has 16,261 police officers on the payroll. When will we have 17,261 police officers on the payroll?

**The First Minister:** We will fulfil our commitment to putting the equivalent of 1,000 extra officers in the communities of Scotland. We will set out our plans to do so, as we stated on page 58 of our manifesto, in the Government's first budget for Scotland, which is to be published this autumn.

**Annabel Goldie:** When it comes to verbal smoke and mirrors, Alex Salmond and Gordon Brown are two peas out of the same pod—one promises to send home troops who are already back home and the other pledges more police officers by recycling those who are already recruited.

The Scottish National Party manifesto of May 2007 said:

"we will set out plans in our first Budget for Scotland for 1,000 more police ... We want to see these new police officers becoming part of the fabric of communities".

During the election campaign, Alex Salmond said to the annual conference of the Scottish Police Federation:

"It's top of the public's concerns and should be top of the budget priorities".

I ask the First Minister again: no ifs, no buts, no maybes, when will the Scottish Government produce 17,261 serving police officers on the payroll?

**The First Minister:** As Annabel Goldie has just helpfully quoted, we will set out those plans in our first budget for Scotland and there will be the equivalent of 1,000 extra officers in the communities of Scotland. Annabel Goldie cannot really quarrel with that because she shares my disillusionment with the previous Administration for increasing police numbers but reducing the number of police who were available for service on the streets and in communities of Scotland.

I am disappointed with Annabel Goldie's tone. Only 40 days ago, she released a press statement boasting of 100 days of success and claiming for the Conservative party the credit for all the achievements of the SNP Government. What has happened over the past 40 days?

In the aftermath of David Cameron's speech, he was caught saying to his wife, "I love you, babe.

I'm knackered." Annabel Goldie, I am not sure that I love you any more but, certainly, the Tory party is knackered.

### Cabinet (Meetings)

**3. Nicol Stephen (Aberdeen South) (LD):** To ask the First Minister what issues will be discussed at the next meeting of the Cabinet. (S3F-193)

**The First Minister (Alex Salmond):** The next meeting of the Cabinet will discuss issues of wide concern to the people of Scotland.

**Nicol Stephen:** I give the First Minister one last chance to stop breaking his promise on police numbers. The Scottish National Party promised 1,000 more police—not police equivalents. Can he confirm that his answers today mean that that promise will now be met by rebadging, renaming and reshuffling police officers who are already employed?

**The First Minister:** As we said on page 58 of our manifesto, in the context of our first budget for Scotland, we will set out our commitment to putting the equivalent of 1,000 extra officers on the streets and in the communities of Scotland.

I know that some folk in the chamber think that the word "equivalent" might be some sort of weasel word. I have to accept that, in parliamentary answers, people compare head counts to equivalents. I have come across one from this year that does exactly that. It was issued on 12 January 2007 by Cathy Jamieson, who was then the Minister for Justice.

The important thing for communities in Scotland is to have police deployed on the streets and in communities, not in back offices and bureaucracy, where the Liberal Democrats left them.

**Nicol Stephen:** Last week, the First Minister's Cabinet Secretary for Justice was asked a similarly straightforward question on television. The question was, "How many police will there be?" Quoting from the transcript, I can say that he replied, "Er, um, er, um. I find that, actually, a rather silly question. The number will, you know, be whatever that will be. Whether the number will be 16,201 or 16,222, I don't know."

However, the SNP manifesto knew. It said that the first budget would have 1,000 more police. It said that the plans were to employ 1,000 additional officers. It said that they would be new police officers. The officers would be employed, they would be new, they would be additional and there would be 1,000 of them. The First Minister has confirmed today that none of that was true. Why has that promise been changed by the Cabinet Secretary for Justice? Why has that promise become rebadging, renaming and

reshuffling existing police? They are not new or additional; they are already employed. Is this the biggest backtrack that the First Minister has yet devised?

**The First Minister:** That is a bit rich, coming from a party that has rebadged and renamed itself several times. Only a few minutes ago, the Cabinet Secretary for Justice stated that our plans will show our intention to increase police numbers—a point that was missing from Nicol Stephen's question. Nicol Stephen helpfully quoted our manifesto commitment for our first budget for Scotland. I hope that, when we publish that budget for Scotland, we will enjoy the support of the Liberal Democrats.

Talking about the matter earlier, Jeremy Purvis said that the Government was in purgatory. I would rather be in purgatory than in limbo, which is where the Liberal Democrats are. They are not going up in the coming election; they are going down.

**The Presiding Officer:** Before I allow a couple of supplementary questions, I am sure that the chamber will wish to join me in welcoming to the public gallery Mr Eric Tomas, the President of the Brussels Regional Parliament, who is accompanied by the clerk of the Parliament, Mr Serge Govaert, and a delegation of cross-party members from its parliamentary corporate body. *[Applause.]*

**Lewis Macdonald (Aberdeen Central) (Lab):** Last week, the health ministers announced that the Government will end the provision of cleft-lip and palate surgery in Aberdeen and centralise those services in Edinburgh and Glasgow. Given that loss of local access and the commitments that the First Minister has made on such matters, how will those changes lead to better services for the 220 patients and their families in Aberdeen and the north-east?

**The First Minister:** The commitment remains to have all aspects of dealing with cleft lip in Aberdeen, apart from surgery. There were only 15 cases of such surgery in the past year, and there is solid medical advice that it is in the interests of patients that there is specialisation in the service.

Of course, in many other services in the health service throughout the country, as the Government has demonstrated, the commitment should be to local provision, as in the case of the accident and emergency units at Monklands and Ayr hospitals. People in north-east Scotland, like people in central Scotland, will welcome the commitment of the Scottish National Party to a locally delivered national health service.

**John Scott (Ayr) (Con):** The First Minister will be aware of my written parliamentary question about whether bluetongue has reached Scotland

and the answer that I received from Richard Lochhead:

"I shall reply to the member as soon as possible."—*[Official Report, Written Answers, 2 October 2007; S3W-4394.]*

Will the First Minister today tell Parliament and Scotland's farmers whether bluetongue has reached Scotland? If he cannot tell us whether the disease has reached Scotland, will he tell us why he cannot give a clear answer to the question?

**The First Minister:** Bluetongue has not reached Scotland, but our rural directorate maintains extreme vigilance in respect of the dangers of that animal disease. On this issue, as in dealing with the consequences of the outbreak of foot-and-mouth disease, I refer John Scott to the excellence of our rural directorate and veterinary services in maintaining animal health and welfare. We have an enormous amount to be proud of in the way in which our services deal with such challenges. The Parliament should unite to keep such diseases out of Scotland and support our farmers and rural communities to the maximum extent.

**Karen Whitefield (Airdrie and Shotts) (Lab):** I advise the First Minister of the anxiety and anger of my 1,800 constituents who belong to the South Nimmo medical practice in Airdrie. Does he agree that it is wrong that that practice will be merged without the consent of patients; that it is unacceptable that NHS Lanarkshire has failed to consult and listen to patients; that those actions are a clear breach of the Government's commitment to listen to patients; and that the Cabinet Secretary for Health and Wellbeing must, therefore, use her ministerial powers of intervention—which she has demonstrated her willingness to do in the past—and act today to protect the interests of my constituents by listening to them about the type of general practitioner services that they need and want?

**The First Minister:** As Karen Whitefield knows, those are rightly matters for NHS Lanarkshire. It is a health board matter.

**Karen Whitefield:** No, no, no.

**The First Minister:** Yes, it is. However, the concern that Karen Whitefield raises is recognised by the Government, which is why we are introducing measures to increase the accountability of health boards not just in her constituency but throughout Scotland. I hope that when we introduce those measures we will have her enthusiastic support, as I think that we did when we introduced the measures to save the accident and emergency unit at Monklands hospital.

## Community Reparation Orders

### 4. Paul Martin (Glasgow Springburn) (Lab):

To ask the First Minister, in light of the decision to end community reparation orders, what the Scottish Government's plans are to ensure that perpetrators of crime are required to give something back to communities affected by antisocial behaviour. (S3F-200)

**The First Minister (Alex Salmond):** Community reparation orders in their current form proved unattractive to courts during the pilot and were little used. The Government wants to give courts access to effective sentencing options that include payback to communities. Community service orders are available and widely used across Scotland, allowing courts to order offenders to carry out payback to local communities. Offenders can also be ordered to pay compensation to victims. We will announce further plans in the area as a key part of our review of community penalties, which will report later this year.

**Paul Martin:** On 16 May, the First Minister promised:

"The days of Scottish Government imposing its will on the Parliament are behind us, although I daresay that there might be days in the near future when I come to lament their passing."—[*Official Report*, 16 May 2007; c 25.]

Given that the Government has clearly imposed its will on Parliament by scrapping community reparation orders without consulting it, will the First Minister apologise for the apparent oversight and instruct the Cabinet Secretary for Justice to keep to the principles that the First Minister set out when he accepted his post?

**The First Minister:** CROs are available only in pilot form in three areas of Scotland, and it is clear from the independent evaluation of that pilot that they are not being used. For example, in one of the pilot areas, Dundee, only one order has been made in the past 15 months. We can contrast that with the use of community service orders, of which there have been 6,000 this year, and other probation orders that have payback attached to them, of which there have been 2,700.

The member should look at the available evidence and agree with the Government that there are better ways to achieve our shared objective of protecting our communities—something, incidentally, that the Executive that he supported singularly failed to do.

**Margaret Smith (Edinburgh West) (LD):** Does the First Minister agree that reparation schemes should form part of a range of community sentences and should be looked at during the on-going review? Surely the scrapping of community reparation orders prior to the conclusion of that review is unhelpful in building confidence in community sentences, and surely more work

should have been done to increase the uptake of the orders by sheriffs, rather than scrapping them with no alternative in place.

**The First Minister:** If we run a pilot and the independent evaluation says that the CROs are little used—in Dundee, only one order has been used in the past 15 months—then we should start to stress community service orders, which are available and widely used, and other ways of compensating victims. There is no point in running a pilot exercise if we refuse to accept the clear evidence that comes from it. As the Cabinet Secretary for Justice brings forward our proposals for community sentencing, I look forward to substantial support from Margaret Smith for things that will work to make our communities safe as opposed to pilots of orders that were little used in the courts.

**Bill Aitken (Glasgow) (Con):** Is the First Minister aware of concerns about the high level of non-compliance with community service orders, and is he prepared to come back in short order to the Parliament to provide reassurance that community service orders will be complied with and that the appropriate enforcement action will be taken when the orders are breached?

**The First Minister:** Yes.

## Terminal Illness

**5. Kenneth Gibson (Cunninghame North) (SNP):** To ask the First Minister what steps the Scottish Government will take to improve the care provided to terminally ill people. (S3F-199)

**The First Minister (Alex Salmond):** The national health service and the voluntary sector have a significant track record of achievement in the development of palliative care in Scotland.

People with terminal illnesses need well-designed, integrated services that address their particular needs and wishes. That is why we have highlighted the importance of those services in our document "Better Health, Better Care". We will use the outcome of our national discussion to identify priorities for improvement so that we can build on existing good practice. Key to that will be the mainstreaming of ideas and initiatives from the voluntary sector when they are valued by patients and have demonstrated their effectiveness and sustainability.

**Kenneth Gibson:** As the First Minister knows, palliative care is still in woefully short supply throughout the country. Given the years of neglect and disgracefully low levels of funding by the previous Labour-Liberal Democrat Administration, which the Royal College of Physicians of Edinburgh highlighted earlier this week, will he consider implementing a national strategy to ensure that all health boards improve specialist



training and multiprofessional approaches to reduce the time that patients spend in acute hospitals and that health boards provide the palliative services that are needed to improve the quality of care, for which families and patients are calling?

**The First Minister:** All health boards are being required to examine their palliative care services. I said that we have highlighted that as a subject for improvement in "Better Health, Better Care". We will step up efforts to identify variation in practice and to raise performance standards throughout the country to those of the best-performing boards. We also want to ensure that the benefits of palliative care are available to all patients who face a terminal illness. That will build on the important lessons that we have learned in Scotland in working with cancer patients.

**Des McNulty (Clydebank and Milngavie) (Lab):** Why has the First Minister's Cabinet Secretary for Health and Wellbeing not intervened to prevent the proposed transfer to the private sector of places for the care of elderly patients with high levels of support needs from St Margaret of Scotland hospice in Clydebank, which faces an uncertain future as a result of that proposal?

**The First Minister:** Because that is a matter for NHS Greater Glasgow and Clyde. I am sure that Des McNulty, like other Labour members who have suddenly discovered their concerns about the actions of health boards throughout Scotland—whose members they appointed, incidentally—will join us in looking to make health boards more accountable to local people in his constituency and in every constituency.

**Jeremy Purvis (Tweeddale, Etrick and Lauderdale) (LD):** I welcome additional support for palliative care services, especially in areas such as my constituency, which has no hospice. However, is the First Minister aware that at the Royal College of Physicians of Edinburgh yesterday, doctors expressed concern that there remain no reporting mechanisms for incidents when a doctor administers a high dose of medication to a terminally ill patient that has a high probability of bringing about the patient's death? That is commonly known as the Catholic doctrine of double effect. This is a sensitive area in which improvements in end-of-life care could be brought about by a full review of the legal framework for terminally ill patients, in a move to afford more rights to patients who are nearing the end of their lives. Does the First Minister agree that there is no reason why a parliamentary committee could not debate fully, in detail and sensitively all these legal issues?

**The First Minister:** The right to die is an issue of conscience. The Parliament's Health and Sport Committee has every right to investigate these

matters, which I hope it will do. The member raises a difficult and sensitive subject. The cabinet secretary has undertaken to write to him to try to satisfy him that, by reviewing hospice services, the Government is addressing these important matters.

### Tobacco Sales

**6. Ross Finnie (West of Scotland) (LD):** To ask the First Minister how the Scottish Government intends to ensure that the raised age limit on buying tobacco is enforced. (S3F-203)

**The First Minister (Alex Salmond):** There are estimated to be around 23,000 smokers in the 16-to-17 age group. We estimate that raising the permitted age for purchase of tobacco products will save 350 lives a year in the long run and save the national health service £3.8 million a year. The measure will be just one part of our five-year smoking prevention action plan, to be published next spring.

Compliance with the raised permitted age for purchasing tobacco products is a key matter. The Minister for Public Health, Shona Robison, met representatives of the Society of Chief Officers of Trading Standards yesterday to hear first hand about experience in enforcing age-restrictive laws, including on tobacco. She will also meet retailers next week to hear their views on tackling underage sales.

**Ross Finnie:** I am surprised that the Minister for Public Health met the bodies to which the First Minister referred only yesterday. When the minister gave evidence to the Health and Sport Committee on 12 September and was asked how she would give effect to the relevant order, she said:

"We will certainly hit the ground running."—[*Official Report, Health and Sport Committee, 12 September 2007; c 41.*]

However, on Monday, the very day on which the measure was introduced, the Federation of Small Businesses was distinctly uneasy about the impact of the change on its shopkeeper members. ASH Scotland seemed not to be any the wiser as to how the new regulation was to be enforced. The British Retail Consortium expressed doubts about 18-year-olds knowing how the law had changed.

It therefore appears that the minister, rather than hitting the ground running, has yet to meet the relevant bodies that would ensure that the measure is properly enforced. I therefore ask the First Minister again how, as a matter of urgency, he will ensure that this important measure is enforced.

**The First Minister:** As I said, the minister has met trading standards officers and she has a programme of planned meetings.

Test purchasing is important. STV did a test-purchase exercise when the legislation came into force. That exercise—admittedly done by a television channel—identified significant enforcement problems, which the minister is addressing, but it also showed that all the retailers knew the law and that all were displaying the statutory notice. That indicates to me and, I hope, to members that the objective and the plan that the minister is pursuing to ensure that we enforce the law should be the priority if we want to deliver the change in behaviour that every member wants there to be.

**Christine Grahame (South of Scotland) (SNP):** Of course, all members welcome the raising of the age at which cigarettes can be legally purchased to 18, but will the First Minister, having referred to 16 and 17-year-olds who are addicted to cigarettes and may now illegally try to purchase them, say what measures are in place to support those young people?

**The First Minister:** There is a £2 million budget for smoking cessation practices this year, which has been prioritised to younger people. To drive forward compliance and in order that people can prove their age, the Scottish Government has invested in the Young Scot national entitlement card, which is an accredited proof-of-age card that is available free to all Scots under 26. Therefore, with respect to smoking cessation—Christine Grahame has done substantial work in that field—and enabling the law to be enforced, the minister and the Government have hit the ground running.

12:32

*Meeting suspended until 14:15.*

14:15

*On resuming—*

## Question Time

### SCOTTISH EXECUTIVE

#### Education and Lifelong Learning

##### Primary Education (Priorities)

**1. Patricia Ferguson (Glasgow Maryhill) (Lab):** To ask the Scottish Executive what its priorities are for the primary education sector. (S3O-867)

**The Minister for Children and Early Years (Adam Ingram):** In primary education, we aim to provide the best start to our children's education to enable them to achieve their full potential and to help to deliver our commitment to building a smarter Scotland. Our priorities for primary education include leadership, continuous professional development, curriculum for excellence, assessment is for learning, health promotion, class sizes and continuing improvements to school buildings.

**Patricia Ferguson:** Does the minister agree that, although he and his colleagues have consistently refused to advise Parliament how much it will cost to implement its manifesto commitment on primary class sizes, Glasgow City Council has shared with the Government the fact that the proposal will cost it an additional £45 million, if it has to provide 186 new teaching spaces and 397 additional teachers. Will the Government meet the additional cost that Glasgow has identified and, if so, when?

**Adam Ingram:** The Scottish Government remains entirely committed to making steady progress year on year in working with councils to deliver smaller class sizes in Scotland's schools. We are working with education authorities to ensure that we can drive down class sizes in a managed and staged way that maintains teacher quality and which recognises classroom pressures and the continuity of class configurations. That will deliver practical progress towards classes of 18 in primary 1 to primary 3.

We are talking to the local authorities about an outcome agreement to ensure that they can deliver the early progress that we need to see. Indeed, earlier today, Fiona Hyslop met the Convention of Scottish Local Authorities spokesperson on children and young people to discuss that very subject.

**Hugh Henry (Paisley South) (Lab):** I note what the minister said about steady progress. Will he confirm that the commitment, that both Fiona

Hyslop and the First Minister have made in Parliament, to reduce class sizes in primary 1 to primary 3 and nursery classes will be met by 2011?

**Adam Ingram:** I am concerned that the Labour Party in particular seems to be clawing back from its commitment on class sizes. Right across the piece in Scottish society—from parents to teachers—we have a tremendous backing for our policy to ensure that class sizes are reduced.

### **Class Sizes (Edinburgh)**

**2. Margaret Smith (Edinburgh West) (LD):** To ask the Scottish Executive how it will deliver its proposed reduction in class sizes in Edinburgh, in the light of the City of Edinburgh Council's financial situation and the impact on teacher numbers, school accommodation and parental choice. (S30-849)

**The Cabinet Secretary for Education and Lifelong Learning (Fiona Hyslop):** We are discussing the Government's policy of class-size reduction with the Convention of Scottish Local Authorities, including a productive meeting this morning, and how that can be delivered in the context of proposed outcome agreements with councils. We also recognise that the pace and delivery for the City of Edinburgh Council will, in part, need to be determined by its circumstances as partners in that delivery.

**Margaret Smith:** I welcome that flexibility from the cabinet secretary. Does she agree with a City of Edinburgh Council education committee report that suggests that the cost to Edinburgh of the class-size reduction policy will be £41 million? Given that 60 per cent of Edinburgh schools will have difficulty in accommodating either extra space or new buildings, the council's inherited financial state, and the fact that the Scottish National Party has ruled out any help in the rebuilding of five city schools, will she assure Parliament that its flagship policy is achievable in the capital, and elsewhere? Will she tell us exactly what she will do to assist the city in achieving it by 2011?

**Fiona Hyslop:** I think that there were half a dozen, if not 10, questions in that. I will try to address as many as I can.

The SNP Government is committed to supporting the City of Edinburgh Council and has found funding in recent months to provide £600,000 for investment in additional teachers and the equivalent of £2.9 million for investment in capital. We will be funding six new secondary schools over the coming years, at Holy Rood Roman Catholic high school, Broughton high school, Craigroyston community high school, Tynecastle high school, Forrester high school and

St Augustine's. We will also be funding two new primary schools at Bonaly and Juniper Green.

At lunch time I met the leader of the City of Edinburgh Council to address the flexibilities and requirements of the council. The Government is committed to class-size reduction. We are absolutely convinced that it is better for young people, particularly those from deprived areas, to be taught in classes of 18. We are getting support from the teachers, the parents and the pupils, so I seek support and a more constructive approach from Parliament. The City of Edinburgh Council is seeking to turn around a financial deficit of £25 million. Finding creative solutions to the financial difficulties that were caused by the previous Labour administration is a challenge indeed. Some of us are prepared to face up to that challenge and some of us are not.

**Mary Mulligan (Linlithgow) (Lab):** Adam Ingram said in his earlier answer that the cabinet secretary had been talking to local authorities about outcome agreements. How will outcome agreements succeed if local authorities respond as Edinburgh has done when receiving £2.5 million—that was the figure I had; the minister may correct me as I think she just said £2.9 million—for capital expenditures to reduce class sizes? The council did not use it for that, but put it in the pot to pay for what it terms “budget shortfalls”. That does nothing to assist children in primary 1 to primary 3 into smaller classes, but the minister seems to have washed her hands of the matter.

**Fiona Hyslop:** The figure that I mentioned is £2.3 million in capital which, if added to the City of Edinburgh Council's share of the £9 million that we made available for teachers, makes a total of £2.9 million to the council. I find it surprising that the member knows more about the council's finances, funding and budget than I do. The allocation of that funding was precisely to start early preparation for class-size reduction. Class sizes will be reduced by employing more teachers, which is why this Government, within the first few months of its coming into power, has given local authorities £9 million. We are increasing the teacher intake in our colleges of education in order to ensure that we have continuing provision of quality teachers. In addition, this Government is committed to school buildings and to matching brick for brick the commitments to provision of the previous Government. That is the scenario, and that is the atmosphere in which we can have children well educated to achieve the smarter Scotland to which we all aspire.

### **Secondary Schools (Gender Performance Gap)**

**3. Bashir Ahmad (Glasgow) (SNP):** To ask the Scottish Executive what plans it has to reduce the

performance gap between male and female pupils in secondary schools. (S3O-823)

**The Minister for Schools and Skills (Maureen Watt):** The performance gap between boys and girls in secondary schools has a long history. We have seen a slight narrowing of the gap in examination results recently, but the challenge is to sustain that trend.

We have issued a gender equality toolkit to all primary, secondary and special schools to help them meet their duties under the Equality Act 2006. That covers promoting equality between boys and girls in all areas of activity, including achievement and attainment.

**Bashir Ahmad:** I thank the minister for her encouraging response. In Glasgow, there is further cause for concern. Scottish Qualifications Authority results that were published last week show a huge gulf in educational attainment between the rich and poor, with Glasgow having among the lowest pass rates at standard grade and higher level. Does the minister share my concern about that? What will she do to ensure that people in deprived areas such as Glasgow do not fall further behind the rest of Scotland?

**Maureen Watt:** We welcome the fact that attainment in Glasgow is improving more quickly than it is in Scotland as a whole, even though it starts from a lower base. We are committed to enabling every child to achieve his or her potential and we will focus on the poorest-performing children with increased early intervention and support.

Of the additional £9 million that we have announced, Glasgow City Council will get £652,200 this year and £326,100 next year.

### Higher Education (Places)

**4. Helen Eadie (Dunfermline East) (Lab):** To ask the Scottish Executive how many extra places it believes can be created in higher education institutions as a result of abolishing the graduate endowment fee. (S3O-866)

**The Cabinet Secretary for Education and Lifelong Learning (Fiona Hyslop):** The unfair and inefficient graduate endowment fee does not fund university places in Scotland and the proposed abolition of the fee is not intended to fund additional university places. The cost of abolition will be met within the current baseline budget. The creation of additional funded places at higher education institutions depends on the outcome of the comprehensive spending review.

**Helen Eadie:** What additional support will be available to allow people who are not in education, employment or training and those who are in hard-to-reach communities—places such as Lochgelly

in my constituency—to access education and training so that they can participate fully in the Scottish economy?

**Fiona Hyslop:** I am not sure whether that question is consequential to the first one, which was on access to universities. However, it is important that we provide access and opportunity for all young people. Those who are not in education, employment or training need opportunities, but waiting until they are 16, 17 or 18 and making them stay in education until then will not make the difference. If we want those young people to go to university, we need earlier intervention and support, which is why we have our early intervention strategy and our important wider access programmes. The greater opportunity of access and learning with schools—GOALS—project works with schools to give earlier opportunities to children and young people from backgrounds that might lead them to being not in education, employment or training.

If Helen Eadie supports the wider access agenda, I certainly agree with her. It is of concern that participation at universities in Scotland reduced from 117,000 in 2001 to 109,000 in 2005-06. There is a lot of good work to widen participation and to reach more young people. Unfortunately, the previous Government was not able to deliver to the level that Helen Eadie and I seek for our young people, but the SNP Government will pursue a wider participation agenda to reach the people that she mentioned.

**Murdo Fraser (Mid Scotland and Fife) (Con):** The Cabinet Secretary for Education and Lifelong Learning will no doubt be pleased to hear that I do not want to get into a debate with her on participation rates in higher education.

The Conservatives never supported the graduate endowment, but is the cabinet secretary aware of concerns in the higher education sector that the policy to abolish it is taking money out of the sector at a time when money should be going in? Does she agree that it is time we had an independent commission to examine higher education funding in Scotland? Such a commission would include people from throughout the sector, and indeed from outside it, and would consider all the possible options for future funding.

**Fiona Hyslop:** I hear what Murdo Fraser says and I have listened to the evidence that has been put forward for a long-term review of higher education. However, we are within days of the release of the Westminster spending review and within weeks of this Parliament deciding its spending review, so I do not think that this is an appropriate time for any of us to call for a review of higher education. However, I recognise the arguments that are made.

Murdo Fraser suggested that abolition of the graduate endowment fee will somehow take money out of the sector, but it will not take funding for teaching and research from universities because the funding that is being found for abolition of the graduate endowment fee comes from baseline budgets that were otherwise being used for student support. As he knows, the terms of the legislation on the graduate endowment fee determine where the funding should go. It is a misrepresentation to say that the policy will remove money from the university sector if, by saying that, he means that it will take money from teaching and research.

Abolition of the graduate endowment fee has been strongly welcomed by all those who responded to the consultation. It is a big stride towards ensuring that we have an education system that provides education without the barrier of the fear of debt.

The figures to which I referred earlier indicate that, in this country and at this time, we are seeing a reduction in participation in higher education when other competitive countries are seeing an increase. We must address that. I look forward to not just debating and discussing abolition of the graduate endowment fee but, in the longer term, to considering how we can ensure that Scotland has a first-class, world-class education system.

**Margo MacDonald (Lothians) (Ind):** I suggest to the Cabinet Secretary for Education and Lifelong Learning that, as well as being mindful of the number of graduates that we have, and of their falling numbers, she ought to be mindful of the fact that one in five adult Scots is identified as falling below acceptable standards in literacy and numeracy. The big plus programme, which is running at the moment, is due to come to an end next year, so I seek the cabinet secretary's assurance that we will get a hard-edged report that will identify the expected outcomes, and that even if the programme has fallen short in the seven years of its existence, its essence of ensuring that we lower that 20 per cent figure, and the funding for it, are untouched.

**Fiona Hyslop:** I thank Margo MacDonald for raising those points, which also indicate why it is important to get early intervention right so that we do not have to deal with a remedial situation and help adults who did not have the opportunity to develop their skills when they were younger.

Yesterday, I met the national workforce plus partnership board to discuss employability issues relating to the Government's skills strategy. If we are to improve employability, adult literacy and numeracy must be at the heart of that effort. We had a productive discussion about different avenues and ways to help to improve adult literacy and numeracy, not least in the workplace. I will

take a keen personal interest in the agenda and will welcome any suggestions that Margo MacDonald or others make on that.

### Curriculum for Excellence

**5. Rob Gibson (Highlands and Islands) (SNP):** To ask the Scottish Executive whether the principles of a curriculum for excellence will cover both Gaelic and Scots languages. (S3O-830)

**The Minister for Schools and Skills (Maureen Watt):** Yes. Learning and Teaching Scotland will produce draft outcomes and experiences for Gaelic learners and native speakers in the current school year, along with draft outcomes and experiences for English language and literacy, which will include references to Scots. That will build on the guidance that has already been issued on the curriculum for excellence that makes it clear that the languages and literature of Scotland provide a valuable source for learning about culture, identity and language.

**Rob Gibson:** I am sure that the minister will join me in hoping that the resource finder on the curriculum for excellence website—which mentions Mandarin Chinese, Dutch, Finnish, French, Gaelic, German, Italian, Japanese, Polish, sign language, Spanish and Urdu—will have Scots added. I am sure that the children of Letham primary school in West Lothian, which has been part of a year-long study and is a centre of excellence for Scots, will—like many schoolchildren throughout the country—want to know where to get more Scots. As one primary 7 pupil said—

**The Deputy Presiding Officer (Alasdair Morgan):** And the question is?

**Rob Gibson:** Is Scots going to appear in the curriculum for excellence website's resource finder? Will it also form part of the answer that the minister gave first time around?

**Maureen Watt:** I will certainly check the website and make sure that Scots is on the resource finder. A range of groups and people support the use of Scots in public life—not least me, as I took my oath in Doric—including the Scots Language Society, the Scots Language Resource Centre, the Scots Language Dictionary's dictionary of the older Scottish tongue and others. I know that excellent work is being done in various schools throughout the country to promote the Scots language and we must ensure that such good practice is disseminated.

**Tavish Scott (Shetland) (LD):** I recognise the minister's personal commitment in this area, but does she and her Government's work on language, and on Scots in particular, acknowledge the rich variation in dialects all the way from Shetland to Galloway? In that context, will she

ensure that her work helps to maintain that variation and to avoid any development of a standard Scots, given the varieties that the country has?

**Maureen Watt:** Aye, fairly. We recognise that there are different Scots dialects throughout Scotland. Those of Shetland and Orkney are just as important as those of elsewhere.

### Primary Education

**6. Lewis Macdonald (Aberdeen Central) (Lab):** To ask the Scottish Executive whether it believes that reducing the number of primary schools is compatible with reducing class sizes in primaries 1 to 3. (S3O-883)

**The Cabinet Secretary for Education and Lifelong Learning (Fiona Hyslop):** Local authorities have responsibility for managing their school estates and for implementing national education priorities. Local authorities are sensitive to population shifts and increases or decreases in school rolls in different communities and are therefore best placed to make decisions about school-estate management. The patterns of school provision and occupancy levels vary from council to council, as will whether fewer primary schools could still deliver smaller class sizes.

**Lewis Macdonald:** I am sorry that the minister did not give a direct answer to my question, but she will be aware of the decision that her Scottish National Party colleagues pushed through Aberdeen City Council earlier this week, to consider for closure up to 22 schools in the city on the ground that they currently have underutilised classroom capacity. Is she aware of the concerns that the decision has caused among parents whose children attend primary schools such as St Machar's, Donbank, Seaton, Kittybrewster, Sunnybank and Causewayend in my constituency? Will she urgently seek to meet her SNP colleagues on Aberdeen City Council to point out to them that her Government's policy will require a 25 per cent increase in classroom capacity in primaries 1 to 3, as opposed to school closures? Will she join me in calling on the council to abandon those closure proposals?

**Fiona Hyslop:** My understanding is that Aberdeen City Council has not made proposals for closures but has in fact a three Rs programme of rebuilding, renewing and refurbishing. The fact that the member could cite a precise number of school closures perhaps reflects the plans of the previous council administration. However, the member makes a valuable point about the need for capital investment and additional teacher provision to meet our policy to reduce class sizes. I am confident that, when we have the opportunity to discuss pace and flexibility and—following the comprehensive spending review—when we know

what resources are available to us, councils such as Aberdeen City Council will be able to provide a creative and positive agenda for class-size reduction.

## Europe, External Affairs and Culture

### International Strategy and Agreements (Review)

**1. James Kelly (Glasgow Rutherglen) (Lab):** To ask the Scottish Executive what progress has been made on its review of its existing international strategy and agreements. (S3O-876)

**The Minister for Europe, External Affairs and Culture (Linda Fabiani):** The Scottish Government is continuing its consideration of its international activities. We have already published a paper on our approach to international development, views on which are being sought by the end of this month. We have published the Scottish Government's current European Union priorities and we will consult on how our new European strategy should look. Last week, Jim Mather and I chaired the China consultation group, which is a high-level group that is helping us to think about how to approach our engagement with China.

We will use that same consultative approach to consider how the Scottish Government approaches its international activity across the piece. That will enable us to publish a new international strategic framework early in the new year.

**James Kelly:** I note the Administration's commitment to doubling the international aid budget. Will the minister ensure that, as part of the strategic spending review, a specific timetable is spelled out to ensure that those additional moneys flow to the most needy international communities?

**Linda Fabiani:** As we have announced many times, the Scottish Government is committed to increasing the international development budget to £9 million in this parliamentary session. The exact profile of that budget is dependent on the outcomes of the forthcoming spending review. The paper has been placed on the website and I am looking for responses from those in the field on how we can best expend moneys to achieve the best possible outcomes in the developing countries that require that money.

**Malcolm Chisholm (Edinburgh North and Leith) (Lab):** When she appeared before the European and External Relations Committee on 26 June, the minister stated:

"We will also work closely with Scottish aid agencies to ensure that our international development aid support is channelled where it is most needed."—[*Official Report*,

*European and External Relations Committee, 26 June 2007; c 11.]*

What dialogue has she had with those agencies since 26 June? What views has she heard about the focus of the Scottish Government's international development policy?

**Linda Fabiani:** I have met so many people in the field that I may miss some of them out, so please excuse me if I do. I have met the encompassing umbrella group—the Network of International Development Organisations in Scotland—to which most Scottish aid agencies belong. I have also met the various groups that deal with our special relationship with Malawi. In addition, I have met individual non-governmental organisations, including the Mercy Corps, Oxfam, the Scottish Catholic International Aid Fund and Scottish International Relief.

It was plain from the discussion at my main meeting with NIDOS, before we put our short paper on the web asking for ideas, that this is the correct time to re-examine the international development policy, which was unanimously agreed in Parliament with the previous Administration, and to assess it to see where we go from here. Once I get the responses back from the many people whom I am sure will respond, we will be able to have a consensual approach on how to go forward. Everyone in the field wants the same: the best possible outcomes for those who need our assistance.

### Cultural Development (Funding)

**2. Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD):** To ask the Scottish Executive what funding will be made available to support local cultural development. (S3O-854)

**The Minister for Europe, External Affairs and Culture (Linda Fabiani):** Funding for culture is currently being considered as part of the strategic spending review 2007. We will announce the outcome in late autumn 2007 when spending plans will be set for the next three years.

**Jeremy Purvis:** I hope that part of the spending plans will be to support Abbotsford in my constituency—a real cultural jewel in the crown not only for the Borders but for the nation and internationally. I read closely the First Minister's comments on Dumfries house and purchasing an expensive prize for the state from a wealthy family. In the same spirit as it took to Dumfries house, will the Scottish Government work with the independent trustees of Abbotsford in ensuring that the visitor experience is developed and that Abbotsford continues to be a real prize for Scotland?

**Linda Fabiani:** Why am I not surprised by that question from Mr Purvis? I know that he and

others who represent the same area are hugely keen that Abbotsford is given the credit that they believe it deserves. I also think that practically any member could ask the Government to commit to preserving something in their area. Would it not be wonderful if that could happen?

I have spoken to Jeremy Purvis about Abbotsford, and I have received some information. However, I have not had a formal approach for a meeting from the board of trustees. I am happy to learn at any time of an initiative that is part of Scotland's heritage and culture, and I look forward to hearing more about it.

**Patricia Ferguson (Glasgow Maryhill) (Lab):** In her submission to the spending review, will the minister make a point of ensuring that, as has been the case up until now, funding for culture continues to increase? It has doubled since devolution, with a £20 million addition in the previous funding round. Will she confirm that an increase is still on the agenda?

**Linda Fabiani:** As I said, we await the outcome of the spending review, and I will make an announcement then.

**The Deputy Presiding Officer:** Question 3 is withdrawn.

### Historic Coastal Sites

**4. Hugh Henry (Paisley South) (Lab):** To ask the Scottish Executive what action it intends to take to protect historic coastal sites. (S3O-875)

**The Minister for Europe, External Affairs and Culture (Linda Fabiani):** Through Historic Scotland, we already protect a number of key historic sites in the guardianship of the Scottish ministers—Skara Brae and Lochranza castle in Arran to name but two. Historic Scotland also works with many partners, including local authorities and local community groups, to identify threatened coastal sites and to support survey and excavation where the sites' physical protection in situ cannot be achieved.

Historic Scotland has recently commissioned the Scottish Coastal Archaeology and the Problem of Erosion Trust—SCAPE—which is based at the University of St Andrews, to provide a summary of the current state of knowledge on coastal erosion and historic sites in Scotland. Members may remember that John Swinney hosted SCAPE and its exhibition in Parliament recently. The study will help to ensure that we have the information that we need to understand and manage coastal sites and to help us target available resources most appropriately.

**Hugh Henry:** We all recognise the significant implications of climate change and the threat that it poses to many parts of Scotland. When will the

Administration bring forward a climate change bill? If the minister cannot say, why not? Will she reconsider and now offer support to Sarah Boyack's proposed member's bill on energy efficiency and microgeneration? Again, if not, why not?

**Linda Fabiani:** Obviously, climate change worries us very much in relation to our heritage and coastal sites in particular.

The First Minister has announced that there will be a climate change bill. It is up to the appropriate cabinet secretaries to talk to members about that; I am sure that they are already in discussion with Ms Boyack about her proposed member's bill.

**Tricia Marwick (Central Fife) (SNP):** I am sure that the minister is aware of the historic Wemyss caves in Dysart in Fife, which have great showings of Pictish art. I am well aware that the Wemyss caves have been under threat of coastal erosion for many years—we have certainly lost more than we should. Will the minister enter into discussions with SCAPE, which is based in St Andrews and is bound to be well aware of the Wemyss caves, and Fife Council to see what we can do to protect what is left of one of the major sites in Scotland? If the site was anywhere else in the world, it would have been protected by now.

**Linda Fabiani:** I would have to know about the Wemyss caves, given that Tricia Marwick and Ted Brocklebank raise them with me regularly. That important archaeological site is protected by coastal defences that were erected by Fife Council.

I was interested to find out that the results of recent excavations and recordings done by "Time Team" will soon be published, and I am interested to learn more. I will ask Historic Scotland to give me much more information about the Wemyss caves, and yesterday I pledged to Mr Brocklebank that I would visit them.

**Tavish Scott (Shetland) (LD):** I presume that the minister accepts that it is not possible to save everything, despite the good works of SCAPE, the Shetland Amenity Trust in my constituency and Historic Scotland. In that context, rather than ask the minister for money, which I appreciate ministers are not in a position to say anything about, I ask her to consider the policy issue of whether local history groups could take on such sites to ensure that artefacts and sites do not fall into the sea as a result of the issues that Hugh Henry raised. Will she investigate whether such groups could take on the sites and whether joined-up work could be done by the agencies concerned if they do not have the resources to ensure the safety of the sites?

**Linda Fabiani:** There certainly is an issue. Historic Scotland maintains sea defences at a

number of properties that are open to the public—Skara Brae in Orkney and Jarlshof in Shetland are good examples. Those defences will work for several decades at least, but in the very long term, and if climate change predictions are correct, hard decisions will have to be made about the increasing costs of continued defence in comparison with the costs of the other options of relocation or abandonment.

Part of Historic Scotland's work is archaeological, involving not just digging, but photographing and archiving. It does a lot of work in that area. Although the newspapers reported that SCAPE's overview study was complete, it is at draft stage. We expect the final version by the end of October. It will provide a basis on which to move forward.

### European Union Institutions

**5. Christina McKelvie (Central Scotland) (SNP):** To ask the Scottish Government what improvements have been made to relations with European Union institutions since May 2007. (S3O-834)

**The Minister for Europe, External Affairs and Culture (Linda Fabiani):** There is much that I could say in response to the question, but I assure you, Presiding Officer, that I shall be brief.

There are three major institutions with which it is essential that Scotland engages. The first is the European Commission, given the number of its proposals that have a direct impact on Scottish interests. I am pleased to say that, since coming into office, Scottish Government ministers have had bilateral meetings with six EU commissioners who are responsible for policies of key interest to Scotland. The First Minister has met five of them.

The second institution is the European Parliament. Scotland is lucky to have a cross-party team of MEPs who work well together in the interests of Scotland. We must increase engagement with them, as well as with committee chairs and rapporteurs, who are important, too.

The third institution is the Council, with which our interaction is different because of the current constitutional arrangements with the United Kingdom Government, which negotiates on behalf of the entire UK. We have already set out our desire to take the UK lead on fisheries negotiations. Richard Lochhead has this week sent the Department for Environment, Food and Rural Affairs a plan of how we expect the negotiations in December to be handled.

**Christina McKelvie:** Obviously, the European Union is extremely important to Scotland. Is the United Kingdom Government taking a constructive approach to Scotland's new Government?



**Linda Fabiani:** I was down at the joint ministerial committee on Europe the other day, where I found its new chair, David Miliband, and the other ministers to be constructive. I was particularly pleased that the committee accepted and agreed to consider a submission on Scotland's position in relation to fisheries from Professor Sir Neil McCormick. However, I hope that the committee will be much more constructive in the future and will realise that Scotland should lead negotiations on the fisheries industry, for example, which affects Scotland much more than any other part of the UK.

**John Park (Mid Scotland and Fife) (Lab):** Improvements in our relationship with Europe have been mentioned. Will the minister outline some of the Scottish Government's priorities that she outlined to the European and External Relations Committee? Will she also say how priorities in relation to Europe have changed since May 2007?

**Linda Fabiani:** I told the European and External Relations Committee about the portfolio interests that we will track in Europe. The difference between the SNP Government and the previous Government is that we will have a much more political and proactive approach to Europe, because Scotland's place in Europe and its place in the world are of paramount importance to us. There are issues on which Scotland should be leading in Europe. We expect Scotland to do so and will lobby for that. It is in no doubt that the Government will always act in Scotland's best interests, which will come first. In that context, there are many things that we will have to push a bit more, because there has been no such push before.

### Royal National Mod

**6. Peter Peacock (Highlands and Islands) (Lab):** To ask the Scottish Executive whether it will be represented at the Royal National Mod in Fort William and Lochaber. (S3O-893)

**The Minister for Europe, External Affairs and Culture (Linda Fabiani):** I am delighted to report that I have accepted an invitation to attend the official opening of this year's Royal National Mod.

**Peter Peacock:** I am pleased that the Government will be represented.

I want continuing support for Gaelic and continuing and growing support for Scots, but I have concerns about other dimensions of Scotland's culture. In particular, I am thinking about the northern isles and Caithness, which have their own dialects and distinct cultures. Is the Scottish Executive prepared to increase its support for those important parts of our heritage? Furthermore, will the minister take immediate

action to investigate support for the Caithness Archaeological Trust so that it can retain its ability to undertake its important work in exploring and explaining Caithness's history and culture?

**The Deputy Presiding Officer:** The question was about the Mod in Fort William and Lochaber. We will move to question 7.

### Scottish Broadcasting Commission

**7. David Whitton (Strathkelvin and Bearsden) (Lab):** To ask the Scottish Executive when the Scottish Broadcasting Commission will meet and what the agenda is for its inaugural meeting. (S3O-899)

**The Minister for Europe, External Affairs and Culture (Linda Fabiani):** The first meeting of the commission has been arranged for the end of October. Obviously, it is not for ministers to decide the commission's agenda, but it is likely that at its first meeting, it will consider the draft remit for and scope of its work, as well as how it intends to approach its assignment.

**David Whitton:** I hope that when the commission meets, it will not be diverted by sideshows, such as the question whether there should be a Scottish 6 o'clock news; rather, I hope that it will focus on matters that are more important to the broadcasting industry in Scotland. Will the minister ask the commission to reflect on the views of the BBC director general, Mark Thompson, who first said that no talent or ideas exist in Scotland to make network programmes and then said that BBC Scotland will increase its network share to 9 per cent as a minimum? Will she ensure that the BBC will not do that by claiming that network shows that are made in other areas—such as "Waterloo Road", which is made in Manchester—are made in Scotland, but that programmes are genuinely made in Scotland by Scottish talent?

The commission might also investigate what is happening at Scottish Television.

**The Deputy Presiding Officer:** The member should be quick.

**David Whitton:** I should declare an interest as a former employee of and shareholder in STV. In my time there, it made 1,000 hours of local programming a year. Will the minister ask what the figure is now? The Office of Communications is reviewing public service broadcasting in Scotland—

**The Deputy Presiding Officer:** That is enough, thank you. The minister may respond.

**Linda Fabiani:** I will respond to the questions that I can remember.

I am glad that Mr Whitton was as outraged as I was by comments that Mark Thompson made earlier this year. However, Mark Thompson's announcement of a potential rise in network broadcasting and commissioning is super. It shows that we were right to set up the Scottish Broadcasting Commission. In the light of what the BBC has said and STV's news programme announcement, we have given a push to broadcasting in Scotland.

The member talked about "Waterloo Road" being made in Manchester. I am sure that the Scottish Broadcasting Commission, with its breadth of experience, will look at that scenario, to ensure that what is called Scottish commissioning is Scottish commissioning. The commission's focus is on how the broadcasting industries in Scotland can be more successful. I am glad that a commission has been set up to investigate a hugely important creative industry. Everyone should welcome that, and I look forward to the commission's findings.

**Ted Brocklebank (Mid Scotland and Fife) (Con):** We are told that the commission will have a budget of around £500,000 a year in the current financial year and that, although members will be unpaid, the chairman will be paid at the rate of £387 a day. For approximately how many days will the commission sit? Is the period of evidence taking and deliberation likely to extend into the next financial year?

**Linda Fabiani:** I make it plain that we have handed over no money—let alone £500,000—to the Scottish Broadcasting Commission. There is a provisional allocation to support the work of the new commission. That allocation is based on the funding for the previous Administration's Cultural Commission, which cost a bit more than £500,000. The money has not been handed over and the commission has not yet held its first meeting. It is for the commission to determine its remit and how it will go about its work; it is not for ministers to direct that. Part of the first meeting will be given over to a discussion of costs and how the commission will take evidence. As the responsible minister, I will then consider what the commission has decided. That is how the commission will be funded.

The daily rate for Blair Jenkins's pay is based on the pay of the chair of the previous Administration's Cultural Commission.

## Wildlife Crime

**The Deputy Presiding Officer (Alasdair Morgan):** The next item of business is a debate on motion S3M-609, in the name of Michael Russell, on wildlife crime.

*Motion moved,*

That the Parliament notes the collaborative work being undertaken by a variety of agencies to fight wildlife crime and commends the enthusiasm and commitment of those involved in that fight; regrets that, despite these efforts and some highly successful prosecutions, 2006 was the worst year ever for recorded wildlife poisoning incidents and figures so far for 2007 show no improvement; condemns those responsible for such acts which destroy vital parts of our natural and national heritage while damaging our international reputation, and welcomes the thematic inspection of arrangements for the prevention, investigation and prosecution of wildlife crime which will be undertaken by HM Chief Inspector of Constabulary in association with HM Chief Inspector of Prosecutions in Scotland which will make recommendations by 31 March 2008.—[*Michael Russell.*]

14:57

**The Solicitor General for Scotland (Frank Mulholland):** I am grateful for the opportunity to open today's debate on wildlife crime. It is not routine for a law officer to make an opening speech of this kind, so I am not in my natural habitat. My contribution to the debate is not political and is made entirely within the limits of my duties and responsibilities as a public prosecutor, firmly rooted in the application of the criminal law that Parliament has laid down and in the public interest. It is made with the intention of providing Parliament with a factual basis to inform the debate.

Members will be aware of the range of crimes and offences in respect of which the Crown Office and Procurator Fiscal Service is responsible for prosecution. The department is responsible for prosecuting crimes and offences that are reported by more than 52 reporting agencies. Serious and organised crime, violent and sexual crimes, drug dealing, child abuse, terrorism, health and safety, environmental crime and antisocial behaviour all demand the best attention and priority of Scotland's prosecution service. We also recognise the impact that wildlife crime has on our unique and precious natural heritage. In determining the public interest, we are aware of the strength of feeling that such crimes engender and the widespread public concern that there should be effective enforcement of the law.

Although crimes against wildlife present particular challenges, prosecutors must have regard to exactly the same laws of sufficiency, evidence and procedure as in any other criminal prosecution. Our task as prosecutors is, first, to

decide whether a crime has been committed and, if so, what crime. Next, and crucially, we must decide whether there is sufficient admissible evidence in law to identify the perpetrator and to bring home his or her guilt. Finally, we must assess whether it is in the public interest to take criminal proceedings. Those decisions will be made dispassionately, independently and without fear or favour.

Effective prosecution begins with effective investigation. Many of Scotland's forces have trained wildlife crime officers. I understand that there are currently four full-time wildlife crime officers and approximately 90 police officers who have received specialist training. I recently met two such officers from Lothian and Borders Police, Mark Rafferty—who I think is here today—and Jim McGovern. It is clear from meeting and speaking to them that they bring energy, dedication and expertise to their work. In addition, the police run regular and well-attended training courses on dealing with wildlife crime at the police college at Tulliallan.

The national wildlife crime unit is a police unit with a United Kingdom-wide remit. It is based in North Berwick, thanks to the support of Lothian and Borders Police. The unit provides police forces throughout the UK with intelligence and analytical support on wildlife crime. It has provided useful support in those areas to Scottish police forces.

A key theme in combating wildlife crime is, of course, working together. The partnership for action against wildlife crime—or PAW as it is known—is a UK organisation with a separate Scottish sub-group. The partnership brings together a range of people with an interest in the area, from the police and the Crown Office and Procurator Fiscal Service, to groups representing landowners and land managers, to environmental groups.

The wildlife and habitats crime prosecution forum also allows representatives of various agencies that are involved in the investigation of wildlife crime to meet twice a year to consider issues and identify problems relating to the prosecution of wildlife and habitats crime; to work towards bringing about any necessary improvements in law and practice; and to achieve the effective enforcement of wildlife and habitats policy. The next meeting is scheduled for 12 October 2007, and representatives from the Scottish Countryside Alliance and the Scottish Gamekeepers Association have been invited to talk about their work. However, no one voice will be heard above another.

I mention in this context the work of the Scottish Agricultural Science Agency. SASA provides a highly professional and efficient post mortem

service, which determines whether the carcasses that are being sent to it in increasing numbers have been deliberately poisoned, are the victims of accidental misuse of pesticides or have died by some other means. It is the agency's rigorous scientific work that underlies successful prosecutions in the field. It also provides invaluable intelligence on the scale of the problem and the range of chemicals that are used by the criminals.

**Jamie McGrigor (Highlands and Islands) (Con):** Will the Solicitor General take an intervention?

**The Solicitor General for Scotland:** I will carry on; I might take the member in a minute.

In the Crown Office and Procurator Fiscal Service, we take seriously our role in the prosecution of wildlife crime and constantly consider how our approach can be improved. The investigation of wildlife crime is a difficult area with specific problems. It covers a wide range of criminal behaviour with widely varying motivations ranging from financial gain to sheer cruelty.

The significance of wildlife crime might vary. For example, it might have an economic significance where a property developer destroys a habitat for financial gain. It might threaten an endangered species, or it might have no conservation implications but instead raise issues of animal welfare. It might also raise public safety concerns, for example with the laying of poisoned baits.

**Karen Gillon (Clydesdale) (Lab):** The Solicitor General, probably more than most, is aware of my interest in ensuring that those at the head of an organisation are held to account for the crimes of that organisation. Will he assure me that, as part of the forthcoming review and in the prosecution of wildlife crimes, those who run the organisation are held to account equally with those who implement their decisions?

**The Solicitor General for Scotland:** Karen Gillon makes a good point. It can be difficult to obtain evidence to prove that the owners of the land on which crimes are committed are responsible—to apply the law of causing and permitting requires proof of knowledge. Therein lies the difficulty, but I am sure that it will feature in the review that is to be carried out by Joe O'Donnell and Paddy Tomkins.

That brings me to the difficulties in detecting wildlife crimes because, as was mentioned, evidence can be notoriously hard to secure. As the chamber will be aware, in Scotland, the need for corroboration poses an additional hurdle that is not faced in other jurisdictions. Material evidence can easily be concealed or destroyed by the perpetrators and never come to light. Despite those challenges, wildlife officers are detecting,

investigating and charging offenders and reporting such cases to the local procurator fiscal.

Once a case has been reported to the local fiscal, it is important that we understand its significance to ensure that the way in which we deal with it is appropriate and effective. Of course, when wildlife crime is set in the wider context, it constitutes a very small proportion of our day-to-day case load. That can mean that, with wildlife crime, fiscals often do not have the same opportunity to develop a wide understanding as they do in other areas of criminal law that they deal with more commonly.

That is why, in September 2004, a dedicated team of specialist wildlife prosecutors was appointed to strengthen the network of environmental specialists that had been established by the Lord Advocate earlier that year. We now have at least one wildlife specialist in each of the 11 areas of the department across Scotland. Their role is to act as the local contact for receiving reports of wildlife cases and to provide advice and information to wildlife investigators at any stage leading up to that. Where possible and if necessary, the wildlife specialists will mark and prosecute wildlife cases that are reported and will be available as a resource for other COPFS staff, providing advice and guidance when required.

The network is ably headed by Tom Dysart, the area fiscal for Dumfries and Galloway, who is one of the department's most senior, experienced and able prosecutors. He has extensive experience in the field and he chairs the wildlife and habitats crime prosecution forum.

An important feature of the wildlife specialist initiative is the opportunity that it will give the specialists to gain an appreciation of the bigger picture of wildlife crime enforcement from investigative agencies, stakeholders and interest groups. That is a departure from the usual day-to-day activities of an operational prosecutor, but I think that advancing our understanding of the context in which we are working, while retaining our necessary independence, is a vital component of improving our approach to wildlife crime.

The poisoning of the magnificent 15-year-old female golden eagle in the Borders in August was rightly greeted with outrage in all sections of the community and is tragically emblematic as an example of wildlife crime. However, it is, of course, the case that the criminal law protects a wide variety of species and outlaws a wide range of activities. There are many examples of successful prosecutions.

On 8 January 2006, a man was caught in the act of trapping wild songbirds—finches and siskins. Police acting on intelligence caught him using mist

nets strung between poles in woodland to the south of Wallyford industrial estate in East Lothian. Several songbirds were recovered at the locus and a search of his parents' address revealed that 20 siskins, three bullfinches and a goldfinch—all of which had been caught in the wild—were being kept captive in an aviary. The man was fined a total of £1,000.

On 4 June 2007, a Borders gamekeeper pleaded guilty to the setting out of poisoned baits, possession of banned pesticides and further illegal use of cage traps. He was sentenced to 220 hours of community service. In 2004, a man who was convicted of the theft of birds' eggs received a fine of £5,000 and a prison sentence. I have had some professional dealings with that person. A Borders gamekeeper was convicted of killing a buzzard by setting poisoned bait. He pled guilty at Jedburgh sheriff court on 14 December 2006 and was sentenced to community service.

I have described in some detail the partnerships and organisations that exist in Scotland to combat wildlife crime. They strive to do good work. However, I am aware of the concern that the position is not uniformly strong throughout the country. There are concerns about different levels of resources being applied and about variations in the number of investigations, prosecutions and convictions. We hear concerns about the priority that is given to such work in some areas and the difficulties in obtaining evidence to proceed with prosecutions. It has also been asked whether what are sometimes perceived to be light sentences reflect on the way in which cases are investigated and prosecuted. Whatever the balance between perception and reality, there is no room for complacency.

I therefore welcome unreservedly the joint thematic inspection of the wildlife crime functions of the police that is to be carried out by Paddy Tomkins, Her Majesty's inspector of constabulary, and Joe O'Donnell, Her Majesty's inspector of prosecution in Scotland. The joint review will provide an unparalleled insight into the investigation and prosecution of wildlife crime in Scotland. It will consider leadership, policy and strategy, partnership and resources, and processes. It will report in spring next year. The Lord Advocate and I will reflect carefully on its findings and are committed to acting on the recommendations that are made.

**Jamie McGrigor:** The Solicitor General mentioned that the police work with other bodies. Is it correct that the police allow bodies such as the Royal Society for the Protection of Birds to take evidence away from wildlife crime scenes for independent analysis?

**The Solicitor General for Scotland:** The police have the power to enter land and secure evidence.

On occasions they work with the RSPB, which assumes the role of expert witness and provides assistance and guidance to police officers. However, the reporting agency is the police, in the form of the wildlife crime officer, who reports to the procurator fiscal. The procurator fiscal will consider the provenance and chain of evidence and determine whether the case can be established and proved in a court of law.

It is essential for the economic health and successful biodiversity of our nation that we have protected, thriving wildlife. Wildlife is an inheritance to be cherished and the criminal law has an important part to play in its protection.

The motion is detailed and I have no doubt that it will provoke wide-ranging debate on a subject that is important to Scotland. I have outlined what I hope members will agree is a positive framework for the effective enforcement of the criminal law. Prosecutors have made an energetic start to the journey, but we have a way to go. We are willing to examine what we do and how we do it, with a view to improvement. We must do that in the context of the wider public interest, not as a response to the most vociferous lobby. That is the balance that prosecution in Scotland seeks to achieve. I welcome this debate.

**The Deputy Presiding Officer:** Before I call Sarah Boyack, I point out to members a slight change to amendment S3M-609.1, in her name. The phrase “is required to” in the second line of the amendment has been removed. I have revised the daily business list. Copies of the new list, with the altered amendment, are available at the back of the chamber.

**Tricia Marwick (Central Fife) (SNP):** On a point of order, Presiding Officer. Was the phrase “is required to” put in the amendment by the member? Why have you accepted a change? Is that the normal process?

**The Deputy Presiding Officer:** I advise the member that, apart from the fact that other business managers agreed to the change, the procedure for a change in an amendment is catered for in standing orders. The member need have no concerns.

**Tricia Marwick:** Thank you for that clarification.

15:13

**Sarah Boyack (Edinburgh Central) (Lab):** Presiding Officer, I am sure that your reassurance to the member will be much more valuable than mine could be—I see that she is leaving the chamber. The change to the amendment was made entirely to ensure that the wording could not trip us up on a matter on which we all agree. The

Minister for Environment and I discussed the matter a few minutes ago.

Labour members welcome the tone and content of the motion, which acknowledges that wildlife crime in Scotland is unacceptable and that we need to do more to tackle it effectively. We welcome the involvement of the Solicitor General for Scotland, which signals that passing laws is not in itself sufficient and that there must also be enforcement. If the law is not leading to successful prosecutions and convictions, despite evidence being presented by the police and taken on board by fiscals, we need to consider why that is happening. Therefore, we very much welcome the review. The intention behind the amendment is to add to the debate and to suggest action that we think the minister can take before the review is completed.

The Parliament has a proud record on tackling wildlife crime. We need to support a range of species in Scotland and we need to support and promote biodiversity. Biodiversity is good for our environment and our tourism industry and it is part of what defines our country—it is part of our culture. For those reasons, it is disappointing and upsetting that so many wildlife crimes are committed throughout Scotland. A map showing the incidence of wildlife crime would confirm that crimes of all sorts are committed throughout the country. We must stamp out wildlife crime.

There are some disturbing facts and figures in the briefings that we have received. The one that struck me most forcibly concerned the reintroduction of red kites. I visited a red kite trail in Dumfries and Galloway—I found it to be a fantastic tourism experience, and I was interested in the local partnership that had put the trail together. The statistics show that, where red kites have been reintroduced south of the border, the number of birds has risen from something like 90 to four or five times that figure, whereas, in the Black Isle, there are now half the number of red kites that were initially released. We need to focus on that issue, because it is not right.

We have passed three main acts that are relevant to wildlife crime. The Criminal Justice Act (Scotland) 2003 toughened penalties and custodial sentences and introduced specific powers of arrest. The Nature Conservation Act (Scotland) 2004 strengthened the legal protection for threatened species—including protection for the nests of certain bird species—and extended protection to dolphins, whales and basking sharks. It also extended controls on the use of snares and introduced the offence of possession of pesticides without reasonable excuse, as well as new provisions setting out the powers of Government wildlife inspectors. The Animal Health and Welfare (Scotland) Act 2006 modernised our animal

welfare legislation and included tough action on animal fights. Wildlife crime is an issue that we have come back to over the years.

We passed those laws because the Parliament agreed that there needed to be clear protection for animal welfare and that there must be lines drawn to clarify what is not now acceptable. It is right that, as a society, we debate these issues, as what might have been regarded by some as acceptable practice in past years is no longer allowed. Views change over time, and those changes have been reflected in the laws that we have passed.

Today's debate reflects the fact that laws alone are not enough. People need to understand them and act on them and, when they are broken, we need effective enforcement at every level. That means that the police must have resources to investigate wildlife crimes that are reported, and the prosecution service must have expertise available in every case where that is possible. As the Solicitor General pointed out, wildlife crimes can be complex and difficult crimes to prosecute, so specialist knowledge hugely assists in the securing of successful prosecutions. We need to ensure that the effectiveness of the system is monitored.

Our amendment is intended to provide support for action against wildlife crime and to support the implementation of the partnership for action against wildlife crime's agenda and the work that has been carried out throughout Scotland to try to stamp out these crimes. We do not intend to cut across the inquiry—we think that those are the issues that the minister can act on now. We have deliberately focused on the areas in which we think there will be greatest consensus in the chamber. I will raise a set of issues shortly that we think the inquiry needs to examine carefully and take evidence on. For that reason, we have not put those issues in the amendment.

Throughout the summer, we have been asking ministers a raft of questions about the extent of wildlife crime and the effectiveness of the action that has been taken against it. It is clear that, although we have tough laws in place, wildlife crime has rocketed. I do not know whether members have read *The Scotsman* today, but it draws our attention to the fact that all categories of crimes against wildlife are on the increase: offences against birds, badgers and deer; cruelty to wild animals; hare coursing; illegal snaring; poaching; and the use of pesticides. That might be due partly to increased awareness among members of the public and partly to the increased determination of organisations such as the Scottish Society for the Prevention of Cruelty to Animals and the RSPB to see the wildlife crimes that they have identified stamped out. Increased

reporting, however, has not led to a significant increase in the number of successful prosecutions. We do not believe that that is because of poor-quality police work or lack of evidence, which is why we welcome the review that the Solicitor General outlined today.

One of the key messages is that we need dedicated police officers in every force to co-ordinate the effort across Scotland, to build up expertise and to ensure that crimes are pursued effectively. There are a lot of police officers working on these issues, but many of them are dealing with other important issues as well. We need to ensure that there is a focus on wildlife crime. The Solicitor General mentioned the training of fiscals; we want trained fiscals to be able to take on wildlife crime cases routinely. From talking to the SSPCA and a range of organisations that have given evidence to committees over the year, it is clear to me that we need to ensure that there is appropriate knowledge on the prosecution side so that we get appropriate convictions.

I warmly welcome the initiative at Langholm, which many members will have been notified about. It takes exactly the right approach to get those on our estates involved in working together to make a success of our laws. I wholly agree with the statement from the Scottish Rural Property and Business Association, the Countryside Alliance, the Scottish Estates Business Group, the Scottish Gamekeepers Association and the British Association for Shooting and Conservation. Their support is vital in the fight against wildlife crime and I hope that it will send a powerful message to all estate owners, their managers and staff. The statement's focus on poisoning offences is to be welcomed. Clear guidance would be helpful. Nobody should have the excuse that they had not had time to read the law.

**The Minister for Environment (Michael Russell):** I thank Sarah Boyack for her helpful amendment and for the manuscript edition that allows the Scottish National Party to accept it. We will accept it. I am interested in the issue of guidance and I hope people on all sides of the chamber can work to develop such guidance with the agencies and to ensure that it is distributed.

**Sarah Boyack:** We do not envisage the guidance as being prescriptive, but we would like the minister to explore the issue further and I am glad that he is keen to do so.

I want to put some key issues on the record today. I hope that the inquiry will look into them. The first is the accurate reporting of wildlife crime incidents. At the moment, if a crime is not the main crime, it is not recorded. The SSPCA view is that the crimes that are recorded represent only the tip of the iceberg.

A second issue is plea bargaining. If a series of crimes has taken place, the wildlife crime element is often plea-bargained away. It is simply not good enough if people are given just a slap on the wrist and a paltry fine. The message must be put across that wildlife crimes are crimes and there will be consequences for people who commit them.

Another issue is accountability in farming and estate management. Rhona Brankin asked a parliamentary question on 16 August and, from the answer on 10 September, it is clear that the locations of incidents relating to wildlife crime—and in particular to the use of poison baits, which have affected red kites, buzzards, golden eagles and other birds—are known and recorded. Some estates pop up more than others. That will have to be examined. Where patterns emerge, action will have to be focused.

If someone has committed a crime, it is right that they should be prosecuted. However, I would be keen to see whether some crimes are committed in particular areas and whether series of incidents happen on particular estates. We will have to find out how we can achieve better buy-in to the legislation. That should be done across the whole of Scotland.

The Solicitor General mentioned admissibility. The issue has been raised by the RSPB, which has experience of evidence not being accepted because of the way in which it was collected. I would like the issue to be examined in detail.

Another issue is who can report crimes. The SSPCA was given powers when we considered legislation in the Parliament. That has made a real difference in highlighting criminal activity so that it can be tackled. Are there other changes that could be made to help to tackle wildlife crime? Could Crimestoppers be used better to raise public awareness and engagement? The initial reporting of wildlife crimes may take place in relatively remote places. How can the information be spread? There is huge public support for tough action, but people need to know how they can help.

Will the minister outline his intentions regarding snaring? Snares catch protected species such as otters and badgers. Does the minister have a timetable to announce in light of his consultation? I understand that 172 of the 247 responses were in favour of an all-out ban. I also understand that many comments suggested how a ban could be made more acceptable. I am keen to hear the minister's views.

It has been pointed out to me that the Conservation of Seals Act 1970 is virtually impossible to implement. That is a piece of outstanding business to which I hope the minister will turn his attention.

A robust series of acts is in place, but more will have to be done to make them effective. I believe that all of us in the chamber want to stamp out wildlife crime. The legislation is in place, but we have to raise awareness. There is excellent police work across Scotland, and an increasing number of trained fiscals. We have to support the range of officers who are working to ensure that wildlife crime is stamped out.

Parliamentarians will have a role in taking up the issue in their own areas and in supporting people who bring problems to our attention. I urge everyone to raise issues directly with the minister, so that they can be incorporated into the inquiry. It would be useful for us to see the terms of the inquiry.

The inquiry will build on the work that has been done, and it will be able to consider the issues in depth. I look forward to seeing its conclusions, and I look forward to debating the issue again in Parliament. Let us all agree on the action that is required to implement the laws that we passed after endless—as it sometimes felt—debate in committees. We have debated the issues at length, and there is tremendous support for the laws from people across Scotland. Let us see the laws being implemented properly in a way that we can support.

I move amendment S3M-609.1, to insert at end:

“and urges ministers to ensure that each Scottish police force appoint at least one full-time police wildlife crime co-ordinator, that wildlife crime cases are prosecuted wherever possible by fiscals with specialist training and that guidance is produced which pulls together all legislation relevant to wildlife crime for use by landowners, managers and their staff, and further urges ministers to monitor the effectiveness of such guidance and report back to the Parliament.”

15:24

**John Scott (Ayr) (Con):** I begin by declaring an interest in the debate as a farmer and, indeed, as an active conservationist.

I expect a rash of consensus to break out in the Parliament over the condemnation of wildlife crime. It is rare for all the briefings that we receive from lobbying bodies to agree, but the debate appears to have united the RSPB, the SRPBA, the Countryside Alliance, the Scottish Estates Business Group, the British Association for Shooting and Conservation and Advocates for Animals in condemnation of wildlife crimes. That is no easy task.

However, the Parliament uniting against and recoiling from such crimes will not of itself reduce them, despite our having some of the strongest wildlife protection law in Europe, according to the RSPB. Indeed, it appears that 2006 may have been one of the worst years for raptor poisoning

for 25 years. In a civilised society, that is simply not acceptable.

I believe that the minister met stakeholder groups this morning. I welcome that up-front approach. This afternoon, the Solicitor General for Scotland proposed a thematic review of the problem, to be carried out by Her Majesty's chief inspector of constabulary and Her Majesty's chief inspector of prosecution in Scotland and report by 31 March. That is a sensible way to try to get a handle on the problem.

Wildlife crime takes place in many different ways. Badger baiting, hare coursing, illegal seal shooting, and illegal poisoning and trapping all take place in Scotland. Regrettably, there are many other forms of wildlife crime, but the one that most outrages everyone is the poisoning of raptors, and I congratulate *The Scotsman* on its exposé of those issues in today's edition.

Although I endorse the minister's intention to carry out a review and not immediately rush to create a new piece of legislation, it is important that he gets the terms of that review right. Sarah Boyack raised an important point about producing guidance, and I too would welcome that. Joe O'Donnell and Paddy Tomkins must first recognise the scale of the task, the difficulty of enforcement and the apparent inconsistency of approach across Scotland. The review team must then separate out the different types of crime and why they are committed. Hare coursing and badger baiting offences are perpetrated for different reasons from raptor poisonings, and the review group really needs to examine why those crimes are committed before solutions can be found. I welcome the Solicitor General's recognition of that point.

Individuals who try to protect their grouse or their pheasants—and their own livelihood—from raptors do so for different reasons from those who carry out badger baiting or collect birds' eggs. Illegal seal culling to protect river salmon stocks and livelihoods is a different crime from hare coursing and is carried out for different reasons. Although I condemn all those crimes, I urge the review group to look behind the offences at why they are committed, with a view to coming up with solutions. Worldwide best practice should be examined for its applicability to Scotland's raptor habitats and proactive suggestions should be made.

There is much talk of the need for spatial planning for wind farming versus other types of land use and of marine spatial planning in our seas. In the same way, perhaps the zoning of areas and habitats for protected bird species is a concept that should be examined. For example, notwithstanding the good intentions of the second Langholm project—which I wish every success—it

may be that commercial grouse moors and hen harriers will never be compatible. Perhaps areas should be set aside for commercial grouse moors and wildlife reserves, with trapping and release programmes put in place. I do not know whether that is practical, but it should be considered.

Increasing demand for access to and use of our countryside is putting ever growing pressure on landowners. The potential for conflict between the people who wish to use our countryside for recreation and those who need to make a living from it has never been greater, and wildlife and protected species—including the raptor population—are caught in between. That is why understanding is needed in carrying out the review, although the moorland forum might be a more appropriate place for those discussions to take place.

Of course, a crime is a crime and the law must be upheld—I am utterly behind that. But in addition to applying the law more consistently—the Solicitor General noted the need for that—the Parliament and others must take a more holistic approach in trying to address the causes of those crimes. To adapt a well-known phrase, we must be tough on crime and, in this instance, understanding of the causes of crime. I see Cathy Jamieson smiling at that.

The RSPB has suggested that a full-time wildlife crime officer should be put in place in each Scottish police force area. That makes sense, and I welcome the Solicitor General's comments on that. There must be more procurators fiscal with special training in wildlife crime. That is a constructive suggestion, although the minister might not want his hands to be tied absolutely at this point with respect to any pre-emption of the review's recommendations.

The minister has suggested the loss of firearms licences for those found guilty of poisoning, and the cutting of single farm payments for those who have been implicated in poisoning. Although I understand his reasons for escalating the penalties for those who are convicted of such crimes, the burden of proof must also become greater, as either of those measures could cause people to lose their jobs and their livelihoods.

The managers and tenders of grouse moors and pheasant shoots might lose their jobs if there are no grouse or pheasants. They could now lose their jobs for killing raptors. That would be a real lose-lose situation for the individuals involved, and I feel that those proposals might just be a step too far. Balances must be struck, and the view of those at the sharp end must be taken into account.

I wish the review every success. I know that it will be carried out sympathetically, given the reputations of the individuals involved, and I hope



that conclusions can be reached that will cut wildlife crime consistently across the whole of Scotland.

15:31

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** The previous Executive enacted some of the strongest wildlife protection laws in Europe. Ross Finnie made the changes: he doubled the fines for a number of offences, he created a network of environmental specialists in the Crown Office and Procurator Fiscal Service and he consulted last November on further enforcement measures—it would be useful if the Government published the results of that consultation—but those laws and other measures are not being used as effectively as possible to deter those who seek to destroy protected species. The enforcement of existing legislation has to be strengthened. We need more co-ordinated action to secure effective protection of Scotland's threatened species.

The Scottish Liberal Democrats are pleased to welcome the much more measured approach that the Solicitor General has outlined today—we could not have supported the statement that Mike Russell made on behalf of the SNP Government on 30 August. The new penalties for wildlife crime that he suggested included the possibility of stripping farmers of subsidies such as the single farm payment simply if wildlife crime took place on their property.

**Michael Russell:** I did not say that.

**Mike Rumbles:** That is certainly how the minister was reported. If that had been the Government's approach, we would have opposed it.

We must follow the proper process of the law and allow the courts to determine penalties for environmental and wildlife crimes. I said this at the time, and I repeat it: it is not the place of any Government to add extra penalties at whim simply because a crime takes place on someone's property. That must be made clear. Such a draconian approach has now been abandoned—although I heard the minister say just now that he feels that that was not in fact his view. It was certainly reported in that way.

**Michael Russell:** I want to make it absolutely clear that I have never suggested those things in the way that Mr Rumbles has described. I think that he must have misread one of the reports of what I said. Had I said what he thought I said, I would have opposed it myself. I think that Mr Rumbles will now have a much better understanding of what we are trying to do, as was so well described by the Solicitor General.

**Mike Rumbles:** I thank the minister for that clarification. I am pleased that he has made it absolutely clear that he was misreported.

I wish to raise some important questions. The question that Jamie McGrigor raised with the Solicitor General is important. I was somewhat surprised at the Solicitor General's response. Allowing the RSPB—as an expert witness—to take evidence away from the scene of a crime is problematic. The RSPB has an agenda to pursue. It is a very effective lobbyist organisation—it is a very good organisation—but it is one of the players in the countryside.

**Michael Russell:** I do not want to keep interrupting Mike Rumbles but, for the avoidance of doubt, I want to make it clear that there is no proposal of any sort to empower any organisation other than the police to be involved in evidence taking or to interfere with the chain of evidence. I am absolutely certain that members across the chamber will agree that that would not be the right way in which to proceed.

**Mike Rumbles:** Again I am grateful to the minister. It is important for us to be sure that the RSPB will not take evidence away from the scene of a crime.

I am pleased that the minister will accept the amendment, which commits the Government to employing more officers, but that does not chime with what Kenny MacAskill, the Cabinet Secretary for Justice, said on 21 September in answer to a parliamentary question:

“The deployment of personnel to undertake wildlife crime duties is an operational matter for Chief Constables”.— [Official Report, Written Answers, 21 September 2007; S3W-4146.]

That is, of course, a statement of the obvious, but Mr MacAskill seems in no hurry to indicate that the Government intends any such further employment. If anything, the statement was rather defensive—I hope that the minister will not feel the need to interrupt me again. Indeed, Nicol Stephen highlighted the Cabinet Secretary for Justice's prevarication in a particularly useful way at First Minister's question time today.

Given the lack of a clear commitment on police numbers—[*Interruption.*] Well, it is absolutely clear. Given that lack, greater clarification would be appreciated that not only the minister, but the whole Government, is committed to that approach.

Everyone who has the interests of the Scottish countryside at heart supports the legislation that we brought in. For example, the SEBG has made its position crystal clear:

“The SEBG strongly condemns any illegal activity. The Group expects its members to adhere to best practice. A member convicted of a wildlife crime will have their membership withdrawn. Members should put the necessary

employment terms in place to rule against breaches and to take disciplinary action against any employee convicted of an offence...if disciplinary action is not taken against an employee who has been found guilty of a wildlife crime, then that member will be asked to leave the group.”

The position of the SEBG is similar to every other organisation that is involved in countryside management, including the Scottish Gamekeepers Association—and rightly so. It must be right that everyone in every organisation that is involved with the countryside operates to the very highest standards in ensuring that best practice is adhered to. Wildlife crime in Scotland must be eradicated. The Scottish Liberal Democrats welcome every approach that is taken to end this illegal activity by coming down hard on the perpetrators. Like other members, we would also welcome the Government addressing some of the more contentious issues that surround countryside management.

The thematic inspection arrangements that the Solicitor General announced today are very welcome. The Liberal Democrats look forward to seeing the recommendations that will result by 31 March next year.

**The Deputy Presiding Officer (Trish Godman):** We move to the debate.

15:38

**Christine Grahame (South of Scotland) (SNP):** I welcome the Solicitor General to the debate, which is not party political—as it should be. He is a master of the quiet understatement. When he said

“I have had some professional dealings with that person”,

a shiver went up my spine as it sounded quite sinister.

I welcome the tone of the debate and, in particular, some of the remarks that Sarah Boyack made about accurate reporting. That is a difficult issue for the Procurator Fiscal Service in other areas, too, when there is a combination in the charge. It is important that the PFS looks at that. I also echo Sarah Boyack’s comments about patterns of crime.

I declare an interest as a member of the RSPB and of the SSPCA, and as the convener of the cross-party group on animal welfare. Like many members, I have a long-standing interest in and commitment to animal welfare issues. I therefore commend the minister for introducing what I think is the first subject debate on the issue. I may be wrong about that, but I think that other wildlife debates have been on pieces of legislation.

I thank all the organisations that provided helpful briefings for the debate, including the Scottish Parliament information centre. In its briefing, I

learned, inter alia, that the violet click beetle is a protected species, as is the lagoon snail. I fear that the latter now inhabits my garden as its only haven and sanctuary. Thanks to SPICe, I can now check that one out.

I want to move on from that rather trivial comment—a type of comment for which I am becoming a little too renowned—to talk about wildlife crime, which is cruel, covert and cowardly. If we require to be reminded of that, we need only look at the graphic pictures of badger baiting in *The Scotsman* today. We can see what happens to the poor beast, and to various other animals. Many of us agree that their long, lingering, painful death, and the horrific injuries they sustain, is outrageous. Sometimes, other innocent animals are used to kill them off. The Solicitor General mentioned the recent outrageous poisoning in the Peebles area of a golden eagle—an animal that had been encouraged back into the area and that was much loved by everyone, including tourists.

Our difficulty, which has rightly been addressed here, is evidence. I hesitate to say anything about evidence with the Solicitor General sitting there, but the principles that apply in criminal prosecutions must apply in the same way to wildlife crime. John Scott talked about evidence being brought to court that is obtained in a different way. That is a dangerous route. The burden of proof remains the same. It is for the prosecution to establish its case, and it must do it beyond reasonable doubt. I know that there are difficulties, but we meet such difficulties in other criminal prosecutions, such as rape and sexual assault. The same principles should apply here.

**John Scott:** What I was referring to in relation to the burden of proof was the removal of the single farm payment and gun licences, and therefore livelihood.

**Christine Grahame:** I do not think that the penalties that follow from a successful prosecution or a plea can influence in any way the burden of proof on the prosecution. If I have misunderstood John Scott, I ask him to forgive me. I understood him to be saying something else. The same principles of evidence must apply in cases of wildlife crime as apply in any other case. That is important, because remoteness and rurality present difficulties.

I want to ask a question to which I do not know the answer. We should not really do that—we should really ask questions to which we know the answer—but I am going to ask this one anyway. Do we have a reward system for those who are prepared to give evidence under protection for wildlife crimes? Do we have a system of whistleblowing, in which people can feel secure? As many of us who are familiar with rural areas know, somebody is aye going to know who blew

the whistle on them. People may well know who has been up to it on various estates, but they are not going to tell anyone in case the finger is pointed. I wonder whether we have sufficient protection in place.

I hear what was said about specialist prosecutors and wildlife crime officers but, like many members, I think that we should wait for the outcome of the thorough review before we start tying its hands. I am sure that the review will consider what members have to say.

I want to commend the work of the SSPCA, particularly Mike Flynn and his team. The SSPCA is a charity, and is recognised as an agency that reports to the Crown. It does enormous work to assist in the area of wildlife crime, which is not always easy while it is fulfilling its other duties. I commend Mike Flynn for that, as I commend the Parliament for debating the issue. I hope that, together, we can, so far as is humanly practicable, eradicate the foul practice of wildlife crime.

I was disturbed by something the judiciary said. Although it rightly says that it is completely independent, I say, cautiously, that I hope that it will begin to address wildlife crime more seriously. Whether or not wildlife is protected, the killing and torture of animals is shameful and grim. That whole series of crimes must be disposed of by our courts in a manner that reflects not only that, but society's opprobrium for those acts.

15:45

**Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab):** I confess that I have just discovered that I have more in common with Christine Grahame than I thought, given that I too am a member of the RSPB, have a long-term association with the SSPCA and Advocates for Animals, and am a former convener of the cross-party group on animal welfare. I suspect that the comparison stops there, but I do not know.

**Christine Grahame:** I think that we joined together when we went on a trip around the Bass Rock.

**Cathy Jamieson:** I think it was actually the Ailsa Craig in my constituency, but I will move on.

I took a great interest in wildlife crime when I was Minister for Justice, and it is also relevant in my constituency. It is interesting that it always comes high on the agenda whenever I conduct local surveys among my constituents. Sarah Boyack mentioned the wider map of Scotland, but I know from the information that I receive from one of my local wildlife crime officers, who is also a community police officer, and from the information that is supplied by the RSPB and others that wildlife crime is a current issue in Ayrshire. Sadly,

rare birds of prey have been poisoned, and police believe that badger baiting and snaring are still common.

Advocates for Animals and others point out that wildlife crime is not carried out in isolation. It is particularly disturbing that the police are making links between badger baiting, hare coursing and other forms of organised crime including drug dealing. If I look back to my time as a social worker, concerns were expressed then about the link between animal cruelty and child abuse.

There is now a substantive body of research that shows that abusive, cruel and violent behaviour towards animals can be a predictor of violent behaviour towards humans at a later stage and an indicator of domestic violence. The SSPCA highlights that link in its first strike Scotland campaign. It wants formal recognition of the link and endorsement of a protocol for the cross-reporting of animal abuse and child and domestic violence. There is merit in considering that in more detail. Perhaps it could be part of the wider information sharing around child protection. Maybe the Minister for Environment will speak to his colleagues in the interest of good, joined-up government.

In my area, there are also concerns about the links between antisocial behaviour and damage to the natural environment, which has the potential to have an impact on wildlife. Recently, for example, an increase was reported in the irresponsible use of quad bikes in and around the Loch Doon area, which is a site of special scientific interest that falls within the newly designated Galloway and Ayrshire biosphere. As with other forms of antisocial behaviour, it is as important to educate young people as it is to use legislation. That is why I welcome the positive work that the RSPB has done, particularly in East Ayrshire, to introduce primary school children to wider environmental concerns.

As Sarah Boyack said, we have made significant strides to put in place some of the best wildlife protection laws in Europe, but there are challenges ahead in implementing the legislation and getting the right resources in place. The police forces that have dedicated wildlife crime co-ordinators are to be congratulated, but figures from the SSPCA, which investigated more than 600 calls on wildlife crime in 2006, suggest that there is a strong argument for a dedicated, full-time wildlife crime co-ordinator in every police force. That is what we propose in our amendment.

As the SSPCA says, it might well be that others should have increased powers to help with investigations. The important point is that the wildlife crime co-ordinators must have the responsibility to drive the agenda and co-ordinate work on the ground. That does not rule out others'

being given appropriate powers to act. A sensible way forward would be to consider an increase in the number of dedicated wildlife crime co-ordinators in the police and to consider how civilians can be given additional powers.

One of my constituents, Mr Charles Park, has received an MBE for his tireless campaigning and wildlife and conservation work in south-west Scotland. He has written to me on many occasions and met me to discuss potential improvements to the prosecution of wildlife crime. I am very pleased that Labour's amendment calls for more cases to be prosecuted by fiscals with specialist training, and I heard the positive words of the Solicitor General, but there is a question about the admissibility of evidence.

The RSPB and others have given some bizarre examples of prosecutions that were unable to proceed because those who discovered or reported the crime were on land where there would have been public access but they did not have the landowner's permission. I do not think that the public will see that as justice being seen to be done, and I hope that that situation will improve.

There is merit in the calls of the SSPCA and the RSPB for a national database, and I urge the Executive to work with the partnership against wildlife crime to improve enforcement.

**Mike Rumbles:** Will the member take an intervention?

**Cathy Jamieson:** I am just about to conclude, but I will give way if the Presiding Officer gives me the time.

**Mike Rumbles:** Cathy Jamieson said that prosecutions could not continue because people did not have the right, or permission, to be on the land. Did we not pass legislation that gave people a right of responsible access?

**Cathy Jamieson:** That is exactly my point. It seems rather odd if a prosecution does not go ahead because the person who reported the crime does not have permission to be on the land, but they have the right to access that land. That anomaly must be addressed.

I had hoped to be consensual with Michael Russell today, but I am afraid that he has spoiled my hope. I wanted to say that I welcome the commitment that he gave on 30 August to look at introducing the automatic loss of firearms licences and cutting the single farm payment to estates that are implicated in bird poisoning. I gather that the minister has clarified his position and that I am therefore unable to give him the applause that I intended to give him. I see that Mr Rumbles is now congratulating him.

I heard what John Scott said about jobs and livelihoods that might be lost. I also heard him say

that we have to be tough on the causes of crime. I find myself being tougher than the Tories on crime in this case because if people who receive public subsidies are found to be in breach of the law, it is quite right and proper that they should not continue to receive those subsidies. Any penalty must be about deterrence as well as punishment.

However, in the spirit of consensus, and having said all that, I welcome today's debate. Of course I want there to be guidance that pulls together all the wildlife crime legislation. In accepting our amendment, Michael Russell is signalling that this is not a one-off debate but the start of a concerted period of action that will be monitored, and I welcome Parliament's full involvement.

15:53

**Robin Harper (Lothians) (Green):** I start by thanking the Solicitor General for his clear and useful introduction to the debate. I also compliment the minister and Sarah Boyack on getting together before we started to sort out the minor inconsistency in her amendment so that the debate could be consensual.

It is important that the debate is consensual because it has several different audiences, one of which is the small but unpleasant criminal fraternity that perpetrates crimes against Scottish wildlife. Parliament needs to give it the clearest possible message that we will not tolerate such behaviour and we will do everything possible to support the court and police services to ensure that such people are prosecuted and properly punished for their crimes.

I draw members' attention to my register of interests, particularly my membership of the RSPB. I hope that Michael Russell's and Jamie McGrigor's concerns about the RSPB have been allayed. I am absolutely confident that it is entirely appropriate for the police to consult the RSPB where necessary and where its expertise can be used. No one in this chamber should cast doubt on the RSPB's expertise.

Wildlife crime is a serious matter, which the Scottish public cares about very much. We should care about it because cruelty to animals is totally unacceptable and has direct links with other forms of human violence and degrading behaviour. Perhaps the minister will agree with me that there should be formal recognition of those links.

Scotland's wildlife protection laws may be among the best in Europe, but our record on the effective prevention, investigation and prosecution of wildlife crime could be better. The Scottish Government's motion rightly commends the collaborative work and commitment of those who are involved in tackling wildlife crime, but it is clear that more action is needed in three main ways. I

commend Christine Grahame and Cathy Jamieson for their impassioned speeches, but I will repeat much of what they said because this message needs to be reinforced by every member this afternoon.

First, we need more wildlife crime officers in our police forces, with at least one such officer in each force. We have learned that that is on the way, but the officers must be properly resourced, valued and supported—a special, dedicated force of full-time officers. Some officers, as we have heard, are part time. There are examples of good practice by existing wildlife crime officers—such as the Lothian and Borders part-time WCO who led the investigation in the recent golden eagle case. Although good practice might exist in areas such as the Scottish Borders and Grampian, it has been accepted that is not yet the case throughout Scotland.

A similar concern applies to procurators fiscal and I will reinforce the comments that other members have made. It is not enough to have one environmental procurator fiscal per police force area; we need more such specialist prosecutors, who must be properly resourced. The current situation, in which wildlife crime cases are still presented by non-specialists, is unacceptable because cases may be underprepared and, as a consequence, excuses may be found for why a case should not proceed or why the wildlife charges should be plea-bargained.

Secondly, there must be a greater prioritisation of wildlife crime. An ex-police officer with considerable experience of wildlife crime told a member of my staff that, in his work on the issue, he was reminded time and again that we are dealing with crime and criminals. For example, the intimidation of witnesses is not uncommon. Prioritising wildlife crime is not a soft option; such crimes are not of a lesser nature.

As has been mentioned several times already, a related problem is that information on wildlife crimes is hard to come by because they are not separated from minor offences. It is important that we properly record wildlife crime incidents. They must not come under the heading of minor offences.

**Jamie McGrigor:** On the subject of the number of such crimes that are reported, as someone who is familiar with farming and the countryside I have always found it odd that birds such as eagles and red kites are reported to have been poisoned, although such birds may be the last carrion eaters to visit a carcass. Why is it that large numbers of other birds of prey that usually arrive at a carcass first—such as black-backed gulls, ravens and hooded crows—are not found?

**Robin Harper:** I cannot comment on that—

**Sarah Boyack:** Will the member take an intervention?

**Robin Harper:** I had intended to give my answer and then take an intervention, but I am happy for Sarah Boyack to intervene.

**Sarah Boyack:** My intervention is simply to direct the member to the answer to parliamentary question S3W-3373, which gives a detailed breakdown of poisonings including the bait that was used and where they took place. I urge all members to read that reply—it makes fascinating reading—as it answers Jamie McGrigor's question.

**Robin Harper:** I will read it, too.

Where was I? Oh yes—we must properly record wildlife crime incidents, including the incidents that I have been made aware of.

Effective action and greater prioritisation go hand in hand. A good example is the success of operation Easter, in which there was effective police action and enforcement, with the outcome that egg collecting is now a comparatively rare crime in Scotland. That contrasts with poisoning cases. There has been no dedicated enforcement of that wildlife crime, and even when perpetrators have been found guilty, they have received comparatively light sentences, small fines and even just admonishments.

Finally, there is the matter of specialist training.

**The Deputy Presiding Officer:** You should be finishing now, Mr Harper.

**Robin Harper:** I will do.

Training in wildlife crime legislation and procedures must be consistent across all police forces and throughout the Procurator Fiscal Service. Again, from what we heard from the Solicitor General, that may well arrive.

A compassionate society should tighten and enforce legislation on wildlife crime. It is not an optional extra; it is an absolute duty.

16:00

**Bill Wilson (West of Scotland) (SNP):** I should probably start by declaring my membership of the Scottish Wildlife Trust.

There can be little doubt about the importance of both birdwatching and the quality of the general environment to Scotland's economy. Recent RSPB estimates suggest that the presence of the sea eagles on the island of Mull is worth approximately £1.5 million to the local economy. That is just one of many examples—I could cite the large number of visitors to the RSPB reserve in Lochwinnoch as another.

However, there is more to it than the immediate benefit to the economy. Wildlife and the environment attract international attention. There can be few people in the United Kingdom who do not have at least some knowledge of rainforest loss or the debates about whaling or the ivory trade. For example, the debate in Catalonia on the use of lime traps to catch small birds demonstrates the level of international interest that wildlife attracts. The environmental movements of Catalonia have organised a petition, which has already gained the support of 600 organisations and more than 19,000 individuals. Signatures are flooding in from all over the planet.

Damage to Scotland's environmental reputation will almost certainly result, at the very least, in a loss of tourism. Shooting estates are just as likely to suffer economically as those whose living is derived from providing services to birdwatchers or hillwalkers. Ending wildlife crime is of economic benefit to everyone. The strong reaction by Alex Hogg, the then chairman of the Scottish Gamekeepers Association, to the 2004 slaughter of some 25 raptors—he was quoted as being

“sickened by the latest allegations”—

makes it clear that there is wide acceptance of the potential risks of wildlife crime.

Hillwalkers, too, may benefit from the ending of wildlife crime. A large proportion of wildlife crime is reported by walkers, which is almost inevitable—most wildlife crime or bird poisoning does not occur near major thoroughfares, and walkers are the group most likely to spot such incidents. Reducing or ending wildlife crime will carry a number of benefits for that group: a greater abundance of wildlife; improved access, as estates engaged in wildlife crime are less likely to be amenable to walkers; and enhanced safety, as the poisons used are dangerous to both humans and their pets.

Let us make no mistake about the importance of hillwalking to the Scottish economy. In a VisitScotland survey of UK tourists in Scotland, 400,000 trips were identified as having walking as the main purpose and 4 million were identified as containing some walking. That is UK tourists alone. When it comes to wildlife crime, Scotland cannot afford the damage to its economy or its reputation. It cannot afford wildlife crime.

Despite the potential damage to Scotland's reputation and economy, wildlife crime continues. Indeed, it is increasing. As the motion notes, 2006 was the worst year for wildlife poisoning, and there is no indication of improvement in 2007.

When the costs of such crime are so clear, why has wildlife poisoning reached such a level? It may be that wildlife crime has simply not been taken seriously enough. Indeed, there is corroborative

evidence from other types of wildlife crime outwith Scotland that that may well be the case. To examine a parallel, there are no records of magistrates handing down custodial sentences to those prosecuted under the control of trade in endangered species enforcement regulations. That is in spite of the many links between trade in endangered species and the illegal drugs trade.

A report from the University of Wolverhampton entitled “The International Wildlife Trade and Organised Crime” concluded that

“with notable exceptions that have been successfully prosecuted under CEMA, the punishments imposed for wildlife trade offences are generally low and towards the bottom end of the scale.”

I should add that CEMA means the Customs and Excise Management Act 1979.

The failure to prosecute or enforce heavy penalties appears to be mirrored in many Scottish wildlife crimes. In 2006, which was the worst year for poisoning and trappings since the start of the 1980s, there were nearly 100 allegations. More than 40 of those were confirmed, yet only seven resulted in convictions. A rate of less than 20 per cent of confirmed cases of poisoning or trapping resulting in conviction is far too low. As with the illegal international trade in wildlife, there have been allegations of generally lenient sentencing of those convicted, and I welcome the minister's proposals for new penalties.

The RSPB has stated that Scotland's wildlife protection laws are among the best in Europe—that is something of which we should be proud. However, it is not the existence of a law that makes the difference, nor is it the intention of the lawmakers, however good it may have been. What makes the difference is enforcement, which requires the full commitment of all the bodies involved. A range of organisations is calling for the inclusion of a wildlife crime officer in every police force. A specialist who understands the particular difficulties surrounding wildlife crime would be of clear benefit in fighting it. I look forward to the review report on the issue, which will determine the potential of those options.

I spoke earlier of the importance of hillwalkers in the identification of wildlife crime. Evidence from those walking the countryside should never be deemed inadmissible because they did not have express permission to be on the estate. To accept that state of affairs is to accept that wildlife crime will continue.

I prefer to end on a high note. There are grounds to feel positive. Today's joint statement by a wide range of bodies, including among others the Scottish Gamekeepers Association and the Scottish Countryside Alliance, is a clear sign that the tide might be turning. Gamekeepers and

scientists can work together to find solutions that satisfy everyone. The Langholm moor demonstration project is an encouraging example of a new experimental, evidence-based approach that may lay damaging myths to rest and undermine the arguments that are used by poisoners, ensuring co-operation between the various interested groups.

Our natural environment is too valuable a resource, too important to the health and well-being of Scotland's citizens and too important to Scotland's economy and international reputation for us to fail it. I hope that we can join together to support the motion and help build a better Scotland.

16:07

**Peter Peacock (Highlands and Islands) (Lab):**

I join others in welcoming the opportunity to debate an important issue. As members may know, I have a passion for birdwatching; I should in that context declare my membership of the Scottish Ornithologists Club. I will restrict my remarks largely to the effect of persecution on birds of prey.

I have the privilege to live in and represent the Highlands and Islands. It is a region which, without question, has the widest range of habitat, birds and other species of anywhere in the UK and, arguably, Europe. In recent decades, we have seen the economic significance of that environmental diversity grow as more people visit the region. Huge numbers of people derive pleasure from the harmless and peaceful pursuit of observing, often in awe, magnificent birds and other creatures in the Highlands and Islands. People are drawn to some of the remotest parts of Scotland, spending money as a consequence and bringing economic benefit to them.

I live in the countryside near Inverness and I manage—I use the term loosely—my garden to encourage wildlife. I have the pleasure of seeing badgers, hares and foxes passing through. I am frequently visited by roe deer and occasionally by red squirrels. Soaring above my house last weekend were buzzards, alerting any observer in the area to their presence with their piercing, high-pitched cry. I am fortunate to have visiting my garden owls, sparrow-hawks and occasionally kestrels. Even ravens and ospreys pass overhead from time to time. I admire and respect those creatures. It is horrifying to most people that some people choose to persecute or to poison them. However, as has been said, it is a sad fact that some people choose to damage the creatures that I have mentioned and many others, including red kites, hen harriers and even the iconic golden eagle to which others have referred.

Sometimes, those people are directed or encouraged by misguided economic reasons to take those actions; sometimes, they derive perverse pleasure from behaving in such a way; and sometimes, they appear to be addicted to the activities in which they are involved. Whatever their motivation, their actions are simply unacceptable, as others have said. The debate gives members from across the political spectrum the none-too-frequent opportunity to give a clear signal that such actions are unacceptable. It also gives us the opportunity to reflect on and plan what more needs to be done to bring such practices to an end. Members have mentioned that the RSPB has been good enough to recognise that the previous Executive brought to Scotland some of the strongest wildlife protection laws anywhere in Europe. It has also been mentioned that it is now necessary to ensure that those laws are used to the full and are strengthened wherever doing so is appropriate and necessary.

I appreciate that it can be difficult for a hard-pressed police force that is fighting drug crime or street violence in their community to give wildlife crime the priority that other members and I think is necessary, but all parties must make it clear in the debate that chief constables will have the Parliament's support if they give tackling wildlife crime more priority. I hope that the Government will help chief constables in that cause by making available additional resources to gear up their efforts, and that the minister will signal a commitment to doing so in summing up. Indeed, I am sure that his acceptance of the amendment points in that direction.

In particular, I would like Northern Constabulary to be enabled to do even more than it currently does. I acknowledge—and congratulate it on—what it is doing and its increased efforts in tackling wildlife crime in recent years, but I would like it to be enabled to go even further. Bill Wilson and I have touched on the fact that the protection of wildlife is not only economically important for the Highlands and Islands; I have also touched on the fact that the Highlands and Islands holds a fine range of species, which we have a duty to protect. I would like to think that, in a few years, Highlands and Islands, through Northern Constabulary, will have set new standards in wildlife crime protection that set the standard for the whole country. That would be fitting for the force that serves the finest area of natural environment in the UK.

I would like far more resources to be made available to investigate why there is a lower occurrence of species on some estates than one would expect to find in any other comparable area of the country. We need to explore that matter more fully. We also need to investigate why the expansion of the red kite population out of the

Black Isle, which is across from where I live, appears to meet certain barriers that, from experience, are not met elsewhere in the country. The RSPB, the police and I can speculate on why that is the case, but I would prefer the police to have the resources to explore and investigate fully why that is and to take the necessary action.

In neighbouring Grampian, people are seeing the impact of excellent police work, with other people in that area, in operation Lepus, which is clamping down on hare coursing. This week, I was pleased to see gamekeepers and landowning interests coming together and making a joint statement about their approach to the issues that we are discussing—members have referred to that. I echo the sentiments of those gamekeepers and landowning interests, and hope that they will take tough action, as they have promised to do, against any members who are found to have breached wildlife legislation. It is vital that landowners make the law explicit to their employees and that they expect the law to be observed. I hope that the poisoning of birds of prey comes to an early end; if it does not, I urge the Government to take a further step and introduce corporate responsibility for wildlife crime. In other words, it should ensure that the owners of land have a responsibility in law for any crimes that are proven to have been committed by their employees. I hope that that is not ruled out.

Earlier this week, I had the opportunity to handle an eagle owl, which is a huge and magnificent creature. Anybody who has such an opportunity would be appalled to think that someone could harm an eagle owl, but just outside Inverness, Tommy Horne voluntarily looks after damaged creatures from many parts of the country. I applaud what he does and hope that he will have less work to do in the future as a consequence of the Parliament's collective action in sending the signal that what is still happening in this country is totally unacceptable and must stop.

16:14

**Jamie Hepburn (Central Scotland) (SNP):** The debate has been interesting, and members of all parties have made constructive speeches. I welcome the constructive approach that has been taken by a former colleague on the Rural Affairs and Environment Committee, Sarah Boyack, whose amendment we are considering. I would have enjoyed the chance to discuss the finer details of the amendment in the committee, but she has moved on to pastures new. I wish her well in her new role. In particular, I welcome her slight rewording of her amendment, as it may allow the Parliament to speak with a unified voice on the important issue of wildlife crime. Robin Harper spelled out why that is important. Sarah Boyack is

therefore to be congratulated on amending her amendment.

I also welcome the Government motion, which has allowed us to have the debate. In addition, I welcome the Solicitor General for Scotland to the slightly different role of opening the debate for the Government.

All members have received briefings from various organisations that are concerned with wildlife crime. The information with which we have been provided indicates that there is an enduring problem of wildlife crime in Scotland. Advocates for Animals states that in 2006 alone there were 183 reported incidents of illegal poisoning of birds, and it points to 40 incidents of hare coursing in 2006-07 in Tayside alone. The SSPCA informs us that in 2006 its inspectors responded to and investigated more than 600 calls about wildlife crime. A Government press release earlier this year stated that since May 1999, at least 455 birds and 168 bats have been killed by poisoning in Scotland.

Sarah Boyack is probably right to say that the number of crimes greatly exceeds the reported figure, which is only the tip of the iceberg. It is clear that wildlife crime is a problem, and I am glad that we seem to be agreed on that, but the question remains, what should be done to tackle it?

We will have to wait and see what the review proposes. I look forward to that. However, in his closing speech, the minister may be able to identify some of the issues that the review will assess. Will they, as I hope, include stronger sentences for wildlife crime, which the Labour Party included in its manifesto and at which the minister hinted previously?

I welcome the approach that the minister has taken since coming into office and the measures that have been set out today. Some members have been slightly vexed by comments that Mike Russell has made. John Lamont, a Tory member, said in the *Berwick Advertiser* on 6 September that the Conservatives

“have concerns about the potentially heavy-handed nature”

of some punitive measures that Mike Russell has suggested for those who are found guilty of having committed a wildlife crime. John Scott reflected some of that concern today. However, if we are seriously to target wildlife crime, there must be serious repercussions for those who perpetrate it. It is important to remember that it is those who are found guilty of wildlife crime who will have to pay the penalty. John Lamont, John Scott and Mike Rumbles, who was also concerned, can rest easy: only those who have committed the crime will pay the price. The whole chamber will welcome that.



**Michael Russell** *rose*—

**Karen Gillon:** Will the member take an intervention?

**Jamie Hepburn:** I will take one from the minister.

**Michael Russell:** I want to be absolutely clear on the issue, as it has been raised on a number of occasions. I hope that I can satisfy both Cathy Jamieson and Mike Rumbles on the matter. I stand by my suggestion of a number of penalties. The difference between Mr Rumbles and me relates to the level of proof that will be required. I am entirely happy to say that the burden of proof must be no lighter than that for any other crime. However, I believe that further penalties are required.

**Jamie Hepburn:** I am glad that my speech was structured in such a way as to allow the minister to intervene at such an opportune stage.

In her intervention during the Solicitor General's speech, Karen Gillon noted the need to ensure that those who are indirectly involved in wildlife crime are prosecuted. She gave the example of an employer who instructs an employee to carry out a crime. I hope that in such cases all who are responsible—both those who instructed the crime and those who carried it out—are prosecuted and punished to the fullest extent of the law. I hope that the inspectorate-led review will consider serious measures against those who are found guilty of wildlife crime, and I look forward to hearing what the review has to say.

**Karen Gillon:** Will the member give way?

**Jamie Hepburn:** I am about to close.

I hope that the review will also consider the points that John Scott made about the different reasons for different types of wildlife crime. I join the RSPB and other animal rights organisations, as well as the other agrarian and rural bodies that have written to all members, in welcoming the review that the Government has announced and I trust that the chamber will also welcome it.

16:19

**Elaine Smith (Coatbridge and Chryston) (Lab):** Like Cathy Jamieson, I am concerned about the connections between wildlife crime and animal cruelty—for example, dog fighting and badger baiting—and other forms of organised crime in our communities that make life a misery for so many people. As we have heard, Scotland is a beautiful country that is teeming with wildlife that, sadly, all too often faces real danger when it comes up against humans who are intent on causing harm.

The debate is about wildlife crime, and we must concern ourselves with the crimes that take place not only in our hills and glens but in our urban areas. I am pleased that Labour's amendment recognises that and calls for guidance to pull together all the relevant legislation. I hope that the review that has been announced will cover all crimes of animal cruelty. I will explain why.

As a member of the committee that considered the Animal Health and Welfare (Scotland) Bill, I had cause to look into the issue of dog fights when I was researching the section on animal fights. Making arrangements for an animal fight to take place, causing it to take place, attending it and showing, supplying or publishing a recording of it are all illegal actions, but dog fights continue to happen. Historically, dog fighting has tended to be viewed as an isolated animal welfare issue and, as such, has perhaps been treated less seriously than it should have been by the prosecution services. The communities that have been morally, socially and culturally scarred by the prevalence of dog fighting have suffered as a result of that approach.

Some people who are involved in the barbaric practice try to justify it as a cultural and historical tradition, along with cock fighting, hunting and so on. Because of that, from an early age some children are routinely exposed to the violence that is intrinsic to this illegal blood sport. The atrocities of the dog fights are absolutely appalling, yet children who grow up exposed to them are conditioned to believe that such violence is normal. They are systematically desensitised to the suffering and, as a result, can develop a distorted sense of societal norms and civilised behaviour.

Dog fighting is not only an issue of child welfare and extreme cruelty to animals; it is something that should concern us from the perspective of the cycle of violence and criminal behaviour that it can perpetuate. Not only is dog fighting cruel, sadistic and inhumane, it is an insidious, underground organised crime involving illegal gambling, drug dealing, money laundering and a host of other peripheral criminal activities. It is big business, involving massive sums of money. The links between dog fighting and other forms of violent crime have become more apparent over the years, so it cannot be regarded as merely an isolated animal welfare issue.

Nonetheless, it is an animal welfare issue, as the dogs that are used for fighting have been bred for generations to be dangerously aggressive towards other animals. The presence of such animals in communities increases the risk of attacks not only on other animals but on people. Children in our communities are particularly at risk

because of their small size, which may cause a fighting dog to perceive them as another animal.

The dogs, too, are the victims of horrific abuse. The injuries that are inflicted on and sustained by them during fights are frequently severe and often fatal. Pit bull terriers, which are used in the majority of fights, have been specifically bred and trained for fighting and are unrelenting in their attempts to defeat their opponents. Often, the dogs die from blood loss, shock, dehydration, exhaustion or infection hours, or sometimes days, after the event.

Some owners train their dogs for fights using smaller animals, such as cats, rabbits or small dogs. Those bait animals are often stolen pets or are obtained through adverts that offer them free to a good home. Only a few months ago, BBC Scotland reported that the SSPCA had received reports of Staffordshire bull terriers being turned on domestic cats, and the charity said that cat remains had been found at the scene of a number of organised dog fights. It believes that cats are being used to rile up fighting dogs, which are then allowed to tear those animals apart before they are turned on each other. There is no question but that dog fighting is a barbaric crime, however the involvement of other domestic animals adds a horrible new twist to it and further indicates the kind of people who participate in such events.

Although it is perhaps less common than it was, dog fighting is still going on in and around the central belt. Recently, "Panorama" uncovered a network of criminal gangs who were supplying illegal pit bull terriers for fighting, which were brought into the country using false documents. It is important that resources are deployed to catch the criminals who are involved in dog fighting and to make the links between that appalling crime of animal cruelty and the other crimes that I have mentioned. Labour's amendment will make it easier to do that. I hope that the review includes dog fighting in its remit.

I ask the minister, in summing up, to say how the Government can help to highlight the SSPCA's anonymous reporting service and the rewards that might be available for those who provide information. Given the vicious perpetrators who lie behind such fights, it is understandable that people who have information might be reluctant to come forward.

Badger baiting is another wildlife crime that is linked to organised crime and which is related to dog fighting through similar perpetrators. I note that it seems to be on the increase—according to *The Scotsman* there were seven cases last year. It is worrying that Advocates for Animals reports that a lesser plea of disturbing a badger sett was allowed in a recent case of badger baiting, in which officers were confident that there was strong

evidence for a conviction. That underlines the need for procurators fiscal who have specialist training, which is outlined in Labour's amendment.

Although it is important that we take steps to protect vulnerable pets and wild animals in Scotland from cruelty, persecution and neglect—I welcome the review—we must recognise the links that exist with criminals who are involved in other serious crimes. The stabbings in our schools, the shootings on our streets and the peddling of drugs to children are all linked with members of the criminal underworld who are involved in cases of serious animal cruelty and wildlife crime. I hope that we have a debate about those links soon.

**The Deputy Presiding Officer:** You should be finishing now.

**Elaine Smith:** I am pleased that the Solicitor General is present for today's debate, and I hope that he will attend that debate, too.

**The Deputy Presiding Officer:** I point out that when I came into the chair, we had a considerable number of minutes to spare. If three members talk for 20 seconds longer than their allocated time, someone will lose a minute from their speech. Not one member—except Jamie Hepburn—has stuck to their time. It would be nice if members looked at the *Official Report* to get an idea of the extent to which they talk for longer than they should do.

16:26

**Roseanna Cunningham (Perth) (SNP):** I apologise for my more prolonged absence from the chamber than I anticipated—I had an unavoidable meeting with my committee clerks to attend.

I welcome the Solicitor General to his first major outing in the chamber, which serves to remind us that we are talking about real crime, not some lesser order of offence. Because of that, I believe that the minister's approach is the right one.

As a number of people have said, this morning's *Scotsman* reveals the scale of the problem, which is staggering. It is worth putting some of the figures on the record. There has been a 33 per cent increase in the number of offences involving birds, a 300 per cent increase in the number of cases of cruelty to wild animals and a 250 per cent increase in the number of offences involving badgers. The number of offences involving deer is up by 275 per cent and the number of cases of hunting with dogs has gone up by 300 per cent. Salmon and freshwater fisheries crimes are up by 90 per cent and there has been a 220 per cent increase in other wildlife offences. Those figures are staggering.

It is never easy to determine whether a rise in the number of prosecutions for a particular crime

is down to an increase in the crime, to more accurate reporting of the crime or to increased activity and vigilance on the part of the police or the public in respect of the crime. I hope that those issues will be investigated over the next few months.

It was clear from the answers that I received to a series of questions that I asked on the subject last year, in response to a constituent's concern, that there is no nationally accepted system of recording wildlife and environment crime. I strongly suggest that that is one of the problems that will have to be addressed.

There is no doubt that wildlife crime is a massive problem that should not be an issue just for people who are concerned about feathered friends and furry animals—although, frankly, that is enough for me. Those people who want hard-headed business arguments for taking wildlife crime seriously should look at the tourism industry. I gently suggest to John Scott that there is another side to the economic arguments that he made. A review of wildlife tourism in 2002 indicated that more than 250 businesses, with more than 3,000 employees, were involved in nature and wildlife tourism in Scotland. Given the rate at which the sector is growing, it is a safe bet that those five-year-old figures seriously underrepresent the present situation. Indeed, VisitScotland has said that wildlife tourism generated £210 million for the Scottish economy in 2006.

**John Scott:** I accept the member's point, so will she accept the point that I made, which is that a balanced approach must be taken?

**Roseanna Cunningham:** Indeed. I am providing some balance to Mr Scott's comments.

A survey of visitors to the Highlands that was published in 2002 underlined the importance of wildlife to our tourism industry. Fifty-eight per cent of respondents said that they agreed or agreed strongly with the statement that the opportunity to see wildlife in the Highlands had been an important aspect of their visit. Scotland's wildlife is a hugely important resource, which we must take great care to protect.

I echo some of Sarah Boyack's remarks. Birds and animals are important in and of themselves, but they are also part and parcel of how we in Scotland define ourselves and how others see us. We should never forget that.

I have long been concerned about the killing of birds of prey, in particular, because the issue raises its head with worrying frequency in my constituency. Tayside Police has taken the issue seriously for many years. Arguments are made about the threat that sparrow-hawks pose to racing pigeons or that hen harriers pose to grouse stocks, but the most dangerous predator of all is

the two-legged wingless poisoner, which needs to become a good deal rarer. Sparrow-hawks are thought to take less than 1 per cent of released racing pigeons annually, and the taking of excess grouse by a hen harrier is simply the natural order of things—I am not sure how far we can go to interfere with that. I am the teeniest bit uncomfortable with how John Scott articulated his concerns, which sounded a little like special pleading. I point out to him that the burden of proof does not vary depending on the reason for the crime. The reason might be a mitigation, but that is not the same thing as the burden of proof.

The use of deadly poisons such as carbofuran to kill birds of prey is unnatural and downright dangerous. Such behaviour is utterly irresponsible, because it is clear that the people who set traps give no thought to the implications of their actions for a curious child, for example. Carbofuran is an extremely dangerous chemical and is the poison of choice among people who seek to kill our birds of prey. It is clear that the fines that are levied against people who poison birds of prey are insufficient to create a deterrent. The fines do not reflect the serious implications of the illegal misuse of such a dangerous and potentially fatal substance. Fines should be punitive as a starting point. I hope that the HMIC investigation will give serious consideration to the issue.

Badger baiting and dog fighting sound like things out of a Victorian novel, but such activities go on in our country. However, such wildlife crime is firmly underground and is despised by everyone in mainstream society. Other categories of wildlife crime have been excused, or have had a blind eye turned to them. The culture of silence must end. There are good signs that that will happen as a result of the new multi-agency approach, which I welcome. Silence is no longer acceptable.

The laws that are needed are in place, but we must ensure that they are enforced vigorously enough to protect wildlife and act as a deterrent. We need to get that right and we need time to do so. I support the motion in the name of Michael Russell and look forward to the recommendations of the review.

**The Deputy Presiding Officer:** I call John Hume.

16:32

**Jim Hume (South of Scotland) (LD):** It is Jim Hume, Trish.

I declare an interest as a member of the Scottish Rural Property and Business Association and the RSPB.

Wildlife crime of any kind is appalling. It was described as a "national disgrace" by the late

Donald Dewar. I have been involved in conservation throughout my working life, so I am glad to sum up on behalf of the Liberal Democrats.

Fresh in our minds is the recent and tragic poisoning of a golden eagle in Peeblesshire in my region. There is significant evidence that such illegal activity is seriously damaging populations of golden eagles and other birds of prey. Such activity is not just devastating to Scotland's biodiversity but potentially damaging to the economy. The Galloway red kite trail alone is thought to bring around £750,000 to the region each year.

Roseanna Cunningham referred to products that are used to carry out illegal killings. Such products are often banned in this country and are illegally imported—that appears to have been the case in the Peeblesshire incident. HM Revenue and Customs should be alerted not just to the illegal importation of meat products that can lead to foot and mouth disease but to the seriousness of bringing illegal pesticides into the UK. Let us tackle the issue at source.

Scotland's wildlife protection laws are among the best in Europe, so why do we have such a problem? Liberal Democrats in the previous Scottish Executive significantly improved our capacity for effective wildlife policing, through the Criminal Justice (Scotland) Act 2003 and the Nature Conservation (Scotland) Act 2004. Despite that, in 2006 Scotland had the worst figures for illegal poisoning for at least 25 years, so we need people in place to ensure that the law is enforced. Each police force should have at least one full-time wildlife crime officer and back-up from part-time wildlife crime officers, as has been the case in Lothian and Borders Police since 2005—the force was the first to have such an arrangement. Thereafter, the Crown Office and Procurator Fiscal Service must pursue wildlife crimes vigorously.

Proper co-operation between Scotland's police forces is all-important, and by placing dedicated wildlife crime officers throughout Scotland we will ensure that there is greater synchronicity between regions and with the national wildlife crime unit. That will lead to better investigation, prosecution and record keeping. We would appreciate advice from the minister on the steps that his department is taking to ensure that at least one full-time serving officer is appointed as a wildlife crime officer in each Scottish force.

I mentioned earlier that, as well as having the people in place to investigate wildlife crimes, we also need a system that delivers uniformity in applying penalties, so that the existing legislation successfully acts as a proper deterrent. The Scottish Government needs to review the use of penalties by the courts and to encourage the Crown Office to press for full use in all cases. Our

ministers need to review the process of recording wildlife crime, so that its full extent, its trends and the effectiveness of efforts to deal with it are clearer.

There are evidence-gathering problems, for example in cases in which evidence is considered inadmissible in court because the person who reported the crime did not have the landowner's permission to be on the land. With that in mind, I welcome the SRPBA's willingness to help in stamping out wildlife crime, as well as that of the BASC, the SEBG and the SGA, which have all been mentioned.

The minister told us in August about the measures to deal with wildlife crime that his department is considering. One suggestion was the possibility of stopping single farm payments. I have heard some clarification on that today, but I still urge serious caution when considering such a measure. If a landowner or farmer is implicated in wildlife crime and as being in breach of cross-compliance, their payments can be reduced by 1 to 5 per cent where they are shown to be negligent. If the action or omission is intentional, the penalty can go up to 100 per cent. That is important, because unlike criminal prosecutions the lower civil standard of proof is used to decide whether or not cross-compliance requirements have been breached. If there is no criminal prosecution, cross-compliance penalties can still be applied. The civil standard of proof relates to the balance of probability, and if an inspector can provide evidence to show the probability, they can say that there has been a breach.

**Michael Russell:** I appreciate Mr Hume's point—it is the same point that Mr Rumbles made. For the avoidance of doubt, I repeat that in the serious circumstances of taking away people's livelihood, we would require the heaviest burden of proof—I am happy to clarify that once again.

**Jim Hume:** The issue is that cases should be heard in courts of justice. Fairness must prevail—there is no question but that those who are convicted of wildlife crime should face the loss of their firearms licence and jobs. I am heartened that the Scottish Government is taking wildlife crime seriously and that it has committed to crack down on the perpetrators, but to reiterate my earlier point, I also urge serious caution and moderation, so that the right people are caught and dealt with firmly. Farmers and gamekeepers do their job because they love their countryside, and Scotland has a wonderful and biodiverse countryside only because of the people who work in it and for it. With good liberal principles, let us leave the fines and punishments to properly constituted courts. I welcome the amended motion.

16:38

**Nanette Milne (North East Scotland) (Con):** I declare an interest as a member of the RSPB. We have had an important and useful debate this afternoon, at a time when there seems to be an increasing determination to combat the sickening criminal activity that continues to threaten the well-being and very existence of some of the most magnificent creatures that make their homes in Scotland. The wonderful diversity of the wildlife that inhabits our countryside attracts nature lovers and watchers from across the globe, rewarding us in turn by sustaining a tourism industry that is important to the fragile communities of remote and rural Scotland and by supporting the livelihoods of the many people who earn their living in our hills and moorlands.

Wildlife crime takes many forms, and affects many species, but across the board it is sickening and disgraceful, and it does us no credit as a nation of so-called animal lovers. It needs to be tackled relentlessly until it is stamped out. The persecution of birds of prey—usually by poisoning—is the most high-profile form of wildlife crime, and we have seen some appalling examples of that this summer. Despite the stringent wildlife and animal welfare legislation that has been enacted in this country in recent years, it is concerning that last year produced the worst ever figures for recorded wildlife poisoning, with this year looking set to be little better.

More than 450 birds are known to have been poisoned since May 1999, and it is likely that many more poisonings were undetected. There is clearly a problem, and we Conservatives welcome the Scottish Government's stated determination to tackle it. Despite appropriate legislation being in place, enforcement is patchy and inconsistent. We therefore support the forthcoming review, which will examine those inconsistencies and report back with recommendations in March.

Elaine Smith made an interesting contribution on dog fighting and urban forms of wildlife crime. I commend her suggestion that the review should consider such issues as well.

At this stage, we do not see a need for new legislation on wildlife crime, but we await the outcome of the review with interest. We will respond in due course to any ensuing proposals that will aid the eradication of such crime. However, we see the need for better partnership working between land managers, conservation bodies, the Government and police. Today's clear statement of commitment by Scotland's land managers and sporting interest bodies to work with the Government and police to stamp out crimes against wildlife is very welcome indeed. It is crucial that people who are guilty of these

crimes are caught. They will not always be easily found.

There are concerns that some killings are malicious. As we heard from Jamie McGrigor, there have been cases in which an iconic bird has been found dead, but crows and gulls in the same locality—birds which are also voracious carrion eaters—have been unharmed. Such concerns have to be addressed as the battle to stamp out wildlife crime progresses. As the Solicitor General said in the opening speech, proper investigation of crime is crucial and prosecution must be properly evidence based.

**Robin Harper:** Will the member take an intervention on that point?

**Nanette Milne:** I do not think that I have time; I have a lot to get through.

A number of constructive suggestions have been made, which are worthy of consideration. Like others, I ask ministers to consider those suggestions in drawing up their plans to combat wildlife crime. The setting up of a central database for the recording of all wildlife crime in Scotland will help with the accurate recovery of information. Ensuring that the procurator fiscal service considers appointing fiscals with wildlife expertise will mean that we have people who will thoroughly and vigorously pursue and prosecute people who are thought to be involved in wildlife offences. I was pleased to hear that the Solicitor General is sympathetic to that idea.

Consistency is required in the application of penalties, to ensure that they act as sufficient deterrent to people who are considering or embarking on criminal activity in this area.

I agree with many colleagues in the chamber who have said that consideration should be given to the appointment of full-time wildlife crime officers in all Scotland's police forces, to act as a local enforcement link for the national wildlife crime unit. The unit is tasked with sending intelligence to local forces, but according to the RSPB, that intelligence is seldom acted on at present.

Before today's debate, I made contact with Grampian's full-time wildlife crime officer, who is one of only four in Scotland. I look forward to meeting up with him soon to discuss his work in more detail—although I confess that I do not look forward to hearing about some of the atrocities that he encounters in his day-to-day activities. He was appointed to the new post 18 months ago, in March last year, and he is responsible for wildlife crime matters across the whole Grampian Police area. Working with him are a further 10 police officers who undertake part-time wildlife crime duties; that equates roughly to one more full-time officer. Those people have many incidents to deal

with, and their workload is ever increasing as they heighten awareness of wildlife crime in Grampian, thereby also increasing the expectations of the public and the other partners with whom they work.

The incidents of crime that the officers deal with are varied and include offences against badgers; deer and salmon poaching; hare coursing; and trading in endangered species. However, the persecution of birds of prey through shooting, trapping and especially poisoning is a serious problem and a major part of the full-time officer's work. After 18 months in post, the officer concludes:

"Wildlife crime is alive in Scotland, and it will take every police force in Scotland to make full-time appointments to go some way to tackling the problems and crimes we face. One of the most important functions of my role is to support and encourage partnership working, and that includes the landowners, gamekeepers, scientists and the public. I am thoroughly enjoying the challenge, and the support of most of my colleagues in the force."

He is a dedicated police officer and I wish him well in his efforts to combat wildlife crime in Grampian. I commend the initiative of his chief constable, and the initiative of the other chief constables who already employ full-time wildlife crime officers, to those forces who as yet do not do so.

We welcome the debate, we welcome the review, and we look forward to responding to any Government proposals that follow.

16:44

**Des McNulty (Clydebank and Milngavie (Lab):** The debate has been excellent, and I hope that neither I nor Mr Russell, who will speak after me, will spoil that. It has helped to raise the profile of animal welfare and wildlife crime. I highlight the quality of the speeches and the information and knowledge behind them.

It is only fair to congratulate the minister on continuing down the path that the previous Administration set when it introduced sections tackling wildlife crime in a series of bills and on his efforts to build consensus, not only across the political spectrum but among the different interests, from landowners and gamekeepers through to the specialist animal welfare and wildlife protection groups.

Although we talk of Scotland's natural landscape, it is important to recognise that, despite its rugged and unspoilt appearance, virtually all Scotland's countryside is managed. Over the centuries, man has shaped rural Scotland no less than urban areas, whether through forestry, different types of agriculture, organised hunting and fishing or conservation. Our

inheritance is rich, but it is not a garden of Eden unshaped by human hands. Rather, it has emerged from dominant interests, whose ideas about how land should be used affected everything, including the wildlife.

In the past, the landowner was sovereign and enforced his priorities—it generally was a man—which were often economically driven. The land was converted to whatever use provided the best return. The landscape and the people and creatures that lived in it bore the consequences. What environmental protection there was depended on what was in the interests of large estates and farmers.

That situation has not completely changed—landowners and farmers have a huge interest in the use of land and, in turn, in wildlife—but we can see the beginnings of a much more balanced approach to land management, in which the conservation of species can be considered alongside the requirements of other land uses. The conservation organisations—whether they focus on birds or mammals, or on flora, which lies outside the scope of this debate—are entering into constructive debate with landowners, gamekeepers, farmers and other groups on issues on which they have traditionally had fundamental differences. Others are involved in those national and local discussions, representing tourism and other interest groups that, in the past, may have stood back from debates about wildlife protection.

It will not necessarily be easy to bring people together in that way. There is a significant need for cultural change. Some people still have the attitude that some species are vermin, while others consider them to be intrinsically interesting and important. However, the fact that the debate is taking place and that there is an enforcement process represents a valuable step forward.

Colleagues have highlighted some of the key issues that need to be addressed. Numbers of reported wildlife crimes have increased, but successful arrests and prosecutions are comparatively rare. As a consequence of plea bargaining, penalties that the courts impose seem light, so it is right that policing and prosecution patterns should be reviewed as the minister suggests. The amendment in Sarah Boyack's name is intended to flesh out what the Labour Party believes can be done now to make progress on those matters, and I hope that, in his closing speech, the minister will confirm his intention to implement those actions as soon as practicable.

Written questions that Rhona Brankin lodged earlier in the summer produced answers that showed considerable numbers of police involved in dealing with wildlife crime, but other information suggests that those figures might be misleading. I was told that only two forces—Grampian Police

and Lothian and Borders Police—have full-time police officers working on wildlife crime, but the minister suggested that the figure is four, and I would be interested to know which other forces have full-time officers.

Most of the officers who were identified in the written answers deal with wildlife crime on top of their other responsibilities. That is why the Labour Party has asked that, in each police force, at least one officer should be designated as a full-time wildlife and animal welfare crime co-ordinator. On that, I disagree with the cautious comments that were made by Christine Grahame, who is not normally noted for her caution.

On prosecutions, we welcome the mechanisms that the Solicitor General outlined. However, the reality is that too many cases are not being prosecuted by fiscals who have received the appropriate specialist training. In some instances, that seems to have contributed to lesser penalties because more serious charges have been dropped. The recent case at Edinburgh sheriff court, in which men received fines for interfering with badger setts, whereas other charges relating to animal cruelty and attacking badgers were not pursued by the prosecution, raises particular concerns.

The final suggestion in Labour's amendment asks the Government to take forward the production of guidance on the prevention of wildlife crime that is aimed at landowners, gamekeepers and others who are responsible for land management. My view is that landowners or managers should not be able to claim ignorance as an excuse if an employee commits a crime in the course of their duties. Guidance would help to ensure that no one is in any doubt what the law requires. I view its introduction as a further step towards more responsible care of wildlife on estates and farms.

**Mike Rumbles:** Does not the member agree that the general principle of Scots law is that a person is innocent until proven guilty, and that any penalty should apply to the guilty? A person cannot be guilty simply because their employee commits a criminal offence.

**Des McNulty:** I think that it is the responsibility of the employer to be aware of what the individual employee is doing in his or her name. That is the issue as far as guidance is concerned. That applies in many other areas, too.

We accept what ministers are doing, and we hope that the Minister for Environment will accept Labour's amendment, in furtherance to our shared objectives. We do not believe that what we suggest should cut across the proposed inquiry, and we are not precious enough to think that others cannot come up with even better ideas. We

welcome voluntary initiatives, such as those of the Scottish Estates Business Group, which represents major landowners. The group has promised that its members would discipline employees who were caught harming birds of prey. Parliament should set out clear expectations of the actions that it would like to be taken by the police, the prosecution service and ministers.

Aristotle claimed that the test of a civilisation could be found in its treatment of animals—an inhumane civilisation was one that treated animals inhumanely. We need to ensure that we put our own house in order.

Cathy Jamieson made some strong points about the link between inappropriate treatment of animals and inappropriate and criminal behaviour directed towards humans. Many of the people who are engaged in dog fighting and similar activities are also engaged in some of the more unsavoury crimes against other individuals.

Turning to John Scott's point, we need to be careful, where there is a prospect of people losing their livelihood, to ensure that the burden of proof is satisfied. However, the loss of someone's livelihood is not an excuse for committing a crime, whatever the circumstances. We must ensure that the law applies to everyone.

There appears to be some sort of anomaly in the idea of there being a need for permission to catch people committing crimes. I thought that access legislation had created a situation in which evidence could be given by the RSPB and other agencies without permission necessarily being sought. Perhaps the Solicitor General could comment on that, and on whether poaching legislation applies in such situations.

As the motion says,

"2006 was the worst year ever for recorded wildlife poisoning incidents".

*The Scotsman* has today highlighted the range of wildlife crimes. It is important that we are seen to be doing something. The message goes out from the Parliament that the things that were illustrated in *The Scotsman* today are not acceptable, and that we are determined to ensure that they do not happen.

**The Deputy Presiding Officer:** I ask those members who are having conversations to take them outside the chamber.

16:53

**The Minister for Environment (Michael Russell):** I welcome the amendment. I am very grateful to Sarah Boyack and Des McNulty—those are words that I never expected to say—for the work that they did to ensure that we could accept the amendment. The key issue was that we must

recognise the independence of the prosecution services in Scotland; we must recognise the operational flexibility that chief constables require. The change that was made to the amendment allows us to do that, and I very much take on board the useful suggestions that are contained in it.

My view is that we can consider the guidance issue very quickly. It is important, however, that the reviews and inspections have a chance to consider the other issues, but they will do that. In a moment, I will come to the issue of how the inspections will take place.

The message from today's debate—and from the unanimity in the chamber—is absolutely clear. Wildlife crime is crime; it is not trivial, nor is it victimless. Aside from cruelty to animals, members of the Scottish public are the victims—indeed, the whole nation suffers. Internationally, wildlife crime is a slur on the country and how we are presented in the world.

There is, can be, and will be, no excuse for murdering birds of prey. There is also no excuse for the barbarities that we see in activities such as hare coursing. I was delighted that the Solicitor General opened and took part in the debate. In doing so, he demonstrated absolutely the seriousness of the matter as a crime and the independence of the prosecution service in ensuring that that crime is pursued.

I am grateful to the members who participated in the debate and to the organisations that contributed. In the public gallery, we have representatives from a range of organisations that took part in informing the debate. I am particularly pleased to see representatives from the Scottish Estates Business Group, the Scottish Rural Property and Business Association, the Scottish Countryside Alliance, the British Association for Shooting and Conservation, and my very good friends, the gamekeepers. All those people recognise very strongly that it is bad for them, bad for the interests that they represent, and bad for Scotland to permit wildlife crime, in any sense, to take place. That enormously strong message is going out from the chamber and, now, from those organisations

Wildlife crime is not only the poisoning of wild birds, horrific as that is. I note the presence in the public gallery of Mark Rafferty, who, of course, is the constable who works on wildlife crime for Lothian and Borders Police; I met him some weeks ago when he showed me the corpse of the golden eagle, the death of which he is investigating.

Wildlife crime is also hare coursing, which is not a sport but organised cruelty. It is frequently reported in Scotland and hares are often left

injured, dead or dying in the fields—there is not even the justification of hunting for the pot. Since September 2005, operation Lepus has recorded 103 coursing incidents in Tayside and has detected and charged individuals in 34 of those cases.

Wildlife crime is also badger baiting, as those who have read today's issue of *The Scotsman* will know. In badger baiting, badgers are dug out of their sett, after which dogs are set upon them or they are bludgeoned to death with a spade. That is a barbaric crime.

Wildlife crime can also be poaching, which is not the romantic activity that some portray, but organised crime. In those circumstances, large sums of money can be involved. We must ensure that poaching is stamped out.

Wildlife crime can also be the stealing of birds' eggs, a practice that has been much reduced by the vigilance of enthusiasts.

**John Farquhar Munro (Ross, Skye and Inverness West) (LD):** Poaching is not a word that we celebrate in Scotland, but we all have our own view on that.

A number of people have contacted me recently regarding the tremendous increase in raptors throughout Scotland and the difficulty that that has created. Is the minister prepared to instruct his officials to work in conjunction with Scottish Natural Heritage and other land management groups to undertake a survey of the raptor population in Scotland and to assess the impact of current numbers on farmers, crofters and other rural businesses? I ask the question because, if there is to be a debate on possible control measures, such a survey would ensure that the information is accurate and based on fact.

**Michael Russell:** I hope that you might give me an allowance for the time that that intervention took, Presiding Officer.

I sympathise with John Farquhar Munro's point, but I will come in just a moment to the Langholm moor demonstration project, which demonstrates the concern on both sides of the equation to moving forward.

I return to my remarks on the types of wildlife crime. Wildlife crime also concerns the freshwater pearl mussel, a rare Scottish resource, which criminals are exploiting. Wildlife crime is also, of course, the trade in endangered species, which is particularly cruel and barbaric.

The thematic review by HM chief inspector of constabulary will look at all those areas and many more. As is common practice, the review will have elements; in this case, the first of those elements will be leadership, both in Government and across



public bodies in Scotland, including voluntary bodies and others.

**Sarah Boyack:** Will the minister give way?

**Michael Russell:** No. If I may, I will make some progress.

The review will also look at policy and strategy; people and resources; partnership; and processes. Of course, HMCIC will work with the inspectorate of prosecution to ensure that a complete survey will be made. I give the chamber a commitment that we will bring those reports to the Parliament whenever we possibly can.

**Sarah Boyack:** Will the minister ensure that the inquiry will consider all the comments that members have made on different aspects of wildlife crime but which he may not get to in his concluding remarks?

**Michael Russell:** I shall certainly try to ensure that all that information is drawn to Paddy Tomkins's attention.

Taking a tough line on wildlife crime does not mean opposing country sports—they have an important role to play. However, it means considering new ways of doing things. The second Langholm moor project, which I launched on 20 September, brings together a range of organisations in an attempt to find a way forward for traditional shooting industries, grouse moor management and the preservation of raptors.

On 22 October, I shall open an international endangered raptor conference at Loch Lomond, which will be attended by nine Government ministers from various jurisdictions around the world. The eyes of the world will be on Scotland that week, and I hope that I can tell the conference that the Parliament has unanimously renewed its commitment to drive out wildlife crime in Scotland.

## Points of Order

17:01

**Shirley-Anne Somerville (Lothians) (SNP):** On a point of order, Presiding Officer. My point relates to rule 13.3 of the standing orders. Earlier, the leader of the Opposition said that the previous Scottish Executive had made a commitment to future investment in Edinburgh's schools, but the letter dated 27 February makes it clear that no such commitment was given. Is it, therefore, appropriate for the leader of the Opposition to mislead Parliament and the people of Edinburgh in such an obvious way?

**The Presiding Officer (Alex Fergusson):** Thank you for the point of order. As I have said before in the chamber, I am not responsible for what is said by members in the chamber. Members themselves are responsible for the veracity of their statements.

**Robert Brown (Glasgow) (LD):** On a point of order, Presiding Officer. At First Minister's question time this afternoon, Mr Salmond stated the following in response to a question from my colleague Nicol Stephen:

"As we said on page 58 of our manifesto, in the context of our first budget for Scotland, we will set out our commitment to putting the equivalent of 1,000 extra officers on the streets and in the communities of Scotland."

I am grateful to the First Minister for being so specific and precise. I have read page 58 of the Scottish National Party manifesto. The word "equivalent" does not appear. The word "equivalent" does appear elsewhere in the SNP manifesto: twice on road equivalent tariff and once each on efficiency savings, carbon dioxide cuts, school facilities and community sentences. It does not appear in relation to police. In fact, the SNP manifesto is 100 per cent clear. I think that Mr Salmond might pay some attention to this, because an important point is being made.

The SNP manifesto states:

"It is essential that we have sufficient police on local streets. That's why we will set out plans in our first Budget for Scotland for 1000 more police".

It goes on to talk about the use of "these new resources". There is no mention of "equivalent" police; there is no rebadging, no renaming and no reshuffling existing police. There is a clear and unambiguous commitment, which was understood as such by people right across Scotland.

The First Minister went on to say today that he thought that

"some folk in the chamber think that the word 'equivalent' might be some sort of weasel word."

He is right—we do. However, weasel words are one thing; an attempt to mislead Parliament is another. This is a potentially serious attempt to mislead Parliament. The SNP policy at the election has now clearly been changed and Alex Salmond should come clean and admit that. He has been rumbled. He should not attempt to use Parliament to rewrite history. Will he take the opportunity to correct the position once and for all and to apologise to Parliament?

**The Presiding Officer:** As I have just said, I am not responsible for what is said by members in the chamber. Members are themselves responsible for the truth of what they say. Allegations about a minister misleading Parliament are a matter for the Scottish ministerial code. Mr Brown will be delighted to know that he will have to take that up with the First Minister.

**Jackie Baillie (Dumbarton) (Lab):** On a point of order, Presiding Officer. My point relates to rule 13.3, which was cited by Shirley-Anne Somerville. I wonder whether it is in order for that member to mislead Parliament. I have reflected on your comments and I wonder whether you will consider the matter further. The Labour Party made a clear commitment to funding schools in Edinburgh, yet as I understand it—[*Interruption.*] SNP members themselves might want to reflect on this. Kenny MacAskill, their own Cabinet Secretary for Justice, said in an e-mail to parents that schools in Edinburgh would be funded, but a matter of days later Fiona Hyslop, the Cabinet Secretary for Education and Lifelong Learning, said no. The Labour Party will continue to put children and education first, unlike the SNP.

**The Presiding Officer:** I am not convinced that that is a point of order. I have nothing to add, I am afraid, to what I have already said.

**Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD):** On a point of order, Presiding Officer, I wonder whether you will add clarity. If there is an allegation that a minister has misled Parliament, is it the responsibility of the permanent secretary to adjudicate or the responsibility of the chair?

**The Presiding Officer:** I am sorry. I missed the second part of what you said.

**Jeremy Purvis:** Is it the responsibility of the chair, as in the Presiding Officer?

**The Presiding Officer:** If it is an allegation about a minister, including the First Minister, misleading Parliament, that is a matter for the Scottish ministerial code and should be taken up by the First Minister. If it is an allegation against the First Minister, it is referred to—

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** On a point of order, Presiding

Officer. This is an extremely important point. The ministerial code is in addition to the code of conduct that applies to every member regardless of whether he or she is a minister or not. The code of conduct is clear that the Presiding Officer—your good self—is responsible for the behaviour of MSPs in the chamber regardless of whether they are ministers.

**The Presiding Officer:** I fully accept that the chair is responsible for the behaviour of MSPs, but my understanding is that allegations under the ministerial code of conduct should be referred to the First Minister.

I do not believe that we can usefully continue with this at the moment and I would like to move on to decision time.

**Robert Brown:** On a point of order, Presiding Officer. If I may say so, this is a serious point of parliamentary procedure. Will you perhaps undertake to go away and consult your officials on the matter at leisure, in view of the points that have been made? The matter is important. There is a clear and succinct difference between the position in Parliament and the actions of ministers. It is a statement in Parliament that is being spoken about. There is a somewhat different context from the one in which rulings have been made by Presiding Officers previously.

**The Presiding Officer:** This is coming perilously close to challenging the chair, but I am willing, given the fact that I have a fortnight in front of me to do so, to consider what has been said this afternoon.

## Decision Time

17:08

### The Presiding Officer (Alex Fergusson):

There are seven questions to be put as a result of today's business.

Please pay attention, because this is quite complicated. In relation to this morning's debate on the Scottish National Party's broken promises, if the amendment in the name of Nicola Sturgeon is agreed to, the amendments in the names of Murdo Fraser, Jeremy Purvis and Patrick Harvie will fall. If the amendment in the name of Jeremy Purvis is agreed to, the amendment in the name of Patrick Harvie will fall.

The first question is, that amendment S3M-607.3, in the name of Nicola Sturgeon, which seeks to amend motion S3M-607, in the name of Iain Gray, on the Scottish National Party's broken promises, be agreed to. Are we agreed?

**Members:** No.

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

### FOR

Adam, Brian (Aberdeen North) (SNP)  
 Ahmad, Bashir (Glasgow) (SNP)  
 Allan, Alasdair (Western Isles) (SNP)  
 Brown, Keith (Ochil) (SNP)  
 Campbell, Aileen (South of Scotland) (SNP)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Don, Nigel (North East Scotland) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 FitzPatrick, Joe (Dundee West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)  
 Hepburn, Jamie (Central Scotland) (SNP)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Adam (South of Scotland) (SNP)  
 Kidd, Bill (Glasgow) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 Marwick, Tricia (Central Fife) (SNP)  
 Mather, Jim (Argyll and Bute) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West of Scotland) (SNP)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McMillan, Stuart (West of Scotland) (SNP)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Paterson, Gil (West of Scotland) (SNP)  
 Robison, Shona (Dundee East) (SNP)  
 Russell, Michael (South of Scotland) (SNP)  
 Salmond, Alex (Gordon) (SNP)  
 Somerville, Shirley-Anne (Lothians) (SNP)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow Govan) (SNP)  
 Swinney, John (North Tayside) (SNP)

Thompson, Dave (Highlands and Islands) (SNP)  
 Watt, Maureen (North East Scotland) (SNP)  
 Welsh, Andrew (Angus) (SNP)  
 White, Sandra (Glasgow) (SNP)  
 Wilson, Bill (West of Scotland) (SNP)  
 Wilson, John (Central Scotland) (SNP)

### AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Margaret (Glasgow Baillieston) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Foulkes, George (Lothians) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Goldie, Annabel (West of Scotland) (Con)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Hume, Jim (South of Scotland) (LD)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Tom (Hamilton South) (Lab)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McMahan, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mulligan, Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Elaine (Dumfries) (Lab)  
 O'Donnell, Hugh (Central Scotland) (LD)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)

Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stewart, David (Highlands and Islands) (Lab)  
 Tolson, Jim (Dunfermline West) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)

**The Presiding Officer:** The result of the division is: For 46, Against 71, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The second question is, that amendment S3M-607.1, in the name of Murdo Fraser, which seeks to amend motion S3M-607, in the name of Iain Gray, on the Scottish National Party's broken promises, be agreed to. Are we agreed?

**Members:** No.

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

#### FOR

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Margaret (Glasgow Baillieston) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Foulkes, George (Lothians) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Goldie, Annabel (West of Scotland) (Con)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Hume, Jim (South of Scotland) (LD)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Tom (Hamilton South) (Lab)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)

McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mulligan, Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Elaine (Dumfries) (Lab)  
 O' Donnell, Hugh (Central Scotland) (LD)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stewart, David (Highlands and Islands) (Lab)  
 Tolson, Jim (Dunfermline West) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)

#### AGAINST

Adam, Brian (Aberdeen North) (SNP)  
 Ahmad, Bashir (Glasgow) (SNP)  
 Allan, Alasdair (Western Isles) (SNP)  
 Brown, Keith (Ochil) (SNP)  
 Campbell, Aileen (South of Scotland) (SNP)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Don, Nigel (North East Scotland) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 FitzPatrick, Joe (Dundee West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)  
 Hepburn, Jamie (Central Scotland) (SNP)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Adam (South of Scotland) (SNP)  
 Kidd, Bill (Glasgow) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 Marwick, Tricia (Central Fife) (SNP)  
 Mather, Jim (Argyll and Bute) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West of Scotland) (SNP)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McMillan, Stuart (West of Scotland) (SNP)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Paterson, Gil (West of Scotland) (SNP)  
 Robison, Shona (Dundee East) (SNP)  
 Russell, Michael (South of Scotland) (SNP)  
 Salmond, Alex (Gordon) (SNP)  
 Somerville, Shirley-Anne (Lothians) (SNP)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow Govan) (SNP)  
 Swinney, John (North Tayside) (SNP)  
 Thompson, Dave (Highlands and Islands) (SNP)  
 Watt, Maureen (North East Scotland) (SNP)

Welsh, Andrew (Angus) (SNP)  
 White, Sandra (Glasgow) (SNP)  
 Wilson, Bill (West of Scotland) (SNP)  
 Wilson, John (Central Scotland) (SNP)

**The Presiding Officer:** The result of the division is: For 71, Against 46, Abstentions 0.

*Amendment agreed to.*

**The Presiding Officer:** The next question is, that amendment S3M-607.2, in the name of Jeremy Purvis, which seeks to amend motion S3M-607, in the name of Iain Gray, be agreed to. Are we agreed?

**Members:** No.

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

**FOR**

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brown, Robert (Glasgow) (LD)  
 Brownlee, Derek (South of Scotland) (Con)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Margaret (Glasgow Baillieston) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Foulkes, George (Lothians) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Goldie, Annabel (West of Scotland) (Con)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Henry, Hugh (Paisley South) (Lab)  
 Hume, Jim (South of Scotland) (LD)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Tom (Hamilton South) (Lab)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mulligan, Mary (Linlithgow) (Lab)

Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Elaine (Dumfries) (Lab)  
 O'Donnell, Hugh (Central Scotland) (LD)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stewart, David (Highlands and Islands) (Lab)  
 Tolson, Jim (Dunfermline West) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)

**AGAINST**

Adam, Brian (Aberdeen North) (SNP)  
 Ahmad, Bashir (Glasgow) (SNP)  
 Allan, Alasdair (Western Isles) (SNP)  
 Brown, Keith (Ochil) (SNP)  
 Campbell, Aileen (South of Scotland) (SNP)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Don, Nigel (North East Scotland) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 FitzPatrick, Joe (Dundee West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Hepburn, Jamie (Central Scotland) (SNP)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Adam (South of Scotland) (SNP)  
 Kidd, Bill (Glasgow) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 Marwick, Tricia (Central Fife) (SNP)  
 Mather, Jim (Argyll and Bute) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West of Scotland) (SNP)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McMillan, Stuart (West of Scotland) (SNP)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Paterson, Gil (West of Scotland) (SNP)  
 Robison, Shona (Dundee East) (SNP)  
 Russell, Michael (South of Scotland) (SNP)  
 Salmond, Alex (Gordon) (SNP)  
 Somerville, Shirley-Anne (Lothians) (SNP)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow Govan) (SNP)  
 Swinney, John (North Tayside) (SNP)  
 Thompson, Dave (Highlands and Islands) (SNP)  
 Watt, Maureen (North East Scotland) (SNP)  
 Welsh, Andrew (Angus) (SNP)  
 White, Sandra (Glasgow) (SNP)  
 Wilson, Bill (West of Scotland) (SNP)  
 Wilson, John (Central Scotland) (SNP)

**The Presiding Officer:** The result of the division is: For 70, Against 48, Abstentions 0.

*Amendment agreed to.*

**The Presiding Officer:** Amendment S3M-607.4, in the name of Patrick Harvie, falls.

The next question is, that motion S3M-607, in the name of Iain Gray, on the Scottish National Party's broken promises, as amended, be agreed to. Are we agreed?

**Members:** No.

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

#### FOR

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brown, Robert (Glasgow) (LD)  
 Brownlee, Derek (South of Scotland) (Con)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Margaret (Glasgow Baillieston) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Foulkes, George (Lothians) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Goldie, Annabel (West of Scotland) (Con)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Henry, Hugh (Paisley South) (Lab)  
 Hume, Jim (South of Scotland) (LD)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Tom (Hamilton South) (Lab)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McMahan, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mulligan, Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Elaine (Dumfries) (Lab)

O'Donnell, Hugh (Central Scotland) (LD)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stewart, David (Highlands and Islands) (Lab)  
 Tolson, Jim (Dunfermline West) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)

#### AGAINST

Adam, Brian (Aberdeen North) (SNP)  
 Ahmad, Bashir (Glasgow) (SNP)  
 Allan, Alasdair (Western Isles) (SNP)  
 Brown, Keith (Ochil) (SNP)  
 Campbell, Aileen (South of Scotland) (SNP)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Don, Nigel (North East Scotland) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 FitzPatrick, Joe (Dundee West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Hepburn, Jamie (Central Scotland) (SNP)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Adam (South of Scotland) (SNP)  
 Kidd, Bill (Glasgow) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 Marwick, Tricia (Central Fife) (SNP)  
 Mather, Jim (Argyll and Bute) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West of Scotland) (SNP)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McMillan, Stuart (West of Scotland) (SNP)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Paterson, Gil (West of Scotland) (SNP)  
 Robison, Shona (Dundee East) (SNP)  
 Russell, Michael (South of Scotland) (SNP)  
 Salmond, Alex (Gordon) (SNP)  
 Somerville, Shirley-Anne (Lothians) (SNP)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow Govan) (SNP)  
 Swinney, John (North Tayside) (SNP)  
 Thompson, Dave (Highlands and Islands) (SNP)  
 Watt, Maureen (North East Scotland) (SNP)  
 Welsh, Andrew (Angus) (SNP)  
 White, Sandra (Glasgow) (SNP)  
 Wilson, Bill (West of Scotland) (SNP)  
 Wilson, John (Central Scotland) (SNP)

**The Presiding Officer:** The result of the division is: For 70, Against 48, Abstentions 0.

*Motion, as amended, agreed to.*

*Resolved,*

That the Parliament notes the SNP Government's failure to implement a range of policies that the SNP pledged to take forward in its election manifesto and its document, *It's time to look forward*, including renegeing on the promise to set out plans to employ 1,000 additional police officers, backtracking on a council tax freeze, failing to implement smaller class sizes in every primary school, shelving the commitment to adopt the Better Regulation Commission's policy of "one in one out" and not delivering on plans to give £2,000 to first-time house buyers; further notes the SNP Government's reluctance to keep its promise to students and dump student debt by writing off the debt to the Student Loans Company for Scottish domiciled graduates; notes the SNP Government's refusal to meet its manifesto pledge for mandatory carbon reduction targets of 3% per annum; recognises that the SNP gained votes on these pre-election promises to the people of Scotland which they are now failing to keep, and calls on Scottish ministers to make a statement to the Parliament explaining which of these pre-election promises are no longer government policy and why, and which promises they do intend to implement and by when.

**The Presiding Officer:** The next question is, that amendment S3M-609.1, in the name of Sarah Boyack, which seeks to amend motion S3M-609, in the name of Michael Russell, on wildlife crime, be agreed to.

*Amendment agreed to.*

**The Presiding Officer:** The next question is, that motion S3M-609, in the name of Michael Russell, on wildlife crime, as amended, be agreed to.

*Motion, as amended, agreed to.*

*Resolved,*

That the Parliament notes the collaborative work being undertaken by a variety of agencies to fight wildlife crime and commends the enthusiasm and commitment of those involved in that fight; regrets that, despite these efforts and some highly successful prosecutions, 2006 was the worst year ever for recorded wildlife poisoning incidents and figures so far for 2007 show no improvement; condemns those responsible for such acts which destroy vital parts of our natural and national heritage while damaging our international reputation, and welcomes the thematic inspection of arrangements for the prevention, investigation and prosecution of wildlife crime which will be undertaken by HM Chief Inspector of Constabulary in association with HM Chief Inspector of Prosecutions in Scotland which will make recommendations by 31 March 2008 and urges ministers to ensure that each Scottish police force appoint at least one full-time police wildlife crime co-ordinator, that wildlife crime cases are prosecuted wherever possible by fiscals with specialist training and that guidance is produced which pulls together all legislation relevant to wildlife crime for use by landowners, managers and their staff, and further urges ministers to monitor the effectiveness of such guidance and report back to the Parliament.

## Chirnsyde Community Initiative

**The Deputy Presiding Officer (Trish Godman):** The final item of business is a members' business debate on motion S3M-72, in the name of Bob Doris, on Glasgow Milton and Chirnsyde community initiative. The debate will be concluded without any question being put.

*Motion debated,*

That the Parliament praises the continued courage and determination of the local community in the Glasgow Milton area in standing up against organised crime; thanks community activists who have worked tirelessly to ensure that community facilities provided in the area are safe for the local community to use, and looks forward to the speedy reopening of the Chirnsyde Community Initiative with a new management committee that will provide a range of much-needed local services for the people of Milton and Ashfield.

17:15

**Bob Doris (Glasgow) (SNP):** Before I begin my speech, I must note that parliamentary privilege in this chamber is nowhere near as comprehensive as it is in Westminster, so we must all be careful about what we say.

It is a privilege to be able to facilitate this debate. Organised crime is a blight on our society and it affects the lives of far too many families and communities. In that respect, however, Glasgow Milton has suffered more than most. When organised crime takes a grip in the community, it does so for a number of reasons. The most obvious one is that there are people who are prepared to make money off the back of the misery and suffering of others. It also requires a base from which to operate and flourish, and a community that is compliant—not through choice, but through fear.

In Glasgow Milton, there are said to be two main crime families of not just local, but city-wide, significance. They may even have national significance as part of an organised criminal network. One of the alleged crime families is the Lyons family. I mention them because a Mr Edward Lyons Snr was the co-ordinator of the Chirnsyde community initiative, which is mentioned in the motion, for a number of years. In fact, he was the co-ordinator until recently, when events last December brought his position there abruptly to an end.

The centre remains closed. Many locals believe that it was closed not before time and that the tragic events that led to its closure could have been far worse. When locals made repeated complaints over many years about alleged criminal activities taking place in and around the Chirnsyde centre and about the centre being used as a base for organised crime, they felt that their complaints

fell on deaf ears. Seeming inaction by Glasgow City Council and Strathclyde Police only added to their frustrations and fears that the council would not look at the Disclosure Scotland checks that were carried out to assess the suitability of staff who worked there—the council said that that was a matter for the Chirnsyde community initiative itself.

Locals knew that Edward Lyons Snr and other members of his family had been charged with the murder of Thomas McDonnell in the vicinity of the Chirnsyde community initiative and that the verdict was left at not proven amid fears of witness intimidation.

The fact that the centre has received more than £1 million of taxpayers' money in the past 10 years has only added insult to injury. The council pulled the centre's funding only after a tragic triple shooting last December at a garage on Balmore Road owned by David Lyons, the brother of Edward Lyons Snr, where Michael Lyons, nephew of Edward Lyons Snr, was shot dead and Stephen Lyons, the son of Edward Lyons Snr, and one other were seriously injured.

Court proceedings with regard to that shocking crime are pending and, for obvious reasons, I will be very careful what I say.

The MOT garage was beside the local primary school and, had the hit on the garage been carried out earlier, or had it gone badly wrong, who knows how many innocent young people or parents arriving to collect their children might have been caught up in the mayhem and carnage.

Given that the Chirnsyde initiative was another known location at which to find the Lyons family, it is only by the grace of God—or on the toss of a coin—that the initiative was not the location for the attack, which would have put staff and youngsters at risk of being caught up in terror. That is precisely why locals called not just for the closure of the Chirnsyde initiative but for its safe reopening. Nevertheless, the police, the council—and Bridget McConnell, the council's director of culture and leisure—acted too late to prevent such an escalation in gang violence, of which the local community activists had repeatedly warned. Being proven correct does not give those activists pleasure, but their belief that they were brushed off by officials makes them angry.

Organised crime needs a base in which to flourish. Chirnsyde might have been such a base, run at taxpayers' expense, but there is a fear that another base might remain.

In February 2006, there was a council by-election in Milton. During that campaign, when I acted as the election agent for Councillor McAllister, as he became, I received a number of anonymous survey returns that raised concerns

about the Chirnsyde initiative. One respondent said that they would not send a rabid dog to the centre. Billy McAllister won the by-election on a ticket to clean up Milton. Following December's triple shooting, he received death threats for his attempts to do so.

Locals have put their lives on the line and their families in danger by taking a stand. I could give a number of examples of incidents that have left local campaigners terrified, but I do not want to bring back bad memories. Many are still living with the legacy of standing up against organised crime in their area. Indeed, on Saturday night, one local campaigner's car window was broken and his car was set on fire.

The courageous and tireless work that community campaigners such as John McLean, Alex O'Kane and Charlie Traynor have carried out to draw attention to the possible inappropriate use of the Chirnsyde initiative must not go unnoticed; nor must the support of newspapers such as the *Sunday Mail*, which championed their campaign despite attempts to discredit them. I have evidence that the Glasgow City Council media affairs team described the campaigners as "bampots" to the press. Given events, I wonder who the bampots are now.

Elected representatives and the police must also be more willing to take communities' concerns forward when they are made known to them. If that happens, some good can come from the pain and suffering that people have endured. That also becomes my challenge as a new MSP.

The debate is about thanking people and looking forward. In that spirit, I urge Glasgow City Council to achieve the safe reopening of the newly named Ashgill community centre as soon as possible and to ensure that the pillars of the community that stood up against organised crime are involved in that. We also have to build up trust with the local police, which will take time. I pay tribute to operation reclaim, an initiative in the area based at St Augustine's playing fields that ran for six weeks over the summer. In particular, I pay tribute to the work of police constable Harry Faulds, who is trying his hardest to see the scheme extended. The area desperately needs such initiatives, and I call on Strathclyde Police and Glasgow City Council to look in the round into how to take the community forward.

In closing, I return to my two initial comments. First, in Milton there is a community that is managing to rise up and beat the fear that holds many communities back in tackling organised crime. Criminals use fear to keep communities across Scotland under siege and on their knees. We should all be truly thankful that there are people such as John McLean, Alex O'Kane and Charlie Traynor around.



Secondly, and finally, I hope that our new Government will look imaginatively, creatively and determinedly at ways to disrupt and destroy organised crime networks throughout Scotland that work nationally and internationally. I hope that it will also give much-needed support to communities not just in Glasgow, but throughout Scotland.

17:22

**Patricia Ferguson (Glasgow Maryhill) (Lab):** I congratulate Bob Doris on securing a debate on this particular area of the Maryhill constituency.

I am sure that many members who travel daily to Parliament from Glasgow and the west of Scotland are unaware that they pass by the Chirnsyde community initiative not long after the train leaves Glasgow Queen Street station.

The Chirnsyde facility is in the Ashfield area of my constituency and has been the subject of many allegations in the past few years. I must make it clear that Glasgow City Council did not run the Chirnsyde initiative—it was run by a management committee, although some of the funding for the centre came from the city council.

Unfortunately, the allegations that were made were never substantiated; nor were they ever absolutely tied to the day-to-day running of the centre. At the same time, criminal factions have been engaged in a dangerous turf war in the area. A family connection between one of those families and the centre existed, but once again there has never been proof that organised crime was linked directly to the facility, either before or after the events outlined in Mr Doris's contribution.

As the constituency MSP and one who has a passion for education and the ability of all our citizens to have the opportunity to use good, safe local facilities, I made a point of passing each and every allegation that I received on to the relevant agency—in spite of what Mr Doris said in his speech. I passed them on, whether that was to Strathclyde Police, Glasgow City Council or, on some occasions, to both.

Ashfield and the neighbouring community of Milton do not have the community facilities that they deserve, although that will be addressed in part by the new community campus that is currently under construction.

The Chirnsyde initiative provided a range of sport, leisure and educational facilities. It was a vital part of the community's infrastructure.

As a result of a fatal shooting in another district and amid renewed allegations about the alleged involvement of employees of the initiative, the city council took the decision—in my view it was the correct decision—to work with the management

committee to close the centre to help address heightened concerns. As Mr Doris said, arrests have been made in connection with the shooting and a trial is pending.

The city council decided that the initiative should reopen in the summer, with a new name and a new management arrangement, and arranged to make repairs to the building to allow it to be used by the local community once more. Unfortunately, a spate of major vandalism, including break-ins and thefts of equipment, has prevented that from happening, although it has been possible to run some of the centre's activities from other venues in the area.

I understand that the building is now secure and that the department of regeneration services at the city council is considering the extent of the damage, which I understand is significant.

Let us hope that in the new year the centre will reopen in its new guise as the Ashgill centre as soon as possible, so that local people have access to safe, local services in their own community.

Having laid out the facts of the matter, I want, in the spirit of Mr Doris's motion, to place on record my appreciation of all those who work tirelessly for safe communities and safe local facilities throughout my constituency of Maryhill and my pledge to continue to support them.

17:26

**Sandra White (Glasgow) (SNP):** I congratulate Bob Doris on securing the debate. It is an important issue for not only the community of Milton in Glasgow, but all communities that suffer from or have suffered from activities of the same nature. I also congratulate the local people, past and present, who Bob Doris has already mentioned; without them a serious situation would still be on-going.

I urge all parties—Glasgow City Council, the police, local groups and the community—to work together and to be transparent and open, because that is what the people in Milton and Chirnsyde want. They want transparency and openness to ensure that the situation does not arise again and that the bullying and intimidation that occurred in Milton and in Chirnsyde over the years never happens again.

I join Bob Doris in thanking the media, and the *Sunday Mail* in particular, whose voracious appetite for the truth kept the Chirnsyde story on the front pages. It made sure that the activists, who were desperate for some truth and transparency, were able to turn to someone. Without the *Sunday Mail* exposing what was going on in Chirnsyde, it would have disappeared from the public eye.

I first visited Chirnsyde when I was elected in 1999 and went there often. I also often visited Maryhill police station—so often that I think I was there more frequently than Glasgow's finest. I met community groups and individuals in the area, as well as Glasgow City Council. I was going to bring in my correspondence today, but it amounts to four box-loads and would be too much to bring into the chamber.

Bob Doris has given a report of some of the incidents that took place in Milton. The confidentiality that I owe to constituents prevents me from raising other incidents, including intimidation and threats by certain people who have been mentioned and by others who have not. From 1999 until a couple of months ago, certain people had a community minibus, which they drove around Chirnsyde while wearing bullet-proof vests. We all have ice cream vans and community buses visiting our areas. I did not know where they had got the bullet-proof vests from, but they were driving the community bus while wearing them. One has to ask why.

When the recent shootings that Bob mentioned took place, I again asked Glasgow City Council to intervene and remove the minibus from Chirnsyde and close the community initiative. I was told that the council could not do that because it had no jurisdiction over the management committee of the Chirnsyde community initiative.

That community activists can do something is great, but questions must be answered when we reach the stage at which the council can do nothing about people wearing bullet-proof vests running about in minibuses. I have looked for answers. In fact, until the council recently impounded that minibus as a result of pressure from the local community relating to health and safety matters, it was being driven along the road to pick up kids to go to football clubs, and people were still wearing bullet-proof vests.

I conclude in the same spirit in which I started. We want a fresh start for Chirnsyde and Milton, but people must be accountable for their actions. I reiterate: we want truth and transparency about what has happened in the Chirnsyde area. It cannot be allowed to happen again. As elected members, we must ensure that our communities are safe. When communities come to us, we must ensure that they are given answers to the serious problems that they have raised.

17:31

**Margaret Smith (Edinburgh West) (LD):** I congratulate Bob Doris on securing this debate on the Glasgow Milton and Chirnsyde community initiative. Colleagues know that I am not a Glasgow member, so I will defer to the local

knowledge of Patricia Ferguson, Bob Doris and other members. However, I am pleased to be able to support Glasgow members on the issue. In doing so, I would like to say something about organised crime in Scotland.

It is clear that the Milton community—members of which are here, I think—have endured a great deal. Ordinary people have been subjected to intimidation and the community has lived in fear of drug dealers and organised gangsters, as have other communities. That a community centre that was set up to improve neighbourhood well-being may have been at the centre of actions that have had completely the opposite effect is particularly chilling. Obviously, Glasgow City Council felt justified in shutting the centre down. The centre had been run at considerable cost to the taxpayers of not only Glasgow, but Scotland. The costs included £80,000 from the council. That serves as a reminder of the need for audit accountability and vigilance when third parties use public funds. Many community organisations are good—indeed, many in our constituencies do a fantastic job—but occasionally they get into trouble, sometimes through no fault of their own, sometimes because they are simply not up to things, and sometimes because of other circumstances. There is a real need for auditing and accountability when public funds are being used.

Glasgow City Council has voted to reopen the centre, but its plans appear to have been put on hold in the face of mindless vandalism. The ordinary people of the community, who are simply trying to live their lives in peace, are sitting in the middle among the consequences of antisocial behaviour, gang warfare and organised crime. It is to be hoped that the centre can be reopened soon, and that it will have safe facilities and the required support.

I turn to wider issues. Serious organised crime is a cancer that is eating away at the heart of local communities in my constituency and many others. The community that we are discussing is in Glasgow, but the impacts of organised crime are felt throughout Scotland and beyond. We are talking about international trade in drugs, money and people. Gangsters live the high life on the backs of ordinary people—on the backs of drug addicts, of legitimate businesses that cannot compete with them and of those who pay protection money. Sometimes I think that they must think that the rest of us walk about with the word “mug” written across our foreheads, as they have protected their wealth behind false businesses or apparently legitimate frontmen. They have thought of themselves as untouchable and beyond the law for too long. All members must change that perception.

We can do that in a number of ways. We can support members of the public in our communities who come to us with concerns. I know that many colleagues, including Robert Brown, with whom I discussed the issue earlier today, have taken up allegations with the police, the Cabinet Secretary for Justice, councils and others. We can also support the work that the police do—not only that of community police officers, but that of the intelligence element of local forces and the Scottish Crime and Drug Enforcement Agency. When we think about that agency's work so far and how we might judge its success, it is tempting to think about quantifiable things, such as conviction rates and the amount of drugs that have been seized, but its work in harassing key colourful Glasgow businessmen—I think that that is the phrase that is used—is equally important. Effective policing is not only about uniformed officers—it is also about forensic accountants and other experts.

The Justice Committee has asked about the availability of legal aid to known gangsters. Why should there not be some form of clawback of legal aid after someone has been found guilty of involvement in organised crime? Why should they not be pursued for fraudulent legal aid claims once they have been convicted?

Let us do all that we can to support our communities, so that the message goes out to those involved in organised crime and to others that it should not be easy for them to function in Scotland and that the police, communities, local authorities and politicians, working together, will stop them.

17:35

**Bill Wilson (West of Scotland) (SNP):** Four years ago, following the previous Scottish parliamentary election, I stood on a platform and condemned the failure of the Government and Glasgow City Council to act on the growing scandal of the Chirnside community initiative. It was absolutely clear then, and had been for some years, that the closure and restructuring of the centre was vital, so it is with some disappointment that I attend today's debate. There should have been no need for a debate today, as the problems of Chirnside could and should have been solved years ago.

The matter was not laid to rest, because the voices of the community were ignored. There is no doubt that, had the voices of courageous community activists and of the community in general been listened to, the scandal of Chirnside would have been ended. Why were the voices of the community ignored? All now agree that the individuals in question should not have been allowed to run a community centre and should not

have been responsible for the distribution of vast sums of Government money.

I regret that I cannot say why the voices of the community were ignored, but the lessons for the new Government are clear: when a community speaks, it must be listened to, and when individuals with the courage of John McLean, Alex O'Kane or Charlie Traynor speak, they must be listened to. Organised crime must be tackled seriously; it cannot be wished away, ignored and placated. It must be tackled head on wherever it raises its ugly head and regardless of who may be embarrassed by its presence. We must also tackle the fundamental causes of crime: relative poverty, youth disenfranchisement and the feeling of abandonment.

Where now for Chirnside? The closure of the community centre is a remarkable achievement for the community activists and for Councillor Billy McAllister, but let us be under no illusion—it is not a victory. We cannot even claim that it is the end of the beginning. The closure of Chirnside is stalemate. To this day, the centre remains closed. Fear of vandalism is one reason why its reopening has been delayed. Where once major organised crime used Chirnside as its base, now petty crime prevents its reopening as a symbol of rebirth and a centre of regeneration—the heart of a thriving community in which youngsters could learn that there is more to life than alcohol, drugs and violence.

The re-engagement of the youth of Milton and Langhill would be the end of the beginning, as it would bring them back into the community and give them hope for a better future. However, the beginning of the end will come only when we tackle the root cause of crime in Scotland and eradicate poverty—when we drive the cancer of poverty from the heart of wealthy Scotland.

Can we do that? We should look across the seas to small independent nations such as Norway and Sweden, with their fairer distribution of wealth and lower crime rates, and at how they use their natural resources. When the people of Milton and Langhill ask when the beginning of the end will come and they will have the community for which they have worked, I say that it will come when we as a nation commit ourselves to ending poverty and to being all that we can be. It will come when we look at societies that distribute wealth fairly not in wonder, but as the natural state of affairs.

I end by congratulating the courageous individuals who stood and fought for their community.

17:39

**The Minister for Community Safety (Fergus Ewing):** I am grateful to Bob Doris for bringing this issue to Parliament's attention and for ensuring that none of us forget the brave and committed actions that local people are taking and—as we have heard—have taken, not just in Glasgow but throughout the country, to make their communities safer and stronger.

It is important to stress that most of Scotland's communities are safe, but too many are blighted by antisocial behaviour, and some are plagued by serious crime. Many of our most disadvantaged areas are hit hardest. Bob Doris and other members from across the party divide have made those points loud and clear. It is imperative that we reclaim our streets and communities from a thuggish minority who cause so much misery for the law-abiding majority.

Other members, such as Margaret Smith, have made the point before that, in the work that the police do, it is essential that all local communities share their concerns with the police and work with them. The police will investigate and take action on evidence that is provided to substantiate any allegations that are put to them. That is not a matter for a minister, it is a matter for the police, therefore I will not comment on any of the individuals who have—appropriately—been mentioned by members. That would not be appropriate for me, as a minister.

A safe and strong community is not just one that is safe from crime and free from antisocial behaviour; it is also one that has a secure and welcoming environment and that has access to high-quality services and amenities. I am pleased that Glasgow City Council has apparently agreed to continue to explore ways in which to support the Chirnside initiative. Bill Wilson and Patricia Ferguson touched on that during the debate, and Patricia Ferguson mentioned the issue of vandalism to the property, which suggests that the problems have not yet been solved. I understand that the local community planning partnership has ring fenced funding to address that, although there are still challenges.

I congratulate all the local activists on their efforts, and I encourage them to do all that they can to send out a clear message to criminal groups that it is the local residents who will win the battle, not gangs of thugs.

Bob Doris mentioned disclosure. I think that it is correct that Glasgow City Council is responsible for ensuring that an individual is a suitable person to be in charge of children and young people.

Many members have mentioned organised crime. I will share some facts with the chamber. The first meeting of the serious organised crime

task force will take place on 22 October, and its membership will include the Scottish Crime and Drug Enforcement Agency, the Association of Chief Police Officers in Scotland, HM Revenue and Customs, the Serious Organised Crime Agency and the Lord Advocate. The task force's remit will include the identification of priorities for tackling serious organised crime in Scotland and improving co-ordination between the law enforcement agencies and others, such as the Security Industry Authority, which regulates the private security industry. That will come into effect from 1 November and will, I believe, make its mark.

There has been success for the Scottish police forces. There were nearly 25,000 seizures of drugs in 2005—an increase of 50 per cent since 1999. The number of arrests has also risen substantially. I pay tribute to every person who has been involved in bringing drug dealers to justice. That is, by no means, a political point, as all parties are united in their desire to ensure that those efforts are repeated and improved on as time goes on.

Combating serious organised crime and tackling organised crime groups is a top priority for the Government and the Scottish police service. The Proceeds of Crime Act 2002 allows the Crown to recover profits from people with a criminal lifestyle and, since its implementation in 2003, £16 million has been recovered from criminals.

I was interested in Margaret Smith's suggestion at the end of her speech—which was, of necessity, short—that those who are convicted and who have been in receipt of legal aid should be subject to a clawback. I give Margaret Smith an undertaking that if that cannot already be done, I will look into it and see whether we can explore it as a possibility. I will get back to her on that.

We are determined to track down illegal assets and to deprive criminals of their cash and possessions. I recall raising that issue some years ago. To be fair, the Government took action on it, with support from across the political divide.

Bill Wilson quite rightly mentioned the underlying causes of crime and their relation to poverty. We have made it clear that the three Ds—drink, drugs and deprivation—are the root causes of a great deal of our crime. Everyone would admit that the Cabinet Secretary for Justice has been extremely active in promoting that message, and I hope and believe that his action is helping to change attitudes in Scotland.

I add my voice to those of members who have congratulated specific individuals. Although I will not name those people, they have plainly acted with courage, perhaps at some risk to their personal safety. We as a Government will

continue to place a high priority on promoting community safety and tackling antisocial behaviour. However, we want to give young people more choices and chances in life and thereby promote better behaviour. Prevention is surely better than cure.

I thank Bob Doris for facilitating the debate. I am sure that the message that has been conveyed by members of all parties this evening will find its way to the authorities and will, I hope, contribute to the development of a stronger, safer Scotland.

*Meeting closed at 17:46.*



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